

CHAPTER 2
VOLUME I
Responses to Comments:
Master Response/Recirculated Draft EIR

Chapter 2

Responses to Comments**2.1 Distribution of the Draft EIR and Recirculated Draft EIR**

The Draft EIR (DEIR) prepared for LAHD was distributed to the public and regulatory agencies to review and comment from September 23, 2011 to February 1, 2012. The Recirculated Draft EIR (RDEIR) prepared for LAHD was distributed to the public and regulatory agencies to review and comment from September 27, 2012 to November 13, 2012. Approximately 250 hard copies and CDs of the DEIR and RDEIR were distributed to various government agencies, organizations, individuals, and Port tenants. In addition, postcards in English and Spanish were mailed to all addresses in the communities of Wilmington and San Pedro. LAHD conducted two public hearings regarding the DEIR in November, 2011, and regarding the RDEIR in September 2012 to provide an overview of the proposed Southern California International Gateway (SCIG) and alternatives and to accept public comments on the proposed Project, alternatives, and environmental document.

The DEIR and RDEIR were available for review at the following locations:

- Port of Los Angeles, Los Angeles Harbor Department, Environmental Management Division, 425 S. Palos Verdes Street, San Pedro, CA 90731
- Los Angeles Public Library – Central Branch, 630 West 5th Street, Los Angeles, CA 90071
- Los Angeles Public Library – San Pedro Branch, 921 South Gaffey Street, San Pedro, CA 90731
- Los Angeles Public Library – Wilmington Branch, 1300 North Avalon Boulevard, Wilmington, CA 90744
- Carson Regional Library, 151 East Carson Street, Carson, CA 90745
- Martin Luther King Library, 17906 South Avalon Boulevard, Carson, CA 90746
- Long Beach Public Library, 101 Pacific Avenue, Long Beach, CA 90822
- Bret Harte Neighborhood Library, 1595 West Willow Street, Long Beach, CA 90810

In addition to printed copies of the DEIR and RDEIR, electronic versions were made available. Due to the size of the document, the electronic versions have been prepared as a series of PDF files to facilitate downloading and printing. Members of the public can request a CD containing the EIR. The DEIR was available in its entirety on the Port web site at http://www.portoflosangeles.org/EIR/SCIG/DEIR/deir_scig.asp, with the public notice available online at

1 http://www.portoflosangeles.org/environment/public_notices.asp. The RDEIR was
 2 available in its entirety on the Port web site at
 3 http://www.portoflosangeles.org/EIR/SCIG/RDEIR/rdeir_scig.asp, with the public notice
 4 available online at
 5 http://www.portoflosangeles.org/EIR/SCIG/RDEIR/RDEIR_Notice_of_Availability.pdf
 6 . Electronic copies of the DEIR on a CD were available free of charge to interested
 7 parties.

8 2.2 Comments on the Draft EIR and Recirculated 9 Draft EIR

10 The public comment and response component of the CEQA process serves an essential
 11 role. It allows the respective lead agencies to assess the impacts of a project based on the
 12 analysis of other responsible, concerned, or adjacent agencies and interested parties, and
 13 it provides the opportunity to amplify and better explain the analyses that the lead
 14 agencies have undertaken to determine the potential environmental impacts of a project.
 15 To that extent, responses to comments are intended to provide complete and thorough
 16 explanations to commenting agencies and individuals, and to improve the overall
 17 understanding of the project for the decision making bodies.

18 The LAHD received 143 comment letters and 329 oral and written comments on the
 19 Draft EIR during the extended 90-day public review period. Based on public comments
 20 and reanalysis, a decision was made to recirculate the DEIR. The RDEIR was released on
 21 September 27, 2012 for a 45-day public comment/review period ending on November 13,
 22 2012. The LAHD received 166 comment letters and 167 oral and written comments on
 23 the RDEIR during the public review period. Table 2-1 presents a list of those agencies,
 24 organizations, and individuals who commented on the RDEIR and DEIR.

25
 26 **Table 2-1. Public Comments Received on the Draft EIR and Recirculated Draft EIR.**

Letter Code	Date	Type	Page
Recirculated Draft EIR Comment Letters			
Federal Government			
R31	10/19/12	Hon. Janice Hahn, U.S. House of Representatives	2-92
State Government			
R1	10/09/12	Native American Heritage Commission (NAHC)	2-62
R56	10/31/12	California Public Utilities Commission	2-143
R65	11/05/12	Caltrans	2-153
R122	11/13/12	Alan Lowenthal, California State Senator	2-313
R165	11/19/12	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	2-408
Local Government			
R5	10/11/12	Los Angeles Fire Department	2-66
R16	10/17/12	City of Long Beach	2-77
R58	11/01/12	Warren Furutani, California State Assembly	2-146

Letter Code	Date	Type	Page
R87	11/08/12	County Sanitation Districts of Los Angeles County	2-179
R89	11/13/12	City of Long Beach	2-181
R90	11/13/12	Long Beach Unified School District	2-219
R121	11/13/12	City of Los Angeles	2-312
R123	11/06/12	County of Los Angeles	2-314
R149	11/13/12	SCAG	2-378
R156	11/15/12	South Coast Air Quality Management District	2-387
R159	11/14/12	City of Commerce	2-400
Organizations			
R14	10/16/12	International Brotherhood of Electrical Workers	2-75
R17	10/17/12	Carson Dominguez Employers Alliance	2-78
R26	10/18/12	Wilmington Chamber of Commerce	2-87
R27	10/18/12	San Pedro Chamber of Commerce	2-88
R28	10/19/12	Foreign Trade Association	2-89
R29	10/19/12	Harbor Association of Industry and Commerce	2-90
R30	10/19/12	The Propeller Club of Los Angeles - Long Beach	2-91
R32	10/19/12	Port of Los Angeles Community Advisory Committee EIR Subcommittee	2-93
R36	10/22/12	National Electrical Contractors Association - Los Angeles County Chapter	2-98
R37	10/22/12	National Electrical Contractors Association - Los Angeles County Chapter	2-99
R38	10/22/12	National Electrical Contractors Association - Los Angeles County Chapter	2-100
R39	10/22/12	Mobility 21	2-101
R40	10/22/12	ILWU Locals 13, 63 and 94	2-102
R41	10/23/12	Boys & Girls Clubs of the Los Angeles Harbor	2-103
R42	10/24/12	USC	2-104
R55	10/31/12	Wilmington Jaycees Foundation	2-142
R61	11/02/12	Carson Chamber of Commerce	2-149
R66	11/05/12	Waterfront Coalition	2-154
R67	11/06/12	Los Angeles Customs Brokers & Freight Forwarders Association	2-155
R68	11/06/12	Central City Association	2-156
R69	11/06/12	Long Beach Area Chamber of Commerce	2-157
R70	11/06/12	Wilmington Neighborhood Council	2-158
R75	11/07/12	Los Angeles Coalition for the Economy & Jobs	2-163
R84	11/08/12	Jobs 1st Alliance	2-176
R85	11/08/12	Harbor Interfaith Services	2-177
R88	11/08/12	Puente Learning Center	2-180
R92	11/13/12	NRDC	2-244
R93	11/08/12	South Bay Association of Chambers of Commerce (SBACC)	2-255

Letter Code	Date	Type	Page
R112	11/12/12	Adopt a Stormdrain Foundation	2-288
R113	11/01/12	South Bay Latino Chamber of Commerce	2-289
R117	11/13/12	Sharefest Community Development, Inc.	2-307
R120	11/13/12	Green LA Coalition	2-311
R124	11/09/12	YWCA Harbor Area and South Bay	2-315
R126	11/13/12	Northwest San Pedro Neighborhood Council	2-317
R127	11/13/12	Pacific Merchant Shipping Association	2-319
R128	11/09/12	Lomita Chamber of Commerce	2-320
R130	11/13/12	FuturePorts	2-322
R132	11/13/12	Los Angeles County Federation of Labor, AFL-CIO	2-324
R135	11/13/12	Villages at Cabrillo	2-328
R136	11/14/12	Wilmington Chamber of Commerce	2-334
R138	11/14/12	Normont Terrace Coordinating Council	2-336
R140	11/14/12	Los Angeles Police Protective League	2-339
R143	11/13/12	Coalition for A Safe Environment	2-342
R146	11/14/12	USC	2-348
R148	11/14/12	Coalition for a Safe Environment	2-358
R150	11/13/12	PCAC	2-379
R153	11/13/12	NAIOP Inland Empire Chapter	2-384
R154	11/13/12	Inland Empire Economic Partnership	2-385
R157	11/13/12	USC	2-398
R158	11/13/12	Wilmington Boat Owners Association	2-399
R162	11/15/12	Harbor Interfaith Services	2-405
R166	11/13/12	NAIOP SoCal Chapter	2-409
Individuals			
R3	10/11/12	John MacMurray	2-64
R6	10/11/12	Takashi Kozakai	2-67
R7	10/12/12	Janet Barritt	2-68
R8	10/12/12	Doug Ward	2-69
R9	10/12/12	David A. Romig	2-70
R10	10/12/12	Henry Hernandez	2-71
R11	10/12/12	Allen E Hovey	2-72
R12	10/16/12	Douglas Rubin	2-73
R18	10/18/12	Robert Holmquist	2-79
R19	10/18/12	William Shomber	2-80
R20	10/19/12	Tom Hirsch	2-81
R21	10/19/12	Jack Brisley	2-82
R22	10/19/12	John Galt	2-83
R23	10/19/12	Justin Clapper	2-84

Letter Code	Date	Type	Page
R33	10/20/12	Nathanael Nerode	2-95
R34	10/21/12	Kenneth Puchlik	2-96
R44	10/20/12	Bob Brant	2-107
R46	10/26/12	Judy Bergstresser	2-133
R47	10/26/12	Kelly Walton-Harper	2-134
R48	10/26/12	Richard Risemberg	2-135
R50	10/27/12	Wes Goble	2-137
R51	10/29/12	Mary Gant	2-138
R52	10/30/12	Chateau Bolster	2-139
R53	10/31/12	Jenelle Saunders	2-140
R57	11/01/12	Julia Banning	2-145
R60	11/01/12	John Callas	2-148
R62	11/05/12	Jim Zupon	2-150
R63	11/05/12	Daniel Domonoske	2-151
R64	11/05/12	Daniel Spring	2-152
R71	11/06/12	Phillip G. York	2-160
R73	11/06/12	Michael Sanborn	2-161
R74	11/07/12	Loren Miller	2-162
R76	11/07/12	Janet Esposito	2-164
R79	11/08/12	John Miller	2-170
R80	11/08/12	Wally Baker	2-171
R81	11/08/12	Lee White	2-172
R82	11/08/12	Julie Turner	2-173
R86	11/08/12	Mary Jo Walker	2-178
R94	11/06/12	James Hankla	2-256
R95	11/08/12	Long Beach Community Meeting Transcript	2-257
R96	11/09/12	Jonathan Kotler	2-272
R97	11/09/12	John Fasulo	2-273
R98	11/09/12	Pat McGowan	2-274
R99	11/09/12	Lawrence R. Hanlon, PhD	2-275
R100	11/09/12	Linda Barner	2-276
R101	11/10/12	Elizabeth Hurlbutt	2-277
R102	11/10/12	Jim Batterson	2-278
R103	11/10/12	Steven Hasty	2-279
R105	11/12/12	Joe Glitz	2-281
R107	11/11/12	Shirley D. Atencio	2-283
R108	11/09/12	Stephanie Mardesich	2-584
R110	11/12/12	Frankie Oxendine	2-286
R111	11/12/12	Olivia Cueva-Fernandez	2-287

Letter Code	Date	Type	Page
R115	11/13/12	Elizabeth Lambe & Steve Hommel	2-295
R118	11/13/12	Dorothy Kemeny	2-308
R125	11/12/12	Betty Karnette	2-316
R129	11/13/12	Ernesto Nevarez	2-321
R133	11/13/12	Michael Bartolic	2-325
R134	11/13/12	Garbrielle Weeks	2-326
R137	11/14/12	Irene Mendoza	2-335
R139	11/14/12	John Peterson	2-337
R142	11/14/12	Helene Pizzini	2-341
R144	11/14/12	Shirley D. Atencio	2-346
R151	11/14/12	Robert L. Trujillo	2-382
R155	11/13/12	James Cross	2-386
R160	11/15/12	J.J. Gord	2-403
R161	11/15/12	Mr. & Mrs. Eddie Gomez	2-404
R163	11/16/12	Hailey Morris	2-406
Businesses			
R2	10/11/12	Crable & Associates	2-63
R4	10/11/12	Refrigerated Transporter	2-65
R13	10/16/12	Oldcastle Precast	2-74
R15	10/16/12	Herzog Contracting Company	2-76
R24	10/17/12	JMC2	2-85
R25	10/17/12	Muni-Fed Energy, Inc.	2-86
R35	10/22/12	DNX Engineers, Ltd.	2-97
R43	10/24/12	Advanced Planning Solutions, LLC	2-106
R49	10/27/12	Tubular Rail Inc.	2-136
R54	10/31/12	International Cargo Equipment, Inc.	2-141
R59	11/01/12	Berg & Associates Inc.	2-147
R77	11/07/12	Law Offices of Richard A. Haft Jr.	2-165
R78	11/07/12	Three Rivers Trucking, Inc.	2-169
R83	11/07/12	California Sulphur Company	2-174
R91	11/13/12	Fast Lane	2-240
R104	11/11/12	Wastech Recycling, LLC	2-280
R106	11/12/12	cenTTra Intermodal	2-282
R109	11/09/12	BNSF	2-285
R114	11/12/12	City Fabrick	2-290
R116	11/13/12	BNSF	2-297
R116-AttA	11/13/12	BNSF	2-305
R116-AttB	11/13/12	BNSF	2-305
R119	11/13/12	Southern California Edison (SCE)	2-309

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R131	11/12/12	Port Logistics Group	2-323
R141	11/14/12	Majestic Realty Co.	2-340
R145	11/14/12	Advanced Algae Inc.	2-347
R147	11/14/12	Southern California Edison	2-356
R152	11/13/12	Svorinich Government Affairs	2-383
R164	11/16/12	Farber and Company	2-407
Draft EIR Banning's Landing Public Hearing Comments			
R45A-1	10/18/12	Draft EIR Public Hearing Comment Cards	2-108
R45B-1	10/18/12	Draft EIR Public Hearing Comment Cards	2-112
R45C-1	10/18/12	Draft EIR Public Hearing Transcripts	2-113
Draft EIR Comment Letters			
Federal Government			
63i	11/29/11	USACE	2-513
124	02/01/12	USEPA, Region IX, Communities & Ecosystems Division	2-625
141	02/07/12	Hon. Janice Hahn, U.S. House of Representatives	2-664
State Government			
4	10/11/11	Native American Heritage Commission (NAHC)	2-413
47	11/15/11	Bonnie Lowenthal, California State Assembly	2-471
73	12/14/11	Department of Transportation	2-529
76	12/28/11	Department of Toxic Substances Control	2-535
79	01/17/12	Warren Furutani, California State Assembly	2-538
115	02/01/12	Ted Lieu, California State Senator	2-607
128	02/01/12	Air Resources Board	2-636
139	02/07/12	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	2-662
140	02/07/12	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	2-663
Local Government			
42	11/15/11	LA Wastewater Engineering Services Division (WESD)	2-466
52	11/18/11	City of Carson	2-502
67	11/30/11	Port of Los Angeles High School	2-518
68	11/30/11	South Coast Air Quality Management District	2-519
72ii	12/08/11	LA Department of Transportation	2-525
72iii	12/08/11	Mark Ridley-Thomas, Board of Supervisors County of Los Angeles	2-526
75	12/19/11	Don Knabe, Board of Supervisors County of Los Angeles	2-534
81	01/19/12	South Coast Air Quality Management District	2-540
82	01/23/12	Los Angeles County Department of Public Works	2-541
87	01/26/12	County of Los Angeles Public Health	2-547
97	01/31/12	Southern California Association of Governments	2-561
99	01/31/12	City of Long Beach	2-563

Letter Code	Date	Type	Page
103	01/31/12	City of Long Beach - Councilwoman, Eighth District	2-571
107	01/31/12	Long Beach Unified School District	2-579
111	02/01/12	City of Carson	2-588
112	01/25/12	City of Commerce	2-590
126	02/01/12	South Coast Air Quality Management District	2-629
143	02/14/12	South Coast Air Quality Management District	2-666
Organizations			
1	09/13/11	LA Customs Brokers & Freight Forwarders Associations, Inc.	2-410
2	09/29/11	LA County Business Federation (BizFed)	2-411
3	10/03/11	LA County Business Federation (BizFed)	2-412
6	10/19/11	Northwest San Pedro Neighborhood Council	2-415
8	10/23/11	USC	2-417
12	10/26/11	Pacific Merchant Shipping Association	2-421
14	10/27/11	The Propeller Club of Los Angeles - Long Beach	2-423
15	10/27/11	Foreign Trade Association	2-424
18	10/31/11	Waterfront Coalition	2-427
19	10/31/11	National Retail Federation	2-428
21	11/01/11	LA Customs Brokers & Freight Forwarders Associations, Inc.	2-430
23	11/01/11	Harbor Association of Industry & Commerce (non-profit)	2-432
29	11/02/11	LA Police Protective League	2-438
60	11/29/11	Valley Industry and Commerce Association	2-510
70	12/02/11	Inland Empire Economic Partnership	2-522
72i	12/07/11	NAIOP Commercial Real Estate Development Association, SOCAL Chapter	2-524
72iv	12/08/11	Los Angeles County Medical Association	2-527
72v	12/12/11	Building Owners & Managers Association Great Los Angeles	2-528
74	12/18/11	Port Community Advisory Committee	2-530
77	01/09/12	Northwest San Pedro Neighborhood Council	2-536
78	01/13/12	Boys and Girls Clubs of LA Harbor	2-537
80	01/17/12	Los Angeles Coalition	2-539
83	01/23/12	YWCA Harbor Area & South Bay	2-542
84	01/25/12	Wilmington Chamber of Commerce	2-543
88	01/26/12	Lomita Chamber of Commerce	2-548
90	01/27/12	Catholic Charities of Los Angeles	2-550
94	01/31/12	Port Community Advisory Committee	2-558
95	01/31/12	Jobs 1st Alliance	2-559
96	01/31/12	Los Angeles Area Chamber of Commerce	2-560
98	01/31/12	Harbor City/Harbor Gateway Chamber of Commerce	2-562
100	01/31/12	No. 710 Action Committee	2-566

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102	01/31/12	Century Villages at Cabrillo	2-569
105	01/31/12	Port Community Advisory Committee	2-575
106	01/31/12	Central City Association	2-578
113-P1	01/31/12	Natural Resources Defense Council	2-593
113-P3	01/31/12	Bay Area Council Economic Institute	2-601
114	02/01/12	GRID Group of Advocates	2-606
116	02/01/12	Green LA Coalition	2-608
122	02/01/12	Pacific Merchant Shipping Association	2-623
123	02/01/12	Human Impact Partners & East Yard Communities for Environmental Justice	2-624
129	02/01/12	Long Beach Area Group, Sierra Club, Angeles Chapter	2-637
131	02/01/12	member, neighborhood council, NELA Coalition	2-640
132	02/01/12	Wrigley Area Neighborhood Alliance	2-644
133	02/01/12	USC	2-647
134	02/01/12	Green LA Coalition	2-657
135	02/01/12	Coalition for a Safe Environment	2-658
136	02/01/12	FuturePorts	2-659
137	01/28/12	Wilmington Boat Owners Association	2-660
142	02/08/12	Wilmington Neighborhood Council	2-665
Individuals			
16	10/27/11	Jose Luis Garcia	2-425
17	10/28/11	Christine Goytia	2-426
22	11/01/11	Viviana Robles	2-431
26	11/01/11	Freddy Rivera	2-435
28	11/02/11	Crystal White	2-437
31	11/03/11	Melissa Madrid	2-440
32	11/04/11	Elfego Garcia	2-441
33	11/04/11	Donna Frayer	2-442
34	11/04/11	Michael F. Ford	2-443
35	11/09/11	Christopher Aquino	2-444
36	11/09/11	Gonzalo Castillo	2-445
37	11/09/11	Maria I. Castillo	2-446
39	11/14/11	Erick Perez	2-463
40	11/14/11	Dan Ince	2-464
41	11/14/11	Reyes Ramos	2-465
43	11/15/11	Emma M. Eivers	2-467
44	11/15/11	Karina Castillo	2-468
45	11/15/11	Fidel Castillo	2-469
48	11/15/11	Michael F. Ford	2-472

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49	11/16/11	Linda Robinson	2-473
51	11/18/11	Steve Belgum	2-501
53	11/18/11	John C. Taylor	2-503
54	11/21/11	Takashi Kozakai	2-504
56	11/21/11	Juan Santos	2-506
57	11/22/11	Zoila Escobar	2-507
58	11/22/11	Lila Orshefsky	2-508
61	11/29/11	Brian Ulaszewski	2-511
62	11/29/11	Gregory Kaszniak/ Victoria Iwata	2-512
63ii	11/29/11	Donald Compton, J.D.	2-514
64	11/29/11	Arthur M. Bernal	2-515
92	01/31/12	Brian Ulaszewski	2-554
93	01/31/12	Sherry Stubbs	2-556
108	01/31/12	Ernesto Nevarez	2-583
110	02/01/12	James Hankla	2-587
118	02/01/12	Olivia Cueva Fernandez	2-618
120	02/01/12	Sherese Onwu, Taaj Zeigler, Leigha Onwu, Valeria R. , Zuly, Elizabeth, Elijah Walker, Rashaad Tipler, Imani Taylor, Mujaahid Zeigler, Tylana McDaniel, Islanga	2-621
121	02/01/12	Richard Risemberg	2-622
125	02/01/12	Jason Herring	2-628
130	02/01/12	Judy Bergstresser	2-638
138	02/02/12	James Hankla	2-661
Businesses			
5	10/17/11	Evergreen Shipping Agency (America) Corporation	2-414
7	10/20/11	China Shipping	2-416
9	10/24/11	Hanjin Shipping Co., Ltd.	2-418
10	10/24/11	Yang Ming (America)	2-419
11	10/24/11	MOL (America) Inc.	2-420
13	10/27/11	Cosco Container Lines Americas, Inc.	2-422
20	10/31/11	J.B. Hunt Transport, Inc.	2-429
24	11/01/11	Schneider Intermodal	2-433
25	11/01/11	Hyundai Merchant Marine Co., Ltd.	2-434
27	11/02/11	Warren E&P, Inc.	2-436
30	11/02/11	Matson Logistics	2-439
46	11/15/11	Crabbe & Associates	2-470
55	11/21/11	Law Offices of Phillip G. York	2-505
59	11/29/11	William C. Velásquez Institute	2-509
65	11/29/11	Crabbe & Associates	2-516
66	11/29/11	Crabbe & Associates	2-517

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69	11/30/11	Priority One	2-521
71	12/07/11	Svorinich Government Affairs	2-523
85	01/25/12	Cal Cartage	2-544
86	01/25/12	Green Path Freight, Inc.	2-546
89	01/26/12	California Sulphur Co.	2-549
91	01/30/12	Law Offices of Richard A. Haft	2-551
101	01/31/12	Peterson Law Group	2-567
104	01/31/12	California Environmental Associates	2-573
109	01/31/12	Fast Lane	2-585
117	02/01/12	Southern California Edison	2-617
119	02/01/12	Mortimer & Wallace, Inc.	2-619
127	02/01/12	AMERON International Corporation, Water Transmission Group	2-635
Draft EIR Silverado Public Hearing Comments			
38	11/10/11	Draft EIR Public Hearing Comment Cards	2-447
38B	11/10/11	Draft EIR Public Hearing Transcripts	2-451
Draft EIR Wilmington Public Hearing Comments			
50	11/16/11	Draft EIR Public Hearing Comment Cards	2-474
50B	11/16/11	Draft EIR Public Hearing Transcripts	2-480

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2 2.3 Responses to Comments

3 In accordance with CEQA (Guidelines § 15088), LAHD has evaluated the comments on
4 environmental issues received from agencies and other interested parties and has
5 prepared written responses to each comment pertinent to the adequacy of the
6 environmental analyses contained in the Recirculated Draft EIR and Draft EIR. In
7 specific compliance with CEQA Guidelines § 15088(b), the written responses address the
8 environmental issues raised. In addition, where appropriate, the basis for incorporating or
9 not incorporating specific suggestions into the proposed Project is provided. In each case,
10 LAHD has expended a good faith effort, supported by reasoned analysis, to respond to
11 comments.

12 In these responses to comments certain terms are often abbreviated for the sake of
13 brevity. As mentioned above, the Recirculated Draft Environmental Impact Report is
14 generally referred to as the RDEIR, and occasionally it is referred to as the Recirculated
15 Draft EIR, and the Draft Environmental Impact Report is referred to as the DEIR or,
16 occasionally, the Draft EIR. Similarly, the Terminal Island Freeway is often referred to as
17 the TI Freeway or TI Fwy, and the Pacific Coast Highway is usually referred to as the
18 PCH. Other abbreviations used in the responses can be found in the list of acronyms
19 (RDEIR Chapter 12).

20 This section includes responses not only to comments made at the public hearings for the
21 RDEIR and DEIR but also to written comments received during the public review
22 periods of the RDEIR and DEIR. Some comments have prompted changes to the text of
23 the RDEIR and DEIR, which are referenced and shown in Chapter 3, "Modifications to

1 the Recirculated Draft EIR and Draft EIR.” A copy of each comment letter is provided,
2 and responses to each comment letter immediately follow.

3 Comment letters 1 through 143 were submitted on the September 2011 DEIR. Some of
4 these comments were made on chapters or appendices which were revised and
5 superseded by the September 2012 RDEIR, as described in the Notice of Availability of
6 the RDEIR. As a result, some of the comments submitted on the original DEIR are no
7 longer applicable and POLA is not required to respond to them pursuant to CEQA
8 Guidelines § 15088.5(f). See Master Response 13, Draft EIR and RDEIR Comment
9 Letters, below. POLA has responded to all comments received on the DEIR that address
10 the non-recirculated sections of the DEIR, as well as all comments received on the
11 RDEIR that relate to the revised and recirculated chapters or portions of the EIR.
12 Although most DEIR comments on material that was revised and superseded by the
13 RDEIR received a response indicating that the comment does not require a response
14 pursuant to CEQA Guidelines § 15088.5(f), in some instances the LAHD as lead agency
15 responded to such comments when in its judgment a response was required. In such
16 cases, responses to DEIR comments on material that was revised and recirculated in the
17 RDEIR may be answered in terms of how they are explained in the RDEIR since the
18 DEIR has been superseded.

19 **2.3.1 Master Responses to Key Topics**

20 Because a large number of the comment letters received had similar concerns, a set of
21 master responses was developed to address common topics in a comprehensive manner.
22 The following master response section includes LAHD’s feedback on the following
23 topics:

- 24 1. Baseline
- 25 2. Adopted Regulations
- 26 3. Hobart
- 27 4. Feasibility of Mitigation Measures
- 28 5. Alternatives
- 29 6. On-Dock Rail
- 30 7. Zero Emission Container Movement Systems
- 31 8. Displaced Businesses
- 32 9. Health Impact Assessment
- 33 10. Environmental Justice
- 34 11. Locating a Railyard Near Sensitive Receptors
- 35 12. Ultrafine Particles
- 36 13. Draft EIR and RDEIR Comment Letters

37 Individual comments to all comment letters received on the DEIR are presented
38 following the master responses and may refer to the Master Responses in total or in part.

2.3.1.1 Master Response 1: Baseline

Commenters have expressed views on whether the appropriate baselines for the health risk assessment, the analysis of regional criteria pollutant emissions, and traffic were utilized for the proposed Project.

RDEIR Section 3.2.4.1 discusses the legal basis for the selection of the air quality emissions and the health risk assessment (HRA) baselines. The analysis of air quality impacts is based on a comparison of the proposed Project emissions to the baseline existing conditions. This is consistent with CEQA Guidelines §15125a, which states that the environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. Section 15125(a) also provides that the existing conditions are normally described as they exist at the time the notice of preparation (NOP) is published, which in the case of the proposed Project was 2005. However, the LAHD, as lead agency, has determined that with the passage of seven years since the NOP date and changes in conditions over this period, the existing environmental setting is best reflected by a 2010 baseline year, which was the most recent year for which the lead agency had complete data.

The RDEIR's air quality impact analysis, comparing impacts to the actual environmental conditions that exist at the time CEQA review occurs, is consistent with the holdings *Sunnyvale West Neighborhood Association v. City of Sunnyvale* (2010) 190 Cal. App. 4th 1351, 1382-1383 (*Sunnyvale West*) and *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48,90. (See also *Communities for a Better Environment v. South Coast Air Quality Management District*, (2010) 48 Cal. 4th 310, 320.) Using existing conditions as the baseline is appropriate for the proposed Project air quality analysis because, in part, the analysis is based on comparison of the baseline with construction emissions and with operational emissions at several discrete points in time for specific analysis years.

Other recent cases have allowed use of a future baseline when it is not "hypothetical", but rather supported by substantial evidence and reasonably likely to occur, and when the project's impacts are compared to both an existing conditions and future baseline. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, petition for review granted by California Supreme Court, Case Number S202828, (*Neighbors for Smart Rail*); and *Pfeiffer v. City of Sunnyvale City Council*, 200 Cal.App.4th 1522, 1537 (*Pfeiffer*). Future baseline conditions (as well as existing baseline conditions) are analyzed for the HRA because the analysis measures exposure of populations over 70 years. As such, impacts for health risk are compared to a floating or future baseline, as described further in section 3.2.4.3. The HRA of toxic air contaminant emissions associated with construction and operation of the proposed Project does utilize a hypothetical future baseline, was conducted in accordance with a Project-specific protocol prepared by the Port, reviewed by SCAQMD (POLA, 2008), and is consistent with CEQA case law.

Commenters have suggested that – similar to the cancer risk assessment – a floating Baseline be used for air quality criteria air pollutant concentration impact assessments, such as in AQ-2 for construction emissions and in AQ-4 for operational emissions. This comment applies only to those pollutants and ambient standards for which concentrations are calculated as an increment between the Project or alternative and a baseline, namely the PM₁₀ and PM_{2.5} concentrations, in accordance with South Coast Air Quality Management District (SCAQMD) CEQA guidance on determining significance under

1 CEQA (SCAQMD, 2011). PM₁₀ concentrations are evaluated for the 24-hour and annual
2 averaging times, and PM_{2.5} concentrations are evaluated for the 24-hour averaging time.
3 These concentrations are evaluated for the future Project and alternative scenarios,
4 including mitigated scenarios, and evaluated for the baseline scenario, and an increment
5 is taken to determine whether these concentrations at each averaging time exceed the
6 SCAQMD thresholds. (See RDEIR Section 3.2.4.3.)

7 24-hour and annual pollutant concentrations are evaluated at a specific instant in time and
8 are assessed by evaluating peak (i.e., highest) short-duration time periods (e.g., 24-hour
9 and annual basis) for the Project and Alternative scenarios, as well as the Baseline
10 scenario. The RDEIR assesses whether, at a specific point in time, concentrations of
11 pollutants will be greater than or less than concentrations that the existing conditions
12 baseline, and the magnitude of this difference. It is neither reasonable nor clear how a
13 floating Baseline approach would be used for this assessment, and use of a floating
14 Baseline would not provide useful impact information for decision-makers and the
15 public.

16 If a floating emissions scenario were somehow evaluated for the Baseline for purposes of
17 the criteria air pollutant concentration impact assessment, there would be no clear peak
18 emissions defined and any resulting selection of annual emissions would not represent
19 existing peak emissions for purposes of conducting the evaluation. Similarly, it is not
20 clear how a floating 24-hour emissions period would be defined and which period would
21 be selected for use in the incremental pollutant concentration impact assessment, nor
22 would this represent existing conditions. Furthermore, the approach used for each Project
23 Alternative and the Baseline in the RDEIR is consistent with the POLA Criteria Pollutant
24 Modeling Protocol, which recommends modeling the peak short-duration periods using a
25 “composite emissions scenario [that] would include the highest emissions by source
26 category over the appropriate range of analysis years.” (POLA, 2011). By contrast, the
27 assessment of cancer risk fundamentally differs from that of pollutant concentrations.
28 Cancer risk assessments evaluate the potential cancer risk of exposure to pollutants over a
29 70-year period rather than during peak short time durations. As such, it is possible and
30 reasonable to: (1) evaluate the change in emissions over 70 years if activity remained at
31 baseline levels (i.e. a floating Baseline); and (2) evaluate the emissions over 70 years of
32 the Project or alternatives as they are expected to change. Exposures to pollutants over
33 this 70-year period and resulting cancer risk are therefore affected by the changing
34 emissions profiles of each scenario over time – this is because, by definition, cancer risk
35 is an impact that is evaluated over a long term exposure period rather than shorter
36 durations considered in the criteria air pollutant impact assessment.

37 In order to track how peak criteria air pollutant concentrations would vary relative to
38 baseline conditions in the absence of the Project, a criteria air pollutant concentration
39 impact analysis is conducted for the No Project Alternative. (See RDEIR Section
40 5.4.2.2.) In fact, this comparison is precisely the purpose in CEQA of conducting this
41 incremental analysis for the No Project Alternative, and addresses the question of how
42 future criteria air pollutant concentrations in the study area would compare to the existing
43 conditions if the Project were not built.

44 Several additional concerns would be raised with the use of a future Baseline for
45 evaluating CEQA impacts for mass emissions. Mass emissions are evaluated at specific
46 impact analysis years (i.e. specific points in time) to determine whether, in that year, the
47 daily emissions are above or below the mass emissions in the existing conditions baseline
48 and, if they are above, by how much they exceed CEQA significance thresholds). This is

1 the fundamental analysis required under CEQA and was analyzed in AQ-1 and AQ-3 for
2 construction and operational emissions respectively. (See RDEIR Section 3.2.4.3.) When
3 future impacts in several discrete impact analysis years are analyzed,, there is no standard
4 guidance to evaluate a floating baseline for mass emissions. It would not make sense to
5 evaluate project impacts against multiple baselines for multiple analysis years and this is
6 not the industry standard for conducting such an analysis, nor would this be consistent
7 with regulatory guidance (see the Master Response for Regulations).

8 Comments also suggested that a floating Baseline be used for the traffic impact analysis.
9 It should be noted that for traffic, both a “static” baseline and a “floating” baseline are
10 used to evaluate impacts. The RDEIR analyzes 2010 as the baseline existing conditions.
11 (See, Section 3.10.2.2.1 for a discussion of the methodology.) The significant project
12 impacts are determined by comparing the conditions with the proposed Project to the
13 baseline existing conditions (i.e. a “static” baseline analysis). The key determinate of
14 significance is the increment of change in operating conditions with the presence of the
15 proposed Project. The RDEIR cumulative analysis compares the CEQA baseline
16 (existing conditions) to the future cumulative with proposed Project to determine
17 cumulative impacts as well as the future cumulative without the proposed Project (future
18 baseline) to the future cumulative with the proposed Project to determine cumulatively
19 considerable project impacts (i.e. a “floating” baseline analysis). (See Section 4.2.10.2 for
20 a discussion of the methodology.) As in the proposed Project analysis, the key
21 determinate of significance is the increment of change in operating conditions with the
22 presence of the proposed Project.

23 Finally, it was appropriate under CEQA to use a future Baseline for analysis of one
24 impact topic (health), but not for analysis of other impact topics. There is no requirement
25 in CEQA for the same baseline approach to be used for all impact topics.

26 **References**

27 Port of Los Angeles (POLA). 2008 “Draft Protocol for Emissions Estimation, Dispersion
28 Modeling and Human Health Risk Assessment for the Southern California Intermodal
29 Gateway.” October 31, 2008.

30 South Coast Air Quality Management District (SCAQMD). 2011. “Air Quality
31 Significance Thresholds.” Accessed online at:
32 <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>. March.

33 Port of Los Angeles (POLA). 2011. “POLA Draft Criteria Pollutant Modeling Protocol.”
34 July 22.

35 **2.3.1.2 Master Response 2: Adopted Regulations**

36 Several commenters have stated that the air quality analysis should not take credit for
37 regulations that will be enforced whether or not the Project is implemented. The
38 commenters are incorrect. Including regulations in analysis is consistent with CEQA
39 case law and standard practices in air emissions modeling. For example, emissions
40 reduction regulations are included in CARB EMFAC and OFFROAD emissions models.
41 New regulations are a major reason the models are frequently updated. For example,
42 “EMFAC2011 includes the latest data on California’s car and truck fleets and travel
43 activity. The model also reflects the emissions benefits of ARB’s recent rulemakings
44 including on-road diesel fleet rules, Pavley Clean Car Standards, and the Low Carbon
45 Fuel standard.” (CARB, 2011).

1 Including regulations in air quality analyses is also consistent with industry standards.
2 For example, Section 3.2.1 of the South Coast Air Quality Management District’s Final
3 EIR Air Quality Chapter for the 2012 Air Quality Management Plan includes the
4 following statement: “The 2008 base year emissions inventory reflects adopted air
5 regulations with current compliance dates as of 2008; whereas future baseline emissions
6 inventories are based on adopted air regulations with both current and future compliance
7 dates.” (SCAQMD, 2012)

8 Including regulations in impact analysis is appropriate under CEQA. For example the
9 courts have upheld compliance with regulations as appropriate measures to reduce
10 impacts. In *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884,
11 petitioners argued that the City could not rely on existing regulations and codes to
12 support its conclusion that the Project’s impact would be less than significant. The Court
13 rejected this argument. It held that “compliance with the Building Code, and other
14 regulatory provisions . . . provided substantial evidence that the mitigation measures
15 would reduce seismic impact to a less than significant level.” (Id. at 996.) See also,
16 *Sundstrom v. County of Mendocino* (1988) 202 Cal.App. 3d 296, 308, where the Court
17 noted “[a] condition requiring compliance with environmental regulations is a common
18 and reasonable mitigating measure.”

19 The RDEIR explicitly states that compliance with future rules and regulations,
20 particularly in the air quality analyses, is assumed as part of the future condition, and thus
21 included in the modeling of future air quality and health risk conditions. (See Section
22 3.2.4.1, particularly Table 3.2-8.) As the foregoing discussion shows, this approach is
23 consistent with standard practices and recent case law and thus complies with CEQA.

24 **References**

25 California Air Resources Board (CARB). 2011. “EMFAC2011 Overview.” Accessed
26 online at: <http://www.arb.ca.gov/msei/emfac2011-release-document-final.pdf>. Updated
27 January, 2013.

28 South Coast Air Quality Management District (SCAQMD). 2012. “Final EIR. Air
29 Quality Chapter. 2012 Air Quality Management Plan.” Accessed online at:
30 http://www.aqmd.gov/ceqa/documents/2012/aqmd/finalEA/2012AQMP/Chapter3/CH_3_2_Air_Quality.pdf.

32 **2.3.1.3 Master Response 3: Hobart**

33 **Introduction**

34 Commenters have raised a number of issues relating to the Hobart Yard, located near
35 downtown Los Angeles, approximately 24 miles north of the port, its relation to the
36 proposed Project, and how Hobart Yard was handled in the environmental analysis.
37 Those issues include:

- 38 • Hobart and the CEQA Impact Analysis
- 39 • Back-fill of cargo at Hobart
- 40 • Traffic on I-710
- 41 • Activity within the fence line of the Hobart Yard and Sheila Maintenance Facility
- 42 • Other Hobart effects

1 The detailed discussions of these issues below demonstrate that the RDEIR properly
2 analyzes the impacts of the Project by considering those changes that would result from
3 implementation of the Project, and therefore that the analysis in the RDEIR is consistent
4 with CEQA requirements.

5 As background to the following discussions, under CEQA, an EIR is required to “identify
6 and focus on the significant effects of the proposed project.” (CEQA Guidelines
7 §15126.2.) A “project” is defined as “an activity which *may cause* either a direct physical
8 change in the environment or a reasonably foreseeable indirect change in the
9 environment...” (Pub.Res. Code § 21065.) A significant impact typically involves a
10 change in the “existing environment caused by the project.” (*Friends of the Eel River v.*
11 *Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 875.) An EIR does not need
12 to resolve existing environmental problems that will not be made worse by the project.
13 (*Watsonville Pilots Ass’n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1094
14 [“The FEIR was not required to resolve [the existing] overdraft problem, a feat that was
15 far beyond its scope.”].) A change which is speculative or unlikely to occur is not
16 reasonably foreseeable.” (CEQA Guidelines 15064(d)(3).) “There is no requirement that
17 an EIR analyze speculative impacts.” (*Friends of Eel River v. Sonoma County Water*
18 *Agency* (2003) 108 Cal.App.4th 859, 876.) “An EIR should not discuss impacts which do
19 not result in part from the project evaluated in the EIR.” (CEQA Guidelines §
20 15130(a)(1).)

21 Furthermore, in *Banker’s Hill, Hillcrest, Park West Community Preservation Group v.*
22 *City of San Diego* found that a condition not caused by the project, which would exist
23 with or without the project, was not an impact that negated the conclusion that there were
24 no significant impacts to traffic. (*Banker’s Hill, Hillcrest, Park West Community*
25 *Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 276.)As also
26 discussed in the *Walmart* decision “...courts could not presume that the enactment of a
27 zoning ordinance ‘may cause....a...physical change in the environment’ (§ 21065), but
28 would have to review the administrative record *for evidence establishing both the*
29 *requisite causal link* as well as the requisite physical change in the environment.”
30 (*Walmart Stores, Inc v. City of Turlock* (2006) 138 Cal.App.4th 273 [overruled on other
31 grounds in *Hernandez v. City of Hanford* (2007) 41 Cal.4th 279].)This is the so-called
32 “but for” provision of CEQA: effects that would not occur but for the Project must be
33 considered as Project impacts, but effects that would occur with or without the Project
34 need not be considered as Project impacts.

35 As explained in the RDEIR, the proposed project would replace truck trips that were
36 already destined for Hobart with transportation by rail to the general vicinity of Hobart.
37 (See also RDEIR Section 2.4.1.) Therefore, the proposed project would only *cause*
38 changes in the methods of transportation between the Ports and the Hobart area. Section
39 2.4.1 acknowledges there will be a likely increase in rail activity beyond Hobart.
40 However this increase is a result of market demand and would not be affected by the
41 proposed project. Operational changes that occur beyond the Hobart area are therefore
42 not changes caused by the project and are thus beyond the scope of the EIR’s impact
43 analysis.

44 **Hobart and the CEQA Impact Analysis**

45 Consistent with CEQA Guidelines § 15125(a), the RDEIR disclosed the Existing
46 Conditions (CEQA Baseline) associated with traffic, which were primarily based upon

1 traffic counts at the study intersections. (See RDEIR Section 3.10.2.2.1.) Existing
2 conditions are not affected in any way by any future changes at Hobart.

3 Consistent with the requirements of CEQA discussed in the “Introduction” above, future
4 changes associated with rail and vehicular traffic outside the rail routes between the Ports
5 and Hobart would not be caused by the proposed project and are beyond the geographic
6 scope of the impact analysis.¹

7 Impacts associated with increased truck trips in proximity to the Port were analyzed
8 under Impact TRANS-2 of the RDEIR. The geographic scope for the TRANS-2 analysis
9 is provided in Table 3.10-25 and displayed in Figure 3.10-1. As also discussed in Section
10 3.10.2.4.1 of the RDEIR, this analysis is not affected by rail crossings because the
11 Alameda Corridor eliminated all of the at-grade crossings between the Ports and Hobart
12 area. As described in sections 2.4.1 and 3.10 of the RDEIR, the Project would eliminate
13 most of the truck trips on I-710 that currently convey direct intermodal international
14 cargo between the marine terminals and the Hobart Yard – that is, the containers that go
15 directly from the Ports to Hobart, or vice versa, without being transloaded or otherwise
16 handled. These containers are not destined for points in Southern California and thus do
17 not travel on regional roads other than to reach the railyard or the Ports. As a result,
18 future traffic volumes on I-710 would be reduced by the number of trucks that would go
19 to SCIG instead of Hobart (estimated at 2 million per year at full capacity, Table 2-2 of
20 the RDEIR). In addition, truck traffic in the port vicinity would change because trucks
21 would use designated truck routes between SCIG and the marine terminals, instead of
22 using I-710 between Hobart and the marine terminals. Clearly, these changes would be a
23 direct effect of the Project, and thus properly included in the CEQA impact analysis.

24 With or without the Project, trucks will continue to convey domestic and transloaded
25 cargo between the Hobart Yard and the ports and regional warehouses, manufacturing
26 facilities, and transloading centers. Growth in domestic and transload cargo will be
27 determined by general economic growth, not by the presence of SCIG, and thus would
28 not be affected by the proposed Project. Accordingly, the activity of trucks hauling
29 domestic (i.e., produced and consumed in the United States) and transloaded cargo are
30 not caused by the proposed project, which only involves international direct intermodal
31 cargo.

32 Train traffic is also determined by the amount of cargo that demands intermodal
33 transport. As described in Section 1.1.3 of the RDEIR, intermodal trains haul direct
34 international cargo, transloaded cargo, and domestically produced cargo between
35 Southern California and the rest of the nation. The proposed Project would not alter the
36 amount of domestic and transloaded cargo because that cargo is driven by economic
37 factors, not capacity factors; it would only affect direct international cargo hauled by
38 BNSF trains. Accordingly, the trains that haul direct international intermodal cargo
39 should be included in the impact analysis, and, as with trucks, trains hauling domestic
40 and transloaded cargo should not be included in the impact analysis. Therefore any such
41 changes are not caused by the proposed project and are beyond the scope of the impact
42 analysis provided in the EIR. At present, direct international cargo is hauled between
43 Hobart and points east, but under the proposed Project, those trains would originate and

1 In some instances commenters may use the phrase “future base”, “cumulative base”, or “baseline,” but they are in fact referring to the “Future without project” traffic scenarios in Section 4.2.10 (e.g., “Year 2016 Without Project”). The discussion provided here is also applicable to those comments.

1 terminate at SCIG instead of Hobart. Clearly, then, the only change in train activity that
2 would be caused by the Project is that trains associated with direct international cargo
3 would travel an additional 20 miles (the distance between SCIG and Hobart). That extra
4 travel distance is accounted for in the air quality analyses of the RDEIR (see Section
5 5.4.2.2 and Tables 5-5 and 5-6 of the RDEIR) and in other resource areas as appropriate.

6 **Back-Fill at Hobart**

7 A number of commenters have criticized the RDEIR for not evaluating regional changes
8 in goods movement that they posit might occur with implementation of SCIG. Their
9 reasoning is that if SCIG absorbs the international cargo currently going to Hobart, then
10 domestic and transload cargo will backfill the freed-up capacity (some comments have
11 even suggested that Hobart would be nearly empty once SCIG was placed in operation).
12 Other commenters have criticized the RDEIR for not including future operations at
13 Hobart (i.e., truck and train trips) in the analyses. These assertions are speculative, and
14 not supported by facts or evidence.

15 In fact, both the scenario imagining that the Hobart facility would be nearly empty with
16 implementation of the Project and the suggestion that cargo would materialize to backfill
17 the freed-up capacity are wholly unsupported by the facts. In 2010, Hobart's throughput
18 of approximately one million lifts (2.3 million TEUs) consisted of approximately 46
19 percent direct international cargo (most of which would be diverted to SCIG); the rest
20 was domestic and transloaded cargo (Appendix G4). According to the Port's analysis
21 (RDEIR Appendix G4), if SCIG were not built Hobart would handle approximately 1.2
22 million lifts (3.1 million TEUs) in 2016, consisting of transload and domestic cargo as
23 well as BNSF's direct intermodal cargo. Hobart has, or can build, enough capacity to
24 handle those volumes (AECOM, 2012). If SCIG were built, Hobart would still handle
25 nearly 830,000 lifts (2.5 million TEUs), consisting largely of domestic and transloaded
26 cargo but including 5 percent of BNSF's direct international cargo. (Appendix G4) That
27 volume would amount to approximately 86 percent of the volume handled in 2010.
28 Accordingly, there is no reason to believe that Hobart would be nearly empty if SCIG
29 were built.

30 Furthermore, there is no reason to believe that cargo would somehow materialize to fill
31 the freed-up capacity. Hobart and other intermodal facilities already accept all cargo in
32 the region that demands rail transport and are not yet operating at capacity, meaning that
33 there is no unserved cargo that would appear to fill freed-up capacity. This conclusion is
34 reinforced by the results of analyses showing that existing railyards, while busy, are not
35 operating at their maximum practicable capacity (MPC); for example, Hobart's current
36 MPC is approximately 1.7 million lifts, whereas, as described above and in Appendix G4,
37 in 2010 it handled only about one million lifts, approximately one-half of them direct
38 international containers. BNSF has already expanded Hobart, but cargo volumes, rather
39 than suddenly increasing, actually decreased between 2007, when the expansion was
40 completed, and 2010 (BNSF, 2012a; BNSF, 2012b). Those volumes were driven by
41 regional and national economic factors (i.e., the 2008 recession), not by the availability of
42 capacity at Hobart.

43
44

Table 2-2. Cargo Activity at Hobart Yard With and Without SCIG.

Year	No-Build Alternative Demand (Lifts)				With SCIG Demand (Lifts)			
	IPI	Transload	Domestic	Total	IPI	Transload	Domestic	Total
2010	448,455	168,520	349,491	966,474				
2016	342,828	323,207	487,630	1,153,665	17,141	323,207	487,630	827,978
2023	485,043	458,781	648,744	1,592,568	24,252	458,781	648,744	1,131,777
2035	1,097,160	718,954	1,021,846	2,837,960	54,858	718,954	1,021,846	1,795,658

Source: Appendix G4, RDEIR

Table 2-2 shows that domestic and transload cargo volumes would increase whether or not SCIG is built, and that the increases would be the same under either scenario. This is true because demand is independent of capacity – the region’s economy would grow at a rate unrelated to capacity at Hobart. As noted above, effects that would occur regardless of whether the Project is built need not be analyzed in an EIR as these are not “but for” effects of the Project. Accordingly, any trips generated by those future increases in regional cargo are not appropriately analyzed as Project impacts by the RDEIR. The SCIG project would only change transport of direct international cargo between the Ports and Hobart, and it is appropriate under CEQA that its RDEIR only analyzes changes in the transport of that cargo.

Hobart will continue to accept transload and domestic cargo with or without SCIG. In the with-SCIG (proposed Project) scenario, BNSF would not have to make changes to its Hobart operations other than to add capacity at some point in the future when demand exceeds capacity (projected by independent analysts to occur as soon as 2023) (AECOM, 2012). That eventuality is unrelated to the Project – it will occur as a result of regional and national economic growth – and is appropriately not analyzed as a Project-related impact.

Traffic on I-710

In particular, there is no reason to believe that traffic on I-710 would be substantially altered by the proposed Project, except that in the future, 95 percent of the trucks that would have traveled between Hobart and the marine terminals on I-710 would no longer do so (shown in, for example, Table 4-19 of the RDEIR). The commenters have not submitted evidence that the Project’s reduced truck trips would result in greater impacts to traffic on I-710. In fact, the RDEIR clearly shows that, when compared against the baseline, the Project would result in fewer truck trips on I-710 (Tables 3.10-27 and 3.10-28 of the RDEIR). In addition, although regional growth in general as well as the projected growth in the volume of the portion of international cargo still being handled at Hobart (see Section 1.1.3 of the RDEIR) will cause overall traffic volumes to increase, the cumulative traffic analysis (Section 4.2.10 of the RDEIR) clearly shows that the Future With Project scenario results in less traffic on I-710 compared to the Future Without Project scenario in all future years analyzed (Tables 4-17 thru 4-21 of the RDEIR). The important point from a CEQA standpoint is that any increases due to regional growth are increases that would occur with or without the Project: they are not a “but for” consequence and thus should not be analyzed as Project impacts.

Activity Within the Fenceline of the Hobart Yard and Sheila Maintenance Facility

Commenters have suggested that there would be changes in activity at the Hobart Yard and at the Sheila Mechanical facility, located near the Hobart Yard, as a result of the proposed Project, and that those changes should be considered in the RDEIR. With regard to Hobart, the figures in Table 2-2 illustrate that activity levels at Hobart would likely decrease as a result of implementing the proposed Project, and would certainly not increase. Transload and domestic cargo would not increase as a result of the Project – Hobart would continue to accommodate the demand of those cargo types – and any changes in volumes of those cargo types, as explained above, would be unrelated to the Project and thus are not Project impacts. Those impacts have been evaluated separately by CARB under the 2005 ARB/Railroad Statewide Agreement to reduce emissions, as is appropriate (CARB, 2005a). (See RDEIR Section 3.2.3.2 for a discussion of the Agreement.) The decreases in direct international cargo at Hobart that would occur as a result of the Project would mean a corresponding decrease in train, truck, and cargo-handling activity at Hobart.

According to BNSF (2012b), if the SCIG project is approved, the Sheila yard would continue to provide locomotive and rail car support for BNSF's operations in Southern California, including the SCIG facility. However, activity levels at the Sheila yard would not substantially change because all locomotive maintenance and rail car inspections and repairs in the South Coast Basin that would be required once the Project is operational are already occurring in the Basin. The impacts of operating the Sheila facility have been evaluated separately by CARB under the 2005 ARB/Railroad Statewide Agreement, as is appropriate. The locomotives that would haul trains to and from the SCIG facility would not be additional locomotives, but rather they would be existing and future locomotives that would haul international cargo trains with or without the Project. The locomotives serving the SCIG facility would continue to be maintained at the Sheila Commerce Shop as is occurring today, based on FRA requirements or as required by malfunctions. No additional locomotives would be provided with maintenance at the Sheila facility as a direct result of the SCIG project; the growth in locomotive servicing activity would occur with or without the Project, as a result of overall growth in train numbers associated with the growth in cargo. Accordingly, there is no justification for undertaking an analysis of the impacts of activity at the Hobart and Sheila facilities in the RDEIR because those activities are unrelated to the Project.

Other Hobart Effects

Commenters have suggested that the proposed Project, by freeing up capacity at Hobart, would somehow cause major changes in regional trip distribution by loading I-710 with trucks carrying domestic containers between Hobart and transloading facilities in the port area. It is clear from the forgoing, however, that the bulk of truck trips throughout the Southern California region associated with Hobart's operation would be changed by the operation of SCIG only as to the direct international intermodal cargo which would no longer make the trip to Hobart. However, over half of Hobart's operations already involve containers that would not be diverted to SCIG. In fact, the distribution of the domestic traffic coming to Hobart indicates that, although some traffic does travel north on I-710 from the Port area, truck traffic carrying domestic/transloaded cargo to and from Hobart Yard is multidirectional, traveling on I-10, I-5, and other regional highways in addition to I-710 (BNSF, 2012b). Those trips would increase due to general growth in economic activity and the possible increase in transloading (CS/SAC, 2012). CS/SAC

1 (2012) have determined that most distribution centers where transloading takes place are
2 located in the Inland Empire. Trips to Hobart from those facilities would, therefore, not
3 use I-710. If SCIG is built, therefore, transload and domestic cargo would continue to be
4 drayed to Hobart from facilities throughout the region -- there is no hidden reservoir of
5 cargo-generating facilities in some unknown location that would suddenly spring into
6 action as a result of the Project to alter the trip distribution of domestic/transload drayage
7 trucks.

8 **References**

9 AECOM. 2012. UP and BNSF Downtown LA Capacity Analysis. September 20, 2012.

10 BNSF. 2012a. BNSF Hobart Yard Memorandum. September 19.

11 BNSF. 2012b. . BNSF Hobart Yard Memorandum. November 28.

12 CARB. 2005a. Statewide railyard agreement. Website:

13 <http://www.arb.ca.gov/railyard/ryagreement/ryagreement.htm>.

14 CS/SAC. 2012. *Transloading of Marine Containers in Southern California*. August 2012.

15 **2.3.1.4 Master Response 4: Feasibility of Mitigation Measures**

16 Several comments questioned the feasibility of RDEIR mitigation measures. This
17 response provides the CEQA requirements for consideration of mitigation measures.
18 Mitigation is required only for significant environmental impacts; an EIR need not
19 identify mitigation measures to reduce a project's social and economic impacts. (Pub.
20 Res. Code §21100(b)(3); CEQA Guidelines §§15126.4(a)(1)(A) and 15064(e).) CEQA
21 provides that environmental analysis should emphasize feasible mitigation measures.
22 (Pub. Res. Code §21003(c).) An agency may, however, reject mitigation measures or
23 project alternatives if it finds them to be "infeasible". (Pub. Res. Code §21081(a)(3);
24 CEQA Guidelines §15091(c)(3).) "Feasible" is defined as capable of being accomplished
25 in a successful manner within a reasonable period of time, taking into account economic,
26 environmental, social, and technological factors." (Pub. Res. Code §21061.1; CEQA
27 Guidelines §15364.) Consideration of feasibility of mitigation measures may also be
28 based on practicality. (*No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3d
29 241, 257.)

30 In addition, while a lead agency is required to respond to comments proposing concrete,
31 obviously feasible mitigation measures, it is not required to accept suggested mitigation
32 measures. (*A Local and Regional Monitor (ALARM) v. City of Los Angeles* (1993) 12
33 Cal. App. 4th 1773, 1809.)

34 **2.3.1.5 Master Response 5: Alternatives**

35 A number of comments addressed the RDEIR's consideration of alternatives. Most of the
36 comments were focused on the perceived need to consider additional alternative
37 locations, especially locations inside the Ports, alternatives to truck-based drayage, zero-
38 emissions container movement systems, and maximization of on-dock facilities. Other
39 suggestions included alternative facility configurations, alternative construction methods
40 or schedules, reconfiguration of local roads and intersections, and fundamental changes
41 in the way containerized freight is handled by the goods movement industry.

42 CEQA Guidelines §15126.6 requires an EIR to describe "a range of reasonable
43 alternatives to the project, or to the location of the project, which would feasibly attain

1 most of the basic objectives of the project but would avoid or substantially lessen any of
2 the significant effects of the project”. “In determining the nature and scope of alternatives
3 to be examined in an EIR, the Legislature has decreed that local agencies shall be guided
4 by the doctrine of “feasibility.” *Citizens of Goleta Valley v. Board of Supervisors* (1991)
5 52 Cal.3d 553, 565. CEQA defines “feasible” as “capable of being accomplished in a
6 successful manner within a reasonable period of time, taking into account economic,
7 environmental, social, and technological factors” (Pub. Resources Code § 21061.1;
8 CEQA Guidelines §15364). The EIR is required “to set forth only those alternatives
9 necessary to permit a reasoned choice” and to “examine in detail only the ones that the
10 lead agency determines could feasibly attain most of the basic objectives of the project”
11 (CEQA §Guidelines 15126.6(f)), and is not required to consider alternatives whose
12 implementation is remote or speculative (CEQA Guidelines §15126.6(f)(3)). In addition,
13 an EIR need not consider alternatives that would change the basic nature of the project.
14 (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal. App. 4th
15 729, 745; *Marin Municipal Water District v. KG Land California Corporation* (1991)
16 235 Cal App. 3d 1652)

17 An alternative may also be found infeasible on the grounds that it is inconsistent with the
18 project objectives. *Sierra Club v County of Napa* (2004) 121 CA4th 1490, 1503. “There
19 is no ironclad rule governing the nature or scope of the alternatives to be discussed other
20 than the rule of reason.” *Id.* The rule of reason “requires the EIR to set forth only those
21 alternatives necessary to permit a reasoned choice” and to “examine in detail only the
22 ones that the lead agency determines could feasibly attain most of the basic objectives of
23 the project.” CEQA Guidelines §15126.6(f). An EIR is not required to consider
24 alternatives “whose effect cannot be reasonably ascertained and whose implementation is
25 remote and speculative.” CEQA Guidelines §15126.6(f)(3). The process of selecting the
26 alternatives to be included in the EIR begins with the establishment of project objectives
27 by the lead agency. *Jones v. Regents of University of California* (2010) 183 Cal.App.4th
28 818, 825.

29 A lead agency may structure its EIR alternatives analysis around a reasonable project
30 goal, and need not study alternatives that cannot achieve the basic project goal. (*In re*
31 *Bay-Delta* (2008) 43 Cal.4th 1143,1166. An EIR need not consider alternatives that would
32 change the basic nature of the project. (*Al Larson Boat Shop, Inc. v. Board of Harbor*
33 *Commissioners* (1993) 18 Cal. App. 4th 729, 745; *Marin Municipal Water District v. KG*
34 *Land California Corporation* (1991) 235 Cal App. 3d 1652)

35 The RDEIR’s discussion of Alternatives meets CEQA requirements. As described in
36 Section 5.1.3 of the RDEIR, four categories of alternatives were considered: (1)
37 alternative sites outside the ports; (2) alternate sites inside the ports; (3) alternative
38 layouts for the proposed Project site; (4), and different access to the proposed Project site
39 (i.e., road and intersection reconfiguration). In addition, the EIR considered a variety of
40 concepts for modifying the goods movement industry as a whole, including concepts that
41 would avoid the use of near-dock railyards and implementation of advanced technologies,
42 including “zero-emissions” technologies, for moving containers in the Southern
43 California region. These concepts do not constitute alternatives to the proposed Project as
44 defined by CEQA, either because they are infeasible, do not meet basic project
45 objectives, or are beyond the scope of the Project and the RDEIR.

46 A wide range of alternatives was screened (Section 5.1.3). However, most were either
47 found to be infeasible or did not meet the basic objectives of the proposed Project. Two
48 alternatives were carried on for further consideration (the No Project and the Reduced

1 Project), but the rest were rejected from further consideration. To summarize the analysis,
2 several alternative sites outside the Ports were considered (Section 5.1.3.1 of the EIR); in
3 fact, a study by Parsons (2004), conducted before the proposed Project was proposed,
4 evaluated six potential sites, all but one of them outside the Ports. Four of the five sites in
5 the vicinity of the ports (Watson Yard, Carson/Del Amo, East of Alameda, West of
6 Alameda) were found to be unsuitable, either because they were too small to support a
7 modern railyard, which requires long loading tracks, ample space for container stacking
8 and truck movement, and proximity to major highways, or because of site characteristics
9 such as shape, existing contamination, geotechnical issues, and proximity to residential
10 areas. The fifth site is the site of proposed Project and the sixth site is the Pier B site
11 inside the Port of Long Beach.

12 The RDEIR also considered five sites inside the Ports (Section 5.1.3.2 of the EIR),
13 including re-use of existing sites and construction of new land on Terminal Island
14 purpose-built to support an intermodal Railyard (Pier S and Pier B in the Port of Long
15 Beach, LAXT and Berth 200 in Port of Los Angeles, and created land on the border of
16 the two ports). All but one of these sites would have the advantage of being more remote
17 from residential areas than the proposed Project. The analysis found that the Pier S site is
18 too small for a modern intermodal facility, the Pier B, LAXT, and Berth 200 sites are
19 already committed for necessary support railyards, and the Terminal Island landfill site
20 (the “TIJIT” concept) is infeasible because the LAHD does not have the habitat
21 mitigation credits necessary to obtain construction permits. In addition, the Pier S,
22 LAXT, and TIJIT concepts would overwhelm the rail network connecting Terminal
23 Island to the Alameda Corridor. Accordingly, the RDEIR concluded that none of the five
24 sites is a feasible alternative to the proposed Project; for each site the RDEIR summarized
25 the environmental, economic, technological, and institutional constraints that led to the
26 determination of infeasibility.

27 Two alternative layouts of the SCIG facility were considered (Section 5.1.3.3 of the
28 RDEIR), one a single-ended layout that would eliminate train movements at the north end
29 of the facility, the other a reversion to conventional track spacing and yard equipment.
30 Both alternatives would increase air emissions and reduce the efficiency of operations
31 without clearly eliminating or reducing other environmental impacts. Accordingly, both
32 were rejected from further consideration. A concept for providing site access from
33 Sepulveda Boulevard instead of the Pacific Coast Highway was rejected because it would
34 lengthen truck trips, thereby increasing air emissions, and increase congestion on
35 Sepulveda Boulevard, which is the access point for the ICTF. Therefore, this alternative
36 was deemed not feasible for environmental reasons.

37 Finally, the EIR considered, at length, a number of other goods movement-related
38 concepts. Some of these concepts focus on eliminating the need for a near-dock facility
39 by increasing the use of on-dock rail facilities and/or implementing an “inland port”
40 concept. The others focus on eliminating diesel trucks from local and regional highways
41 by using advanced technologies to move containers. The RDEIR pointed out that these
42 concepts cannot be considered alternatives to the proposed Project either because they
43 would not eliminate the need for a near-dock facility or because they address other
44 aspects of the goods movement chain than the ship-to-rail element of intermodal cargo
45 that is a key purpose of the proposed Project. For example, converting drayage trucks to
46 electricity or using a zero-emissions technology such as mag-lev or linear synchronous
47 motors would not eliminate the need for rail facilities to handle cargo to and from points
48 outside the greater Los Angeles area, and thus would not meet the project’s objectives.

1 Sections 1.1.3, 2.1.2, and 5.2.1.1 of the RDEIR thoroughly discussed the inability of on-
2 dock railyards to handle all of the projected intermodal demand. For a detailed response
3 to comments regarding on-dock rail as an alternative to the proposed Project, please see
4 Master Response 6 on On-Dock Rail. In summary, those sections pointed out that the
5 planned number and size of on-dock and support railyards is already maximized, in
6 accordance with the rail policies of both Ports. They also point out that even if on-dock
7 capacity could be increased beyond the current projections, the rail infrastructure of the
8 Ports, especially that connecting Terminal Island to the Alameda Corridor, cannot be
9 made to accommodate all intermodal cargo. Accordingly, handling all intermodal cargo
10 in on-dock facilities is simply not feasible; intermodal facilities outside the terminals are
11 necessary to accommodate future cargo volumes. None of the comments offered
12 substantial (e.g. quantitative or technical) evidence that would refute this conclusion.

13 Commenters have urged the Port to consider, as an alternative, some form of inland
14 railyard that would use trains, instead of trucks, to move containers to and from the
15 marine terminals. Section 5.2.1.2 of the RDEIR discusses at length inland railyard
16 concepts, including Sprint Trains”, “Block Swap Train Building”, “Agile Port/Efficient
17 Marine Terminal Concept”, and the “Inland Port for Local Distribution.” These concepts
18 would eliminate port-area drayage truck trips to near-dock and off-dock railyards (and in
19 some concepts all port-area drayage truck trips) by loading containers onto trains within
20 the marine terminals and conveying them directly to an inland facility for either staging
21 onto eastbound trains or unloading onto trucks for local delivery (and the reverse for
22 export containers). They could present an opportunity to use dedicated locomotives with
23 advanced emissions reduction features, since the locomotives would probably not travel
24 outside the SCAB and would certainly not leave California, and thus could be mandated
25 for use in the system (although probably not by the Ports). By reducing drayage truck
26 trips commenters maintain that these concepts would reduce port-area traffic impacts and
27 some truck emissions.

28 However, traffic and air emissions would be increased in the Inland Empire as a result of
29 additional, and possibly longer, truck trips, more grade crossing blockages, and truck and
30 locomotive emissions. For example, cargo bound for warehouses in areas such as
31 Industry, South Gate, and Vernon, where a great many such facilities are located, would
32 have to be drayed back from the inland port, a distance of at least 50 miles, as opposed to
33 a 10-mile trip from port terminals to the same warehouses. Accordingly, it is not clear at
34 this level of analysis whether these concepts would avoid or substantially lessen the
35 proposed Project’s significant environmental impacts. Furthermore, none of the region’s
36 inland rail yards and logistics centers is currently capable of functioning as a true inland
37 port. In addition, as discussed above, the on-dock railyards in the marine terminals will
38 not have the capacity to handle so many containers, given that they are not expected to be
39 able to handle even the direct intermodal portion of the forecasted cargo, nor could the
40 rest of the port rail infrastructure handle such train volumes, even with the planned
41 improvements. It is also not clear, as described in Parsons (2006), that the railroad
42 mainlines have adequate capacity to handle substantial numbers of shuttle trains east of
43 the Alameda Corridor. Finally, to realize any of these concepts would require a massive,
44 multi-agency development effort involving land and right-of-way acquisition,
45 construction, and the fundamental modification of existing goods movement logistics, all
46 of which are beyond the scope of the proposed Project and this RDEIR.

47 As noted in the EIR, all of these concepts would be beyond the authority of the LAHD to
48 implement. The RDEIR does, however, point out that regional agencies, including ACTA

1 and Metro, continue to explore the feasibility of the inland rail concept, including
2 implementation of a pilot shuttle-train service, but notes that a number of significant
3 issues, such as the differential costs of short-haul rail, the capacity of the main lines, and
4 the availability of sites need to be resolved. The RDEIR concluded that until these and
5 other issues are resolved, the inland port concept is not feasible. (See Section 5.2.1.2)

6 The infeasibility of implementing advanced technologies for moving containers, whether
7 between the ports and near-dock railyards or throughout the Southern California region,
8 was described in the RDEIR, but a number of comments nevertheless criticized the
9 RDEIR for not carrying through one or more such technologies as an alternative,
10 including the GRID concept. Please see Master Response 7 (for ZECMS) for a response
11 to comments on advanced technologies as alternatives to the proposed Project.

12 **References**

13 Parsons Transportation Group. 2004. "San Pedro Bay Ports Rail Market Study, Parts 1
14 and 2." Draft report prepared for the Los Angeles Harbor Department.

15 Parsons Transportation Group. 2006. "San Pedro Bay Ports Rail Study Update:
16 December"

17 **2.3.1.6 Master Response 6: On-Dock Rail**

18 Several commenters have stated that the SCIG project is not needed because intermodal
19 cargo can be handled by on-dock rail, which is a railyard located within a marine cargo
20 facility. The RDEIR presents detailed explanations of why on-dock rail is infeasible as
21 an alternative to the proposed Project, which are summarized in this Master Response.
22 (See Sections 1.1.5.4 and 5.2.1.1, and Appendix G2.)

23 As described below, on-dock is not a feasible alternative because it does not meet the
24 project's basic objectives. In addition, although both ports have on-dock rail facilities and
25 are constructing more on-dock capacity, the existing and planned facilities have capacity
26 and operational constraints. As described in Chapter 1 of the RDEIR (see Section
27 1.1.5.3), the LAHD's goal is to maximize on-dock rail in accordance with the Port's Rail
28 Policy. Accordingly, the analysis in the RDEIR of intermodal capacity and utilization
29 assumes that the use of on-dock rail will be maximized. The SCIG project complements
30 on-dock rail and helps to maximize on-dock rail efficiency by ensuring utilization of on-
31 dock intermodal rail to the fullest extent possible. By providing a location for staging
32 containers outside the marine terminals, a near-dock facility, a railyard in close proximity
33 to the Ports, will help maximize the efficiency and fluidity of all on-dock railyards,
34 because the limited space on-dock will not be congested with containers awaiting trains
35 for specific locations.

36 As described in Section 1.1.5.4 of the RDEIR, there is a limited amount of space
37 available for future on-dock facilities, and major reasons why forecasted cargo volumes
38 cannot be handled entirely by on-dock facilities. First, there is a physical limit to the
39 capacity of the rail network between the on-dock yards and the Alameda Corridor,
40 especially for on-dock yards on Terminal Island. Port rail infrastructure and the rail
41 infrastructure between the marine terminals and the Alameda Corridor are inadequate to
42 maintain the level of service required to handle increased volumes of international traffic.
43 The alleviation of Port congestion, in particular congestion of the critical rail
44 infrastructure on Terminal Island, is a key factor in maximizing the velocity of
45 throughput of existing on-dock rail operations. Furthermore, both ports plan to expand

1 their rail infrastructure over the next 10 years as identified in the Port Rail Enhancement
2 Plan (Parsons, 2006) in order to increase on-dock capacity. Nevertheless, as described in
3 the Rail Study (Parsons, 2004) and Rail Study Update (Parsons, 2006), the planned rail
4 improvements, including a new rail bridge across the Cerritos Channel being proposed by
5 the Alameda Corridor Transportation Authority (ACTA), would not accommodate all of
6 the projected intermodal traffic from the marine terminals on Terminal Island.

7 Second, on-dock railyard expansions already planned in both Ports will consume all
8 available land as well as requiring the creation of additional land. These planned
9 expansions are not guaranteed and face constraints on completion: most of the terminal
10 expansion projects that are needed to add new and expand existing on-dock railyards still
11 require environmental approvals and some will require Port Master Plan amendments.

12 Third, there is a physical limit to the size of on-dock railyards within terminals, as
13 optimum terminal configuration requires balancing the spaces needed for container
14 handling, terminal operations, and on-dock rail operations. There will also be a
15 temporary loss of on-dock capacity during construction of other Port projects.

16 Finally, not all intermodal cargo can be placed on trains in the marine terminals. Labor
17 work rules and terminal working hours restrict rail operations. Terminals, being
18 proprietary operations in competition with one another, rarely share space and cargo,
19 meaning that shortfalls in cargo result in underutilized capacity, and surpluses in cargo
20 must be handled off-dock. The lack of rail storage facilities reduces the efficiency of rail
21 car management compared to dedicated rail facilities. For instance, if there are not
22 enough containers unloaded from a ship that are going to the same place to make a full
23 train at an on-dock rail yard, the containers are sent to a near-dock or off-dock facility to
24 be staged and later mixed with containers from the other marine terminals that are bound
25 for the same destination. This activity is not performed at an on-dock location because of
26 the relatively small size of these facilities and to avoid delaying cargo to wait for a full
27 trainload. Near- and off-dock facilities are more suited to this type of container staging
28 because their larger size and ability to handle cargo from multiple marine terminals allow
29 for a greater number of destinations and more frequent schedules. As a result, the SCIG
30 project would both maximize on-dock railyard efficiency and accommodate cargo that
31 cannot be handled at on-dock facilities, whether due to capacity limits or operational
32 constraints.

33 The 2009 cargo forecast assumed that on-dock facilities, as expanded, would operate at
34 capacity by 2035 and concluded that their capacity would be exceeded by demand. (See
35 RDEIR Section 1.1.5.1) The excess cargo that will need to travel by train must, therefore,
36 be handled by near-dock and off-dock facilities, as described in detail in Sections 1.1.5.3
37 and 2.1.1 of the RDEIR. As described above, however, there is also a need in the short
38 term for additional near-dock facilities to handle cargo that cannot be handled efficiently,
39 or at all, by on-dock facilities. BNSF has determined that there is also near-term demand
40 for facilities that can handle such cargo, and has made a business decision to meet that
41 need.

42 A number of commenters have stated that on-dock rail is a feasible alternative to the
43 Project. See Master Response 5, Alternative, for a review of CEQA requirements for an
44 EIR's reasonable range of alternatives.

45 As stated in Section 2.3 of the RDEIR, the primary objective and fundamental purpose of
46 the proposed Project is to provide an additional near-dock intermodal rail facility serving
47 the San Pedro Bay Port marine terminals that would meet current and anticipated

1 containerized cargo demands, provide shippers with comparable intermodal options,
2 incorporate advanced environmental controls, and help convert existing and future truck
3 transport into rail transport, thereby providing air quality and transportation benefits.

4 The following specific project objectives accomplish the primary objective and
5 fundamental purpose:

- 6 1. 1. Provide an additional near-dock intermodal rail facility that would:
 - 7 a) Help meet the demands of current and anticipated containerized cargo from the
8 various San Pedro Bay port marine terminals, and
 - 9 b) Combine common destination cargo “blocks” and/or unit trains collected from
10 different San Pedro Bay Port marine terminals to build trains for specific
11 destinations throughout the country.
- 12 2. Reduce truck miles traveled associated with moving containerized cargo by providing a
13 near-dock intermodal facility that would:
 - 14 a) Increase use of the Alameda Corridor for the efficient and environmentally
15 sound transportation of cargo between the San Pedro Bay Ports and destinations
16 both inland and out of the region, and
 - 17 b) Maximize the direct transfer of cargo from port to rail with minimal surface
18 transportation, congestion and delay.
- 19 3. Provide shippers, carriers, and terminal operators with comparable options for Class 1
20 railroad near-dock intermodal rail facilities.
- 21 4. Construct a near-dock intermodal rail facility that is sized and configured to provide
22 maximum intermodal capacity for the transfer of marine containers between truck and
23 rail in the most efficient manner.
- 24 5. Provide infrastructure improvements consistent with the California Goods Movement
25 Action Plan.

26 Based on the above, the RDEIR thoroughly discussed the infeasibility of relying on on-
27 dock railyards to handle all of the projected intermodal demand. (See Sections 1.1.5.4
28 and 5.2.1.1, and Appendix G2) In summary, maximizing on-dock rail is already a
29 commitment in the Port’s rail policy and the Project analyses assume that the use of on-
30 dock rail will be maximized. Additionally, given the limitations and constraints described
31 above, handling all intermodal cargo in on-dock facilities is simply not feasible;
32 intermodal facilities outside the terminals are necessary to accommodate a portion of
33 international cargo. Accordingly, suggestions for an alternative relying solely on
34 additional on-dock rail did not meet the evaluation criteria of a feasible alternative as
35 described in Sections 5.1.1.2 and 5.2.1.1 of the RDEIR. Furthermore, additional on-dock
36 rail would not meet most of the objectives of the proposed Project which specifically call
37 for an additional near-dock intermodal rail facility serving the San Pedro Bay Port marine
38 terminals that would meet current and anticipated containerized cargo demands, provide
39 shippers with comparable intermodal options, incorporate advanced environmental
40 controls, and help convert existing and future truck transport into rail transport, thereby
41 providing air quality and transportation benefits.

42

References

Parsons Transportation Group. 2004. "San Pedro Bay Ports Rail Market Study, Parts 1 and 2." Draft report prepared for the Los Angeles Harbor Department.

Parsons Transportation Group. 2006. "San Pedro Bay Ports Rail Study Update: December"

2.3.1.7 Master Response 7: Zero Emission Container Movement Systems

Several commenters have suggested that zero emission container movement systems (ZECMS) or transport should be a mitigation measure or an alternative for the SCIG project. While, under CEQA, an EIR must describe feasible mitigation measures that could minimize the project's significant impacts (CEQA Guidelines §15126.4(a)(1)), an EIR need not identify and discuss or analyze in detail mitigation measures that are infeasible (see MR 4, Feasible Mitigation). (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App. 4th 200, 245; *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal. App. 4th 316, 351.) Similarly, an EIR need not include an infeasible alternative within the reasonable range of alternatives evaluated in detail (See MR 5, Alternatives). Feasible "means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines §15364.)

While zero emission technologies are promising, zero emission trucks and ZECMS have not yet proven, through demonstration and evaluation, to be feasible in port operations. As discussed below, the Port as lead agency has determined that ZECMS and zero emission trucks are infeasible. However, recognizing the potential future promise of ZECMS, the RDEIR includes a mitigation measure that zero-emissions technology advancements be implemented, when proven to be feasible, upon a five-year review (MM AQ-9) and /or substituted for other equivalent new technology (MM AQ-10). Furthermore, the EIR includes as a project condition (PC AQ-11), a zero-emissions technology demonstration program that establishes goals and periodic review every two years leading to the advancement and eventual deployment of zero emission technologies. See RDEIR Table 3.2-37.

The *Status Report of Zero Emission Technologies (TIAX, 2011)*, prepared for the ports of Los Angeles and Long Beach, examined the state of current zero emission technologies and outlined a reasonable, programmatic approach to commercialization, based on thorough demonstration and evaluation. The report concludes that a two-phase demonstration approach to commercialization is needed. The first phase would be a small-scale (one to three units) demonstration to test basic technical performance. This would be followed by the second phase consisting of a broader, large-scale (ten to twenty units) demonstration to assess how the technologies fit into existing operations on a multi-unit basis.

To date, no zero emission technologies that meet the ports' need for container transport have completed a small-scale demonstration, and thus zero emission technologies are considered technologically infeasible. The ports currently have two zero emission truck demonstration projects underway - one battery plug-in truck and one hydrogen fuel cell hybrid truck. In June of 2012, the battery plug-in truck was tested on a dynamometer using a port specific duty cycle at University of California Riverside's Center for

1 Environmental Research & Technology (CE-CERT). The test provided a baseline for
2 future improvements. Since the dynamometer testing, the battery powered truck has been
3 tested using empty and fully loaded containers that were loaned to the port for these tests.
4 In this testing the unit has accumulated approximately 250 hours of use, but it has not yet
5 been put into commercial drayage service.

6 The hydrogen fuel cell powered truck has been used in isolated tests. One test, at a
7 facility in Commerce, CA, included picking up fully loaded containers and travelling
8 over a 6% grade. Another test was done by a national retailer picking up containers,
9 traversing the Vincent Thomas Bridge, and delivering them to distribution centers.

10 Both technologies have been promising in initial use and additional hours of usage are
11 currently being accrued. However, these isolated tests do not provide enough data points
12 to constitute a completed small scale demonstration. A small scale demonstration would
13 consist of approximately one year (up to eighteen months if durability is questionable) of
14 continuous demonstration to fully assess the technical capabilities and reliability of each
15 technology. As stated in the TIAX report (TIAX, 2011, p.21) "...the lack of a real-world
16 demonstration over an extended period of time makes it impossible to assess the viability
17 of these technologies in drayage operations. For these reasons, it is not possible in this
18 report to estimate the timing of large-scale commercial viability for this vehicle without
19 further information and testing."

20 The report *Technologies, Challenges & Opportunities I-710 Corridor Zero Emission*
21 *Freight Corridor Vehicle Systems* (CALSTART, 2012), is cited in several comments as a
22 recent analysis to support the technical feasibility of implementing zero emission truck
23 technologies in the I-710 Corridor project. The report includes a high level preliminary
24 assessment of some potential technologies that may be able to serve the I-710 corridor by
25 2035. The citations generally state the possibility of zero emission technologies being in
26 production before 2035 and even potentially within five to ten years. The CALSTART
27 report also identifies several challenges that need to be overcome before
28 commercialization can be achieved. These challenges were generalized into three
29 categories: Design Factors, Costs, and Economic/Business Case. Specific points raised
30 by one of the commenters are:

- 31 • "Provided there is a strong focus on the commercialization process, this assessment
32 finds commercial viability could occur well before 2035, indeed within the next
33 decade." This comment is speculative and is contingent upon the trucking industry's
34 "strong focus" on commercializing zero emission technologies. The report does not
35 provide a definitive timeline for commercialization.
- 36 • "A "dual mode" or "range extender" Hybrid Electric Vehicle (HEV) with some EV-
37 only capability was seen as the most feasible solution..." Dual mode and hybrid
38 trucks are options the ports are examining as potential zero emission options.
39 However, there are currently no technologies with these capabilities that are being
40 demonstrated, therefore the technologies are not mature enough to include as a
41 mitigation measure.
- 42 • "A ZE truck to serve the I-710 freight corridor (in Alternatives 6B or 6C) is fully
43 technically feasible and can be based on vehicle architectures and designs already in
44 prototype status..." As discussed above, the Port has been active in funding
45 demonstration projects for zero emission trucks. While the technologies have had
46 some success in initial testing, this has been on a limited test basis and there is not
47 enough definitive data to determine if a technology is commercially ready for

1 deployment. Throughout the document, the CALSTART report outlines several
2 development steps that must be achieved before any of the technologies examined
3 can be fully commercialized. The report states that “It is not advisable to jump
4 directly to the desired outcome because competing technologies must be evaluated,
5 tested, proven, and commercialized. The commercialization process for a complex
6 product like a Class 8 truck includes significant engineering and development work,
7 including demonstration and validation of early prototypes, building a small number
8 of pre-production vehicles, and constructing a business case for moving to full
9 production – over the course of several years.” (p. 4) This supports the Port’s desire
10 to fully test technologies before deployment.

- 11 • “A dual-mode hybrid or range-extended hybrid (possibly using a natural gas engine)
12 with some engine-off driving capability (hence zero tailpipe emissions) coupled with
13 corridor-supplied electrical power (lowest risk is believed to be a catenary system)
14 was overwhelmingly identified as the most feasible system in the 5-year time frame”
15 and “Development timelines run from near term demonstrations within eighteen
16 months to three years, to the potential for production in as few as five years.”
17 However, there currently no demonstration projects underway. Without any
18 demonstrations a five year timeframe is speculative. The five year time frame would
19 again be contingent on the trucking industry’s focus on zero emission technologies
20 and funding assistance to speed development, validation and deployment as described
21 in the CALSTART report (p. 31).
- 22 • “Based on interview responses, technology is not considered a barrier to a zero-
23 emission freight truck. Fundamental research and development is not required.
24 Additional development and demonstration of systems and system integration, and on
25 fielding and validating prototype vehicles, would be valuable.” This supports the
26 Ports intent to fully demonstrate and validate the performance of new technologies in
27 this duty cycle. The CALSTART report also states “It is not advisable to jump
28 directly to the desired outcome because competing technologies must be evaluated,
29 tested, proven, and commercialized. The commercialization process for a complex
30 product like a Class 8 truck includes significant engineering and development work,
31 including demonstration and validation of early prototypes, building a small number
32 of pre-production vehicles, and constructing a business case for moving to full
33 production – over the course of several years.”
- 34 • “The report also noted the need to establish an economic case for a zero-emission
35 corridor and its vehicles, including incentives, inducements and potential regulations.
36 CALSTART recommended that developing this structure for a zero-emission freight
37 corridor should be conducted in parallel with technology demonstration as soon as
38 practicable. (Page 33).” Through actions and commitments the Port can catalyze the
39 development of zero emission technologies but it is unrealistic for the Port to solely
40 be expected to drive the market for zero emission trucks. In 2011, approximately
41 171,358 Class 8 trucks were sold in the United States. A conservatively sized fleet of
42 approximately 1,000 to serve the SCIG project would account for less than one
43 percent of the national sales. It is not anticipated that isolated projects with specific
44 duty cycles would be enough to individually drive a market for zero emission trucks.
45 The CASTART report identifies regulation as a potential driver for the technology;
46 however, “Regulations may force some users to adopt certain technologies but
47 regulations alone may not create a large enough market base to support an OEM
48 program.” (p.28)

1 The CALSTART report also identifies economics/business case as a challenge that needs
2 to be overcome before commercialization can be achieved. There is a high capital cost
3 associated with purchasing zero emission trucks. In some cases, electric trucks can be
4 more than triple (\$100,000 to \$300,000+) the cost of a diesel truck. There may also be
5 operational cost increases if battery swapping or charging downtime is required. A full
6 economic analysis considering the current business model must be conducted prior to
7 determining that zero emission technologies are feasible. The drayage trucking industry
8 has recently made a large investment to comply with the Clean Truck Program. There
9 are currently over 13,000 trucks in the Port Drayage Truck registry that meet or exceed
10 EPA 2007 emission standards. At approximately \$100,000 per truck, this represents an
11 investment of approximately \$1.3 billion by the trucking industry. Including a new
12 mitigation measure that requires up to triple that investment so soon after a major
13 industry investment is not economically practical and therefore infeasible at this time.

14 It is imperative to the port, its customers, and public safety that technologies be fully
15 demonstrated and evaluated before being considered feasible to be implemented at the
16 scale requested by commenters, which is to convert the drayage truck fleet and cargo
17 movement operations to 100% zero emissions. Paper studies can be useful; however, real
18 world, in-use data is essential, particularly when deploying technologies on public roads.
19 There are many operational concerns, such as charging/fueling and maintenance that need
20 to be examined prior to full deployment into the fleet. Additionally, durability, loss of
21 power potential, and safety need to be monitored through testing before stakeholders
22 commit to large capital investments. The amount of existing data in these areas is
23 extremely limited. Furthermore, without the completion of the real world fleet testing
24 with full loads and full duty cycles, including longer term mechanical service and
25 reliability, over a sufficient demonstration period, a system that later proved to be
26 unreliable would result in disruption and delay of cargo flow and trade at the San Pedro
27 Bay ports. The technology of heavy-duty electric drive engines with the potential for
28 zero emissions has advanced greatly in recent years. The Port of Los Angeles has been a
29 leader in developing and testing zero-emission, heavy-duty trucks and has sent a clear
30 message to technology providers that zero emission technologies are needed as soon as
31 practicable.

32 In 2006, the Port co-funded, with AQMD, the world's first plug-in, battery-powered
33 heavy-duty truck prototype. Subsequently, the Port, together with the Port of Long
34 Beach, through the Technology Advancement Program (TAP), has funded a hydrogen
35 fuel cell/battery hybrid. The TAP is currently considering several other zero-emission,
36 heavy-duty truck technologies.

37 In July 2011, at a joint meeting with the Harbor Commissions of both ports, staff
38 presented the *Roadmap to Zero Emission Technologies* (POLA & POLB, 2011). This
39 document, prepared by the two ports, expresses the ports' commitment to zero emission
40 technologies by establishing a reasonable framework for future identification,
41 development, and testing of non-polluting technologies for moving cargo.

42 As part of the Port's Five-Year Strategic Plan adopted by the Board of Harbor
43 Commissioners in April 2012, the Port included an initiative to develop an action plan
44 with a goal of 100% of the truck moves to proposed and existing near-dock rail yards
45 by zero-emission trucks by 2020. These actions make the Port's intent with and
46 commitment to zero-emission, heavy-duty trucks abundantly clear.

1 Commenters have stated that zero emission truck technologies can be commercialized by
2 2016 and have identified potential zero emission truck technology configurations that can
3 be used for the SCIG project. Based on the information available at this time, that
4 determination is speculative (see above analysis). There is no substantial evidence that
5 they will be commercialized for port needs by that time, nor is there any way to guarantee
6 such an achievement. As discussed above and detailed in PC AQ-11, a programmatic
7 approach to demonstration and commercialization must be completed before technologies
8 can be viewed as commercially available. The Port's Technology Advancement Program
9 (TAP) serves as the catalyst to identify, evaluate, and demonstrate new and emerging
10 technologies applicable to the port. The ports regularly meet with technology developers
11 in order to stay informed about new and emerging technologies that may provide some
12 options for reducing emissions from port operations. Furthermore, annual status reports
13 on the TAP's completed and ongoing projects are provided on the TAP website at
14 <http://www.cleanairactionplan.org/programs/tap/default.asp>. Recommendations from the
15 TAP are taken to the port's Boards of Harbor Commissioners when selecting and funding
16 projects.

17 One commenter identifies four potential technology options for zero emission trucks: 1)
18 battery-electric trucks, 2) fuel cell trucks, 3) hybrid-electric trucks with all-electric range,
19 4) and zero emission hybrid or battery-electric trucks with "wayside" power. None of
20 these technologies has completed the two levels of demonstration recommended by the
21 TIAX report (*TIAX, 2011*) nor has any been proven for full-scale implementation,
22 including the commercialization which would follow such demonstrations. No electric or
23 hydrogen hybrid technology has been adequately demonstrated. Demonstration projects
24 for hybrid electric trucks with all electric range and zero emission hybrids with wayside
25 power capabilities have conceptually been discussed, but there are no planned prototype
26 or demonstration projects at this time. Accordingly, none of the four options is
27 considered feasible at this time.

28 A commenter states that the *Zero-Emission Catenary Hybrid Truck Market Study*
29 prepared by Gladstein, Neandross & Associates in March 2012 (Gladstein, Neandross &
30 Associates, 2012) identifies transport between the ports and near-dock railyards as a
31 potential market that could use overhead catenary systems. The port has had ongoing
32 discussions with AQMD on a potential demonstration project for a catenary system. This
33 is also being discussed as a potential project through the Zero Emission Truck Regional
34 Collaborative, which is made up of the Port of Los Angeles, Port of Long Beach,
35 SCAQMD, Metropolitan Transportation, Caltrans, Southern California Association of
36 Governments and Gateway Cities Council of Governments. The Regional Collaborative,
37 with SCAQMD as the lead agency, prepared and submitted an application for grant
38 funding to help offset the cost of a demonstration of an overhead catenary system. The
39 project however was not selected for funding. As funding and project details are being
40 worked out, there is currently not a project in place. A catenary system would also need
41 to be fully demonstrated before being considered a commercially viable option.

42 One commenter points out that the I-710 Corridor EIR/EIS analyzes two proposed
43 alternatives that include a zero emissions freight corridor, and claims, therefore, that the
44 SCIG RDEIR should also include zero emissions transport as an alternative to the
45 proposed Project. Section 2.3.4 of the I-710 Corridor Draft EIR/EIS describes the two
46 alternatives, Alternatives 6B and 6C, as restricting the freight corridor to zero emission
47 trucks. However, mere evaluation of these alternatives in another EIR/EIS does not make
48 them feasible for this RDEIR. In fact, the Draft EIR/EIS itself acknowledges that "The

1 commercial viability of these types of trucks will be assessed over the next several years
2 as part of demonstration projects being developed by local agencies such as SCAQMD,
3 the Ports and Metro. Although zero-emission trucks are currently in limited use,
4 development and deployment of this technology involves the following four steps: (1)
5 Research and development; (2) Technology development and demonstration; (3) Pre-
6 production deployment and assessments; and (4) Early production deployments.” As a
7 funding partner in those efforts, the Port supports accelerating zero emission technologies
8 through the mitigations and project condition recommended for this EIR and other
9 commitments as described above. However, similar to the conclusions described in the I-
10 710 Corridor Draft EIR/EIS, a programmatic approach to demonstration and
11 commercialization must be completed before zero emission technologies can be viewed
12 as commercially available and feasible as discussed above.

13 According to Metro’s latest status update on their website (LA Metro, 2013), the Metro
14 project team will work with the advisory committees and corridor stakeholders to identify
15 a preferred alternative and further refine the public participation process for this next
16 phase of the project. The Corridor Advisory Committee (CAC) will continue to provide
17 feedback on outreach activities and report back to community members and constituents.
18 Although the I-710 Corridor Draft EIR/EIS has been released, the lead agency’s decision
19 is pending and no alternative has been selected. Therefore, it is premature and
20 speculative to assume that either of the zero emissions freight corridor alternatives (6B or
21 6C) will be selected, and it would be similarly premature and speculative to include any
22 assumptions in the SCIG EIR regarding zero emissions trucks utilizing the I-710 corridor
23 in the future year 2035, as was suggested by one commenter. Although an EIR should
24 make reasonable forecasts (CEQA Guidelines §15144) an EIR should not speculate about
25 the effects of contingent future events. *State Water Resources Control Bd. Cases* (2006)
26 136 Cal. App. 4th 674, 797.

27 Another category of ZECMS, based upon the use of rail or other fixed-guideway
28 technologies, such as electric shuttle trains or magnetic levitation systems, was discussed
29 in the RDEIR (Section 5.2.2). That discussion described the various technologies that
30 have been proposed, the evaluation process that the ports and others have undertaken, and
31 the state of development of the various systems. Comments have criticized the RDEIR
32 for not including the GRID (Green Rail Intelligent Design) concept as an alternative.
33 GRID (GRID, 2013) is essentially a variant of the concepts that the ports considered, in
34 the Alternative Container Movement Systems process described in Section 5.2.2 of the
35 RDEIR. An EIR need not consider multiple variations or permutations of the alternatives
36 analyzed in the EIR. (*See, e.g., Sequoyah Hills Homeowners Association v. City of*
37 *Oakland* (1994) 23 Cal.App.4th 704, 713-714.)

38 GRID represents that it consists of three parts: a new type of marine terminal that loads
39 and unloads ships, including direct ship-to-train; an underground pipeline (the “Freight
40 Pipeline”) containing an electrified rail line; and an inland port where containers would
41 be sorted and distributed either to local-bound trucks or to eastbound trains. The system
42 could in theory be deployed to move containers between terminals and a near-dock
43 railyard, or possibly even the downtown railyards, thereby eliminating drayage truck
44 trips. Truck emissions would be reduced in the port area, although the electrical needs of
45 the system would result in displaced emissions near power generating facilities. As with
46 the concepts summarized in the EIR, however, the GRID concept has not been tested in a
47 cargo-handling environment, there is no operational pilot- or demonstration-scale
48 prototype, and the concept has not even undergone the screening analysis of feasibility,

1 economics, and technological feasibility that the concepts discussed in the RDEIR did
2 (Section 5.2.2 of the RDEIR). At this time the GRID concept is just that: a two-page
3 concept on a website. Accordingly, the GRID concept is not a technologically feasible
4 alternative to the proposed Project.

5 **References**

6 TIAX, 2011. "Status Report of Zero Emission Technologies." Prepared for the Port of
7 Los Angeles and Port of Long Beach.

8 CALSTART. 2012. "Technologies, Challenges & Opportunities I-710 Corridor Zero
9 Emission Freight Corridor Vehicle Systems." Report.

10 Port of Los Angeles (POLA) and Port of Long Beach (POLB). 2011. "Roadmap to Zero
11 Emission Technologies."

12 Gladstein, Neandross & Associates. 2012. "Zero-Emission Catenary Hybrid Truck
13 Market Study." March.

14 Los Angeles Metro. 2013. Accessed online at: [http://www.metro.net/projects/i-710-
corridor-project/](http://www.metro.net/projects/i-710-
15 corridor-project/)

16 Green Rail Intelligent Design (GRID). 2013. Accessed online at:
17 http://www.thetransitcoalition.us/grid/images/More_GRID.pdf

18 **2.3.1.8 Master Response 8: Displaced Businesses**

19 The proposed SCIG Project is to be located on a site that would be assembled from
20 property currently owned by the Los Angeles Harbor Department (LAHD) and by private
21 parties, as described in Section 2.4.2.1 of the RDEIR. If the proposed SCIG Project is
22 approved, LAHD would enter into a lease of LAHD-owned properties with the applicant,
23 BNSF. BNSF would be solely responsible for acquisition of all privately owned
24 properties. In that case, a number of businesses would be required to vacate their existing
25 properties as described in Section 2.4.2.1 of the RDEIR. A few commenters have raised
26 concerns about the proposed disposition of existing businesses located on property within
27 the SCIG site footprint. Under the RDEIR, three businesses (the Alameda Corridor
28 Transportation Authority [ACTA] maintenance yard, a portion of California Cartage
29 Company [Cal Cartage] and a portion of Fast Lane Transportation [Fast Lane]) were
30 offered alternate locations; the other businesses were not offered alternate locations.

31 The relocation of the ACTA maintenance yard, and the activities of portions of Fast Lane
32 and Cal Cartage at specific alternate locations were fully analyzed in the EIR for all
33 relevant environmental resource areas including Air Quality (Sections 3.2.4.1, 3.2.4.2,
34 and 3.2.4.3), Noise (Section 3.9.4.3) and Transportation (Sections 3.10.3.3.1 and
35 3.10.3.5.1). The ACTA maintenance yard was analyzed at the identical level of activity
36 in future years as in the baseline year. The activities at the Fast Lane and Cal Cartage
37 alternate locations were analyzed at reduced levels corresponding to the fraction of
38 acreage available at the alternate locations relative to each business' baseline site. All
39 other displaced businesses which were not offered alternate locations were assumed to
40 move to another, unknown location somewhere in the South Coast Region. Because the
41 locations were not known, the displaced businesses were analyzed only for mass
42 emissions impacts. All other impacts were evaluated only qualitatively, as described in
43 more detail below.

Relocation Assistance Not Required Under CEQA, As Mitigation or Otherwise

Some of the commenters requested relocation assistance for businesses that would be displaced from their current locations by the proposed SCIG Project, including requests that the LAHD should offer, find, or acquire alternate locations for those that did not receive such offers of alternate locations, or to provide relocation financial assistance for all businesses, whether offered alternate locations or not.

One commenter described this request for business relocation assistance as required “mitigation” of the impacts of the proposed Project. As explained below, the commenter is wrong: under CEQA, there is no obligation to provide relocation assistance or to mitigate economic impacts when there is no significant physical effect on the environment. The commenters have described economic or business concerns, but have not described any significant environmental effects of the displacement of business. From the comment letters it appears that the main concerns are the need for assistance to find suitable alternate business sites and/or to pay for relocation costs.

As is discussed in more detail below, the RDEIR did fully assess the environmental impacts of displaced businesses by including their activities within the baseline, Project and alternatives impact analyses, particularly air quality, noise, and traffic but including all other applicable resource chapters of the RDEIR. However, regarding the primarily economic or business concerns to find and fund alternative locations under CEQA and the CEQA Guidelines, economic effects without any demonstrated physical effect on the environment are not environmental impacts and need not be discussed in an EIR. (Pub. Res. Code §21080(e)(2); CEQA Guidelines §§15064(e), 15064(f)(6), 15358(b), and 15382.) Commenters have not submitted any evidence that relocation assistance would avoid or substantially lessen any of the Project’s significant environmental effects. Therefore, there are no significant impacts related to the relocation assistance issue, there is no requirement of relocation assistance as mitigation under CEQA, and the RDEIR fully complies with CEQA.

Relocation Assistance Not Required Under LAHD Leases and Permits

In addition to there being no requirement of relocation assistance under CEQA, there are also no legal obligations for relocation assistance under LAHD leases or permits for those businesses located on LAHD property. All of the existing businesses currently located on LAHD property are occupying their sites under leases that already are expired or are soon to expire, or on revocable permits terminable upon specified, relatively short notice. Therefore, by the giving of legal notice within the appropriate notice periods, it is within LAHD’s legal right to terminate the holdover status of the already expired leases and to revoke the permits of those on revocable permits.

There is also no legal requirement that LAHD relocate any businesses under expired leases or revocable permits. Cal Cartage and L.A. Harbor Grain (Mortimer and Wallace) are tenants under expired leases on holdover status. LAHD’s leases with Cal Cartage (LAHD Permit No. 2069) and L.A. Harbor Grain (LAHD Permit No. 752) both contain specific language including the affirmative obligation of the tenants to pay for their own relocation at their own expense: “Upon the expiration of the term of this Agreement, if no new agreement is entered into, Tenant is obligated to relocate its business at its own expense and to vacate the premises as provided for herein and no relocation expenses will be paid by City.” (Section 8(f) in both Permit No. 752 and Permit No. 2069) The Cal

1 Cartage lease also includes a waiver of relocation assistance: “Parties understand and
2 agree that nothing in this Agreement shall create any right for relocation assistance.”
3 (Permit No 2069 Section 11(o).) All other LAHD tenants are under Revocable Permits,
4 which are revocable in the discretion of either party upon 30 or 60 days’ notice. The
5 Revocable Permits have general standard language regarding no liability due to
6 termination of a permit: “The right of Executive Director to revoke this Permit is and
7 shall remain unconditional. Neither City, nor any board, officer or employee thereof,
8 shall be liable in any manner.”

9 **Relocation Assistance Not Required under Relocation Assistance** 10 **Law**

11 Even in the absence of lease/permit language regarding waiver of relocation rights, there
12 is no relocation assistance (California Relocation Assistance Law, Govt. Code § 7260 et
13 seq.) available to the LAHD tenants in this situation. Relocation assistance is only
14 available to tenants who are displaced because of a municipality’s acquisition of property
15 for a public project, not in a situation where the municipality already owns the
16 property. Privately owned properties are planned or will be directly acquired in private
17 sale transactions by the applicant, BNSF, which would not be subject to relocation
18 assistance under the California Relocation Assistance Law. (Govt. Code § 7260)

19 **Concerns about Businesses Offered Alternate Locations**

20 As stated above, LAHD has offered alternate sites to three businesses located on property
21 owned by LAHD: the ACTA Maintenance Yard, a portion of Cal Cartage, and a portion
22 of Fast Lane. LAHD could provide ACTA with four acres of vacant LAHD property for
23 relocation of the ACTA maintenance yard. That would result in a maximum of
24 approximately 14.5 acres of the current ACTA maintenance yard made potentially
25 available for businesses displaced by the proposed SCIG Project. LAHD proposed that
26 approximately 10 acres of the 14.5 acres could be provided to Cal Cartage and 4.5 acres
27 could be provided to Fast Lane Transportation as alternate business sites. Further, if the
28 ACTA property is deemed undesirable as an alternate business site(s) by Cal Cartage or
29 Fast Lane, the ACTA maintenance yard could remain at its current location or the
30 property could be made available to any of the other businesses dislocated by the
31 proposed SCIG Project.

32 Some commenters have stated that these businesses may not actually move to these sites.
33 Despite request from LAHD, none of the businesses has confirmed an interest in or
34 commitment to move to any of the offered sites. Therefore, for the purposes of an
35 analysis of the impacts of these businesses, the RDEIR assumed that these businesses
36 would move to the proposed locations. This does not mean that they actually must or
37 will move to such locations, but that for the purpose of analysis the lead agency made
38 such assumptions. Because it is difficult to precisely forecast future actions, the DEIR
39 and RDEIR has based the analysis on reasonable assumptions. (*State Water Resources*
40 *Control Bd. Cases* (2006) 136 Cal. App. 4th 674, 797.) An EIR is allowed to “make
41 reasonable assumptions based on substantial evidence about future conditions without
42 guaranteeing that those assumptions will remain true.” (*Environmental Council of*
43 *Sacramento v. City of Sacramento* (2006) 142 Cal App.4th 1018,1036).

Concerns about Businesses Not Offered Alternate Locations

Several commenters have urged the LAHD to make Port property available to the displaced businesses. As explained above, making Port property available is not a CEQA mitigation measure, and the LAHD has no legal obligation to do so.

There are insufficient LAHD-owned properties available within the proposed Project vicinity to accommodate all businesses whose operations would be displaced by the proposed Project. A likely scenario would be that a majority of the potentially displaced businesses would move to sites not owned by LAHD, based on their own business relocation plans, and operate at similar activity levels as on their existing sites. In 2009, LAHD sent requests for information to certain tenants and businesses on the project site to determine potential sites they would move to as part of their own business plans; however, no responses with site-specific information were received. Accordingly, the EIR does not include an analysis of specific locations to which tenants would move because that would be speculative under CEQA. (*State Water Resources Control Bd. Cases* (2006) 136 Cal. App. 4th 674, 797; CEQA Guidelines §15144.) Instead, it provides a qualitative description of the environmental issues that would be involved in any such relocations, pointing out that tenants would likely move to properly zoned sites in the general port area and that CEQA analyses of potential impacts would be performed by the agencies having jurisdiction over those sites. However, the RDEIR did include these tenants in its mass emissions analysis performed under AQ-3 in Section 3.2.4.3 and its GHG emissions under GHG-1 in Section 3.6.4 because those analyses do not require the specific locations of business sites. No such analysis could be performed for health risk, noise, traffic, and other resource areas because those analyses would require the identification of specific sites. Mass emissions can be evaluated and included in the analysis of CEQA impacts because it is reasonable to assume that these emissions would take place somewhere within the South Coast Air Basin for purposes of evaluating criteria pollutants, or somewhere within the State of California boundaries for greenhouse gases. Health risk, noise, and traffic impact analyses require knowledge of the specific locations where these businesses would relocate in order to evaluate the location of nearby sensitive receptors, the specific roadways that vehicles traveling to and from these sites would use, the intervening topography and many other site-specific data that are not available.

Job Loss

Many commenters have alleged that if the SCIG project is built, there would be job losses from existing businesses that would be displaced or that would move to the alternate sites being offered as part of the proposed Project. As discussed in the RDEIR, this allegation is not correct (see Chapter 7 of the RDEIR, Socioeconomics and Environmental Quality). In any event, this issue is not relevant to the adequacy of the document. Under CEQA and the CEQA Guidelines, economic effects without any demonstrated physical effect on the environment are not environmental impacts and need not be discussed in an EIR. (Pub. Res. Code §21080(e)(2); CEQA Guidelines §§15064(e), 15064(f)(6), 15358(b), and 15382.) Commenters have not submitted any evidence that physical impacts to the environment will result if potential job losses occur. (Pub. Res. Code §21080(e)(2)). Accordingly, the analyses in the RDEIR comply with CEQA. The response below addresses individual comments received on the RDEIR pertaining to job losses.

As noted in Chapter 7 of the RDEIR (Section 7.2.1), the logistics sector of the economy within the Southern California region, including trade, transportation, and utilities, is

1 strongly linked to international trade. The logistics sector provided about 1.2 million jobs
2 to the Southern California region's economy in 2010, or one in seven in the region. More
3 recently, international trade related employment provided over 516,600 jobs in the five-
4 county region in 2011 (see Chapter 7 Section 7.3.1.2 of the RDEIR). As trade volumes
5 grow as forecasted for the ports of Los Angeles and Long Beach, overall employment in
6 port-related operations will also continue to grow.

7 The Project site is currently occupied by seven businesses. In previous comments,
8 commenters have asserted that these businesses collectively provide direct employment
9 for over 1,700 people. As described in Chapter 7 Section 7.3.1.2 of the RDEIR, the
10 nature of the jobs at these businesses is driven by port trade that would continue in the
11 region. No commenters have provided any substantiation for the assertion that these
12 businesses would cease operations and the employment of workers as a result of moving
13 operations to an alternate site. Further, any job or business loss that might occur as a
14 result of SCIG would be replaced by other competing businesses that provide similar
15 services. Accordingly, displacement of the port-related businesses on the Project site
16 would not result in a permanent loss of jobs in the region or result in cargo diversion to
17 other port complexes from businesses moving out of the region.

18 With regard to specific businesses, several comments assert that California Cartage
19 cannot operate any of its transload business on the 10-acre alternate site described in the
20 RDEIR. Those comments also state that this transload business would move to alternate
21 locations outside of the region. Similarly, comments assert that Three Rivers Trucking
22 would move all of its operations to the Port of Oakland, resulting in direct job losses and
23 losses of opportunities for independent trucking contractors.

24 These assertions are not correct. California Cartage and Three Rivers Trucking are only
25 two of the many drayage companies at the Ports. If these businesses moved out of the
26 region, cargo would not be diverted because these businesses do not have control over the
27 routing of the cargo, and are not the sole providers of their services to the beneficial
28 cargo owners. The routing of cargo is governed by the decisions of beneficial cargo
29 owners seeking to minimize time and costs to market and to optimize their supply chains.

30 The Port of Los Angeles' Clean Truck Program (CTP) requires all licensed motor carriers
31 that move cargo in and out of the Port terminals have a Drayage Concession Agreement
32 with the Port and all trucks driving under its authority registered in the Port's Drayage
33 Truck Registry. The great majority of drayage truck drivers hauling cargo are
34 "Independent Owner Operator" (IOO) drivers (Boston Consulting Group, 2008; Monaco,
35 2008). The Ports' experience with the CTP is that IOO drivers are not limited to one
36 trucking company, and if necessary they will move cargo for other trucking companies if
37 the one(s) they work for lose contracts or go out of business. The drayage trucking
38 business at the ports of Los Angeles and Long Beach (ports) is very competitive. Before
39 the implementation of the CTP in 2008, there were more than 2,500 trucking companies
40 providing drayage services at the ports' marine terminals. Over the last four years, with
41 the phase-in of the truck ban and concession requirements under the CTP, the market
42 structure of the drayage business has undergone noticeable change, mainly through
43 consolidation of trucking companies. As a result, there are now only approximately 600
44 trucking companies that service the port on a monthly basis, while cargo volumes have
45 nevertheless steadily increased from 2008 levels (POLA, 2012). Currently under the
46 CTP, truck drivers or IOOs are allowed to drive trucks for several companies, and there
47 are many trucks in the Port's Drayage Truck Registry that are associated with more than
48 one trucking company. Further, when a trucking company goes out of business, the truck

1 drivers are often presented with either IOO opportunities or employee jobs to drive for
2 another company, and the cargo being moved by an outgoing company is absorbed by the
3 remaining trucking companies that service the Ports, rather than being diverted to another
4 port. Choice of destination port is based upon the cargo's destination, the cost of
5 transport, and speed, and not on the identity of a particular trucking company.
6 Accordingly, when a trucking company goes out of business there is no evidence of cargo
7 diversion or job loss.

8 One comment asserts that San Pedro Forklift represents the largest fumigation company
9 for servicing imports and exports in the region. That is not the case. San Pedro Forklift's
10 permit for the premises within the SCIG site is for 10,000 metric tons of fumigant. A
11 contractor at Berth 55 at the Port of Los Angeles that provides fumigation services has a
12 permit on file for 45,000 metric tons of fumigant. That contractor is the largest in the
13 area, but there are at least four other fumigation companies in the port area that provide
14 the same type of business as San Pedro Forklift. As such, any job losses related to San
15 Pedro Forklift would be replaced by competing businesses that provide similar services,
16 and would not result in a permanent loss of jobs in the region.

17 L.A. Harbor Grain is the only major transloader of grain and other bulk agricultural
18 commodities near the Ports with rail access. Rail access is required to handle agricultural
19 commodities as most of them come from the Midwest. However, there is a proposal to
20 construct a 10-acre facility at Pier T at the POLB to handle exports of grain and related
21 product (POLB, 2013). Another proposal under consideration with rail access that would
22 allow for grain exporting is in Shafter, California (Journal of Commerce, 2011). In the
23 event LA Harbor Grain is forced out of business for inability to secure another site, La
24 Harbor Grain has asserted that there would likely be a loss of 50 full time jobs and 30
25 owner/operators, as identified in Comment Letter R77 on the RDEIR. However, because,
26 this loss of jobs would not result in a physical impact to the environment, there is no
27 requirement under CEQA to analyze this issue in the EIR.

28 **References**

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39

40

2.3.1.9 Master Response 9: Health Impact Assessment

Introduction

Commenters have suggested that the LAHD should conduct a “Health Impact Assessment (HIA)” and that the Recirculated DEIR was not adequate by its failure to include one. Such comments include:

- HIA was requested to be done at the public scoping meeting and was not included in the DEIR or RDEIR.
- Commenters request an HIA to further study the following topics already analyzed in the DEIR and RDEIR: air quality, cancer, employment and income (socioeconomics), environmental justice, housing (socioeconomics), mortality and premature death, health risk assessment, noise including sleep disturbance and classroom speech intelligibility, safety (hazards), scenic quality (aesthetics), public services, transportation.
- Commenters request an HIA to study the following additional topics not covered in the DEIR or RDEIR: community’s access to goods and services, access to parks, annoyance (“a feeling of displeasure associated with any agent or condition known or believed by an individual or a group to be adversely affecting them”), asthma, autism, birth defects, birth outcomes including pre-term births and low birth weights, bronchitis, cardiovascular disease, chronic obstructive pulmonary disease, diabetes, health care cost, hypertension, learning and educational performance, leukemia, lymphoma, myocardial infarction, neurological problems, respiratory diseases, roadway proximity, sinusitis, social networks, speech and language, stress.
- HIA should be done and identify hot spots around the proposed project, including schools, churches, parks, residences and small businesses.
- HIA and public health survey should be done to determine a baseline of current public health impacts of the Port and the proposed Project’s increase in public health problems.
- Commenter requests that the I-710 HIA done for the Gateway Cities Council of Governments Air Quality Action Plan be included in the analysis and made by reference a part of the public record for the SCIG RDEIR.
- HIA would result in more mitigation that should include public health clinics being built in the near-port communities.
- Commenter submitted its own HIA expert report that concluded HIA is better than HRA.

Before responding to these comments, a definition of HIA is necessary, as there are many various definitions of what an HIA is and no singular established guidance on how to conduct one. As described by the World Health Organization, a health impact assessment is: “A combination of procedures, methods, and tools by which a policy, programme, or project may be judged as to its potential effects on the health of a population, and the distribution of effects within the population.” (WHO, 1999) Although there is no one official interpretation or established guidance on how to conduct an HIA, HIA literature generally describes component steps of HIA as including, screening, scoping, assessment, recommendations, reporting, monitoring and evaluation. (National Research Council, 2011).

1 The detailed discussions of these issues below demonstrate that the RDEIR properly
2 analyzes the health impacts of the Project by considering those changes to the physical
3 environment that would result from implementation of the Project, and therefore, that the
4 analysis in the RDEIR is consistent with CEQA requirements and the requested
5 additional analysis of an HIA is not required.

6 In summary, the LAHD responds that: (1) the RDEIR includes a robust Health Risk
7 Assessment (HRA) of Project health risk impacts that exceeds industry standards for a
8 CEQA document; (2) the RDEIR also contains a comprehensive assessment of other
9 health-related impacts of the Project in various other resource chapters that collectively
10 with the HRA are as or more effective than HIA; (3) there is no requirement under CEQA
11 that a lead agency include an HIA or conduct every study requested by commenters; and
12 (4) the LAHD has established, funded and participated in an extensive amount of
13 community programs, financial assistance trust funds, and outreach of the type often
14 sought by commenters or the literature as process or outcomes of HIAs.

15 **RDEIR Has Satisfied CEQA Requirements**

16 The RDEIR already adequately analyzes many of the health impacts requested by the
17 commenters to be in an HIA. The RDEIR discloses, in great detail, the environmental
18 impacts of the Project and alternatives, including quantifiable health impacts. The health
19 impacts were determined through assessments that followed rigorous and scientifically-
20 supported methods. These analyses are presented in the RDEIR for the Project and
21 alternatives. Therefore, the RDEIR includes a thorough, science-based health impact
22 analysis of health impacts, and it would not be required or meaningful to additionally
23 include a separate, project-level HIA. The scientific and technical rigor of the approach to
24 EIRs required by CEQA, includes the CEQA requirement that agencies base their
25 environmental assessments on substantial evidence based on fact, or expert opinions or
26 reasonable assumptions predicated on fact, and do not include social or economic impacts
27 that are not caused by physical impacts on the environment by the proposed Project
28 (Public Resources Code §§ 21080(e) and 21082.2(c)). This gives integrity to the health
29 impact analyses in the RDEIR.

30 **Air Quality and HRA**

31 RDEIR Section 3.2 and Appendix C3 of the RDEIR contain a comprehensive, detailed,
32 and adequate HRA that more than meets industry standards for a CEQA document.
33 CEQA requires that an EIR include an analysis that correlates “the identified adverse air
34 quality impacts to resultant adverse health impacts.” *Bakersfield Citizens for Local
35 Control v. City of Bakersfield* (2004) 124 Cal.App.4th, 1184, 1219. CEQA Guidelines
36 §15126.2(a) requires an EIR to discuss “health and safety problems caused by the
37 physical changes....” caused by the project. The RDEIR HRA meets these requirements.

38 In *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th
39 889, 901, the court held that the EIR’s Health Risk Assessment (HRA) contained
40 “sufficient detail to enable those who did not participate in the” environmental review
41 process “to comprehend and meaningfully consider the issues raised by the proposed
42 project and the conclusions” reached by the agency. Consistent with CEQA Guidelines
43 §21151.8, the Los Angeles Unified School District’s HRA considered potential long-
44 term exposures to hazardous emissions generated from all facilities located within one-
45 fourth of a mile of the site that might reasonably emit hazardous or acutely hazardous air
46 including all sources of emissions, such as on-road (vehicle emissions) and off-road
47 (locomotive) mobile sources, stationary sources as well as risks associated with

1 carcinogenic chemicals and non-carcinogenic sources, such as refineries, and gas
2 stations. The RDEIR HRA includes similar analyses, and thus also presents sufficient
3 detail to enable those who did not participate in the CEQA process to understand the
4 health issues and conclusions associated with the proposed Project. The HRA provides
5 sufficient information for decision makers to make a decision which intelligently takes
6 account of environmental consequences. (CEQA Guidelines Section 15151.)

7 Some comments refer to studies showing correlations between air pollution and various
8 health endpoints. The RDEIR (Section 3.2 and Appendix C3) recognized many of these
9 correlations. In addition these comments did not offer specific methodologies that could
10 be used to evaluate the Project's impacts, in a manner that is consistent with rigorous and
11 science-based analytic standards used in the SCIG HRA.

12 The HRA, as presented in Section 3.2 and Appendix C3, examined the cancer risks and
13 the acute and chronic non-cancer health risks associated with the Project on the local
14 communities. The HRA is based on procedures developed by public health agencies,
15 most notably the California Office of Environmental Health Hazards Assessment
16 (OEHHA).

17 Health risks are analyzed for five different receptor types: residential, sensitive (elderly
18 and immuno-compromised), student, recreational, and occupational. Health risks are
19 reported over geographical areas (for example, the HRA includes cancer risk isopleths to
20 illustrate risk patterns in the communities). In response to a comment requesting an HIA
21 to address hot spots around the proposed project, including schools, churches, parks,
22 residences and small businesses, LAHD responds that the RDEIR's health risk
23 assessment modeling utilized a fine receptor grid in the vicinity of the Project site to
24 capture health risk impacts to nearby sensitive receptors.

25 Some commenters have stated that the HRA only studies cancer risk. The commenters
26 are incorrect, as the HRA assesses non-cancer impacts to a variety of acute and chronic
27 exposure target organs. As is explained in RDEIR Section 3.2 and Appendix C3, the
28 HRA assesses acute and chronic non-cancer health impacts (HIs) by calculating a "hazard
29 index" which is then tied to OEHHA standards. HI's are set to provide a measure of how
30 the project's toxics exposure compares to "reference exposure levels" or RELs. RELs are
31 set so that the average person exposed to concentrations at the REL does not suffer
32 adverse health effects. The types of adverse health effects associated with different air
33 toxics vary by the chemical. Appendix C3, Table C3-5-1 lists the organs or systems of
34 the body affected by each of the toxics analyzed the following acute and chronic
35 exposure target organs: Alimentary Tract, Respiratory System, Cardiovascular System,
36 Skin, Developmental System, Bone, Eye, Endocrine System, Hematologic System,
37 Kidney, Immune System, Nervous System, Reproductive System. More details can be
38 found from the master table maintained by OEHHA on various toxics (OEHHA, 2012).

39 In addition to the HRA, the RDEIR also evaluated mortality and morbidity from PM
40 exposure in accordance with its protocol Methodology for Addressing Mortality and
41 Morbidity in Port of Los Angeles CEQA Documents (POLA, 2011). (RDEIR Section 3.2,
42 Impact AQ-7.) The methodology generally follows the approach of California Air
43 Resources Board's (CARB's) Proposed Emission Reduction Plan for Ports and Goods
44 Movement in California (2006) and Methodology for Estimating Premature Deaths
45 Associated with Long-term Exposure to Fine Airborne Particulate Matter in California
46 (2008). The specific health effect endpoints that are evaluated include:

- 47 • Hospital admissions for chronic obstructive pulmonary disease,

- 1 • Hospital admissions for pneumonia,
- 2 • Hospital admissions for cardiovascular disease,
- 3 • Acute bronchitis,
- 4 • Hospital admissions for asthma,
- 5 • Emergency Room visits for asthma,
- 6 • Asthma attacks,
- 7 • Lower respiratory symptoms,
- 8 • Work loss days, and
- 9 • Minor restricted activity days

10 In accordance with the Port's methodology and the South Coast Air Quality Management
11 District's (SCAQMD's) significance thresholds, census blocks lying partially or
12 completely within the Project increment 24-hour $PM_{2.5}$ $\mu g/m^3$ concentration isopleth were
13 identified (see Section 3.2 and Appendix C3). All census blocks were found to be located
14 in industrialized areas, and aerial images did not show any residential structures.
15 Although census data identified one of the census blocks as having a residential
16 population, on the ground observations established that these census blocks are used
17 solely for industrial purposes. Because no residential populations inhabit the impacted
18 census blocks, the Project is not expected to have an impact on PM-attributable morbidity
19 or mortality.

20 The RDEIR determined the health impacts of the Project through recognized and well-
21 established protocols, and therefore, it would not be required or meaningful to include a
22 separate, project-level HIA.

23 **Noise**

24 The RDEIR includes a detailed noise analysis in Section 3.9. The analysis evaluates
25 existing and future noise conditions at nearby sensitive locations in surrounding
26 communities and assesses potential noise and vibration impacts of the Project. Project
27 noise levels are compared to thresholds established by the cities of Los Angeles, Long
28 Beach, and Carson. Thresholds of significance for sleep disturbance and speech
29 interference in classrooms are also considered for this Project in the RDEIR.

30 The RDEIR includes a discussion and provides references for studies linking increases in
31 noise with health effects such as:

- 32 • Hearing impairment,
- 33 • Sleep disturbance,
- 34 • Speech interference,
- 35 • Cardiovascular effects (hypertension, heart disease),
- 36 • Psychophysiological effects, and
- 37 • Potential impacts to fetal development

38 Comments refer to several other studies that show relationships between noise and the
39 above health endpoints; and suggest the use of qualitative methods where quantitative
40 methods do not exist, to evaluate the Project impacts. The studies referenced by
41 commenters mostly support a qualitative relationship between noise and a specific health
42 outcome and do not suggest methodologies for quantitatively assessing project impacts.

1 The RDEIR's qualitative discussion of the health effects of noise increases provided
2 sufficient information for decision makers to make a decision which intelligently takes
3 account of environmental consequences. (CEQA Guidelines Section 15151.) Therefore,
4 it would not be required or meaningful for the RDEIR to additionally include a separate,
5 project-level HIA that includes health impacts from noise. A lead agency is entitled to
6 rely on its own experts' opinions as to what studies and analysis are appropriate to
7 evaluate impacts. (Association of Irrigated Residents v. County of Madera, 107
8 Cal.App.4th 1383,1396-1398.) CEQA does not require a lead agency to conduct every
9 recommended test and perform all recommended research to evaluate the impacts of a
10 proposed project. (Id.) An EIR is not required to perform every analysis requested by
11 concerned persons. (Clover Valley Foundation v. City of Rocklin (2011) 197 Cal.App.4th
12 200, 245.) Disagreement among experts does not make an EIR inadequate. (CEQA
13 Guidelines Section 15151.)

14 **Aesthetics, Environmental Justice, Hazards, Land Use, Public** 15 **Services and Utilities, Socioeconomics**

16 Commenters requested that an HIA be done for the purpose of analyzing scenic quality,
17 safety, environmental justice, housing and employment, public services. The DEIR and
18 RDEIR already contain a robust analysis of these issues by analyzing the proposed
19 Project's effect on the following resources areas:

- 20 • RDEIR Section 3.1 Aesthetics analyzes the effect on visual and aesthetic resources,
21 including degradation of existing visual character or quality of the Project site and
22 its surroundings, light or glare that would adversely affect day or nighttime views,
23 negative shadow effects on shadow-sensitive land uses
- 24 • RDEIR Section 3.7 Hazards analyzes hazards, hazardous materials, accidents, public
25 health and safety, and homeland security issues, including the probable frequency
26 and severity of consequences to people from exposure to health hazards
- 27 • RDEIR Section 3.8 Land Use analyzes land use plans, environmental goals and
28 policies adopted for the purpose of avoiding or mitigating an environmental impact,
29 isolation or division of existing neighborhoods, communities or land uses, and
30 secondary impacts to surrounding land uses
- 31 • RDEIR Section 3.10 Transportation/Circulation analyzes short-term and long-term
32 increases in truck and auto traffic, study intersections' volume/capacity ratios and
33 level of service, SCIG employees' use of public transit, freeway congestion,
34 increases or delays in rail activity or regional rail traffic, hazards due to a design
35 feature, adequacy of emergency access, and effects on adopted policies, plans or
36 programs regarding public transit, bicycle or pedestrian facilities
- 37 • RDEIR Section 6 Environmental Justice analyzes disproportionately high and
38 adverse human health and environmental effects on minority populations and low-
39 income populations
- 40 • RDEIR Section 7 Socioeconomics analyzes the socioeconomic character of the area
41 in the vicinity of the SCIG Project using information regarding employment and
42 earnings, population and housing resources, environmental quality and the effect of
43 urban decay and blight, and the economic effects of Port operations and the Project
- 44 • DEIR Section 3.11 Public Services and Utilities analyze the effect on public services
45 and utilities, including emergency medical services, fire, police protection and public

1 utilities including wastewater, storm drain, solid waste and energy services on and in
2 the vicinity of the proposed Project

3 **No Legal Requirements for HIA**

4 There are no specific legal or regulatory requirements in the United States or California
5 to conduct an HIA. There is no requirement under CEQA that an EIR contain an HIA.
6 Commenters have requested an HIA to include analysis of social, community, economic,
7 and personal health issues that are not related to the physical changes caused by the
8 project. Examples include a request for a public health survey that would survey the
9 community's health concerns generally, and an analysis of the community's access to
10 goods and services, access to parks, annoyance ("a feeling of displeasure associated with
11 any agent or condition known or believed by an individual or a group to be adversely
12 affecting them"), asthma, autism, birth defects, birth outcomes including pre-term births
13 and low birth weights, bronchitis, cardiovascular disease, chronic obstructive pulmonary
14 disease, diabetes, health care cost, hypertension, learning and educational performance
15 leukemia, lymphoma, myocardial infarction, neurological problems, respiratory diseases,
16 roadway proximity, sinusitis, social networks, speech and language, stress. Some
17 commenters have requested that new health impact studies be conducted, or have
18 submitted lists of existing health impact studies they would like incorporated into the
19 RDEIR. Other commenters have submitted expert reports recommending HIAs should be
20 done.

21 However, in determining the contents of an EIR, a lead agency is entitled to rely on its
22 own experts' opinions as to what studies and analysis are appropriate to evaluate impacts.
23 (*Association of Irrigated Residents v. County of Madera*, 107 Cal.App.4th 1383,1396-
24 1398.) CEQA does not require a lead agency to conduct every recommended test and
25 perform all recommended research to evaluate the impacts of a proposed project. (*Id.*) An
26 EIR is not required to perform every analysis requested by concerned persons. (*Clover
27 Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 245.) Disagreement
28 among experts does not make an EIR inadequate. (CEQA Guidelines Section 15151.)

29 For the commenters' requested studies that are not already covered in the RDEIR, some
30 of these commenter concerns are social or economic impacts not caused by physical
31 impacts on the environment (which would therefore not be substantial evidence under
32 Public Resources Code Section 21080(e)), e.g. health care costs. Some of these
33 commenter concerns would be speculative to analyze, e.g., "annoyance," social networks
34 or stress, as they do not have the same scientific and technical methodologies established
35 to measure how a project impacts such health or community concerns. Some commenter
36 concerns may be conditions that may have multiple contributing causes that may or may
37 not include a proposed project and/or no science-based methodology to prove or isolate a
38 project's impacts, e.g. autism, hypertension, educational performance, neurological
39 problems. Specifically, there are questions of data availability, data integrity, scientific
40 and technical methodology, and the definition of thresholds of significance for many of
41 the fields of study requested by commenters that are not already covered in the RDEIR.

42 Under CEQA, an EIR is required to "identify and focus on the significant effects of the
43 proposed project." (CEQA Guidelines §15126.2.) A "project" is defined as "an activity
44 which *may cause* either a direct physical change in the environment or a reasonably
45 foreseeable indirect change in the environment..." (Pub.Res. Code § 21065.) A
46 significant impact typically involves a change in the "existing environment caused by the
47 project." (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108

1 Cal.App.4th 859, 875.) An EIR does not need to resolve existing environmental problems
2 that will not be made worse by the project. (*Watsonville Pilots Ass'n v. City of*
3 *Watsonville* (2010) 183 Cal.App.4th 1059, 1094 [holding that an existing water overdraft
4 problem would remain but not be exacerbated by the project].) “The FEIR was not
5 required to resolve [the existing and not exacerbated] problem, a feat that was far beyond
6 its scope.” (*Id.*) A change which is speculative or unlikely to occur is not reasonably
7 foreseeable.” (CEQA Guidelines 15064(d)(3).) “There is no requirement that an EIR
8 analyze speculative impacts.” (*Friends of Eel River v. Sonoma County Water Agency*
9 (2003) 108 Cal.App.4th 859, 876.)

10 Furthermore, in *Banker's Hill, Hillcrest, Park West Community Preservation Group v.*
11 *City of San Diego* found that a condition not caused by the project, which would exist
12 with or without the project, was not an impact that negated the conclusion that there were
13 no significant impacts to traffic. (*Banker's Hill, Hillcrest, Park West Community*
14 *Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 276.) This is the
15 so-called “but for” provision of CEQA: effects that would not occur but for the Project
16 must be considered as Project impacts, but effects that would occur with or without the
17 Project need not be considered as Project impacts.

18 A project-based HIA cannot evaluate and address public health impacts from the broader,
19 more regional perspective needed to provide a meaningful assessment of the public health
20 issues that commenters have requested to be studied that go beyond what is already
21 analyzed in the EIR. Such a narrow focus overlooks all of the regional contributors to a
22 specific health endpoint (e.g. environmental pollution, related to refineries and
23 manufacturing facilities, would not be accounted for are outside of the Ports' control).
24 As mentioned above, the HIA analysis into these environmental endpoints that are the
25 result of multiple regional contributors often lack scientific and technical methodologies
26 established to measure a project's impact. Specifically, there are questions of data
27 availability, data integrity, scientific and technical methodology, and the definition of
28 thresholds of significance for many of the fields of study requested in an HIA by
29 commenters. When no accepted methodology exists to assess a particular environmental
30 impact, the lead agency may properly conclude that the impact is too speculative to
31 reliably evaluate and is therefore unknown. See *Laurel Heights Improvement Ass'n v.*
32 *Regents of Univ. of Cal.*, (1993) 6 Cal.4th 112,1137.

33 State, county and municipal agencies' Public Health Departments may be the more
34 appropriate agencies for HIA proponents to raise their broader community-wide health
35 issues in a more programmatic, broad regional scale HIA rather than a project-level HIA.
36 For example, a city or county general plan or a public health agency plan on a broader
37 scale could address the kinds of important health issues that the public has expressed
38 concerns about, including access to goods and services, access to parks, annoyance (“a
39 feeling of displeasure associated with any agent or condition known or believed by an
40 individual or a group to be adversely affecting them”), asthma, autism, birth defects, birth
41 outcomes, bronchitis, cardiovascular disease, diabetes, educational performance,
42 employment and income, housing, hypertension, leukemia, lymphoma, myocardial
43 infarction, neurological problems, sinusitis, social networks, stress.

44

Agency Participation

The Port has made an effort, and continues to do so, to learn more about the HIA process, its application in major infrastructure or goods movement Projects, and its potential to positively impact the understanding of public health issues in the San Pedro Bay area. The Port has consulted with a leading HIA firm to gain a better understanding of the process. Additionally, the Port has collaborated with the Southern California Field Office of the USEPA Region IX during discussions to develop a Ports-wide HIA. Furthermore, the Port was a member of the Technical Working Group for the HIA for the I-710 Corridor Project, a major goods movement project.² The City of Los Angeles (City) is working to develop and implement policies to improve the overall health of individuals who live in the City's neighborhoods and communities. The multi-step strategy of the City is to first incorporate health policies into the City's General Plan by developing a Health/Wellness Chapter of the City's General Plan Framework Element (General Plan). (City of Los Angeles, 2012) Once the policies are incorporated into the General Plan, City staff will develop a series of health-based ordinances that target land use changes such as those that promote open space and recreational opportunities, grocery stores and health services, and will limit the quantity of liquor stores and tobacco retailers. The City's efforts are being conducted in collaboration with the Los Angeles County Department of Public Health (DPH), supported by a CDC grant - part of the US Department of Health and Human Services' Community Transformation Grants initiative.

I-710 HIA

Comments request that the HIA for the I-710 Corridor Project be examined to determine if it documents health impacts that are unrecognized and unmitigated in the RDEIR, and that the document be made part of the Public Record for the SCIG environmental review process. The Port was a member of the Technical Working Group for the HIA for the I-710 Corridor Project and observed firsthand a number of issues that are mentioned in the above section entitled "No Legal Requirement for HIA." In November 2011, the I-710 Corridor Project Transportation Committee authorized an independent peer review of the HIA, which was prepared by Human Impact Partners (Oakland, California). The I-710 Corridor Project HIA was submitted to the National Academy of Science for peer review; however a peer review has not been completed (GCCG, 2012). The NAS recognizes that the peer review process "...provides a measure of credibility and legitimacy of findings and is commonly used in applied scientific disciplines to monitor practitioner conformity with established practices."

Considering the Port's concerns about the I-710 Corridor Project HIA and the status of the peer review process, it would be inappropriate to assess the Project in the context of the I-710 Corridor Project HIA. In determining the contents of an EIR, a lead agency is entitled to rely on its own experts' opinions as to what studies and analysis are appropriate to evaluate impacts. (*Association of Irrigated Residents v. County of Madera*, 107 Cal.App.4th 1383,1396-1398.) CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. (*Id.*)

² The I-710 Corridor Project HIA has been submitted to the National Academy of Sciences (NAS) for peer review. Communicated via telephone by Adrian Alvarez, MTA, to James Bahng, POLA, on June 6, 2012.

1 The Port assumes that the request to include the I-710 Corridor Project HIA in the
2 RDEIR “Public Record” is a request to include the document in the RDEIR
3 administrative record. Because it is a readily available document cited in a comment
4 letter, the HIA document will be included in the RDEIR administrative record.

5 **Public Health Surveys**

6 Comments suggest that the RDEIR include an HIA and a Public Health Survey to
7 establish a Public Health Baseline. The assessment stage of an HIA typically includes a
8 baseline conditions analysis in which the baseline for each health endpoint is developed;
9 that baseline is then compared against the expected or predicted change in the endpoint to
10 yield a measure of potential benefit or impact. This type of quantitative analysis is
11 complex, and can require considerable data as well as validated dose-response models
12 that relate changes in the stressor (e.g., particulate matter [PM]) to a change in disease
13 incidence. The types of data and the data metrics used have been variable, and have
14 depended on the goals of the HIA, data availability, and resource availability (funding).
15 (National Research Council, 2011)

16 The RDEIR has determined the incremental health impacts of the Project, and mitigation
17 measures are proposed to reduce those impacts. There would not be any nexus between
18 data from a public health survey and the incremental impacts or the mitigation measures;
19 therefore, a public health survey would not be needed or appropriate for the RDEIR. In
20 determining the contents of an EIR, a lead agency is entitled to rely on its own experts’
21 opinions as to what studies and analysis are appropriate to evaluate impacts. (*Association*
22 *of Irrigated Residents v. County of Madera*, 107 Cal.App.4th 1383,1396-1398.) CEQA
23 does not require a lead agency to conduct every recommended test and perform all
24 recommended research to evaluate the impacts of a proposed project. (*Id.*)

25 **Other Programs/Mitigations**

26 Some commenters have suggested that the HIA process will include increased
27 community and stakeholder input to the Port and the potential of additional community
28 health-related programs funded by the Port. Although the Port is restricted to Tidelands
29 Trust-related activities and funding as stated above, the myriad of programs and activities
30 that the Port supports outside of the EIR process positively influence health within the
31 Port communities, either directly or indirectly, and therefore are relevant in responding to
32 the comment. The Port supports programs and activities involving air quality, noise,
33 education, neighborhood livability, cultural arts, open spaces, and community events.

34 Air quality and noise programs/mitigations include, but are not limited to:

- 35 • Development of the San Pedro Bay Ports Clean Air Action Plan (CAAP, 2006).
 - 36 ○ In 2006, the Ports completed development of the CAAP in collaboration with the
 - 37 USEPA, CARB, SCAQMD, the public, and other stakeholders. One of the
 - 38 CAAP’s foundations is the commitment “to expeditiously and constantly reduce
 - 39 the public health risk associated with port-related mobile sources, and implement
 - 40 programs in the near-term that will achieve this goal” (POLB, 2006). The CAAP
 - 41 established source- and project-specific health risk standards, and identified the
 - 42 need to develop San Pedro Bay-wide Standards to reduce public health risks from
 - 43 air toxics and overall criteria pollutant emissions.
 - 44 ○ The recently-adopted 2010 CAAP Update established specific aggressive long-
 - 45 term goals for emission and health risk reduction in the region surrounding the
 - 46 POLA and the Port of Long Beach.

- 1 ○ A key component of the CAAP is Alternative Maritime Power (AMP), which
2 allows ships to shut down diesel engines and plug into clean electricity while at
3 berth, thereby reducing community impacts.
- 4 ● The Clean Trucks Program
- 5 ○ A key component of the 2006 CAAP, this program established a progressive ban
6 on polluting trucks, and facilitated the replacement of old trucks with low
7 emission vehicles as mechanisms to significantly reduce port truck-related
8 emissions.
- 9 ○ As of January 2012, 100 percent of the cargo gate moves at Port terminals are
10 being made by trucks meeting USEPA 2007 heavy duty truck emissions
11 standards. This achievement allowed the San Pedro Bay ports to meet their 2012
12 goal of 80 percent emissions reductions from overall drayage operations relative
13 to 2007.
- 14 ● The Port Community Mitigation Trust Fund
- 15 ○ On April 2, 2008, the Board of Harbor Commissioners approved the TraPac
16 Memorandum of Understanding (MOU), which established a Port Community
17 Mitigation Trust Fund (PCMTF) to provide off-port mitigation projects for the
18 near-port communities of Wilmington and San Pedro. Specific projects identified
19 for this program include installation of sound dampening double paned windows
20 in schools and residences; installation and maintenance of air filtration
21 systems/heating, ventilation and air conditioning (HVAC) air purifiers in schools;
22 in-home education on asthma triggers and treatment, provision of asthma
23 inhalers, provision of funds to local clinics, other health service providers, and
24 other organizations aimed at addressing health impacts from air pollution
25 stemming from port-related operations; a job training/hiring program; and an
26 analysis of the impacts of port operations on wetlands and recreational access in
27 nearby communities. The Trust fund is projected to reach \$50 million over its
28 five-year life span.
- 29 ● The Air Quality Mitigation Incentive Program (AQMIP) committed nearly \$30
30 million to fund air quality mitigation projects. These projects would either (1) reduce
31 diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from Port
32 operations in the communities of San Pedro and Wilmington, or (2) develop emission
33 reducing technologies that may be applied throughout the San Pedro Bay. Although
34 the AQMIP preceded the CAAP, the projects funded support the emission reduction
35 goals of the CAAP. Specific projects include yard truck replacements, marine engine
36 repowers, off-road retrofits, and CHE replacements.
- 37 ● The Port, along with the Port of Long Beach, has developed the Technology
38 Advancement Program (TAP) which accelerates the commercialization of new
39 technologies, including zero-emission technologies, to provide more options to
40 reduce emissions. The TAP has contributed over \$9 million of funding for new
41 technology projects.
- 42 The Port supports and sponsors various education programs including:
- 43 ● The Port of Los Angeles High School
- 44 ● The Port of Los Angeles Boys and Girls Club
- 45 ● School Boat Tour Programs targeting 5th grade students
- 46 ● The TransPORTer which is a 53-foot mobile museum that is presented at schools
47 throughout Southern California.

- 1 • Red Car Field Trip Program that is available to schools on select days.
- 2 • Times in Education, in partnership with the Los Angeles Times, which is an entire
- 3 curriculum based on the business of the Port and is offered to schools.
- 4 • Los Angeles Maritime Institute TopSail Program targeting Middle and High School
- 5 students statewide
- 6 • International Trade Education Programs which has trade related academies on eight
- 7 high school campuses including four at Banning High School in Wilmington, The
- 8 Port of Los Angeles Boys and Girls Club, and Port of Los Angeles High School
- 9 • Harbor Department Engineers participate in annual outreach to 2-3 schools as part of
- 10 “Engineers Week”
- 11 • The Harbor Department serves an active role in the Southern California Academy of
- 12 Sciences
- 13 • Mentoring Program for high school students through the Global Environmental
- 14 Studies Academy.
- 15 • A health education program is administered by Robert F. Kennedy Institute in
- 16 Wilmington. The last health fair, held at Waterfront Park in April 2012, was
- 17 estimated to have over 600 attendees. This project is a 5 year program and is
- 18 currently in its 2nd year.

19 The following Port programs and activities positively influence neighborhood livability.

- 20 • China Shipping Community Aesthetic Mitigations Fund - Funds have been allocated
- 21 to this fund pursuant to the China Shipping EIR settlement in 2003. The funds are to
- 22 be used to beautify, landscape, and create open space for the port community.
- 23 Notable projects that are possible through the fund include, but are not limited to, the
- 24 following:
 - 25 ○ \$2.7 million has been allocated for the Wilmington YMCA Aquatic Center. This
 - 26 will allow the Wilmington YMCA to expand its current facility and build an
 - 27 indoor pool and teach water related skills and exercise programs.
 - 28 ○ Also, in San Pedro, nearly \$7 million was allocated to renovate a historical pool
 - 29 called the Hey Rookie Pool (also known as the “Gaffey Street Pool”) which is
 - 30 part of the Fort MacArthur Museum. This will provide a public swimming pool
 - 31 in the Southern part of San Pedro, where none exist.
 - 32 ○ In addition to these projects, \$1.4 million will be used for the Wilmington
 - 33 Marinas Parkway, located along Anchorage and Shore Roads, which is designed
 - 34 to include: landscaping, pathways, lighting, irrigation, and security cameras. This
 - 35 area currently has no walk-able paths or sidewalks and will enhance the
 - 36 opportunities for walking for the marina residents and visitors.

37 The Port has funded projects to improve neighborhood and cultural arts in the local

38 communities including:

- 39 • Tree distribution events resulting in 3,947 trees to employees and 6,060 trees to
- 40 community members at no charge. In addition, 4,374 trees have been recently planted
- 41 on Harbor Department Property.
- 42 • Financial support to fund the curator’s salary for the Point Fermin Lighthouse, a local
- 43 historic facility located in San Pedro.

- 1 • Sponsorship of exhibits at local museums: the Banning Museum in Wilmington and
2 both the Cabrillo Aquarium and Los Angeles Maritime Museum in San Pedro.
- 3 • The construction of the Fanfare Fountain, Harbor Boulevard Parkway, and Cruise
4 Ship Promenade in San Pedro.
- 5 • Mitigation Grant Programs are funding the Plaza Park Redevelopment project, the
6 Los Angeles Lighthouse renovation project, Wilmington Youth Sailing Center
7 construction, Banning's Landing Health Education program, Marina's Parkway
8 Landscaping in Wilmington, Storm Drain Education Program in Wilmington 3rd and
9 4th grade classes, and Tall Ship Restoration project which will allow for the
10 expansion of the existing TopSail program.

11 Recently the Port built the following new open spaces to enhance the local community
12 and add natural space and parks:

- 13 • 18 acres at 22nd Street Park
- 14 • North Gaffey Street Beautification Project
- 15 • 5 acres of park space including baseball facilities and parking on Knoll Hill
- 16 • 1.4 acres of open space and parking at Front Street Dog Park
- 17 • The Cabrillo Way Marina is currently under construction. The Cabrillo Way Marina
18 includes a 10,000 square foot park, and additional 2 acres of site landscaping spread
19 across the site, 46 acres of project backland area, 41 acres of improvement to water
20 areas, and approximately 3000 linear feet of promenade along the water edge varying
21 in width.
- 22 • The Wilmington Waterfront Park provides public space between Port operations and
23 adjacent residences in Wilmington. Construction began in 2009 and the park
24 officially opened to the public in June 2011. The park encompasses roughly 30 acres.
25 Major elements of the park include continuous bike and walking paths. Additionally,
26 the park features plazas and pavilions with stages and spectator seating having a
27 capacity of more than 10,000 people.
- 28 • The San Pedro Waterfront Project encompasses approximately 400 acres and will
29 provide residents, visitors and businesses with unobstructed access to the waterfront
30 for recreation, entertainment, commerce, culture and more. When completed, the
31 project will include: a continuous eight-mile waterfront promenade, offering
32 pedestrian and bike paths, public plazas, and new parks; three new public harbors and
33 a public pier at 7th Street; redevelopment of Ports O'Call; and creation or
34 enhancement of other attractions. The Harbor Department uses social networking
35 sites such as Twitter and Facebook and also eAlerts to update users on Board
36 Meeting Agenda, Cargo Updates, New Alerts, Public Notices, Environmental
37 Notices, and Newsletters.

38

Financial Assistance Trust Fund

One commenter requests that the Port establish a Public Health Care and Socio-Economic Mitigation Trust Fund which can provide financial assistance for immediate, short term and long term health care and socio-economic programs including:

- Public health care & treatment.
- Financial assistance to pay for health care at local clinics & county hospitals.
- Financial assistance to pay for health insurance.
- Financial assistance to pay for medical equipment.
- Financial assistance to pay for medical supplies.
- Financial assistance to pay for medical prescriptions.
- Financial assistance for funeral expenses.
- Financial assistance for short & long term convalescent care.
- Financial assistance for rehabilitation.
- Financial assistance for job retraining.
- Financial assistance for lost income.

As mentioned earlier, the RD EIR has determined the incremental health impacts of the Project, and mitigation measures are proposed to reduce those impacts. It is highly speculative whether health care financial assistance would be effective in mitigating health impacts for which the Project is responsible, and the comment offers no facts or evidence that it would. Socio-economic program financial assistance would not mitigate any of the Project's physical health effects. Therefore, there is no nexus between the Project impacts and the requested financial assistance for immediate, short-term and long-term health care and socio-economic programs is not proposed as an RDEIR mitigation measure.

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2.3.1.10 Master Response 10: Environmental Justice

Environmental justice is generally defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental law, regulations and policies. In the context of project development, it refers to disproportionate adverse human health and environmental effects on low income and minority populations (EPA, 2013) and is a required assessment of federal projects by federal agencies under the National Environmental Policy Act (NEPA). (EPA, 2012) Because the proposed SCIG project is not a federal project and will not receive federal funds or federal permits, NEPA does not apply.

Unlike NEPA, CEQA does not require an analysis of environmental justice issues³. CEQA requires that an EIR analyze physical impacts on the environment. A “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.” (CEQA Guidelines §15382.)

Under CEQA, environmental justice issues are not considered a physical change on the environment. While there have been several legislative attempts to incorporate environmental justice legislation into CEQA, none have been successful. Unsuccessful bills include: AB 937 in 1991, AB 3024 in 1992, and SB 451, SB 1113 in 1997, and SB 532 in 2003. SB 1113 would have amended the CEQA Guidelines to require lead agencies to identify and mitigate disproportionate impacts on minority and low income populations. In his veto message, then Governor Pete Wilson stated that CEQA is already “colorblind” and “was not designated to be used as a tool for a social movement.”

Although not required under CEQA, the RDEIR includes a discussion of environmental justice for *informational purposes only* (RDEIR Chapter 6). This approach is consistent with LAHD’s goals to consider environmental justice in its policies and projects. The RDEIR’s analysis of environmental justice did not consider disproportionate impacts, in and of themselves, a physical impact on the environment. Under the methodology used in RDEIR’s analysis, if a significant unavoidable impact for any resource area would impact low income or minority residents, it was identified as a disproportionate impact. Because the proposed project’s eastern boundary is close to communities with a high percentage of low income and minority populations community, the RDEIR concluded that there would be a disproportionate impact for the following resource areas: aesthetics (AES-1), air quality (AQ-1, AQ-2, AQ-4, AQ-7), cultural resources (CR-2), land use (LU-4), and noise (NOI-6).

Several commenters have stated that the SCIG project should not go forward because it violates environmental justice principles. Those comments raise policy issues, not issues related to the adequacy of the DEIR or RDEIR under CEQA. As stated above, CEQA does not require an analysis of environmental justice. Therefore, no further response is

³ The U.S. Environmental Protection Agency, in its February 1, 2012 comment letter on the Draft EIR, confirms the fact that CEQA does not require an environmental justice analysis. (DEIR Comment Letter 124, p. 4)

1 required because the comments do not raise any new significant environmental issues or
2 address the adequacy of the environmental analysis included in the RDEIR. (Pub.
3 Resources Code §21091(d); CEQA Guidelines §15204(a).) However, the following
4 response addresses comments that include inaccurate allegations relating to
5 environmental justice issues.

6 Many of the comments focus on the health impacts of locating the proposed project near
7 sensitive receptors. In fact, the health risk assessment (Section 3.2.4.3 and Appendix C3)
8 shows that health impacts would be less than significant for the surrounding
9 communities. Additionally, with the proposed SCIG project, operational mass pollutant
10 emissions would be reduced compared to baseline. (RDEIR Section 3.2.4.3.) See also
11 Master Response 11 on Locating a Railyard Near Sensitive Receptors.

12 One commenter states that the construction and operation of SCIG would violate the civil
13 rights of minority and low income persons under state and federal law. The LAHD
14 strongly disagrees with all of these allegations and responds that they do not raise issues
15 of deficiencies of the content of the RDEIR or DEIR under CEQA. Contrary to the
16 assertion of the commenter, California Government Code §11135 does not apply to the
17 SCIG project or the RDEIR. Therefore, because the issues raised are outside of CEQA, a
18 detailed rebuttal of such claims is not required. (Pub. Resources Code §21091(d); CEQA
19 Guidelines §15204(a).)

20 The commenter also alleges that approval of SCIG would violate federal law, citing Title
21 VI of the Civil Rights Act of 1964, 42 U.S.C. §§2000d-2000d-7, Executive Order 12898,
22 49 C.F.R. 21.5(b)(3) and 49 C.F.R. 21.13. All of the cited sections of the federal law
23 apply only to federally funded or assisted programs or federal actions. (US Congress,
24 1964; Federal Register, 1994; 2012a, 2012b) As stated above, the proposed SCIG project
25 would not receive any federal funding; it would be built with 100 percent private funds
26 from the applicant, BNSF Railway.

27 In summary, while the Port is concerned about, and the RDEIR addresses, environmental
28 justice issues, they are not CEQA issues because they are not physical environmental
29 impacts. Therefore, comments relating to environmental justice may raise policy
30 questions for the decision makers, but do not address the adequacy of the DEIR or
31 RDEIR.

32 **References**

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36 Considerations In The NEPA Process." Accessed online at:
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1 Federal Register. 2012b.” 49 CFR 21.13 - Procedure for effecting compliance.”
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3 **2.3.1.11 Master Response 11: Locating a Railyard Near Sensitive** 4 **Receptors**

5 Several commenters have stated that the proposed SCIG project should not be approved
6 because it would be located near sensitive receptors, including residences, schools,
7 daycare centers, and convalescent and retirement homes, many of which are located in
8 areas in which there are air quality impacts related to the project. These comments raise
9 policy issues and general objections to the project; they do not raise any specific failure
10 to perform an analysis under CEQA (such as air quality, health risk, land use, or noise
11 assessment) in the RDEIR. (Pub. Resources Code §21091(d); CEQA Guidelines
12 §15204(a).) The responses below identify and clarify what is included in the DEIR,
13 RDEIR, and Final EIR on this issue, in full compliance with CEQA.

14 The RDEIR (Section 3.2.2.4) discusses the impact of air emissions on sensitive receptors,
15 acknowledges that the impact on these members of the population is a special concern,
16 and includes detailed analysis of these impacts as part of air quality analysis (Section 3).
17 The RDEIR also includes, for informational purposes only, an Environmental Justice
18 Chapter (Chapter 5). Additionally, the RDEIR evaluates the feasibility of nine alternative
19 sites for the project (Sections 5.1.3.1, 5.1.3.2, 5.3.2.1 through 5.1.3.2.5). The analysis of
20 Alternatives demonstrates, based on substantial evidence, that there are no other feasible
21 sites for the proposed project.

22 One commenter stated that locating a railyard near sensitive receptors “violates land use,
23 smart growth and public health principles...” The commenter is expressing an opinion
24 and does not provide evidence to support the conclusions. In fact, the proposed project is
25 consistent with land uses and smart growth principles (See RDEIR Sections 3.8 and
26 1.1.1). The site is zoned for heavy industrial and is located approximately four miles
27 north of the ports of Los Angeles and Long Beach, on an existing rail line with easy
28 access to the Alameda Corridor. Existing uses within the site include an oil refinery;
29 trucking, warehousing and transloading facilities; container refurbishing and logistics
30 services including cargo fumigation services; Alameda Corridor Transit Authority
31 (ACTA) maintenance yard and materials storage; and other heavy industrial uses. Both
32 those uses and the proposed project’s uses are consistent with the heavy industrial zoning.

33 The air quality analysis shows that health impacts on the surrounding community would
34 be less than significant (Section 3.2.4.3). The RDEIR also fully analyzed potential noise
35 impacts on sensitive receptors, including sleep disturbance and speech intelligibility, and
36 classroom speech interference. All noise impacts were found to be less than significant
37 or no impact, with the exception of nighttime operations noise in the rare case of an
38 unusual “high activity” operation coinciding with extremely low nighttime ambient noise
39 levels. Commenters are also referred to the Master Response 10 on Environmental
40 Justice, which discusses environmental justice issues.

41 Several commenters stated that a railyard should not be located within 1,000 feet of
42 schools. They rely on CARB’s *Air Quality and Land Use Handbook (Handbook)*. The
43 Handbook makes recommendations; it does not mandate the policies. The Handbook
44 makes only general recommendations, whereas the RDEIR conducted a project- and site-
45 specific impact analysis demonstrating that the proposed Project’s health impacts would
46 be less than significant for the surrounding communities (Section 3.2.4.3 and Appendix

1 C3), and that operational mass pollutant emissions would be reduced compared to
2 baseline. (RDEIR Section 3.2.4.3.)

3 One commenter also takes exception to the RDEIR's reference to the fact that the policies
4 in the *Handbook* are not mandatory. The *Handbook* specifically states that its
5 recommendations are advisory and that local governments must weigh a number of
6 issues, including transportation needs, in their decisions to site projects. The RDEIR,
7 Section 3.8.3.11, included the following discussion of the *Handbook*:

8 "Specifically, the CARB Handbook recommends that new sensitive uses not be sited
9 within 1,000 feet of a major railyard, and that siting limitations and mitigations be
10 considered within one mile of the railyard. The Handbook does not specifically address
11 siting new industrial facilities or major railyards near existing sensitive uses. The
12 Handbook (p. 4) makes it clear that "[t]hese recommendations are advisory. Land use
13 agencies have to balance other considerations, including housing and transportation
14 needs, economic development priorities, and other quality of life issues." The Handbook
15 (p. ES-2) also recognizes that land use zoning decisions are within the legal purview of
16 cities and counties. "While we provide some suggestions, how to best achieve that goal
17 is a local issue. In the development of these guidelines, we received valuable input from
18 local government about the spectrum of issues that must be considered in the land use
19 planning process. This includes addressing housing and transportation needs, the benefits
20 of urban infill, community economic development priorities, and other quality of life
21 issues. All of these factors are important considerations. The recommendations in the
22 Handbook need to be balanced with other State and local policies."

23 California's Business Transportation and Housing Agency (which includes Caltrans) and
24 California Environmental Protection Agency (which includes CARB), in their 2007
25 *Goods Movement Action Plan*, balanced the considerations cited by the *Handbook* and
26 supported the proposed project. The *Goods Movement Action Plan* stated that: "The
27 completion of the Union Pacific Intermodal Container Transfer Facility (ICTF) and the
28 proposed Southern California International Gateway (SCIG) BNSF Railyard are two
29 infrastructure projects that would help to move container traffic from truck to rail."
30 (CARB, 2007)

31 The Port of Los Angeles fully analyzed the impacts of the proposed project and examined
32 all feasible alternative sites. At the conclusion of the CEQA process, the Port will
33 consider adopting a Statement of Overriding Considerations that weighs the proposed
34 Project's significant unavoidable impacts against the region's and the state's
35 transportation and economic needs and other quality of life issues, including the fact that
36 the proposed project will remove approximately 5,550 trucks daily from the I-710
37 Freeway. (RDEIR, 3.10.3.3.2.)

38 **References**

39 California Air Resources Board (CARB). 2007. Goods Movement Action Plan. Website:
40 <http://www.arb.ca.gov/gmp/docs/gmap-1-11-07.pdf>

41 **2.3.1.12 Master Response 12: Ultrafine Particles**

42 Commenters have asserted that that the RDEIR does not adequately disclose, analyze, or
43 quantify the health impacts from ultrafine particulate (UFP).

44 Although UFPs are not currently regulated by federal, state, or local authorities, the Port
45 began collecting UFP data at its four air quality monitoring stations in late 2007 and early

1 2008 –activities that are ongoing. The UFP data collection by the Port was initiated as an
2 outcome of the development of the San Pedro Bay Ports Clean Air Action Plan (CAAP),
3 which acknowledged the health concerns related to UFP (CAAP, 2006).

4 Information on the potential health effects of exposure to UFP was included Section
5 3.2.2.2 of the RDEIR. That discussion identified numerous health effects that have been
6 linked to UFP exposure, and cited the supporting scientific studies. Given the extensive
7 and rapidly growing body of literature on the health effects of exposure to UFP, the
8 DEIR’s discussion in Chapter 3.2 has been revised and expanded in the RDEIR to
9 include the most recent health-related research findings on the association between UFP
10 and human health. However, while a great deal is understood regarding the type of effects
11 UFP may cause, the relationship between the concentration of UFP and a given effect is
12 not sufficiently characterized to support a quantitative assessment of potential impacts to
13 human health. Further, despite the availability of information on the health effects of
14 UFP, there is not a corresponding level of knowledge regarding the formation, emission,
15 concentration distribution, or persistence of these particles to quantitatively assess
16 emissions or to predict potential exposure levels. Because of this lack of information, no
17 regulatory agency, scientific authority, or academic group has developed a peer-reviewed
18 methodology to quantify the health effects attributable to specific concentrations of UFP.
19 Therefore, consistent with the Port’s reliance on scientifically accepted and proven
20 methods for air quality impact assessment, the Port has not quantified health effects from
21 UFP in the absence of such methods.

22 There is still substantial uncertainty in both the measurement of UFP emissions and the
23 quantification of these emissions for purposes of air quality assessments. Composed of
24 mostly organic and elemental carbon, UFPs constitute a small fraction of PM mass but
25 dominate the fraction of particle number. While UFPs originate almost exclusively from
26 combustion processes, they can be produced by combustion of a number of different fuel
27 types including diesel, gasoline, LNG, LPG, CNG, and jet fuel. There have not been
28 agreed-upon measurement protocols to determine UFP emissions from vehicles or other
29 combustion equipment, and it is likely that different fuel types will produce different UFP
30 emissions.

31 A further complicating factor in quantifying UFP emissions is the effect of aftertreatment
32 control devices on UFP emissions. Many late model trucks and high tier off-road diesel
33 equipment are equipped with catalytic aftertreatment control devices. Most diesel
34 particulate filter (DPF) control technologies have focused on reducing the overall mass of
35 PM, but they do not necessarily reduce the number of UFPs.

36 Some studies suggest that DPF would increase the number of UFPs because post tailpipe
37 sulfuric acid and organic vapors are nucleating rather than condensing onto the removed
38 soot particles (Burtcher, 2005) or as a result of nucleation after degreening of catalyzed
39 traps (Kittelson et al, 2006). Recent studies have shown mixed results in emissions of
40 particle mass and number with aftertreatment devices. A CARB vehicle emissions study
41 (Sioutas, 2011) showed that the UFP number count due to enhanced nucleation varies by
42 driving cycle and the combination of vehicle and aftertreatment devices. Herner et al.
43 (2011) also suggests that the occurrence of particle nucleation is based on factors such as
44 the prevailing temperature in the aftertreatment device, and the age of the aftertreatment
45 device, and the results suggest that these factors affect particle counts and toxicity.

46 The ARB and SCAQMD have both identified the need for further research into both
47 quantification of UFP emissions and control strategies to address these emissions

1 (SCAQMD, 2012) and acknowledge that there remains considerable uncertainty in
2 quantifying UFP emissions in air quality assessment.

3 The RDEIR and FEIR discussions of UFP emissions and their impacts comply with the
4 following CEQA requirements. While foreseeing the unforeseeable is not possible, and
5 agency must use its best efforts to find out and disclose all that it reasonably can. (CEQA
6 Guidelines Section 15144.) If after thorough investigation a lead agency finds that a
7 particular impact is too speculative for evaluation, the agency should note its conclusion
8 and terminate discussion of the impact. (CEQA Guidelines Section 15145.)

9 **References**

10 Ports of Los Angeles and Long Beach (CAAP). 2006. "San Pedro Bay Ports Clean Air
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28 **3.2.1.13 Master Response 13: DEIR and RDEIR Comment Letters**

29 Several commenters on the RDEIR attached letters they or others had previously
30 submitted which commented on the originally published Draft EIR. Others asked that
31 previously submitted letters be incorporated by reference. None of these requests include
32 specific references to chapters or sections of the DEIR or RDEIR. As discussed under
33 CEQA Guidelines Section 15088.5(f)(2) below, the lead agency does not have the duty to
34 decipher what comments on recirculated portions the public or agencies believe to still be
35 applicable or inapplicable from their previous comment letters, which is why they have been
36 given the opportunity to draft new comment letters.

37 In September 2011, POLA published the SCIG Draft Environmental Impact Report
38 (DEIR). The Recirculated DEIR (RDEIR) was published in September 2012. As noted in
39 the Notice of Availability (NOA) for the RDEIR there were substantial revisions to the
40 DEIR, which resulted in recirculation of the following chapters, sections, and appendices:

- 41 • Executive Summary
- 42 • Chapter 1 Introduction

- 1 • Chapter 2 Project Description
- 2 • Chapter 3 Environmental Analysis
- 3 • Section 3.1 Aesthetics/Visual Resources
- 4 • Section 3.2 Air Quality and Meteorology
- 5 • Section 3.6 Greenhouse Gas Emissions and Climate Change
- 6 • Section 3.7 Hazards and Hazardous Materials
- 7 • Section 3.8 Land Use
- 8 • Section 3.9 Noise
- 9 • Section 3.10 Transportation/Circulation
- 10 • Chapter 4 Cumulative Analysis
- 11 • Chapter 5 Alternatives
- 12 • Chapter 6 Environmental Justice
- 13 • Chapter 7 Socioeconomics and Environmental Quality
- 14 • Chapter 10 References
- 15 • Chapter 12 Acronyms
- 16 • Appendix C1 through C3 (Air Quality Appendices)
- 17 • Appendix F1 SCIG Noise Technical Study
- 18 • Appendix G1 SCIG Transportation Appendix
- 19 • Appendix G2 SCIG Rail Simulation Modeling Study
- 20 • Appendix G4 Intermodal Rail Analysis
- 21 • Appendix H Summary of Changes

22 CEQA Guidelines Section 15088.5(f)(2) provides: “When the EIR is revised only in part
23 and the lead agency is recirculating only the revised chapters or portions of the EIR, the
24 lead agency may request that reviewers limit their comments to the revised chapters or
25 portions of the recirculated EIR. The lead agency need only respond to (i) comments
26 received during the initial circulation period that relate to chapters or portions of the
27 document that were not revised and recirculated, and (ii) comments received during the
28 recirculation period that relate to the chapters or portions of the earlier EIR that were
29 revised and recirculated. The lead agency’s request that reviewers limit the scope of their
30 comments shall be included either within the text of the revised EIR.”

31 Consistent with 15088.5(f)(2), the RDEIR NOA and the RDEIR provided a summary of
32 the changes and advised reviewers that because the recirculated chapters, sections, and
33 appendices replaced those in the DEIR, new comment letters should address the
34 recirculated portions only. Reviewers were also advised that comments on the non-
35 recirculated DEIR sections need not be resubmitted and that POLA would respond to
36 those comments in the FEIR.

1 The RDEIR has been substantially revised in comparison to the DEIR. Because of these
2 substantial revisions, comments submitted during the original DEIR public review period
3 on the recirculated portions are no longer applicable and POLA is not required to respond
4 to them. POLA has responded to all comments received on the DEIR that address the
5 non-recirculated sections of the DEIR, as well as all comments received on the RDEIR
6 that relate to the chapters or portions of the earlier EIR that were revised and recirculated.
7 In addition some RDEIR commenters attached or referenced DEIR comments, stating or
8 implying they were still relevant to the recirculated portions. In those cases, or when
9 otherwise necessary in the lead agency’s judgment, POLA responded to the attached or
10 referenced DEIR comments.

11 **2.3.2 Public Comments and Responses to**
12 **Comments**

13

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 ds_nahc@pacbell.net



October 4, 2012

Ms. Lisa Ochsner, Project Planner

City of Los Angeles Harbor Department

425 South Palos Verdes Street
 San Pedro, CA 90731



Re: SCH#2005091116; CEQA Notice of Completion; Re-Circulated Draft Environmental Impact Report (RDEIR); for the "Southern California International Gateway (SCIG) Project;" located in the Los Angeles Harbor area; Los Angeles County, California

Dear Ms. Ochsner:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

R1-1 The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

R1-2 Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

R1-2 ↑ significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

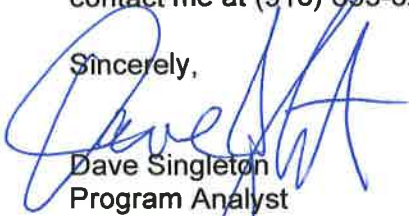
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 633-6251.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Singleton". The signature is stylized and overlaps with the typed name below it.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
Los Angeles County
October 4, 2012**

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SSCH#2005091116; CEQA Notice of Completion; Re-Circulated draft Environmental Impact Report (RDEIR) for the Southern California International Gateway (SCIG) Project; located in the Los Angeles Harbor area; Los Angeles County, California.

**Native American Contacts
Los Angeles County
October 4, 2012**

Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Preservation Conslt
P.O. Box 365 Chumash
Santa Ynez , CA 93460
freddyromero1959@yahoo.
805-688-7997, Ext 37

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.
com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SSCH#2005091116; CEQA Notice of Completion; Re-Circulated draft Environmental Impact Report (RDEIR) for the Southern California International Gateway (SCIG) Project; located in the Los Angeles Harbor area; Los Angeles County, California.

1 Comment Letter R1: NAHC**2 Response to Comment R1-1**

3 This comment presents introductory remarks presenting the commenter's description of
4 its role in helping to protect and preserve Native American cultural resources, and
5 recommends that LAHD request a search of the Sacred Lands File. As discussed in DEIR
6 Section 3.4.2.5.1, a records search at the South Central Coastal Information Center of the
7 California Historical Resources Information System located at California State
8 University, Fullerton, was conducted. The records search included a review of all
9 recorded archaeological and historical resources and cultural resources within a 1-mile
10 radius of the proposed project area. In addition, several field reconnaissance surveys of
11 the Project area were conducted in April 2007, July 2008 and February 2009 which found
12 no archaeological resources at the Project site. However, as discussed in RDEIR Section
13 3.4.2.5.1, the Project's setting (a former creek and marsh environment), would have been
14 attractive for prehistoric human occupation. Discussion in RDEIR Section 3.4.5.2
15 recognizes that the Project area has the potential to contain buried ethnographic
16 resources. Confidential cultural information was not circulated with the DEIR.

17 Response to Comment R1-2

18 As discussed in DEIR Section 3.4.2.5.2, the proposed Project site may contain buried
19 ethnographic resources. As detailed in DEIR Section 3.4.3, the proposed Project would
20 be required to comply with applicable cultural resource laws and regulations, including
21 14 CCR Section 15064.5 (f), and PRC 21082. The proposed project does not include any
22 federal agency action, thus is not subject to NEPA. Analysis in Section 3.4.4.3 of the
23 RDEIR under Impact CR-1 acknowledges that the project has the potential to
24 significantly impact previously unidentified buried resources and identifies mitigation to
25 minimize this impact. If Native America archaeological resources are encountered on
26 site, the proposed Project would avoid any potentially significant archaeological
27 resources wherever feasible and consultation with Native American Groups would be
28 undertaken as appropriate by implementing MM CR-1, which requires that an
29 archaeological monitor shall be present during all initial grading and excavation activities
30 at the proposed Project site, and in the event that cultural resources are encountered
31 during this phase of construction all further construction activity shall cease until the
32 discovery can be evaluated by a qualified archaeologist per CEQA 15064.5.

33 MM CR-1 also requires BNSF and LAHD to ensure that Native American groups are
34 consulted prior to beginning construction of the project and offer these groups an
35 opportunity to monitor the construction. In the event human remains are discovered,
36 LAHD would be required to comply with California state law which states that there
37 would be no further excavation or disturbance of the area or any nearby area reasonably
38 suspected to overlie adjacent remains until the coroner is contacted and the appropriate
39 steps taken pursuant to Health and Safety Code Section 7050.5 and PRC Section 5097.98.
40 If the coroner determines the remains to be Native American, the coroner would contact
41 the NAHC within 24 hours. If Native American human remains are discovered during
42 proposed Project construction, it would be necessary to comply with state laws relating
43 to the disposition of Native American burials that are under the jurisdiction of the NAHC
44 (PRC Section 5097).

45

From: [Dennis Crable](#)
To: [Ceqacomment](#)s
Cc: [Cannon, Chris](#)
Subject: SCIG Project Recirculated DEIR Comments (POLA Website Referral)
Date: Thursday, October 04, 2012 10:49:04 AM

Dear Mr. Cannon:

R2-1

As I have commented before, I believe the LAHD's method of quantifying proposed project air quality impacts, i.e., **subtracting** "baseline" from projected, quantified Project emissions, then comparing the "difference" to SCAQMD Significance Thresholds, is an incomplete version of the No Project Alternative analysis and misrepresents the actual impacts of the change in land use that results from the proposed development. Without arguing the merits of my point of view, I will, however, argue that an EIR that **does not isolate and report** the specific, quantified project impacts and **mitigation measures** that will exist **solely as a result of the proposed Project** subverts the legislative intent of CEQA to "Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities" (Guidelines, 15002(a)(1), and may be deemed an "abuse of discretion" if certified and approved by the LAHD.

R2-2

A comparison of the Project's impacts to the No-Project Alternative **may** indicate the Project is a less egregious land development as far as Air Quality impacts (which may be the intent of this method of impact analysis); but, for the sake of clarity, good-faith reporting, and, in my opinion, compliance with CEQA, this methodology belongs in the Alternatives section of the report, not as the basis for addressing the potential significant impacts (and **mitigation measures**) of this or any Port Project.

Thank you,

Dennis

A. Dennis Crable, Principal
Crable & Associates, Environmental Consultants
765 West Altadena Drive
Altadena, California 91001
626.676-6993
Certified Small Business, MBE, DBE, UDBE

(Specializing in CEQA/NEPA project management for over 18 years...)

1 **Comment Letter R2: Crable & Associates**

2 **Response to Comment R2-1**

3 The analyses in the RDEIR properly compare the proposed Project and alternatives to the
4 CEQA baseline in order to identify impacts, as specified by (CEQA Guidelines §15125a)
5 and the SCAQMD significance thresholds.

6 **Response to Comment R2-2**

7 The analyses in the RDEIR were conducted in accordance with CEQA, and the comment
8 does not provide evidence to the contrary. See also Response to Comment R2-1.

9

From: [John MacMurray](#)
To: [Ceqacomments](#)
Subject: Hearing on Oct. 18
Date: Wednesday, October 10, 2012 9:45:16 AM

John MacMurray
La Habra, CA

Thank you for the invitation to attend the meeting at Banning's Landing. My wife Ida and I will attend.

R3-1

I do not use Facebook, so cannot RSVP through your preferred channel, but we do plan to be there.

I received a call from a gentleman named Andrew Gordon with the invite; thank you.

Sincerely,

John MacMurray

1 **Comment Letter R3: John MacMurray**

2 **Response to Comment R3-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8

From: [Miller, Jay](#)
To: [Ceqacomment](#)
Subject: refrigerated container capability?
Date: Friday, September 28, 2012 6:59:44 AM

R4-1

As a member of the news media who has followed BNSF's green initiatives with interest for years, this project greatly interests me. Our website, www.refrigeratedtrans.com, covers news for the refrigerated transportation industry, and we were wondering if SCIG will accommodate reefer containers. If so, we would be happy to run this news on our website and in our weekly e-newsletter. Would you please advise on this matter? Thanks for your help! It's greatly appreciated.

Jay Miller
Refrigerated Transporter

1 **Comment Letter R4: Refrigerated Transporter**

2 **Response to Comment R4-1**

3 The proposed Project would accommodate refrigerated containers; please see Section
4 2.4.2.2.

5

From: [Luke Milick](#)
To: [Ceqacomment](#)
Subject: Fwd: Fire Information Needed for SCIG EIR Update
Date: Thursday, August 23, 2012 3:34:15 PM
Attachments: [SCIG Map.pdf](#)

R5-1

This e-mail was sent to be by our Planning Section. I am writing this e-mail to inform you at the port that my office handles EIR questions. When you hire a company to write a draft EIR you need to direct them to my office early in the process, not after the analysis is done and the draft is written. Please call or write if you have questions or comments

----- Forwarded message -----

From: **Harris, Daniel** <Daniel.Harris@aecom.com>
Date: Wed, Aug 22, 2012 at 9:27 AM
Subject: Fire Information Needed for SCIG EIR Update
To: "luke.milick@lacity.org" <luke.milick@lacity.org>

Captain Milick,

I'm not sure if you received the full text of my request or the map attached, so I have copied the text below and attached the map.

I am working on updating the Environmental Impact Report (EIR) for the Southern California International Gateway Project (http://www.portoflosangeles.org/EIR/SCIG/DEIR/deir_scig.asp). In the Public Services and Utilities section (Chapter 3.11), former LAFD Chief Donald Austin was consulted for the following information found on page 3.11-3: "LAFD's performance standard for fire protection services is a 5-minute response time for 90 percent of the total calls for service. The Harbor Industrial Division Service District typically meets this performance standard (Chief Donald Austin, personal communication, 2009). According to LAFD, the current level of service in the proposed project area is considered adequate (Chief Donald Austin, personal communication, 2009)."

I need to find out if the current Chief still believes those statements to be true, or has something else to say about the project.

Thank you,

Dan Harris

Daniel Harris

Ethnographer/Social Scientist;

Environmental Analyst

Economics + Planning

Cell: [+1 619.301.7784](tel:+16193017784)

Office: [+1 619.684.6972](tel:+16196846972)

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T [+1 619.233.1454](tel:+16192331454) F [+1 619.233.0592](tel:+16192330592)

www.aecom.com

--

Luke A. Milick, Captain I

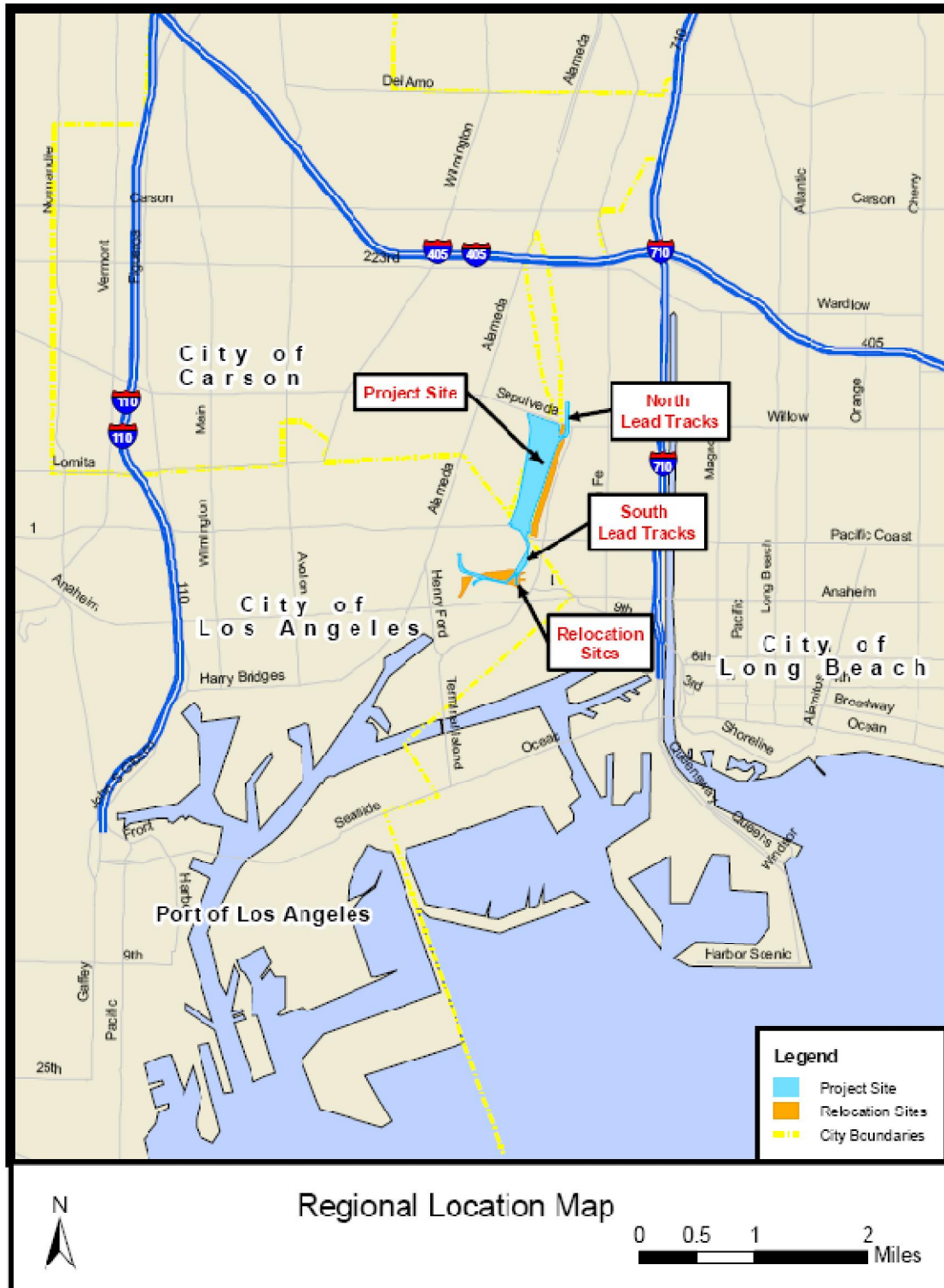
Commander, Hydrant and Access Unit
221 N Figueroa ST Suite 1500
Los Angeles CA 90012

O 213 482 6536

C 310 850 3632

F 213 482 6511

1 Figure 2-1. Regional Location Map.



2
3

1 **Comment Letter R5: Los Angeles Fire Department**

2 **Response to Comment R5-1**

3 The LAHD appreciates the notice from Captain Milick that he is the appropriate contact
4 for EIR-related questions. As is mentioned in Mr. Harris’s email to Captain Milick on
5 August 22, 2012, the information requested by the LAHD’s subcontractor was to be used
6 to update previously-provided information in the EIR from 2009. In an attempt to make
7 the EIR as up-to-date as possible during its recirculation, the subcontractor contacted the
8 various entities and agencies referenced throughout the original document for updated
9 information and/or additional data. The LAFD was originally contacted very early in the
10 EIR development process (2009) to provide public safety information. This information
11 was graciously provided by Chief Donald Austin. The communication in 2012 was meant
12 to provide the LAFD and Captain Milick an opportunity to provide updated information
13 since a substantial delay in publication of the full draft document occurred as a result of
14 recirculation.

15

16

From: [Takashi Kozakai](#)
To: [Ceqacomment](#)
Subject: SCIG Project
Date: Saturday, October 06, 2012 12:28:41 AM

Subject: SCIG Project

This report only showing good face of the new facility.

We have to be very careful to know what exactly going to be happened from this new rail yard.

R6-1

This rail yard will create lot of extra traffic in the area. May be not on FWY 710 but all other local roads between harbor and rail yard. All those extra truck traffic will occupied street surface on their way to New Yard and rerun from there to their next pick up place at somewhere.

This means not only trucks, but also all traffic on the road will get stuck. Spend more times on the road, and create more noises and air pollution not only from trucks but also from all regular cars on the street.

Best regards,

Tak Kozakai

1 **Comment Letter R6: Takashi Kozakai**

2 **Response to Comment R6-1**

3 Trucks servicing the proposed Project would be required to use designated truck routes
4 between the facility and the port cargo terminals, as described in Figure 2-4 and Section
5 2.4.4.1 of the RDEIR. Accordingly, vehicular traffic impacts to local streets would be
6 less than significant, as described in Section 3.10.3.5.1 of the RDEIR under Impact
7 TRANS-2.

8

From: [Barritt, Janet N](#)
To: [Ceqacomment](#)
Subject: Port of Los Angeles BNSF
Date: Friday, October 12, 2012 8:33:38 AM

R7-1 | I am in support of SCIG to the Port of Los Angeles.

Thank you.

Sincerely,

Janet Barritt
Elevated Collections
BNSF Railway
Fort Worth, Texas
janet.barritt@bnsf.com

1 **Comment Letter R7: Janet Barrit**

2 **Response to Comment R7-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Ward, Doug](#)
To: [Ceqacomment](#)
Subject: I support SCIG
Date: Friday, October 12, 2012 10:07:31 AM

R8-1

To the reviewing committee for the Port of Los Angeles,
I am a Southern California resident who is concerned about auto/truck traffic on our roads and the quality of our air. I have read over information about BNSF's proposed Southern California International Gateway and I support this project, which I believe will be a benefit to the Los Angeles area.

Thank you

Doug Ward

1 **Comment Letter R8: Doug Ward**

2 **Response to Comment R8-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [DAVID ROMIG](#)
To: [Ceqacomment](#)
Subject: SCIG Project
Date: Friday, October 12, 2012 2:29:03 PM

R9-1

I think this project is a no brainer, it should proceed post hast to give California the needed jobs and traffic relief that's necessary at this point in the state's history. The plans for this installation have considered environmental problems in the area and have shown the ways in which they will be handled by the carrier in charge of this project. I hope the powers to be, will do everything to see that this facility receives every assistance and consideration necessary to completion. I fully support this project even tough I don't live in the area, it will effect people from all over the country.

David A. Romig
745 Colchester Dr.
El Paso, Texas

1 **Comment Letter R9: David A. Romig**

2 **Response to Comment R9-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Henry Hernandez](#)
To: [Ceqacomment](#)
Subject: Bring SCIG to Southern California
Date: Friday, October 12, 2012 6:09:01 PM

Dear Board of Harbor Commissioners:

I am writing to express strong support for the BNSF's SCIG project. This project is important to all of Southern California, as it will provide good jobs, cleaner air, and less traffic in the region. You will be making a vital decision to keep our ports competitive and create a brighter future for our port communities.

R10-1

My reason for supporting this political action is to be able to work in company that cares for their employees and to be treated like family. This will provide years of employment for me and my fellow Angelenos. I am a 40 year old JW inside wireman from Ibew local 11 electricians union in Los Angeles ca. This will provide steady employment for many out of work electricians in the Los Angeles area. Thank you for your time. I look forward to working with you.

I support SCIG and urge you to finalize and approve the EIR as soon as possible.

*Sincerely,
Henry Hernandez
4515 Fairbanks ave. riverside ca 92509*

Sent from my iPhone

1 **Comment Letter R10: Henry Hernandez**

2 **Response to Comment R10-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: AlHovey@comcast.net
To: [Ceqacomment](#)
Subject: Southern California International Gateway
Date: Friday, October 12, 2012 7:24:43 PM

Dear Sir:

R11-1

More jobs, cleaner air and less highway congestion. I think that it's a "no brainer" to support the building of the Southern California International Gateway inter-modal facility. Green progress is the name of the game for our future.

Allen E Hovey
725-18 Tramway Vista Dr NE
Albuquerque,
NM 87122

1 **Comment Letter R11: Allen E. Hovey**

2 **Response to Comment R11-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Douglas B. Rubin](#)
To: [Ceqacomment](#)
Subject: BNSF's "SCIG" will reduce truck miles, put more loads onto trains and REDUCE emissions per ton imported/exported. . .
Date: Tuesday, October 16, 2012 7:32:58 AM

You have all the data, but please don't let a few hundred people who live along the railroad tracks in Riverside CA stop something that will so clearly benefit not just Southern California, but the entire country.

I see trucks moving to/from the Ports of NJ/NY all the time, and while there is some on-dock rail, it's nothing like the wonderful complex you all have in SoCal.

R12-1

Not unlike the entertainment industry, the import/export business of the Ports of LA/LB are one of the treasures, job creators, and economic responsibilities you have for the entire United States . . . for trade to/from Asia, SoCal IS THE PORT COMPLEX of choice. Near-dock rail only makes it more effective. Certainly more effective than using Oakland, Seattle or Mexico.

This is really a no-brainer. Sorry folks in Riverside . . . You moved near the railroad tracks and now there will be $x + 5$ trains a day instead of x trains a day. That's what railroad tracks do . . . they are used to moving train that can move move 300+ 40+ft boxes much more efficiently than 300+ trucks would. Better a few more trains in SoCal, than thousands of trucks in Oakland, Seattle or New Jersey.

Thanks for your attention.

Douglas Rubin
Princeton, NJ 08540
609-273-3207

1 **Comment Letter R12: Douglas Rubin**

2 **Response to Comment R12-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Juelich, Patrick](#)
To: [Ceqacomment](#)
Subject: Support for SCIG
Date: Tuesday, October 16, 2012 7:27:59 AM

Dear Board of Harbor Commissioners:

R13-1

I am writing to express strong support for the BNSF's SCIG project. This project is important to all of Southern California, as it will provide good jobs, cleaner air, and less traffic in the region. You will be making a vital decision to keep our ports competitive and create a brighter future for our port communities.

I support SCIG and urge you to finalize and approve the EIR as soon as possible.

Sincerely,

Patrick Juelich | Sales Representative | Oldcastle Precast – StarTrack Railroad Products | 303-358-8605 (Cell) | www.oldcastleprecast.com



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precast concrete engineered
solutions in North America.

Visit our website >

1 **Comment Letter R13: Oldcastle Precast**

2 **Response to Comment R13-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



IBEW

International Brotherhood of
Electrical Workers, AFL-CIO

297 North Marengo Avenue
Pasadena, CA 91101
PHONE: (888) 423-9937



October 15, 2012

Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the International Brotherhood of Electrical Workers (I.B.E.W.) Local #11 and our 7500 members, I am writing to express our strong support for re-circulated DEIR for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

With the unemployment in Los Angeles County at 11%, creating well-paying local jobs should be a high priority. During SCIG's three-year construction period, approximately 1,500 jobs would be created annually, contributing more than \$85 million in federal, state and local taxes. These jobs are especially needed given that construction jobs are off 2007 levels by more than 50,000 jobs. Upon completion, SCIG will create 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles.

The updated DEIR confirmed what last year's report concluded:

- SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce, all while improving local traffic.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and each coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

BNSF has gone beyond what is required to invest \$500 million in our regional economy and concluded a Project Labor Agreement worth \$255 million with the Building and Construction Trades Council for the construction of SCIG, ensuring that a skilled union workforce will build this environmentally friendly railyard.

This has been a long process, and the time to build SCIG is now. We look forward to approval of the EIR.

Sincerely,

Marvin Kropke
Business Manager

cc: Mayor Antonio Villaraigosa, Mayor, City of Los Angeles
Geraldine Knatz, Executive Director, Port of Los Angeles
Los Angeles Board of Harbor Commissioners

1 **Comment Letter R14: International Brotherhood of Electrical Workers**

2 **Response to Comment R14-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8

HERZOG CONTRACTING CORP.



CA LIC. NO. 383493

3760 KILROY AIRPORT WAY, SUITE 120
LONG BEACH, CALIFORNIA 90806

OFFICE (562) 595-7414
FAX (562) 595-7445

ALAN L. LANDES, PRESIDENT

October 15, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Herzog Contracting Company and our 1,200 employees, I am writing to express our strong support for the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG is the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG also exceeds the emission reduction goals of the Clean Air Action Plan (CAAP).

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel only 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

SCIG will provide cleaner air for the Port of Los Angeles and the surrounding area.

- BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG.
- By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance.
- BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

R15-1

R15-1

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, as stated in a study by IHS Global Insight.

SCIG keeps the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,
Herzog Construction Company

Ralph G. Larison
Senior Vice President



cc:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R15: Herzog Contracting Corp.**

2 **Response to Comment R15-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8



City of Long Beach

JAMES JOHNSON
COUNCILMEMBER, SEVENTH DISTRICT



October 15, 2012

Sent via email to ceqacomments@portofla.org

To Mr. Cannon:

I thought it was a mistake.

When my constituents first told me that the Port of Los Angeles had decided not to hold a community meeting in West Long Beach regarding the revised Environmental Impact Report (EIR) for the Southern California International Gateway (SCIG) project, I thought it was a simple oversight. The Port had held a community meeting in West Long Beach regarding the original EIR, and had since dramatically revised it and recirculated it for public comment. Would the Port of Los Angeles really change the report and release it without coming back to West Long Beach and explaining the changes and seeking input on the revised document? No, I said. There must have been some administrative error; I am sure that a hearing will be held in West Long Beach on the EIR, given that the impacts of the project are primarily on that community.

R16-1

It appears that I was wrong. Staff recently informed me that the Port of Los Angeles decided they did not need to have a meeting. When I called the Port myself, that decision was confirmed. "We decided," I was told, "that we did not need to have a meeting in Long Beach." Long Beach, it must be said, was not consulted in that decision.

Reasonable people can disagree on the SCIG project overall and on the Environmental Impact Report in particular. It is an enormously complex project that will have substantial effects regionally on both the environment and our economy, with much of the impacts borne by the West Long Beach community bordering it. However, what is unreasonable is to intentionally ignore the most affected community throughout this process—to say, essentially, that the voice of Long Beach residents will not be heard.

There needs to be a hearing on the revised Environmental Impact Report in West Long Beach, and the comment period should be extended as necessary to provide three weeks notice for the meeting. To come to my community and present the impacts of the project, and then to revise those estimated impacts without consulting that same community, is outrageous and disrespectful to both the impacted residents as well as

R16-1

↑ the city at large. I hope that my initial assessment was correct—that this was a mistake, and that it will be rectified. I respectfully ask for your prompt reconsideration of this decision.

Yours truly,


James Johnson

Cc: Mayor Antonio Villaraigosa
Los Angeles City Council Member Joe Buscaino
Los Angeles Board of Harbor Commissioners
Senator Alan Lowenthal
Senator Rod Wright
Assemblymember Warren Furutani
Assemblymember Bonnie Lowenthal
Geraldine Knatz, Executive Director, Port of Los Angeles
Long Beach Unified School District
Villages at Cabrillo
West Long Beach Association

1 **Comment Letter R16: City of Long Beach**

2 **Response to Comment R16-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment does not reference any specific section of the
6 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
7 21091(d); CEQA Guidelines § 15204(a))

8 Although CEQA Guidelines 15202(a) does not require the lead agency to hold formal
9 hearings at any stage of the environmental review process, a public hearing was held on
10 the RDEIR, on October 18, 2012. Upon receipt of Councilmember James Johnson's
11 request for another public hearing in a letter dated October 17, 2012, the Port responded
12 that no further public hearings would be held. The letter indicated that this decision was
13 based on the fact that only certain portions of the DEIR were being recirculated for public
14 review and two public hearings had previously been held along with an extended
15 comment period on the DEIR. Therefore, the Port as lead agency exercised its discretion
16 and determined that the standard 45-day comment period and one public hearing
17 (pursuant to CEQA Guidelines § 15087) were appropriate for the RDEIR.

18 Nevertheless, the Port, through Councilman Joe Buscaino's office (Council District 15),
19 offered buses to shuttle people from Silverado Park in West Long Beach to Banning's
20 Landing Community Center in Wilmington to attend the public hearing on the RDEIR
21 that occurred on October 18, 2012. Councilman Johnson held a public meeting on the
22 Recirculated DEIR in west Long Beach on November 7, 2012. The comments presented
23 at that meeting constitute Comment Letter R95, below, and the responses to those
24 comments are presented immediately after the transcript.

25



"Promoting Jobs in a Competitive Business Climate"



October 12, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Canon:

On behalf of Carson Dominguez Employers Alliance, I am writing to express our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG also promotes the emission reduction goals of the Clean Air Action Plan (CAAP).

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will not travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. However, we would like to voice our concern regarding the 2010 truck commitment as possibly being too onerous as the Clean Air Action Plan (CAAP) only requires 2007 trucks.

By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase,

R17-1



"Promoting Jobs in a Competitive Business Climate"

↑ approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight.

While some have argued that SCIG should be built on-dock, according to the DEIR, there is a limit to the amount of space that will be available for future growth of on-dock facilities. Facilities already planned for both ports will require all available land. In addition, there is a limit to the size of on-dock railyards within terminals, in order to balance container handling space, terminal operations and railyard operations. There is also limited main line capacity to serve these facilities.

R17-1

Near-dock facilities such as SCIG also play an important role in supporting the efficiency of on-dock railyards, because they allow cargo from multiple marine terminals to be built into trains for specific destinations throughout the country, rather than congesting limited on-dock space with containers awaiting trains for specific locations.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,

Constance Turner
CDEA President

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



"Promoting Jobs in a Competitive Business Climate"

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R17: Carson Dominguez Employers Alliance**

2 **Response to Comment R17-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8

From: [Robert Holmquist](#)
To: [Ceqacomment](#)
Subject: Bring SCIG to Southern California
Date: Thursday, October 18, 2012 12:49:21 PM

Dear Board of Harbor Commissioners:

R18-1

I am writing to express strong support for the BNSF's SCIG project. This project is important to all of Southern California, as it will provide good jobs, cleaner air, and less traffic in the region. You will be making a vital decision to keep our ports competitive and create a brighter future for our port communities.

I support SCIG for the above reasons and because it will make the Southern California more competitive in this day when there is so much competition for trade and jobs.

I support SCIG and urge you to finalize and approve the EIR as soon as possible.

Sincerely,
Robert Holmquist
958 E. Howard Street
Pasadena, CA 91104

Electronic mail messages entering and leaving Arup business systems are scanned for acceptability of content and viruses

1 **Comment Letter R18: Robert Holmquist**

2 **Response to Comment R18-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [William Shomber](#)
To: [Ceqacomments](#)
Subject: SCIG
Date: Thursday, October 18, 2012 2:05:19 PM

R19-1 | I am writing in support of SCIG.

1 **Comment Letter R19: William Shomber**

2 **Response to Comment R19-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Tom Hirsch](#)
To: [Ceqacomment](#)
Subject: Support of the SCIG
Date: Friday, October 19, 2012 2:28:03 PM

R20-1

On any typical day at the Port, thousands of Filty trucks pump crap into the air, and worn off Rubber and kick up Dust and cause Horrible traffic that slows down Commerce and causes large money to be spent on roads breaking under Over Loaded Trucks, and Clearing Traffic Acidents

The Answer is CLEAR !

Let the Modern and Very Cleaner BNSF take control to speed Frieght to America, as they have for a Long time

1 **Comment Letter R20: Tom Hirsch**

2 **Response to Comment R20-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Jack Brisley](#)
To: [Ceqacomment](#)
Subject: SCIG
Date: Friday, October 19, 2012 6:14:51 PM

R21-1

I entirely support this project both for the immediate construction jobs/future permanent jobs and for the environmental benefits of getting trucks off the freeways. Please execute this project. Incidentally, I live in San Pedro so I would see the benefits up close. Thank you
Jack Brisley
4015 Bluff Place
San Pedro
90731

1 **Comment Letter R21: Jack Brisley**

2 **Response to Comment R21-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [johngalt56](#)
To: [Ceqacomment](#)
Subject: go railway/save oil/cleaner air!!!!!!!!!!!!!!
Date: Friday, October 19, 2012 2:46:18 PM

R22-1 | This is awesome news for southern California and should be embraced by everybody----more rails---LESS TRUCKS!!!!!!!!!!!!!!

1 **Comment Letter R22: John Galt**

2 **Response to Comment R22-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Justin Clapper](#)
To: [Ceqacomment](#)
Subject: SCIG #GetItDone
Date: Friday, October 19, 2012 10:27:56 PM

R23-1 | In a time when jobs are hard to find, coupled with the prospect of eliminating roughly 1.5 million semi-trailer trips off the 710, ***this is in the best interest of the general public and the environment.***

Best,
Justin Clapper
(773) 272-8045

1 **Comment Letter R23: Justin Clapper**

2 **Response to Comment R23-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

October 17, 2012

Port of Los Angeles

Mr. Chris Cannon
Director of Environmental Management
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a local business owner and strong advocate of jobs in Los Angeles, I am writing to express my support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility project for three reasons: less traffic, more jobs, and port competitiveness.

The updated DEIR, which was developed by an independent third-party, confirmed that SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will not travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

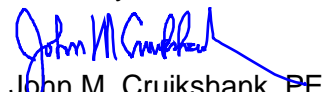
BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036.

As an engineer, I understand that there is limited space available for future growth of on-dock facilities. Facilities already planned for both ports will require all available land. In addition, there is a limit to the size of on-dock rail yards within terminals, in order to balance container handling space, terminal operations and rail yard operations. There is also limited main line capacity to serve these facilities.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,


John M. Cruikshank, PE
CEO

1 **Comment Letter R24: JMC²**

2 **Response to Comment R24-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8



October 15, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Muni-Fed Energy, Inc. and our employees, I am writing to express our companies strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG also promotes the emission reduction goals of the Clean Air Action Plan (CAAP).

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will not travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

R25-1

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight.

While some have argued that SCIG should be built on-dock, according to the DEIR, there is a limit to the amount of space that will be available for future growth of on-dock facilities. Facilities already planned for both ports will require all available land. In addition, there is a limit to the size of on-dock railyards within terminals, in order to balance container handling space, terminal operations and railyard operations. There is also limited main line capacity to serve these facilities.



Near-dock facilities such as SCIG also play an important role in supporting the efficiency of on-dock railyards, because they allow cargo from multiple marine terminals to be built into trains for specific destinations throughout the country, rather than congesting limited on-dock space with containers awaiting trains for specific locations.

R25-1

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,

A handwritten signature in black ink that reads "Clay Sandidge".

Clay Sandidge
CFO/COO
Muni-Fed Energy, Inc.

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R25: Muni-Fed Energy, Inc.**

2 **Response to Comment R25-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8

Dan Hoffman

1315 W. I Street
Wilmington, California 90744
310.835.8782

Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

October 18, 2012

Dear Mr. Cannon:

First, I am the Executive Director for the Wilmington Chamber of Commerce but this letter is to share my personal beliefs regarding this project.

R26-1

I enthusiastically support the SCIG project and the sooner it can become a reality the better off I think we will all be. This project must happen if we are going to compete in today's marketplace. It makes great business sense putting people to work and providing a means to move cargo more cleanly and efficiently.

R26-2

The re-circulated DEIR still does not address the operation of Fast Lane Transportation. While there are many businesses located in Wilmington there are only a handful that are what could be defined as good corporate citizens and at the top of this list for me is Fast Lane Transportation. For a small business, Fast Lane donates to over twenty different organizations in the Harbor Area and South Bay but most of the donations are made right here in Wilmington and this is just a small part of how Fast Lane supports the Wilmington Community. Pat Wilson, President of Fast Lane is the longest running President in the history of the Wilmington Chamber of Commerce which dates back to 1904. He was instrumental in ensuring the successful revitalization of the Banning Residence Museum, has served as treasurer for the Wilmington Neighborhood Council since the beginning, he also serves as a member of PCAC and on the Board of Directors for the YMCA. What I am trying to communicate is that Patrick Wilson and Fast Lane are an integral part of the Wilmington Community; he is a neighbor and a friend. Wilmington cannot afford to lose this company to Carson or Long Beach, it would not be fair to the company or our community.

Sincerely,



Dan Hoffman

1 **Comment Letter R26: Wilmington Chamber of Commerce**

2 **Response to Comment R26-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R26-2**

9 Please see Master Response 8, Displaced Businesses.

10



October 14, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

The San Pedro Chamber of Commerce through its Board of Directors would like to continue to voice our strong support for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility and its the re-circulated Draft Environmental Impact Report.

The Chamber has expressed its support of the project from its inception, and feels that the new Draft EIR accommodates anticipated port growth while reducing energy consumption, highway congestion and environmental emissions.

With the Chamber's mission to promote, support, and advocate the interests of the business community, we are pleased to note that SCIG will create up to 1,500 annually jobs over the three years of construction, and over 450 permanent jobs by the full build-out, and will promote a preference for "hiring local".

We also applaud BNSF and the updated DEIR for:

- Its commitment to cleaner air provisions that will result in air quality improvements and reductions in associated health risks for the surrounding communities
- Its commitment to reduction of traffic around the port, in our community, and on the roads and freeways
- Its commitment to use 2010 or newer trucks that meet standards of the Clean Air Action Plan
- Its commitment to specified truck routes to bypass residential neighborhoods, and to designating an area for trucks to queue along the western side of the facility that will reduce the trucks' idling time
- Its commitment to green technologies
- Its commitment to cleaning up an existing industrial site and replacing it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

With the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract business away from the San Pedro Bay Ports. It is important for our local economy and for our job market, that Southern California ports remain competitive. SCIG will help to insure this competitive edge through improved operational efficiency.

R27-1



R27-1

↑ Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy and for the sustainability of quality of life for the communities surrounding the ports.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you move to finalize and approve the EIR for SCIG.

Sincerely,

Randy Bowers
Chairman, Board of Directors
San Pedro Chamber of Commerce

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731



1 **Comment Letter R27: San Pedro Chamber of Commerce**

2 **Response to Comment R27-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8



Serving the international trade community since 1919



October 17, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Foreign Trade Association (FTA), I would like to express our strong support for BNSF Railway's proposed Southern California International Gateway project.

The Foreign Trade Association (FTA) is a private, non-profit trade association that represents over 200 members of the international trade community. The FTA, established in 1919, is the oldest organization promoting the growth of international trade in Southern California. It acts as an information resource and networking center for its members, and monitors and advocates legislative and regulatory issues on a local, regional, state and federal level.

R28-1

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

The jobs created and environmental enhancements make this project an important step toward improving the lives of those in adjacent communities.

This has been a long process, and the time to build SCIG is now. We look forward to approval of the DEIR and the beginning of construction.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Benoit", is located below the word "Sincerely,".

Daniel Benoit
President

Copies to:
Mayor Antonio Villaraigosa
Geraldine Knatz, Ph.D
Los Angeles Board of Harbor Commissioners

P.O. Box 4250, Sunland, CA 91041

Phone (818) 352.6753 Fax (818) 353.5976 Website: www.foreigntradeassociation.com

1 **Comment Letter R28: Foreign Trade Association**

2 **Response to Comment R28-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8



HARBOR ASSOCIATION OF INDUSTRY & COMMERCE

P.O. Box 4250 • Sunland, CA 91041

Phone: 818-951- 6088 • Fax: 818-353-5976

Website: www.harborassn.com • E-Mail: info@harborassn.com



October 17, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Harbor Association of Industry & Commerce (HAIC) I am writing to express our strong support for the re-circulated DEIR for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

HAIC is a non-profit industrial trade association dedicated to the growth and economic development of the San Pedro Bay area. We provide a collective voice for the harbor business community on important issues pertaining to economic development, environmental issues and public policy. Our 150 member firms, representing in excess of 350,000 employees, have a vested interest in the economic performance of our San Pedro Bay harbor area.

With unemployment in Los Angeles County at 11%, creating well-paying, local jobs **must** be a high priority. During SCIG's three-year construction period, approximately 1,500 jobs would be created annually, contributing more than \$85 million in federal, state and local taxes. These jobs are especially needed given that construction jobs are off 2007 levels by more than 50,000. Upon completion, SCIG will create 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles alone.


R29-1 The updated DEIR confirmed what last year's report concluded:

- SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce, all while improving local traffic.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

The Harbor Association of Industry & Commerce strongly supports this opportunity for job creation. SCIG is an ideal example of innovation and opportunity and we urge you to move ahead with the approval of the DEIR.

Sincerely,


Willem E. Walles
President

Copies to:
Mayor Antonio Villaraigosa
Geraldine Knatz, Ph.D
Los Angeles Board of Harbor Commissioners

It shall be the mission of the Harbor Association of Industry & Commerce to be a collective VOICE
and advocate for the harbor business community on the issues pertaining to economic environmental and public policies.

1 **Comment Letter R29: Harbor Association of Industry and Commerce**

2 **Response to Comment R29-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a))

8

The Propeller Club of Los Angeles - Long Beach

To promote the interests of international commerce, shipping, transportation and supporting industries, including governments and communities.



To provide a forum for discussion and to promote public education regarding critical issues which concern these industries.

October 17, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



Dear Mr. Cannon:

The Propeller Club of the United States is an international trade association with over 17,000 members in the United States and worldwide. The organization was established in 1923 and is dedicated to the enhancement and well-being of all interests of the maritime transportation community on a national and international basis. One of the major objectives of the Los Angeles-Long Beach chapter is to provide a forum for discussion and to promote public education regarding critical issues which affect this industry. Our local membership is comprised of over 250 maritime transportation executives in the San Pedro Bay area.

On behalf of the Propeller Club of the United States, Port of Los Angeles-Long Beach, I am writing to emphasize our strong support for the re-circulated DEIR for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility. We congratulate you on the re-release of your environmental study and encourage the Port of Los Angeles to move ahead quickly on this much needed project.

R30-1 There is currently a shortage of on-dock capacity, and the ability to expand that capacity is limited. There will always be a need for near-dock facilities, and expansion of this capacity is necessary to accommodate expected growing cargo volumes. SCIG will be the most environmentally friendly intermodal yard in North America and will set a high standard for future intermodal projects.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the Gulf and East Coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. With unemployment still close to 11 percent in Southern California, creating well-paying local jobs is a high priority. Creating approximately 1,500 jobs during the three-year construction phase, which in turn would contribute more than \$85 million in federal, state and local taxes, comes at an extremely opportune time.

It is important to move forward rapidly to ensure this project becomes a reality and we respectfully urge the Los Angeles Board of Harbor Commissioners to approve this re-circulated DEIR.

Sincerely,

Gary L. Gregory
President

CC: Mayor Antonio Villaraigosa
Geraldine Knatz, Ph.D
Los Angeles Board of Harbor Commissioners

1 **Comment Letter R30: Propeller Club of Los Angeles – Long Beach**

2 **Response to Comment R30-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8

JANICE HAHN
36TH DISTRICT, CALIFORNIA



COMMITTEES
HOMELAND SECURITY
SUBCOMMITTEE
COUNTERTERRORISM AND INTELLIGENCE
SMALL BUSINESS
SUBCOMMITTEE
INVESTIGATIONS, OVERSIGHT, AND
REGULATIONS
PORTS CAUCUS
FOUNDER AND CO-CHAIR

Congress of the United States
House of Representatives
Washington, DC 20515-0536

WASHINGTON OFFICE
2400 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8226
FAX (202) 226-7296

DISTRICT OFFICE
140 W. 8TH STREET
SAN PEDRO, CA 90731
(310) 831-1799
FAX (310) 831-1881

HTTP://HANS.HOUSE.GOV

October 18, 2012

Dr. Geraldine Knatz, Ph.D.
Executive Director
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

COPY



Dear Dr. Knatz,

As a long-time resident of San Pedro and Member of Congress I understand proposed benefits of the Southern California International Gateway (SCIG) project. This letter is not concerning the pros and cons of the project. Rather, I want to address the concerns from businesses that would be displaced by the development of the project.

I urge the Port to come to an agreement with the displaced companies: Fast Lane Transportation, LA Harbor Grain, 3 Rivers Trucking, San Pedro Fork Lift and Cal Cartage. These businesses are all long-standing members of the community, whose businesses will be significantly impacted by the SCIG project. I request that the Port work with these businesses to find viable alternatives for them to continue to operate at their current capacity. Failure to do so will further aggravate the already tough economic conditions in the surrounding communities and hurt hundreds of workers who depend on these jobs to support their families.

R31-1

Last fall, the Port of Los Angeles released a Draft Environmental Impact Report (EIR) that identified how this project would have an effect on residents and businesses alike. Many of the issues that were brought to this body at the last public comment period were addressed in the latest draft EIR released late September. However, an area that was not properly addressed in the revised EIR was how the displaced businesses would be compensated should this project move forward. While the SCIG project would create 1,500 jobs, the businesses that are being displaced represent at least 700 jobs.

I strongly encourage you to do the right thing for all involved. I ask that you give companies the time, assistance, and if necessary, the resources they need to relocate their long-standing operations. Your support will be essential for these businesses to maintain operations while steering through the transition process.

R31-1

This is especially true for Fast Lane Transportation – **the only land owner affected by the SCIG project**. I especially urge the Port to work with Fast Lane to find a location that will accommodate Fast Lane's specific business needs. In addition, the advantages associated with company's new location should be similar to those at its current location to try to keep Fast Lane whole during this time of upheaval. If action is not taken, then businesses like Fast Lane will continue to experience needless competitive disadvantage stemming from the uncertainty of this project.

R31-2

I also want to express my support for the letter I recently received from City of Long Beach Councilmember James Johnson. Councilman Johnson accurately pointed out the need to provide ample opportunities to residents and business owners in the surrounding communities to share their concerns about this project. I trust Councilman Johnson's request for an extended public comment period and an additional public hearings in West Long Beach will be considered to ensure a positive outcome is reached.

I request that the Port help provide clarity to those businesses in distress as a result of the uncertainty surrounding this project. By successfully working with the businesses and residents affected by this project, you will demonstrate yet again how the Port of Los Angeles keeps and creates jobs.

Sincerely,



Janice Hahn
Member of Congress

CC: Cindy Miscikowski, President of the Los Angeles Board of Harbor Commissioners
David Arian, Vice President of the Los Angeles Board of Harbor Commissioners
Robin Kramer, Commissioner on the Los Angeles Board of Harbor Commissioners
Douglas P. Krause, Commissioner on the Los Angeles Board of Harbor Commissioners
Dr. Sung Won Sohn, Commissioner on the Los Angeles Board of Harbor Commissioners
Christopher Cannon, Director of Environmental Management for the Port of Los Angeles

1 **Comment Letter R31: Hon. Janice. Hahn, U.S. House of**
2 **Representatives**

3 **Response to Comment R31-1**

4 Thank you for your comment regarding the businesses that would be displaced by the
5 proposed Project. The LAHD has considered the disposition of those businesses. Please
6 see Master Response 8, Displaced Businesses, which explains why the disposition of
7 those businesses is not a CEQA issue and therefore does not need to be resolved in the
8 EIR (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)). Please be
9 assured that the comment is hereby part of the Final EIR and is therefore before the
10 decision-makers for their consideration prior to taking any action on the SCIG project.

11 **Response to Comment R31-2**

12 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
13 and is therefore before the decision-makers for their consideration prior to taking any
14 action on the SCIG project. The comment does not question the adequacy of the analysis
15 or conclusions reached in the DEIR or RDEIR, therefore no further response is required
16 (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)). CEQA Guidelines
17 15202(a) does not require the lead agency to hold formal hearings at any stage of the
18 environmental review process. However, the Port responded to City of Long Beach
19 Councilmember James Johnson’s request for a public hearing in a letter dated October
20 17, 2012. The letter indicated that because only certain portions of the DEIR were being
21 recirculated for public review and two public hearings were previously held with an
22 extended comment period on the DEIR, the Port as lead agency, determined that the
23 standard 45-day comment period and one public hearing were appropriate for the RDEIR.
24 The Port, through Councilman Joe Buscaino’s office (Council District 15), offered buses
25 to shuttle people from Silverado Park in West Long Beach to Banning’s Landing
26 Community Center in Wilmington to attend the public hearing on the RDEIR that
27 occurred on October 18, 2012. Councilman Johnson held a public meeting on the
28 Recirculated DEIR in west Long Beach on November 7, 2012. The comments presented
29 at that meeting constitute Comment Letter R95, below, and the responses to those
30 comments are presented immediately after the transcript.

31

**Port of Los Angeles Community Advisory Committee
EIR Subcommittee**

**Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731**



Oct. 18, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro CA, 90731

Re: Subcommittees Comments on Recirculated Draft EIR Southern California
International Gateway Project (SCIG)

Dear Sir,

Thank you for the opportunity to comment on this recirculated DEIR.

R32-1

We request that the analysis and Public Record for the Recirculated SCIG DEIR include by reference any and all comments that this Subcommittee *and all other commenters* have made in regards to the October 2005 NOP and September 2011 DEIR for this project. "All other commenters" would include but not be limited to private citizens, community organizations (examples: Long Beach Alliance for Children With Asthma, CFASE), corporations, businesses, public health advocates such as the Coalition for Clean Air, environmental groups and public agencies.

R32-2

We request that a Health Impact Assessment be done for this project. We feel that an HRA is inadequate to evaluate the full impacts of this project as an HRA fails to analyze the noncancer effects of project operations which are known to be at least ten times larger than the cancer effects of project related air pollution.

We request that the I-710 HIA done for the Gateway Cities Council of Governments Air Quality Action Plan which has been released for public comment be included in the analysis and made by reference a part of the Public Record for the SCIG RDEIR. We are aware that the preparers of the I-710 HIA are continuing to examine the health effects of ultrafine particles. We request that the results of these investigations be incorporated into the analysis as they become available.

R32-3 | We request, once again, that a document titled "Health Effects of Diesel Exhaust Air Pollution, August 8, 2003 " and its references be included by reference and as attachment A. to these comments.

R32-4 | We remain deeply concerned about the unavoidable air quality impacts of the proposed project. We assert that the project *will indeed* cause disproportionately high and adverse effects on minority and low income populations *despite all proposed mitigation measures*.

We request that a full evaluation of a zero emissions alternative be incorporated into the analysis.

R32-5 | Unless a zero emissions alternative is chosen as the preferred project it will be necessary for the decision makers involved to face the simple fact that human lives will have to be sacrificed in order for this project to be operated as currently envisioned. The scientific, medical and epidemiologic evidence is absolutely clear that *some fellow human beings have to die* from air pollution as a result of the operations of the proposed project.

R32-6 | No matter how many times the numbers are massaged to make them look better, the stark fact remains that we will be sacrificing some citizen's lives and health , most likely those of nearby residents and students at the nearby schools. With two schools and a day care center located less that 600 feet from the project site this tragic end result is not avoidable.

The decision makers have to face this fact and accept moral responsibility for this loss of human life and health.

R32-7 | We wonder how the analysis of air quality impacts will change if adopted regulatory measures ultimately fail to materialize. Given the political climate at present, it seems possible that some regulatory measures to improve local air quality will be discarded, delayed or overturned. We suggest analysis that would take this possibility into consideration.

We commend POLA Staff for the improvements we see in this DEIR vs. past POLA environmental documents but this does not relieve POLA and the decision makers of the moral burden they must face if this project goes forward. We regret that a zero emissions option will not be adopted.

Respectfully,


John G Miller MD FACEP

Chairman Port of Los Angeles Community Advisory Committee EIR SubCommittee

See Attachment (A)

Comment Letter R32: Port of Los Angeles Community Advisory Committee EIR Subcommittee

Response to Comment R32-1

The administrative record for the SCIG DEIR and RDEIR will contain all comments made on the October 2005 NOP, the September 2011 DEIR, and the September 2012 RDEIR. Please also see Master Response 13, Draft EIR and RDEIR comment letters.

Response to Comment R32-2

Please see Master Response 9, HIA. As described in the Master Response, a lead agency is entitled to rely on its own expert's opinions as to what studies and analysis are appropriate to evaluate impacts. (*Association of Irrigated Residents v. County of Madera*, 107 Cal.App.4th 1383,1396-1398.)

Response to Comment R32-3

The document cited in the comment does not address any specific RDEIR analysis. It is included as an attachment to the comment letter, and therefore will be part of the administrative record.

Response to Comment R32-4

The commenter is correct: construction and operational air quality impacts would disproportionately impact the communities to the east of the proposed project (RDEIR Section 6.4.2.1). See also response to Comment R45C-48-3. These impacts are discussed in the Environmental Justice Chapter, which is not required under CEQA and was provided for informational purposes only. See also Master Response 10, Environmental Justice.

Response to Comment R32-5

Please see Master Response 7, ZECMS.

Response to Comment R32-6

The RDEIR acknowledges the proximity of sensitive receptors, including schools, to the Project site. The HRA and noise analysis performed in accordance with CEQA and the Port's protocols determined that construction and operation of the proposed Project would have less than significant impacts on those receptors once feasible mitigation was applied (Section 3.2.4, Section 3.9.4 of the RDEIR). Please see Master Response 11, Locating a Railyard Near Sensitive Receptors.

Response to Comment R32-7

Future emissions reductions from adopted regulations are reasonably foreseeable, and appropriately accounted for in the DEIR and RDEIR analyses. Speculating that some regulations might be overturned in the future would not be consistent with industry-standards for analysis and CEQA requirements. See also Master Response 2, Adopted Regulations.

1 The commenter included two attachments. These documents do not specifically address sections
2 of the RDEIR or its adequacy. Therefore, no responses are provided. Copies of the commenter's
3 attachments are included in the electronic versions (CD and POLA website) of the Final EIR. The
4 commenter's attachments are:

- 5 1. Health Effects of Diesel Exhaust Air Pollution
- 6 2. References Regarding the Health Effects of Diesel Exhaust Air Pollution

7

From: [Nathanael Nerode, political activist](#)
To: [Ceqacomment](#)
Subject: Electrify the railyard.
Date: Saturday, October 20, 2012 12:03:43 PM

R33-1

Railyards operated with diesel locomotives do generate large and unacceptable amounts of pollution. Luckily, there is a known solution to this: electrify the railyards and require that railyard activities be operated using electric locomotives, or dual-mode locomotives in electric mode.

This is straightforward, would be in all ways a superior solution to a diesel railyard -- despite greater upfront costs, the operating costs will be lower. This alternative should (a) be considered, and should (b) be the preferred alternative.

1 **Comment Letter R33: Nathanael Nerode**

2 **Response to Comment R33-1**

3 Please see Master Response 5, Alternatives, and Master Response 7, ZECMS.

4

5

From: [Kenneth Puchlik](#)
To: [Ceqacomment](#)
Subject: BNSF rail facility project
Date: Sunday, October 21, 2012 8:59:50 AM

R34-1

I support the BNSF proposal for a new transfer facility at the Port of Los Angeles which will be good for the environment and reduce traffic on the 710 freeway.

Ken Puchlik

1 **Comment Letter R34: Kenneth Puchlik**

2 **Response to Comment R34-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a resident of west Long Beach and a Professional Engineer, I wish to express my strong support for BNSF and the Southern California International Gateway (SCIG).

I share concerns about unemployment, traffic congestion and air quality, however the BNSF proposal responds to all three of these concerns. SCIG will improve air quality, increase use of trains to move cargo from our ports, reduce truck traffic on the 710 freeway and bring much needed jobs to our city.

Reducing the truck trips and truck queuing on residential streets has to be a big plus to the immediate neighborhood. The improvement in air quality will provide health benefits to my family and my neighbors. The sound wall and landscaping along the Terminal Island Freeway will reduce noise pollution.

I support BNSF's project because it will bring clean technology to our community, while simultaneously reducing traffic congestion and providing good jobs.

Sincerely,

Ronald M. Cheek
President, DNX Engineers, Ltd.

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street, San Pedro, CA 90731

R35-1

1 **Comment Letter R35: DNX Engineers, Ltd.**

2 **Response to Comment R35-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8



Los Angeles County Chapter

100 East Corson Street, Suite 410
Pasadena, California 91103

T 626-792-6322

F 626-792-6372

805-642-7994

October 16, 2012
Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Los Angeles County Chapter of the National Electrical Contractors Association, which represents over 300 electrical contracting companies who employ over 6,000 electrical workers throughout Los Angeles County, I am writing to express our strong support for BNSF Railway's proposed Southern California International Gateway project.

BNSF has been a longtime supporter of Los Angeles NECA, demonstrating that BNSF is a good corporate citizen.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

The jobs created and environmental enhancements make this project an important step toward improving the lives of those in adjacent communities.

We urge prompt review and approval of SCIG.

Sincerely,

James M. Willson
Chapter Manager

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, PhD
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R36: National Electrical Contractors Association -**
2 **Los Angeles County Chapter**

3 **Response to Comment R36-1**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

9

October 16, 2012
Chris Cannon
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Los Angeles County Chapter of the National Electrical Contractors Association, which represents over 300 hundred electrical contracting companies who employ over 6,000 electrical workers throughout Los Angeles County, I am writing to express our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG also promotes the emission reduction goals of the Clean Air Action Plan (CAAP).

R37-1

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will not travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

R37-1

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight.

While some have argued that SCIG should be built on-dock, according to the DEIR, there is a limit to the amount of space that will be available for future growth of on-dock facilities. Facilities already planned for both ports will require all available land. In addition, there is a limit to the size of on-dock rail yards within terminals, in order to balance container handling space, terminal operations and rail yard operations. There is also limited main line capacity to serve these facilities.

Near-dock facilities such as SCIG also play an important role in supporting the efficiency of on-dock rail yards, because they allow cargo from multiple marine terminals to be built into trains for specific destinations throughout the country, rather than congesting limited on-dock space with containers awaiting trains for specific locations.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,



James M. Willson
Chapter Manager

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012



Los Angeles County Chapter

100 East Corson Street, Suite 410
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805-642-7994

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San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
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Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R37: National Electrical Contractors Association -**
2 **Los Angeles County Chapter**

3 **Response to Comment R37-1**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

9

October 16, 2012
Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Los Angeles County Chapter of the National Electrical Contractors Association, which represents over 300 hundred electrical contracting companies who employ over 6,000 electrical workers throughout Los Angeles County, I am writing to express our strong support for re-circulated DEIR for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

R38-1

With unemployment in Los Angeles County at 11%, creating well-paying local jobs should be a high priority. During SCIG's three-year construction period, approximately 1,500 jobs would be created annually, contributing more than \$85 million in federal, state and local taxes. These jobs are especially needed given that construction jobs are off 2007 levels by more than 50,000 jobs. Upon completion, SCIG will create 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles.

The updated DEIR confirmed what last year's report concluded:


- SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce, all while improving local traffic.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

BNSF has gone beyond what is required to invest \$500 million in our regional economy and concluded a Project Labor Agreement worth \$255 million with the Building and Construction Trades Council for the construction of SCIG, ensuring that a skilled union workforce will build this environmentally friendly rail yard.

R38-1 ↑ This has been a long process, and the time to build SCIG is now. We look forward to approval of the EIR.

Sincerely,



James M. Willson
Chapter Manager

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, PhD
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R38: National Electrical Contractors Association -**
2 **Los Angeles County Chapter**

3 **Response to Comment R38-1**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

9



Oct. 19, 2012

Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Subject: Support for BNSF Southern California International Gateway Project

COALITION PARTNERS

- Automobile Club of Southern California
- Greater Riverside Chambers of Commerce
- Inland Empire Economic Partnership
- Los Angeles Area Chamber of Commerce
- Los Angeles County Metropolitan Transportation Authority
- Orange County Business Council
- Orange County Transportation Authority
- Riverside County Transportation Commission
- San Bernardino Associated Governments
- Southern California Association of Governments
- Ventura County Federated Chambers of Commerce
- Ventura County Transportation Commission

R39-1

Dear Mr. Cannon:

On behalf of Mobility 21, Southern California's transportation advocacy coalition, I am writing to express our support of the BNSF Southern California International Gateway (SCIG) Project. The SCIG project, which will create a near-dock rail facility, creates much-needed jobs, reduces traffic, improves air quality and maintains our economic competitiveness, all while supporting green growth at the Ports.

The SCIG project will remove 1.5 million trucks trips from the 710 freeway each year, helping to improve air quality and ease traffic locally and regionally. The updated environmental report determined that the SCIG Project will result in air quality improvements and reductions in associated health risks for surrounding communities. Trucks that currently travel 24 miles between the Ports and the BNSF Hobart and Commerce facilities will only travel four miles to SCIG. BNSF will improve an existing industrial site by building a new facility with electric cranes, ultra-low-emission switching locomotives and low-emission rail yard equipment. Additionally, BNSF will only be served by 2010 or newer trucks to transport goods between the terminals and the facility.

Keeping Southern California's Ports competitive is critical to our region's economic vitality. Expanding the capacity of near-dock facilities will help accommodate future cargo volumes. With the Panama Canal opening soon and other ports around the country aggressively pursuing opportunities to attract cargo away from Southern California's Ports, improved operational efficiency is essential to keeping our region competitive.

Mobility 21 supports the SCIG Project as an important economic asset for the Southern California region.

Sincerely,

Marnie O'Brien Primmer
Executive Director

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R39: Mobility 21**

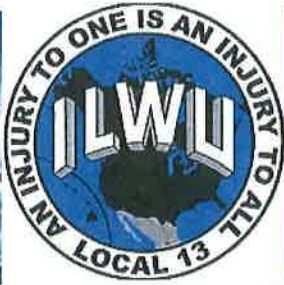
2 **Response to Comment R39-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



ILWU Local 63
350 W. 5th Street, Suite 200
San Pedro, CA 90731 • (310) 521-6363



ILWU Local 13
630 S. Centre Street
San Pedro, CA 90731 • (310) 830-1130



ILWU Local 94
411 N. Harbor Blvd., Suite 303
San Pedro, CA 90731 • (310) 832-1109

TRI-PARTY
CORRESPONDENCE



October 18, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the ILWU Locals 13, 63 and 94 and our 14,000 members, I am writing to re-iterate our strong support for re-circulated DEIR for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

R40-1

With unemployment in Los Angeles County at 11%, creating well-paying local jobs should be a high priority. During SCIG's three-year construction period, approximately 1,500 jobs would be created annually, contributing more than \$85 million in federal, state and local taxes. These jobs are especially needed given that construction jobs are off 2007 levels by more than 50,000 jobs. Upon completion, SCIG will create 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles.

The updated DEIR confirmed what last year's report concluded:

- SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce, all while improving local traffic.



↑ SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock inter-modal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

R40-1

BNSF has gone beyond what is required to invest \$500 million in our regional economy and concluded a Project Labor Agreement worth \$255 million with the Building and Construction Trades Council for the construction of SCIG, ensuring that a skilled union workforce will build this environmentally friendly rail yard.

This has been a long process, and the time to build SCIG is now. We look forward to approval of the EIR.

Sincerely,



Joe Cortez
President
ILWU, Local 13



Michael A. Podue
President
ILWU, Local 63



Daniel G. Miranda
President
ILWU, Local 94

MAP:fp/ocu63

cc: Antonio Villaraigosa, Mayor - City of Los Angeles
Geraldine Knatz, Ph.D, Executive Director, Port of Los Angeles
Cindy Miscikowski, President – Los Angeles Harbor Port Commissioner
David Arian, Vice President – Los Angeles Harbor Port Commissioner
Robin Kramer – Los Angeles Harbor Port Commissioner
Douglas P. Krause – Los Angeles Harbor Port Commissioner
Dr. Sung Won Sohn – Los Angeles Harbor Port Commissioner

1 **Comment Letter R40: ILWU Locals 13, 63 and 94**

2 **Response to Comment R40-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8

Boys & Girls Clubs of the Los Angeles Harbor

Established 1937



BOYS & GIRLS CLUBS
OF AMERICA

San Pedro Club
1200 S. Cabrillo Avenue
San Pedro, CA 90731
(310) 833-1322
Fax (310) 833-4235

Wilmington Club
1444 W. "Q" Street
Wilmington, CA 90744
(310) 549-8323
Fax (310) 549-2439

Port of L.A. Club
100 W. 5th Street
San Pedro, CA 90731
(310) 831-5232
Fax (310) 831-5470

Dana Strand
470 N. Hawaiian Avenue
Wilmington, CA 90744
(310) 518-7357
Fax (310) 518-9236

Executive Board

President
Yvonne Bogdanovich

First Vice President
Development
Steve Faichney

Second Vice President
Facilities
Gary Bettis

Third Vice President
Board Governance
Tamara Powers

Board Financial Officer
Rick Pielago

Secretary
Melissa Alvarado

Legal Advisor
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Human Resources
Raime Quick

Immediate Past President
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Board of Directors

Ed Alvarado
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Betsy Brien
Gwen Butterfield
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John Ek
Kirstin Ericson
Mitch Harmatz
John Kostrencich
Dennis Lane
Ken Pope
Joe Rich
Anthony Santich
John Vidovich
Jayme Wilson
Suzy Zimmerman

Staff

Executive Director
Mike Lansing

Director of Development
Derald Sidler

Director of Operations
Tony Tripp

Director of Events
and Marketing
Deanna Deering

October 19, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon:

I am writing to you today on behalf of Fast Lane Transportation, Inc. and Mr. Patrick Wilson. While we support the SCIG Project for the future contributions it will make to the harbor area, we are concerned about its impact on Fast Lane Transportation.

If the SCIG project is certified and completed, it will result in the acquisition of a significant portion of the business property Fast Lane owns which includes an office, warehouse, and repair and maintenance facilities. Without the adequate replacement of this infrastructure and adjacent land, Fast Lane Transportation, Inc. will not be able to continue in its current operating environment.

Fast Lane has been a longtime supporter of the Boys & Girls Clubs of the Los Angeles Harbor and other charitable organizations in the area, demonstrating that it is a good corporate citizen.

We urge your consideration to minimize any negative impact on Fast Lane Transportation and their future business.

Sincerely,

Mike Lansing
Executive Director



R41-1

1 **Comment Letter R41: Boys and Girls Clubs of the Los Angeles Harbor**

2 **Response to Comment R41-1**

3 Please see Master Response 8, Displaced Businesses, which explains why the disposition
4 of the businesses that would be displaced is not a CEQA issue and therefore does not
5 need to be resolved in the EIR (Public Resources Code § 21091(d); CEQA Guidelines §
6 15204(a)). The comment is hereby part of the Final EIR and is therefore before the
7 decision-makers for their consideration prior to taking any action on the SCIG project.

8

To: Chris Cannon, Port of Los Angeles
Re: BNSF SCIG RDEIR COMMENTS
Sender: ANDREA HRICKO, USC

Shortened version was presented orally on October 18, 2012 at the Public Hearing on the Recirculated DEIR for BNSF SCIG; this version submitted for the record of the hearing.

My name is Andrea Hricko and I am a professor of preventive medicine at USC where I also direct a community outreach program at the USC environmental health sciences center.

R42-1 Since 2005, public health experts have pointed out that it is completely inappropriate to build a polluting rail yard within 1000 feet of schools, daycare centers, parks and lower income veterans' homes. Hundreds of scientific papers now show that children and others who live in close proximity to traffic pollution are more likely to develop asthma, heart disease and other illnesses. But the EIR in essence dismisses the issue of proximity to traffic pollution. It goes as far as admitting that government agencies have issued guidelines saying that siting of homes and schools in close proximity to rail yards is an incompatible land use. See page of EIR: 3.8-17

And then the RDEIR goes to great length to argue that the guidance is not mandatory – as meaning that neither the Port of Los Angeles nor the BNSF railroad intends to abide by guidelines that government agencies put in place to protect the health of children and others vulnerable groups, based on the latest science.

R42-2 As a result, we have a proposal for a rail yard that not only violates land use, smart growth and public health principles ... but that also violates environmental justice principles. For the very first time, the EIR finally admits that after building the BNSF SCIG rail yard facility, significant health impacts from air pollution will remain on lower-income, minority communities... those communities to the immediate east of the rail yard.



I have examined the persistent claim by BNSF that building the SCIG will take trucks off the 710 Freeway. Right now, 40 foot containers with imports go to the Hobart Yard in Commerce. When the SCIG is built, all those 40 foot container will go to SCIG. The press videos almost make it seem like Hobart Yard will be empty -- no more trucks up the I-710.

But not so fast. As far back as 2006, the head of BNSF made it clear that there were plans for Hobart even if the SCIG were built: "Hobart is the largest inland intermodal facility in the world, and we look forward to being able to continue that as well." ¹*Town Hall Los Angeles, Keynote Address "Will Southern California Have Adequate Freight Transportation Capacity In the Future?"* <http://www.communitiesmatter.com/hall.html>. September 14, 2006.

For the first time in the revised EIR, it is clear that if the SCIG is built, BNSF plans a massive expansion of its Hobart Yard.

Somehow BNSF and the Port of L.A. don't like to focus attention on the Hobart Yard. Maybe here's why... Let's fast forward to 2035.... A new Appendix G4 in the revised EIR allows one to do the math: if the SCIG is built, in 2035, it will have more than 5,000 trucks A DAY going to it.

R42-3

But not only will the Hobart Yard still exist, by 2035 it will be so big that it will handle a million TEUs or container units a year MORE than it handles today.

That means LOTS of 53 foot transloaded containers and small mix of 40 foot containers going to Hobart. The result? TWICE as many trucks on the 710 as today. My calculations follow.

BNSF, Environ and the Port of L.A. have teamed up to try to convince the public that the SCIG will result in fewer trucks on the 710 Freeway ... but the math simply does not support their claims.

And what about trains? Today there are 15 trains a day leaving BNSF Hobart. If the SCIG is built and Hobart expands there will be 38 trains a day leaving from SCIG and Hobart combined. More than 2 ½ times as many trains than today... with 3-4 locomotives apiece.



Keck School of Medicine of USC

ANDREA M. HRICKO
Professor

R42-4

The EIR says ... almost as an afterthought, we have a CAAP, clean air action measure requiring cleaner locomotives. But then it says, let's not worry about cleaner trains in this EIR document ... let's save that for when we negotiate a lease. And then, let's have that lease be 50 years instead of 30.

R42-5

To protect public health, we certainly do not want a 50 year lease that prohibits the port from taking action to clean up emissions when necessary. We have already gone that route with the UP ICTF, and we have high diesel emissions in West Long Beach that the Port of L.A. claims it can do nothing about.

R42-6

Finally, the cancer risk. This EIR says there is a high cancer risk for folks who very close to the site of the rail yard. Then they subtract the cancer risk from what it would be if that person lived near the 710 Freeway. Voila ... no more elevated risk for someone a mile away, adjacent to the yard and the arriving trucks. Think about whether or not that makes sense.

R42-7

I suggest that this revised DEIR be revised once again, to TRY and get the numbers right. Perhaps this time the revision should be by a firm other than Environ ... by a firm that does not have such historical close ties or potential conflicts of interest with both the Port of L.A. and BNSF.

December 1, 2012

Name
Organization
Address

Sincerely,



Keck School
of Medicine
of **USC**

ANDREA M. HRICKO
Professor

Andrea Hricko

Andrea M. Hricko



Trains and TEUs out of Hobart/Commerce & SCIG by Year* - Not Including Pure Domestic Which do Not Use the I-710

<i>Year</i>	<i>Trains/day out of region; locomotives per day using 3.5 as an average</i>	<i>Trans-loaded TEUs to the Hobart Yard carrying imported goods from the Ports</i>	<i>40 foot intrn'l containers to Hobart (in TEUs)</i>	<i>Total TEUs at Hobart</i>	<i>40 foot TEUs to SCIG</i>
2010	15 53 locomotives	505,585	807,219	1,312,805	Not built yet
2016 <i>SC IG OPENS</i>	14 49 locomotives	969,622	31,712		602,520
2023	19.2 67 locomotives	1,376,342	44,867		852,464
2035	38.4 134 locomotives	2,156,861	146,053	2,302,914	2,775,000
	<p>2.56 times as many trains out of Hobart and SCIG in 2035 compared to 2010 baseline</p> <p>53 locomotives out of Hobart in 2010; 134 locomotives out of Hobart & SCIG in 2035.</p> <p>15 locomotives out of Hobart in 2010; 22 out of Hobart alone in 2035</p> <p>2.5 x as many locomotives in 2035 as in 2010</p>	4.27 x as many transloaded TEUs going to BNSF Hobart Yard in 2035 compared to 2010 baseline	<p>If you add up the TEUs on the 710, both transloaded and 40 foot containers in 2035 compared to 2010, there are 1.75 x as many TEUs in 2035 as in 2010: 2,302,914 minus 1,312,804</p> <p>1.75 times as much traffic on the I-710 in 2035 as 2010</p>	<p>If the SCIG is built, there will be nearly twice as much traffic on the I-710 in 2035 than there was in 2010</p> <p>1.75 x as much traffic on the I-710</p>	

R42-8

* From Appendix G4 of RDEIR.

1 **Comment Letter R42: University of Southern California**

2 **Response to Comment R42-1**

3 The commenter's comments on the health impacts of siting railyards near sensitive
4 receptors are noted and are hereby part of the Final EIR and are therefore before the
5 decision-makers for their consideration prior to taking any action on the SCIG project.
6 See also Master Response 10, Environmental Justice and Master Response 11, Locating a
7 Railyard Near Sensitive Receptors.

8 **Response to Comment R42-2**

9 Please see response to comment R45C-48-3.

10 **Response to Comment R42-3**

11 Please see Master Response 3, Hobart. See also response to comment R146-20.

12 **Response to Comment R42-4**

13 As discussed under Impact AQ-8 in Section 3.2.4.3 and in Section 3.2.5 of the RDEIR,
14 the Project is consistent with the CAAP. To that end, it includes a proposed Project
15 Condition recommended for inclusion in the SCIG lease (Project Condition PC AQ-12)
16 intended to implement the CAAP measure RL-3 goal that by 2023 the Class 1 locomotive
17 fleet associated with new and redeveloped near-dock rail yards meet a minimum
18 performance goal of an emissions equivalent of at least 50 percent Tier 4 line-haul
19 locomotives and 40% Tier 3 line-haul locomotives when operating on port properties.
20 PC AQ-12 also acknowledges the practical reality that, in order for such a project
21 condition to be feasible, the goal achievement date must be adjusted if certain key
22 assumptions are not met, such as if operationally-proven Tier 4 locomotives are not
23 commercially available by 2015. Indeed, Tier 4 locomotives are expected to utilize a
24 new, untested technology that simply does not currently exist at a size adequate for line-
25 haul locomotive engines. Under even the most optimistic scenario, there will only be a
26 limited number of prototype high-horsepower Tier 4 locomotives operating in California
27 for field testing in 2013. The inclusion of PC AQ-12 in the SCIG lease and the
28 implementation of the RL-3 goal supports the acceleration of the natural turnover of the
29 line-haul locomotive fleet and is consistent with the goal of advancing to 95% Tier 4
30 locomotives by a feasible date.

31 Furthermore, the policy goal behind the RL-3 measure is to help achieve CARB's
32 statewide emission reductions not only in the vicinity of the ports but also basin-wide. It
33 is therefore appropriate for PC AQ-12 to provide that the RL-3 emissions goal may be
34 achieved by BNSF's reduction in air emissions anywhere in the South Coast Air Basin
35 through any other alternative means.

36 **Response to Comment R42-5**

37 The comment's statement that the lease with the applicant would prohibit the Port from
38 taking action to clean up emissions is incorrect. The RDEIR considers, and imposes as
39 mitigation (Mitigation Measure AQ-9) a requirement that BNSF participate in ongoing
40 technology reviews and that at least every five years new technology be incorporated as
41 deemed feasible. Furthermore, Project condition PC AQ-11 requires BNSF to participate
42 in, including via funding, ongoing zero-emission technology development efforts.

1 Response to Comment R42-6

2 As described in the SCIG HRA protocol, and following standard practice for conducting
3 a health risk assessment within an EIR, the incremental cancer risk for the Project is
4 estimated – at any given receptor – as the increment between the absolute Project cancer
5 risk and the floating baseline cancer risk at that receptor. Nowhere in the analysis is an
6 increment taken between predicted cancer risk at receptors that are not geographically co-
7 located; the increment is always between predicted cancer risk values of different
8 scenarios at the same receptor. Therefore the commenter is incorrect in stating that
9 “...they subtract cancer risk from what it would be if that person lived near the 710
10 Freeway.”

11 The analysis was conducted following the HRA protocol developed by POLA and
12 reviewed by the SCAQMD, and both follows industry standard practices. Consequently,
13 the analysis is adequate under CEQA. See also Master Response 9, HIA.

14 Response to Comment R42-7

15 The commenter misunderstands the role of consultants in drafting EIRs. The EIR
16 contains the independent judgment of the lead agency, not the consultant. The EIR was
17 prepared pursuant to CEQA Guidelines §15084 (e), which requires that: “Before using a
18 draft prepared by another person, the Lead Agency shall subject the draft to the agency’s
19 own review and analysis. The draft EIR which is sent out for public review must reflect
20 the independent judgment of the Lead Agency. The Lead Agency is responsible for the
21 adequacy and objectivity of the draft EIR.”

22 Response to Comment R42-8

23 See the response to Comment R90-10.

24

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

R43-1 Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of whom are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,

Nancy R. Gragg
President, Advanced Planning Solutions, LLC

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R43: Advanced Planning Solutions, LLC**

2 **Response to Comment R43-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Bob Brant](#)
To: [Ceqacomment](#)
Subject: SCIG
Date: Saturday, October 20, 2012 12:56:09 AM

R44-1

Would like to say thanks for the updates and information, thats keeps me and other informed

Bob

--

R.E Brant 13:13
Big Sky Rail Link
The Montana Road
"Aim high...fly-fight-win!"
Semper Paratus

www.riverrail.org
http://groups.yahoo.com/group/parts_wanted_ho_scale/

1 **Comment Letter R44: Bob Brant**

2 **Response to Comment R44-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name

Isabel Moreno

Address

2140 Cedar Ave.

City, State, Zip

Long Beach CA 90806

Email

~~isabel.moreno@wellsfargo.com~~ ialvarez-5@hotmail.com

Please provide us with your comments

R45A-1-1

My name is Isabel Moreno, and I support the revise draft EIR because it states that the health benefits to the community are better than a NO project.

The overall impact to our communities health would improve with said when if we leave things as they are now.



EL PROYECTO "SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY"

Jueves, 18 de octubre, 2012

TARJETA PARA COMENTARIOS

FAVOR DE USAR LETRA DE MOLDE

Nombre CRYSTAL TRIMBO
Domicilio 750 GLADYS AVE. APT 4 LONG BEACH, CA 90804
Ciudad, Estado, C.P.
E-mail CRYSTAL06@GMAIL.COM

FAVOR DE DARNOS SU OPINION O COMENTARIO

R45A-2-1

I AM A RESIDENT OF LONG BEACH, AND I AM IN SUPPORT OF THE SCIG DRAFT EIR BECAUSE IT WILL CREATE MUCH NEEDED EMPLOYMENT. THE PROJECT ITSELF WILL CREATE UP TO 1,500 JOBS PER YEAR ~~FOR~~ OVER THE 3 YEARS OF CONSTRUCTION. THERE ARE SO MANY PEOPLE IN OUR COMMUNITY, AS WELL AS SURROUNDING COMMUNITIES THAT ARE STILL STRUGGLING TO PROVIDE FOR THEIR FAMILIES IN THIS ECONOMY. ~~WHY~~ WHY NOT HELP AND GIVE OUR FAMILIES, FRIENDS, AND NEIGHBORS A FIGHTING CHANCE FOR A BETTER FUTURE. I BELIEVE THIS PROJECT WILL BE THAT CHANCE.



EL PROYECTO "SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY"

Jueves, 18 de octubre, 2012

TARJETA PARA COMENTARIOS

FAVOR DE USAR LETRA DE MOLDE

Nombre Luis Garcia
Domicilio _____
Ciudad, Estado, C.P. Long Beach
E-mail _____

FAVOR DE DARNOS SU OPINION O COMENTARIO

Im here in support of the SCIG
Project & the draft EIR

-I support this project cause the major
job creation

- A huge air pollution decrease

- and its a big green project



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name Evelyn D. KNIGHT
Address 2521 COTA AVE
City, State, Zip LONG BEACH CA 90810
Email _____

Please provide us with your comments

R45A-4-1
I am Resolutely opposed to Building the SCIG in the area designated for the Project. My opposition is due to the close proximity of the SCIG to Sensitive Areas, Schools, many Homes where I live and many of my family, Neighbors and Friends. At a recent meeting in our Neighborhood Long Beach Port officials acknowledged they are aware of the long Standing Research documenting the extremely dangerous effects of very small particulates produced by diesel. The Research by scientist at UCLA indicate it is impossible to stop diesel from Killing People in West Long Beach because the ultra small Particulates Cannot be screened out by any Technology or Mitigation by the Ports. These particulates invade our bodies, attack our Lungs, Heart and other organs. No Benefit of the SCIG is Worth our Lives. This Project Belongs at the Port or someplace where it doesn't pollute our Community. This Recirculated Draft does not address the problem Killing our Residents by small diesel particulates. It also Takes the existing Businesses and destroys the livelihood of Present Workers + Business. The Port must stop Diesel Death Now + Do A Better JOB to Save Lives.

R45A-4-2
Hand in today or mail to: Christopher Cannon, Director, Environmental Management Division, Port of Los Angeles
425 S. Palos Verdes St. • San Pedro, CA 90731 •

The only Solution is to grow the Port Pollution free



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name Reymundo Saucedo field representative for
Address Congresswoman Janice Hahn
City, State, Zip _____
Email _____

Please provide us with your comments

Hand in today or mail to: Christopher Cannon, Director, Environmental Management Division, Port of Los Angeles
425 S. Palos Verdes St. • San Pedro, CA 90731 •



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name Peter San fillan
Address 5919 Paramount Blvd
City, State, Zip Lakewood, CA 90712
Email _____

Please provide us with your comments

I support SCIG, we need good jobs.

R45-5-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name GARY HURLOCKER
Address 644 N. WALNUT
City, State, Zip La Habra, CA 90031
Email dashum1@yahoo.com

Please provide us with your comments

R45A-6-1

I support SCIG - It seems if there can be something worked out between businesses that are going to be displaced, so as to be relocated so they can ~~be~~ stay in business then they would be on board to move SCIG forward -


so it seems to me if an agreement can be made everyone will be happy -

R45A-6-2

I'm trying to be non-biased

about this - as an Iron worker I could just not even consider the other side...

any way ...

lets compromise and build the darn thing - 



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name Enrique Gonzalez
 Address 3531 Cherry Ave
 City, State, Zip Long Beach, CA, 90807
 Email EGONZALEZ26@yahoo.com

Please provide us with your comments

To whom it may concern

I am here to let the ~~business~~ you know that this project is far from helping our communities with clean air, better economy and/or traffic. These are the main reasons about the eco-projects:

R45A-7-1

* how are the ^{BNSF} going to clean the air when they are going to be moving more containers to a single area, this means more pollution near schools.

R45A-7-2

* affected economic communities, this project will offer 300 plus permanent jobs which is not enough for all the families that are going to be asking for government financial aid once they loose their jobs. I include my self among them because without my job at California Cartage I will not be able to pay my mortgage. I've been in this company since 1996 and I can tell you this: our company is one of the cleanest sites to work since they change all trucks from Diesel to LNG, even the forklifts have a retrofitted system that minimize pollution to almost no pollution at all.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name Ruben LEAL
Address 16112 S-BULLIS RD
City, State, Zip COMPTON CA 90221
Email _____

Please provide us with your comments

R45A-8-1 | PUES- ME GUSTARIA - QUE NO
SERRARAN LAS BODEGAS- DE
CALIFORNIA CARTABE



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name JOSE CRUZ GONZALEZ
Address 527 ATLANTIC AVENUE 12
City, State, Zip LONG BEACH CA
Email josecgonzalez@yahoo.com

Please provide us with your comments

R45A-9-1

yo no estoy de acuerdo por razones de Salud, Contaminación y de trabajo Considero un abuso de poder y dinero que afecta minorias y enriquece mas a poderosos



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name

Bobby PEREZ

Address

2480 #8 Whittier Blvd

City, State, Zip

LA Habra Ca 90631

Email

PEREZ Bobby 1952@gmail.com

Please provide us with your comments

R45A-10-1

The Meeting Will Organized



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name VICTORIA IWATA
Address 2352 ADRIATIC AVENUE
City, State, Zip LONG BEACH, CA. 90810
Email _____

Please provide us with your comments

R45A-11-1 THE HEALTH EFFECTS ON THE RESIDENTS OF THE WESTSIDE OF LONG BEACH WILL BE IRREPARABLE IF THIS PROJECT CONTINUES TO FRUITION/BECOME REALITY.

R45A-11-2 JAMES JOHNSON (the city canal person for the westside) - his spokesperson's delivered presentation stated one obvious & troubling fact - the utter disregard & disrespect (read, NOT ONE iota of concern) for the human element on the westside ("receptor *sensors", as they/we were referred to in the ^{draft} EIR report). Why not face the human face that opposes this project (ie no continuance in meeting on the westside - those who will be impacted in the extreme).

R45A-11-3 Another powerful spokesperson (Jessie Marquez) - offered reality-based options! Utilize his counsel. BUILD THIS PROJECT ON-SITE, AT THE PORT! A SIMPLE SOLUTION, & we can only ask why this isn't done?

* or "sensitive receptors", either way w/o obfuscation: HUMAN'S.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name GREGORY A. KASZNIAK
Address 2352 ADRIATIC AVE
City, State, Zip LONG BEACH, CA. 90810
Email _____

Please provide us with your comments

- R45A-12-1 I am against this project because it is not located on port property, is not utilizing mag-lev technologies and other advanced non-polluting ways to unload your cargo.
- R45A-12-2
- R45A-12-3 In addition your draft EIR is Flawed! in that it totally disregards, disrespects and sentences ~~to~~ to death the residents of West Long Beach, and other affected neighborhoods.
- R45A-12-4 The only long term jobs SCIG will create are Undertakers, Gravediggers, and embalming fluid manufacturers.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name Matthew Lombard, MD
Address WILMINGTON HEALTH CENTER / 1325 BROAD AVENUE
City, State, Zip WILMINGTON, CA 90744
Email MPL@LOMBARD24400.COM

Please provide us with your comments

I generally support the SCIS project, but not at the price of displacing several businesses that have been long-standing, and could result in significant, if not complete, closure of these businesses.

R45A-13-1 I especially wish to support Pat Wilson and Fast Lane Transportation. As the only affected business that owns their own land, if displacement ultimately is required, Fast Lane should receive first priority in relocating to a property that is at least equivalent to their current property, with provisions that buildings and equipment be at least of equivalent quality to the current site.

Pat Wilson has long been a pillar of the Wilmington Community. A self-made business success story, a devoted husband & father, Pat has donated countless hours and funds to numerous local programs, including ~~our~~ our County Clinic, in apparent appreciation of the rewards the community has offered him.

It does not seem appropriate to perhaps fatally impact a man and a business who have given so much to our community. Whether or not SCIS is approved, I hope you will do the right thing and ensure that Fast Lane Transportation continues to operate at no less than its current capacity.

Thank you, 



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name William F. Lyte - Harbor Association of Industry and Commerce
Address _____
City, State, Zip San Pedro, CA
Email wlyte@technoplexgroup.com

Please provide us with your comments

My name is William F. Lyte, Development Committee Chair of The Harbor Association of Industry and Commerce. Our one hundred member firms represent the core industrial entities in, both ports and the surrounding region.

Our Association has strongly supported this critical project since its inception, and has testified at every public hearing to that effect since and has submitted support comments on the overall EIR. In particular, ~~that~~ I would like to emphasize the ^{EIR} commitment of BNSF to electric vehicle technology, specific to port drayage trucks.

San Pedro and Wilmington are already becoming internationally known as centers of this critical electric truck technology.

Hand in today or mail to: Christopher Cannon, Director, Environmental Management Division, Port of Los Angeles
425 S. Palos Verdes St. • San Pedro, CA 90731 •

The BNSF financial contributions

R45A-14-1

R45A-14-1

to this technological ~~research~~ testing and deployment will allow our region, and the harbor area specifically, to take a leap forward in dominance of this electric dayage truck growth market, ~~but~~ in association with industry leaders such as Total Transportation Systems, Inc. (TTSI) and others.

Thank you for consideration of these comments.

Sincerely,
William F. Lyte

JANICE HAHN
36TH DISTRICT, CALIFORNIA



COMMITTEES
HOMELAND SECURITY
SUBCOMMITTEE
COUNTERTERRORISM AND INTELLIGENCE
SMALL BUSINESS
SUBCOMMITTEE
INVESTIGATIONS, OVERSIGHT AND
REGULATIONS
PORTS CAUCUS
FOURTH AND CO. CHAIR

Congress of the United States
House of Representatives
Washington, DC 20515-0536

WASHINGTON OFFICE
2400 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8220
FAX (202) 226-7290

DISTRICT OFFICE
140 W. 6TH STREET
SAN PEDRO, CA 90731
(310) 831-1795
FAX (310) 831-1385

JEFF HAHN HOUSE WEB

October 18, 2012

Dr. Geraldine Knatz, Ph.D.
Executive Director
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

COPY

Dear Dr. Knatz,

As a long-time resident of San Pedro and Member of Congress I understand proposed benefits of the Southern California International Gateway (SCIG) project. This letter is not concerning the pros and cons of the project. Rather, I want to address the concerns from businesses that would be displaced by the development of the project.

I urge the Port to come to an agreement with the displaced companies: Fast Lane Transportation, LA Harbor Grain, 3 Rivers Trucking, San Pedro Fork Lift and Cal Cartage. These businesses are all long-standing members of the community, whose businesses will be significantly impacted by the SCIG project. I request that the Port work with these businesses to find viable alternatives for them to continue to operate at their current capacity. Failure to do so will further aggravate the already tough economic conditions in the surrounding communities and hurt hundreds of workers who depend on these jobs to support their families.

Last fall, the Port of Los Angeles released a Draft Environmental Impact Report (EIR) that identified how this project would have an effect on residents and businesses alike. Many of the issues that were brought to this body at the last public comment period were addressed in the latest draft EIR released late September. However, an area that was not properly addressed in the revised EIR was how the displaced businesses would be compensated should this project move forward. While the SCIG project would create 1,500 jobs, the businesses that are being displaced represent at least 700 jobs.

I strongly encourage you to do the right thing for all involved. I ask that you give companies the time, assistance, and if necessary, the resources they need to relocate their long-standing operations. Your support will be essential for these businesses to maintain operations while steering through the transition process.

R45A-15-1

↑ This is especially true for Fast Lane Transportation – **the only land owner affected by the SCIG project**. I especially urge the Port to work with Fast Lane to find a location that will accommodate Fast Lane’s specific business needs. In addition, the advantages associated with company’s new location should be similar to those at its current location to try to keep Fast Lane whole during this time of upheaval. If action is not taken, then businesses like Fast Lane will continue to experience needless competitive disadvantage stemming from the uncertainty of this project.

R45A-15-1

I also want to express my support for the letter I recently received from City of Long Beach Councilmember James Johnson. Councilman Johnson accurately pointed out the need to provide ample opportunities to residents and business owners in the surrounding communities to share their concerns about this project. I trust Councilman Johnson’s request for an extended public comment period and an additional public hearings in West Long Beach will be considered to ensure a positive outcome is reached.

I request that the Port help provide clarity to those businesses in distress as a result of the uncertainty surrounding this project. By successfully working with the businesses and residents affected by this project, you will demonstrate yet again how the Port of Los Angeles keeps and creates jobs.

Sincerely,



Janice Hahn
Member of Congress

CC: Cindy Miscikowski, President of the Los Angeles Board of Harbor Commissioners
David Arian, Vice President of the Los Angeles Board of Harbor Commissioners
Robin Kramer, Commissioner on the Los Angeles Board of Harbor Commissioners
Douglas P. Krause, Commissioner on the Los Angeles Board of Harbor Commissioners
Dr. Sung Won Sohn, Commissioner on the Los Angeles Board of Harbor Commissioners
Christopher Cannon, Director of Environmental Management for the Port of Los Angeles

1 **Comment Letter R45A: Public Meeting Comment Cards (Banning)**

2 **Response to Comment R45A-1-1 (I. Moreno)**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R45A-2-1 (C. Trumbo)**

9 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
10 and is therefore before the decision-makers for their consideration prior to taking any
11 action on the SCIG project. The comment is general and does not reference any specific
12 section of the DEIR or RDEIR, therefore no further response is required. (Public
13 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

14 **Response to Comment R45A-3-1 (L. Garcia)**

15 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
16 and is therefore before the decision-makers for their consideration prior to taking any
17 action on the SCIG project. The comment is general and does not reference any specific
18 section of the DEIR or RDEIR, therefore no further response is required. (Public
19 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

20 **Response to Comment R45A-4-1 (Evelyn Knight)**

21 Please see the response to Comment R42-1.

22 **Response to Comment R45A-4-2 (E. Knight)**

23 Please refer to Master Response 12, UFP.

24 The commenter also makes reference to research by scientists at UCLA on “ultra small
25 particulates”. However, the comment is general and does not reference any specific
26 research article, nor is reference made to a specific section of the DEIR or RDEIR.
27 Because of this, no further response is required on this particular point as per Public
28 Resources Code § 21091(d); CEQA Guidelines § 15204(a).

29 The commenter is not correct with respect to the comment that the Port has not addressed
30 the impacts of ‘diesel particulate’ on the health of residents. The RDEIR evaluated the
31 potential health impacts of diesel particulate matter (DPM) in multiple ways, including
32 assessing the likelihood of DPM emissions from SCIG to cause cancer, and/or chronic
33 and acute non-cancer impacts for all alternatives. (See Appendix C3, Health Risk
34 Assessment, of the SCIG RDEIR.) Table C3-7-4 in Appendix C3 presents a summary of
35 the maximum health impacts that would occur for each receptor type with construction
36 and operation of the Mitigated Project. Table C3-7-6 presents the contributions from each
37 pollutant source, including DPM, to the maximum health impacts from the Mitigated
38 Project.

39

1 Response to Comment R45A-5-1 (P. Santollan)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R45A-6-1 (G. Hurlocker)

8 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
9 and is therefore before the decision-makers for their consideration prior to taking any
10 action on the SCIG project. The comment is general and does not reference any specific
11 section of the DEIR or RDEIR, therefore no further response is required. (Public
12 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

13 Response to Comment R45A-6-2 (G. Hurlocker)

14 Thank you for your comment. Please see Master Response 8, Displaced Businesses. The
15 comment is noted and is hereby part of the Final EIR, and is therefore before the
16 decision-makers for their consideration prior to taking any action on the SCIG project.
17 The comment is general and does not reference any specific section of the DEIR or
18 RDEIR, therefore no further response is required. (Public Resources Code § 21091(d);
19 CEQA Guidelines § 15204(a)).

20 Response to Comment R45A-7-1 (E. Gonzalez)

21 Thank you for your comment. Please see Master Response 11, Locating a Railyard Near
22 Sensitive Receptors. The comment is noted and is hereby part of the Final EIR, and is
23 therefore before the decision-makers for their consideration prior to taking any action on
24 the SCIG project. The comment is general and does not reference any specific section of
25 the DEIR or RDEIR, therefore no further response is required (Public Resources Code §
26 21091(d); CEQA Guidelines § 15204(a)).

27 Response to Comment R45A-7-2 (E. Gonzalez)

28 Please see Master Response 8, Displaced Businesses. The comment is noted and is
29 hereby part of the Final EIR, and is therefore before the decision-makers for their
30 consideration prior to taking any action on the SCIG project. The comment does not
31 comment on the adequacy of the analysis or the conclusions reached in the SCIG DEIR
32 or RDEIR, therefore no further response is required. (Public Resources Code § 21091(d);
33 CEQA Guidelines § 15204(a)).

34 Response to Comment R45A-8-1 (R. Leal)

35 Please see Master Response 8, Displaced Businesses. Thank you for your comment. The
36 comment is noted and is hereby part of the Final EIR, and is therefore before the
37 decision-makers for their consideration prior to taking any action on the SCIG project.
38 The comment is general and does not reference any specific section of the DEIR or
39 RDEIR, therefore no further response is required. (Public Resources Code § 21091(d);
40 CEQA Guidelines § 15204(a)).

41

1 Response to Comment R45A-9-1 (J. C. Gonzales)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R45A-10-1 (B. Perez)

8 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
9 and is therefore before the decision-makers for their consideration prior to taking any
10 action on the SCIG project. The comment is general and does not reference any specific
11 section of the DEIR or RDEIR, therefore no further response is required. (Public
12 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

13 Response to Comment R45A-11-1 (V. Iwasta)

14 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
15 and is therefore before the decision-makers for their consideration prior to taking any
16 action on the SCIG project. The comment is general and does not reference any specific
17 section of the DEIR or RDEIR, therefore no further response is required. (Public
18 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

19 Response to Comment R45A-11-2 (V. Iwasta)

20 The SCIG RDEIR evaluated impacts on sensitive receptors near the proposed project.
21 Please see Master Response 11, Locating a Railyard Near Sensitive Receptors. Thank
22 you for your comment. The comment is noted and is hereby part of the Final EIR, and is
23 therefore before the decision-makers for their consideration prior to taking any action on
24 the SCIG project. The comment is general and does not reference any specific section of
25 the DEIR or RDEIR, therefore no further response is required (Public Resources Code §
26 21091(d); CEQA Guidelines § 15204(a)).

27 Response to Comment R45A-11-3 (V. Iwasta)

28 Please see Master Response 5, Alternatives. Thank you for your comment. The comment
29 is noted and is hereby part of the Final EIR, and is therefore before the decision-makers
30 for their consideration prior to taking any action on the SCIG project. The comment is
31 general and does not reference any specific section of the DEIR or RDEIR, therefore no
32 further response is required (Public Resources Code § 21091(d); CEQA Guidelines §
33 15204(a)).

34 Response to Comment R45A-12-1 (G. Kasniak)

35 Thank you for your comment. Please see Master Response 5, Alternatives. The comment
36 is noted and is hereby part of the Final EIR, and is therefore before the decision-makers
37 for their consideration prior to taking any action on the SCIG project. The comment is
38 general and does not reference any specific section of the DEIR or RDEIR, therefore no
39 further response is required (Public Resources Code § 21091(d); CEQA Guidelines §
40 15204(a)).

1 Response to Comment R45A-12-2 (G. Kasniak)

2 Please see Master Response 5, Alternatives, and Master Response 7, ZECMS.

3 Response to Comment R45A-12-3 (G. Kasniak)

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 Response to Comment R45A-12-4 (G. Kasniak)

10 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
11 and is therefore before the decision-makers for their consideration prior to taking any
12 action on the SCIG project. The comment is general and does not reference any specific
13 section of the DEIR or RDEIR, therefore no further response is required (Public
14 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

15 Response to Comment R45A-13-1 (M. Lombard)

16 Thank you for your comment. Please see Master Response 8, Displaced Businesses. The
17 comment is noted and is hereby part of the Final EIR, and is therefore before the
18 decision-makers for their consideration prior to taking any action on the SCIG project.
19 The comment is general and does not reference any specific section of the DEIR or
20 RDEIR, therefore no further response is required. (Public Resources Code § 21091(d);
21 CEQA Guidelines § 15204(a)).

22 Response to Comment R45A-14-1 (W.F. Lyte)

23 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
24 and is therefore before the decision-makers for their consideration prior to taking any
25 action on the SCIG project. The comment is general and does not reference any specific
26 section of the DEIR or RDEIR, therefore no further response is required. (Public
27 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

28 Response to Comment R45A-15-1 (J. Hahn)

29 Please see the responses to Comment R31-1 and Comment R31-2.
30
31



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name: Caroline Brady-Sinco

Address: 3845 Myrtle Avenue

City, State, Zip: Long Beach CA 90807

E-mail: cibrad@aol.com

Please provide us with your comments

I serve as the development director for Harbor Interfaith Services, a nonprofit organization that serves approximately 17,000 homeless and working poor families each year from the Harbor Area, including San Pedro, Wilmington and Long Beach.

I am a former newspaper reporter and having covered the Port of Los Angeles for many years, I have a background in reading EIRs and covering port projects. I have read this EIR and support the project for several reasons. First, I drive the 710 Freeway on a daily basis and relish the idea of removing these trucks due to the danger they pose just by their size and sheer numbers. Having reviewed the health impacts of the project, I think these improvements will have a real and immediate positive impact on West Long Beach and probably my neighborhood as well. (I live in Bixby Knolls.) Because I work for a homeless agency, I am very aware of the health statistics--that homeless children suffer asthma and respiratory disorders at nearly twice the rate of other children. This project significantly improves air quality by utilizing electric cranes, newer, lower-emission trucks and by taking those 1.5 million trucks off of the 710 freeway. I think the SCIG design's innovations will help as well by lining trucks up inside of the facility instead of having them idle on the street. Last but not least, this project will create the kind of jobs that homeless and working poor people need to lift themselves out of poverty and onto the road to self-sufficiency. So in conclusion, this project will improve the immediate neighborhood, improve air quality and traffic conditions regionally and create opportunities for employment for the people who need it most.

R45B-1-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Thursday, October 18, 2012

COMMENT CARD

PLEASE PRINT

Name: Takashi Kozakai

Address: 2130 Plaza Del Amo

City, State, Zip: Torrance , CA

E-mail: kozakai@earthlink.net

Please provide us with your comments

R45B-2-1 The port should develop more on dock rail dock, not near dock rail site. I am working at Cal, Cartage for 31 years. The port should find alternative land for us to work. The port need transloading facility at near dock area like we are going for many big name companies, We are not asking same size of land we are using, but need 2-3 locations at near port area to continue existing business for our customers and for us to live. Many of our employee are living near this location, can not be transfered to too far from this area. The port should think win win ways for both side of the people, and I think it is possible it port want and look for better solution. this plan is not perfect or not kind to all of us. SCIG should not be a only winer.

1 **Comment Letter R45B: Public Meeting Comments (Laptop Comments)**

2 **Response to Comment R45B-1-1 (C. Brady-Sinco)**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R45B-2-1 (T. Kozakai)**

9 The commenter raises several issues which are addressed in Master Responses; see
10 Master Response 6, On-Dock Rail and Master Response 8, Displaced Businesses. These
11 Master Responses address the limitations of on-dock rail and the need for near-dock
12 railyards, and the disposition of existing businesses on the proposed Project site and how
13 they were appropriately analyzed under CEQA.

14 With regards to the other comments made by the commenter, they are noted and hereby
15 part of the Final EIR, and therefore before the decision-makers for their consideration
16 prior to taking any action on the SCIG project. The comments are general and do not
17 reference any specific section of the DEIR or RDEIR, therefore no further response is
18 required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

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PORT OF LOS ANGELES DRAFT ENVIRONMENTAL
IMPACT REPORT FOR BNSF'S PROPOSED
SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Banning Landing Community Center
100 E. Water Street
Wilmington, California 90744

Thursday, October 18, 2012
6:00 P.M. - 10:10 P.M.

Reported by:

Dominica Hotchkiss, C.S.R. No. 12805

Job No. 130238

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ALSO PRESENT

Interpreter Delia Torres, No. 100737

1 WILMINGTON, CALIFORNIA, THURSDAY, OCTOBER 18, 2012

2 6:00 P.M.

3 -o0o-

4 MR. CHRIS CANNON: Okay. Welcome everyone. You're
5 going to bear with me. I'm just getting over a cold and
6 starting to lose my voice. So forgive me for that, but
7 tonight is our CEQA here to receive comments on the
8 recirculated sections of the recirculated SCIG EIR. The
9 document was recirculated, not all of it, but large portions
10 of it were recirculated, and we're here to receive comments
11 on the recirculated documents. And so that means please
12 focus your comments on the recirculated sections, and we'll
13 go through all of this tonight. I'm just going to give you
14 an intro, and I'm going to introduce the others who will
15 guide you through the hearing.

16 Tonight is not the night to expect us to give you
17 responses, and we're not going to do that. We're just going
18 to be listening. We've got a recorder here (indicating) who
19 is going to be making a transcript, and there is a bunch of
20 people, including us up here in the front, who are from the
21 Port. This is, of course, a Port hearing. So it's important
22 that you help us. We've got a lot of people here. There's
23 more people outside (indicating). And so it's a really
24 capacity crowd tonight.

25 So, again, we will not be giving responses to any

1 comments tonight. Please focus your attention on your
2 comments on the recirculated sections only. This isn't the
3 night -- we can't stop you -- but this isn't the night for
4 you to comment on the project. Comments on the project
5 itself, whether they're pro or against it, are appropriate to
6 be given to the Board of Harbor Commissioners. They're the
7 decision-makers, and they are the ones who are going to
8 decide what to do about this project. And they're the ones
9 who want to receive that, and, again, we can't stop you from
10 saying what you're going to say. But keep in mind that
11 tonight's purpose is only to receive comments on the
12 analysis. Okay? So that's the purpose of tonight.

13 There are several ways for you to provide comments:

14 You can fill out a speaker card and then come up here, and
15 you'll have to face the front. Please face so that our
16 recorder over there can hear you and make sure that you speak
17 clearly and enunciate so that she can make sure she gets
18 everything that you say. Please give your name. You do not
19 have to tell us where you're from, but we're going to ask if
20 you can do that. It would be helpful because it helps us
21 also when you fill out the speaker card. Make sure that you
22 fill it out clearly so that we can get back to you to the
23 extent we have any follow-up on any comments that you may
24 give -- so name and, ideally, where you're from if you can do
25 that.

1 I notice some people have signs. I would ask that
2 you keep your signs down here inside. You can have your
3 signs out -- up outside, but here inside waving signs, we're
4 going to ask that you don't do that. People around you
5 aren't going to be able to see. I also ask that you hold
6 your applause for any of the demonstrations, pro or con.

7 Again, we want to try to have an orderly meeting
8 and give people a chance to speak. You're going to be given
9 a three-minute time limit to speak, and I'm going to be out
10 here in the audience kind of helping to organize people and
11 get them set up to follow the speakers. And I'm going to ask
12 that you watch this little light here (indicating), and when
13 the red light comes on, you're done. So three minutes
14 doesn't mean three minutes and ten seconds or three minutes
15 and twenty seconds. Three minutes means three minutes.
16 We've got a lot of people here tonight, and we really need to
17 give them all an opportunity to speak.

18 Also, once you're done speaking, if you're here
19 inside -- we can't make you leave -- but if you would like to
20 give your seat to someone who's outside waiting and who would
21 like to come in, I'm sure those people would appreciate that.
22 We obviously can't make you leave. You've gotten here, and
23 you've gotten seats. So you can, of course, stay.

24 Most of all, be patient. Recognize that there's a
25 lot of people here tonight, and tempers can flare when people

1 are all in a small room together. This isn't a small room,
2 but it's a lot of people. So have patience and understand
3 that we'll do our best to get through to everybody.

4 The last thing I want to say is if you don't do
5 speaking, we have a couple of options for you, and this
6 worked if you came to our last hearing. You've got three
7 minutes on the speaker stand here, but in the back outside in
8 the lobby, we've got another court recorder. And you can
9 dictate comments to that person there. There's no
10 three-minute limit on that. So I recommend that you go
11 outside if you would like and dictate comments. We also have
12 a laptop out there. So, if you want to type comments, you
13 can do that, and we have pads so that you can hand write
14 comments.

15 In each of those three cases, there's no
16 three-minute limits. You can take whatever time you need,
17 other than just we ask that if there's a line behind you, you
18 be respectful of the fact that there's other people there.
19 So it's three minutes here, and it's going to be strict.
20 It's whatever you need outside. So, I would argue -- I would
21 urge you, I would say, to take advantage of that. A lot of
22 people did that last time, and they found it to be very
23 helpful.

24 So I'm going to turn the meeting over. The person
25 who spoke is Mary McCormick. She's going to be the meeting

1 facilitator. A lot of people know her in the Port area, and
2 she's been working with the Port for many years and is well
3 known and well thought of here. So we appreciate that she's
4 taken the time to help us to facilitate this meeting.

5 And also the person who's going to give an overview
6 of the recirculated documents and the project is, to my left,
7 here is Lisa Ochsner. She is the manager of our CEQA and
8 NEPA group, and so she's going to take us through the rest of
9 the meeting.

10 MS. LISA OCHSNER: Thank you, Chris. Good evening
11 again. My name is Lisa Ochsner, and I'm here to provide the
12 staff presentation on the recirculated draft environmental
13 report for the SCIG project. As Chris mentioned, this is a
14 public hearing on the recirculated Draft EIR for the SCIG
15 project, and as he mentioned, there is a variety of formats
16 to provide public comments. You can do that with a comment
17 card, oral comments, which will be limited to three minutes,
18 as well as the comment table in the lobby. And we are also
19 accepting written comments by mail or e-mail, and all public
20 comments will be included and responded to in the final EIR,
21 and, as Chris mentioned, we do have a court reporter. So all
22 of the comments are being recorded this evening.

23 So here's just an overview of the milestones. We
24 released the notice of preparation back in October of 2005.
25 The Draft EIR was then released for public review and

1 comments in September of last year, and that public review
2 ended in February 2012. During that time, we had two public
3 meetings that were held in November. We received 143 comment
4 letters and 329 oral and written comments during the public
5 comment and review period, and, based on those public
6 comments and reanalysis that the Port did, a decision was
7 made to recirculate the Draft EIR. And that document was
8 released on September 27th for a 45-day public review period,
9 which ends on November 9th.

10 In terms of the changes that were made to the
11 analysis, this is just a brief overview of key changes. The
12 most significant change is we updated the baseline.
13 Previously in the Draft EIR it was 2005. The baseline that
14 we're analyzing in the recirculated Draft EIR is now 2010,
15 and the reason why we chose that year was because when we
16 started the analysis, 2010 was the year that we had a
17 complete data set available. The operations period for SCIG
18 changed from 30 to 50 years. So we're now analyzing SCIG
19 operating from 2016 to 2066 throughput or activity at the
20 railyard is now based on the most current 2009 San Pedro Bay
21 cargo demand forecast. So the original draft had relied upon
22 the 2007 forecast, which was a high-growth forecast. The
23 2009 forecast is now a low-growth forecast, and, based on
24 that change, maximum capacity or build-out of the SCIG
25 facility would now occur in 2035 instead of 2023. We also

1 included updated data related to traffic, air quality and
2 noise, and we updated a number of air quality models.

3 We also included for significance determination or
4 determining where the significant impact would occur as using
5 a floating baseline for health risk assessment purposes. So
6 previously in the Draft EIR when we did our health risk
7 analysis we included a static or fixed baseline for 2005, and
8 we also included a floating or future baseline which accounts
9 for changes in air quality that would occur over time due to
10 adopted rules and regulations. In this recirculated
11 analysis, we still have both baselines; however, the floating
12 baseline in this case is a more conservative analysis. It
13 shows greater impacts, and that's what we have used to base
14 our significance finding on.

15 And then we also did a comparison of the project to
16 the no-project alternative primarily for air quality and this
17 was done for informational purposes only. It's not required
18 under CEQA. However, we wanted to show what the impacts of
19 the project would be compared to if there were no SCIG and
20 how impacts would continue out in the future. So this is
21 just a listing of the revised chapters sections and
22 appendices of the recirculated Draft EIR that is currently
23 out for public review, and it is a significant portion of the
24 document. This is just a brief overview of the environmental
25 process. So, as I mentioned, we had the NOP in 2005.

1 The Draft EIR was then released in the fall of
2 2011. We had two public meetings and a 90-day comment period
3 that was extended. We are now at recirculated Draft EIR
4 stage. It is the public review. We're holding the public
5 hearing tonight, and that comment period will end on November
6 9th. Once the comment period closes, we will start working
7 on the final EIR, which will include changes that were made
8 to the EIR, response to comments and the mitigation
9 monitoring and reporting plan to track implementation of
10 those mitigation measures. And the final EIR would then go
11 to the Board of Harbor Commissioners for consideration, and
12 we expect to have that to the board in early next year.

13 So this is just an overview of the project
14 objectives. No. 1 is to provide an additional near-dock
15 intermodal rail facility that would help meet anticipated
16 intermodal demand. No. 2 is to reduce truck miles traveled
17 associated with moving containerized cargo by providing a
18 near-dock intermodal facility utilizing the Alameda corridor,
19 to provide shippers, carriers and operators with comparable
20 options for a near-dock intermodal facility, to construct a
21 near-dock intermodal rail facility to provide maximum
22 intermodal capacity for the transfer of marine containers
23 between truck and rail and to provide infrastructure
24 improvements consistent with the California Goods Movement
25 Action Plan.

1 So this is a figure of the project site, and the
2 area shown in blue is the boundary of the SCIG project. This
3 is the Southern California Edison corridor. You have the
4 south lead track here, the north lead track here
5 (indicating). This is Sepulveda. Down here is PCH, this is
6 north, south, west and east, and the area shaded in yellow
7 indicates that all of these land uses are industrial. To the
8 east across the Terminal Island Freeway is the west Long
9 Beach area, which includes a number of sensitive receptors --
10 schools, housing, daycare, hospitals, just to mention a few.

11 And I should also mention in this figure -- it's
12 hard to see -- but there are areas also Hi-Lited in orange
13 which show alternate sites that we have analyzed as part of
14 the project where some businesses could relocate to or move
15 to.

16 So this is an overview of the SCIG railyard, and,
17 as I mentioned, this is the south lead track (indicating).
18 This is PCH. The areas shown in green are the rail tracks.
19 The purple are container storage areas, and this is Sepulveda
20 here (indicating). So the way that the railyard would
21 operate is that a train would come in from the Alameda
22 Corridor, and, once it completely clears the corridor, all
23 engines except one will shut down. The train will then pull
24 through the yard, and the second half will sit on a set of
25 loading tracks here. The first half will continue to the

1 north lead track. The train would then be decoupled and the
2 first half of the train would then back in and sit on the
3 second set of loading tracks here.

4 And once the train is fully decoupled and on the
5 tracks, the engine would then make its way down to the south
6 lead track here for refueling and maintenance. You have a
7 number of support buildings on the SCIG site as well as areas
8 for employee parking. And, in this figure here, it shows
9 where the loading and stacking cranes would be located.

10 There would be ten loading and ten stacking cranes. All
11 cranes would be electric. Truck circulation would be one-way
12 lanes that would loop around the track, and all trucks would
13 come in off of PCH, which I will show you in the next slide.

14 In terms of locomotive servicing, that area is only
15 used for minor upkeep -- meaning cleaning, restocking,
16 resupplying the locomotives. So no major maintenance will
17 occur on that site, and fueling will be via mobile truck. So
18 there will be no large storage of fuel on site.

19 This is just a brief listing of the key elements of
20 the project as I mentioned. All of the cranes at the SCIG
21 yard will be electric-powered. The yard hostlers would be
22 natural-gas fueled. The administration building would be
23 LEED certified, which is Leadership and Energy and
24 Environmental Design. All high-mast lighting would be
25 automated and energy efficient with directional shielding.

1 There would be a new automatic truck entry date to
2 reduce on-road queuing. Dedicated truck routes would be used
3 going to and from SCIG, And those trucks would be tracked
4 with GPS systems. All trucks would meet the 2007 EPA
5 standards, which is consistent with the Port's clean air
6 action plan. All switching engines will be ultra low
7 emitting, and there is also a sound wall proposed along the
8 entire length of the SCIG side along the east side of the
9 Terminal Island Freeway. And that would be done as
10 mitigation. So this is just a quick conceptual view of what
11 the yard would look like looking north from PCH.

12 And this is the PCH grade separation that would
13 have to be reconstructed in order to provide the necessary
14 clearance for the south lead track in this area. Trucks
15 would primarily take the Terminal Island Freeway, would loop
16 around this clover leaf area to exit and would enter the SCIG
17 yard via a dedicated truck lane that would come down this
18 way. Trucks exiting the facility would exit via this flyover
19 ramp and would then make their way onto Terminal Island
20 Freeway.

21 So these dedicated truck lanes would provide
22 efficient entry and exit into the yard and would not conflict
23 with traffic that would be along PCH. This is just a quick
24 conceptual plan of the Dominguez Channel Bridge which would
25 need to be widened in order to add more trackage to connect

1 the south lead track to the Alameda corridor.

2 So, in terms of the project, we analyzed the
3 maximum capacity that the applicant has indicated they would
4 design the facility at, and that is measured as 20-foot
5 equivalent units. So the maximum capacity would be 2.8
6 million TEU's annually by 2035, which is the build-out year
7 for SCIG. Opening year, we've analyzed as 2016, and the
8 amount of cargo that would come would be at 570,808 TEU's
9 annually.

10 We also looked at two alternatives -- the
11 no-project alternative and the reduced-project alternative.
12 So in the in the no-project alternative, you would still have
13 the same amount of cargo annually, 2.8 million by 2035;
14 however, that cargo would be to the BNSF Hobart Yard in
15 downtown, and, under the reduced project at the SCIG site, we
16 would limit the capacity to 1.85 million TEU's.

17 In terms of annual one-way truck trips, you can see
18 the comparison. Opening year in 2016 there would be
19 approximately .4 million one-way truck trips to and from
20 SCIG, meaning to and from the marine terminals to SCIG. In
21 the no-project alternative, you would have .9 million in 2010
22 increasing to 3.1 million by 2035 going to and from Hobart,
23 and then in the reduced project alternative you would have .4
24 million in 2016 and 1.33 million by 2035 going to and from
25 the SCIG site.

1 In terms of the number of trains, opening year,
2 there would be two train trips, round trips per day in 2016
3 increasing to a maximum of eight by 2035. In the no-project
4 alternative there would be no train trips occurring between
5 SCIG or at the SCIG site, rather, I should say. And in the
6 reduced project, you would have similarly two train trips in
7 2016 increasing to a maximum of six train trips by 2035.

8 In terms of the environmental impacts, this is a
9 summary of the key findings. I'm not going to go into too
10 much detail on the level of impact and where they occur and
11 what those are. All of that information is contained in the
12 document.

13 So, just to briefly summarize significant and
14 unavoidable impacts: That means after we've applied all
15 feasible mitigation, there will still be significant impacts
16 that cannot be avoided, and those would be related to
17 esthetics, which are due to the removal of the Sepulveda
18 railbridge, which is considered a historic resource. We
19 would have construction and operational impacts related to
20 criteria pollutants to cultural resources, again, the removal
21 of the historic railbridge.

22 There would be construction and long-term
23 operational greenhouse gas emissions. We would also have
24 secondary impacts to land use as a result of air quality and
25 noise, and, then related to noise, we would have significant

1 and unavoidable impacts due to nighttime operations. And
2 that's a worse-case scenario where you have the highest
3 amount of activity occurring on an evening that has the
4 lowest ambient noise levels.

5 Impacts that are less than significant after
6 mitigation, a new change is that for health risk we
7 identified a significant impact that can be mitigated due to
8 exposure to toxic air contaminants, and that's a result, as I
9 had explained, of comparing the impact to a floating or
10 future baseline. So that is a new change in the analysis;
11 however, there has been no change to biological resources,
12 cultural resources, noise, utilities, or water resources.

13 And then in terms of impacts that are less than
14 significant that do not require mitigation, there has been no
15 change to esthetics regarding lighting and glare, air quality
16 from operational emissions and odors, geology, hazards and
17 hazardous materials, land use in terms of the use designation
18 in zoning, transportation and circulation both during
19 construction and operation, utilities, and water resources.

20 In terms of cumulative impacts, which is based on a
21 combination of the SCIG project with other projects in the
22 area that would also cause similar impacts, the project would
23 cumulatively contribute to esthetics, air quality regarding
24 construction and operation for criteria pollutants, except
25 for now for health risk. As I mentioned, that's a new

1 impact. There would also be cumulative impacts to cultural
2 resources, greenhouse gas emissions, land use, noise and
3 utilities.

4 So this is just a listing of select mitigation
5 measures and project conditions. It's not inclusive of all
6 the mitigations that we've identified in the recirculated
7 draft, but we wanted to point these specific measures out.
8 So, as a result of the significant health risk impact, we now
9 have a mitigation measure for low emission drayage trucks,
10 and that measure would basically require that all trucks
11 calling at the SCIG facility would have to be LNG or
12 equivalent up to 90 percent by 2026.

13 We would also have a requirement for periodic
14 review of new technologies, and that would be on a recurring
15 basis. So every five years the Port would work with BNSF to
16 see what technologies are available and feasible to
17 incorporate into their operations, and, if it's determined
18 that it is feasible, they would be required to implement such
19 technologies.

20 And then we also have a general substitution
21 measure, which allows you to substitute any measure with a
22 different measure that is equivalent or better than in terms
23 of emission reductions. We have also added as a project
24 condition a requirement to provide intensive landscaping
25 along the west side of Terminal Island Freeway and this is

1 subject to obtaining the necessary right-of-way from the City
2 of Long Beach.

3 We also have the project condition for a zero
4 emissions technology demonstration program. This project
5 condition has been revised to reflect the Port's currently
6 adopted strategic plan, which calls for zero emission trucks
7 to and from the near-dock rail yards, which SCIG would be one
8 of them, to be zero emission and the goal is to have 100
9 percent by 2019 or 2020. And then we also have the San Pedro
10 Bay Port's CAAP measure RL-3, which applies to the line haul
11 locomotives and that requirement would require higher tier
12 engines.

13 So that is a summary of the key findings of the
14 analysis. The document is available in a variety of formats.
15 We have CD's and executive summaries available. You can call
16 our main line for a copy. The document is also posted on our
17 Web site and available for review at a number of libraries in
18 the area as well as the Port's environmental management
19 division.

20 In terms of providing public comment this evening,
21 as Chris had mentioned early on, the public comment period
22 should be limited to the revised chapters or portions of the
23 recirculated Draft EIR, and that's very important to keep in
24 mind at tonight's evening. Previous comments that were
25 provided on the Draft EIR that are based on chapters that

1 have been revised or changed may no longer be pertinent and
2 therefore may not require a written response by the Port in
3 the final EIR.

4 So it's very important that if you're going to
5 provide comments that you limit those comments to the revised
6 chapters or sections or portions of the analysis, and you do
7 not need to resubmit comments that you have previously
8 provided on the Draft EIR because we have those. And whether
9 or not we respond to them or -- or not, they are part of the
10 administrative record.

11 At tonight's meeting, as we mentioned, you can fill
12 out a speaker card. So make sure you do that. We will be
13 limiting speakers to three minutes. You can also provide
14 comments at the comment table in the lobby area. There is no
15 limit, and the comment period ends on November 9th. And if
16 you plan to submit written comments, you can mail them to us.
17 That's our address, the attention of Chris Cannon, and you
18 can also e-mail comments to our CEQA comments. And that
19 concludes my presentation.

20 MR. CHRIS CANNON: Thank you, Lisa. Mary's going
21 to take over the meeting for a second. I just want to make
22 an announcement: I'm really talking to people outside
23 listening to me. There are a number of people who are
24 outside and who have filled out speaker cards, but because we
25 are at capacity, Port police have limited access to the

1 building. So those of you who are here now, you're in, but
2 because of the fire marshal rules, we're not allowing any
3 other people to come in.

4 But just because we aren't allowing you to come in
5 doesn't mean that you won't get a chance to speak. So, for
6 the people who are outside, if you filled out a comment card,
7 we will take you in the order that you fill out the cards.
8 So when we get close to your number, which will be a while,
9 we'll call you and get you to come inside.

10 Now, the other thing is I want to encourage -- I
11 said something earlier, and I want it repeated -- it's really
12 a lot easier to give your comments if you just go to the
13 recorder that's out in lobby out there. You can dictate your
14 comments, and that's true of those who are outside as well,
15 if we can find a way for you to do that. And, similarly, you
16 can use a laptop or handwritten comments. All of those will
17 work. So I just want to let you know, everyone will get a
18 chance to speak. So don't be concerned.

19 And, as I said and as Lisa said, focus your
20 comments tonight on the analysis. Okay? The time will come
21 to talk about whether you like the project or not. That time
22 is not today. So focus your comments on the analysis, the
23 recirculated draft documents. Okay? I'll turn it over to
24 Mary McCormick.

25 MS. MARY McCORMICK: Good evening. Again, my name

1 is Mary McCormick, and I'll be your facilitator this evening.
2 As is our tradition, we typically like to have an opportunity
3 to have our elected representatives' representatives. I
4 would like to call Raymundo up, who is a representative for
5 Congresswoman Janice Hahn, and please give your name, who you
6 represent. And we'll do that throughout the evening. Thank
7 you very much.

8 MR. RAYMUNDO SALCEDA: Hi. My name is Raymundo
9 Salceda. I'm a field representative for Congresswoman Janice
10 Hahn, representing the Wilmington area. I am here with my
11 colleague Natalie Rogers, but we're here today to read a
12 statement that was written by the Congresswoman. So here it
13 goes:

14 As a long-term resident of San Pedro and a member
15 of Congress, I understand the proposed benefits of the
16 Southern California International Gateway Project. This
17 letter is not concerning the pros and cons of the project.
18 Rather, I want to address the concerns from businesses that
19 would be displaced by development of the project. I urge the
20 Port to come to an agreement with the displaced companies --
21 Fastlane Transportation, L.A. Harbor Crane, Three Rivers
22 Trucking, San Pedro Forklift and Cal Cartage.

23 These businesses are longstanding members of the
24 community. The businesses will be significantly impacted by
25 the state project. I request that the Port work with these

1 businesses to find viable alternatives for them to continue
2 to operate at their capacity. Failure to do so will further
3 aggravate already tough economic conditions in the
4 surrounding communities and hurt hundreds of workers who
5 depend on these jobs to support their families.

6 Last fall, the Port of Los Angeles released a draft
7 environmental impact report that identified how this project
8 would have an effect on residents and businesses alike. Many
9 of the issues that were brought to this body at the last
10 public comment period were addressed in latest Draft EIR
11 released late September. However, an area that was not
12 properly addressed in the revised EIR was how the displaced
13 businesses would be compensated should this project move
14 forward.

15 While the SCIG project would create 1,500 jobs, the
16 businesses that are being displaced would represent at least
17 700 jobs. I strongly encourage you to do the right thing for
18 all involved. I ask that you give companies time, assistance
19 and, if necessary, the resources they need to relocate their
20 longstanding operations. Your support will be essential for
21 these businesses to maintain operations while steering
22 through the transition process.

23 This is especially true for Fastlane
24 Transportation, the only land owner affected by the SCIG
25 project. I especially urge the Port to work with Fastlane to

1 find a location that will accommodate Fastlane's specific
2 business needs. In addition, the advantages associated with
3 the company's new location should be similar to those of its
4 current location to try to keep Fastlane whole during this
5 time of upheaval.

6 If action is not taken, then businesses like
7 Fastlane will continue to experience needless competitive
8 disadvantage stemming from the uncertainty of this project.

9 I also want to express my support for the letter I just
10 received from the City of Los Angeles council member James
11 Johnson. Councilman Johnson accurately pointed out the need
12 to provide ample opportunities to residents and business
13 owners in the surrounding communities to share their concerns
14 about this project. I trust council member Johnson's request
15 for an extended public comment period and additional public
16 hearings in west Long Beach will be considered to ensure a
17 positive outcome is reached.

18 I request that the Port help provide clarity to
19 those businesses in distress as a result of the uncertainty
20 surrounding this project. By successfully working with the
21 businesses and residents affected by this project, you will
22 demonstrate yet again how the Port of Los Angeles keeps and
23 creates jobs. Sincerely, Janice Hahn, Member of Congress.

24 MS. ELIZABETH WARREN: Thank you. Good evening and
25 thank you for the opportunity to speak this evening on the

1 SCIG project. My name is Elizabeth Warren. I'm the
2 executive director of Future Ports. I'm a resident of San
3 Pedro for the past 16 years and have seen a tremendous amount
4 of improvement in the air quality in our neighborhoods.

5 Future Ports is an advocacy group that supports
6 growing and greening our ports and the goods movement
7 industry by balancing sound environmental practices with the
8 need to have a healthy economy that provides good jobs for
9 our community, and the goods movement industry does provide
10 good jobs. On behalf of Future Ports, we are expressing our
11 support of this important project, which is key to the
12 continued green efforts being made by the goods movement
13 industry.

14 There are three areas we are commenting on
15 tonight -- jobs, cleaner air, and reduced traffic. This
16 project will create 1500 construction jobs for a year for
17 three years and 250 when the construction period is over.
18 There will be 250 new operational jobs in 2016, and 450 jobs
19 by 2023.

20 The SCIG project will help clean up the air by
21 using new technologies like electric cranes that actually
22 send power back to the grid and it will require LNG or
23 equivalent yard equipment and only 2010 or newer trucks.
24 This also results in reductions in health risks for the
25 surrounding communities.

1 And, lastly, SCIG will eliminate more than 1.5
2 million truck trips from the 710 Freeway each year, reducing
3 traffic and congestion while contributing to cleaner air.
4 Since the new document was just released, we are still
5 reviewing more of the details and will provide additional
6 comments before the comment period closes on November 9th.
7 Thank you for giving me the opportunity to comment this
8 evening.

9 MR. PETER PAYTON: Thank you. My name is Peter
10 Payton. And I'm an officer with the IOW. We represent
11 14,000 people in the Harbor area, and, to our IBEW brothers,
12 hello, and the community members, hello, but I think it's
13 important that we look at this and realize that we're very
14 fortunate.

15 We're very fortunate to live in an area -- when the
16 rest of the country is having very difficult times to get by,
17 we live in an area where we have a Port that has represented
18 a hundred years of a lot of profit for a lot of people and
19 really made a community very, very wealthy in a lot of ways.
20 And I think now we're in a situation where we're in
21 transition, and the rest of the world is hurting.

22 But we can take advantage of growth and capacity of
23 what can come through this railyard and continue the
24 prosperous society and community that we live in, but that's
25 only going to happen if we recognize that growth is what

1 makes things better. Growth is what made our system our
2 airs -- our air today what it is in the Port. It's much
3 cleaner.

4 And if anybody remembers back to the '70's or the
5 '80's, we've done much better as a result of building new
6 facilities. This is a facility that's as green as any
7 railyard in the world is going to be, and to speak
8 against -- to speak against this facility, which is going to
9 be bring jobs for the next 30 to 40 years to this community,
10 would be something that would be very, very dangerous because
11 there's a lot of places in this country who would love to
12 take this work from us that comes through these ports.

13 So if we look at Long Beach, even though this is an
14 L.A. project, the City of Long Beach, one out of six people
15 have a job that's either directly or indirectly related to
16 the ports. So that means we live in an area where we need to
17 take care of what we have here because we're very fortunate,
18 as I said in the very beginning.

19 And the way we do that is to make sure that this
20 continues to be the cleanest port, which I think the Port has
21 done a -- I mean, the cleanest rail facility which the Port
22 has done a very good job on these EIR's to make sure that
23 that's maintained. Hold their feet to the responsibility of
24 being clean. Make sure that the jobs are local-hire jobs
25 from the people who live in these communities, but let's be

1 smart, folks, because to do this wrong would mean that
2 there's a whole lot of other ports in this country who would
3 say, "Give it to us. Give us that work." And, for the
4 little kids that are here, it's their future because in the
5 next 30 years, it's going to be them working in this Port.
6 Thank you.

7 MR. PETER SANTIONE: My name is Peter Santione, and
8 I'm the business manager secretary/treasurer of Laborers
9 Local 507 representing over 1100 members in the Long Beach
10 and Wilmington area. I come before you to let you know that
11 I attended the first public hearing last year in November,
12 and I sat there, tried to hear everyone speak, including
13 those that are opposed.

14 I sat there and listened to everyone, and I took
15 away some comments, some of those comments that were
16 addressed in the Draft EIR that was reissued today. Those
17 comments that were made that I had a question on, I had the
18 opportunity to meet with the representatives of BNSF, and I
19 wanted to walk away feeling reassured that that was going
20 to -- those questions were going to be answered.

21 I stand before you today asking that you continue
22 to support this project for the reasons being that, you know,
23 obviously jobs. If we don't do anything, as it has been
24 pointed out by the Draft EIR, all of those trucks that are
25 going to be stuck on the 710 Freeway that are going to be

1 stuck there, that are going to be polluting the environment,
2 including the residents that live in that affected area. If
3 we do nothing, it's going to get worse.

4 So I stand before you. I'm happy to see that these
5 items have been addressed and I strongly urge you to support
6 this project and move forward. Thank you.

7 MS. TRACY YOUNG: Good evening. Tracy Young with
8 the Southern California Association of Governments. It's a
9 pleasure to address you this evening. Thank you very much
10 for your time. And I'm reading off a note here. So help me
11 with this. The Southern California Association of
12 Governments supports the construction of the Southern
13 California -- I'm sorry -- of the Southern California
14 International Gateway, SCIG, a proposed near-dock facility
15 for the BNSF, and it has included this project in SCAG's
16 2012-2035 regional transportation plan sustainable community
17 strategy that was unanimously adopted by SCAG on April 4th of
18 2012.

19 The SCAG region is the largest international trade
20 gateway in the U.S. In 2010 the industry employed over 2.9
21 million people and contributed \$253 billion in GDP to this
22 region alone. We believe that continued freight efficiency
23 is critical to the retention of Southern California's trade
24 competitiveness. The cargo volume at the San Pedro Bay ports
25 will grow from 14.1 million TEU's in 2011 to 13 -- pardon me,

1 to 39.5 million TEU's by 2035.

2 An enhanced rail system offers shippers the
3 opportunity to move large volumes of goods over long
4 distances at lower costs as it provides a critical connection
5 between the largest port complex in the country and the
6 producers and the consumers throughout the U.S. This project
7 is critical to providing much needed intermodal lift capacity
8 to accommodate projected cargo volume through the San Pedro
9 Bay ports. By providing additional rail capacity closer to
10 the ports, the project contributes to reducing the truck
11 vehicle miles traveled and associated emissions as it
12 eliminates the need for drayage trucks to travel to more
13 distance off-dock facilities throughout Southern California.

14 The San Pedro Bay ports have proposed almost \$2.7
15 billion in rail improvements in the Harbor area. Assuming
16 all proposed improvements are made, on-dock rail will move
17 approximately 30 percent of the Port compared -- Port
18 compared to today. However, even so, space for on-dock rail
19 is limited compared to the volume of cargo that is expected
20 at the ports.

21 Near-dock rail is therefore needed to reduce truck
22 trips to distant rail facilities to ease congestion on our
23 regional freeways, improve travel time for commuters and
24 other trucks such as grocery and parcel delivery vehicles
25 serving local needs.

1 In conclusion, the Southern California Association
2 of Governments supports this project and is -- as it
3 contributes to the reduction in regional truck trips and
4 associated emissions and congestions. It also enhances
5 Southern California's ability to remain globally competitive
6 and thereby supporting the local economy. Thank you for your
7 time this evening.

8 MR. LUIS DOMINGUEZ: My name is Luis Dominguez, and
9 I'm a resident of San Pedro. I have been involved in the
10 Harbor, lived in the Harbor most of my life. I've watched
11 the Harbor continually improve itself, especially the
12 environment. I remember when the water was dirty, the air
13 was dirty. Every year, you've gotten better. The last thing
14 you did is clean up so much of the trucks. That's helped a
15 lot. To me, this project is the next natural outgrowth from
16 that, the next step that has to be taken to clean our air up.

17 You know, it's very obvious from the EIR that it
18 will improve the air quality in our area. Most directly in
19 itself but also more importantly of taking all of those
20 trucks off the 710 Freeway which affects not only our
21 community in Long Beach but up and down the freeway. For
22 that reason I am really supporting this whole project.

23 I would like to say one thing: I believe in what
24 the Congresswoman said, which is that I think the Port needs
25 to work with the other people that are in that place now to

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1 find places for them. I think it's incumbent upon them to
2 make sure that we don't lose jobs. We need to get more jobs,
3 not lose them. Thank you.

4 MR. KIM CRAFT: Good evening. My name is Kim
5 Craft. I'm the assistant business manager for the
6 International Brotherhood of Electrical Workers, Local 11,
7 representing over 8,000 members and their families in the Los
8 Angeles community. We are very excited about this project.
9 The fact that they've agreed to re-engineer this and make
10 this an electrified rail minimizes the amount of truck
11 traffic inside the yard, which additionally reduces emissions
12 and creates good quality career jobs not only in construction
13 but in the maintenance of that yard.

14 Secondly, when they talk about reducing 1.5 million
15 trucks off the 710 Freeway, not only from an emissions
16 standpoint, our brothers and sisters and most of the people
17 in this community drive up and down that freeway every day.
18 The safety aspects of that is phenomenal. Our passenger
19 vehicle and a truck -- that truck now, you don't have to
20 worry about that truck and becoming a casket in that
21 passenger vehicle, a very important benefit to this whole
22 community.

23 The second thing is the jobs that this project will
24 create. The building and BNSF has agreed to do this under a
25 project labor agreement. That guarantees a minimum of 30

1 percent local hire for the people in this community. That's
2 not just a job for three years. That's a career for the rest
3 of their lives. I would like the people in the building
4 trades that are here today to support this project, to stand
5 up and be recognized to show the impact of the families in
6 this community this project will benefit. Thank you.

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7 The second thing is, obviously, the environmental
8 impact -- the electrification and LNG trucks,
9 electrification. We live in this community. We wouldn't
10 support anything that we thought would have a long-term
11 detrimental impact. And to ignore this project and continue
12 to do business as we have done we're already proven will have
13 a long-term detrimental environmental impact to the families
14 in this community. So that's why here we're here to
15 essentially support this project. Thank you very much.

16 MR. ANDREW MIYORGA: My name is Andrew Miyorga.
17 I'm a member of Laborers Local 507. I'm just here on behalf
18 of our membership to let you know that we support this
19 project. Projects like this help our port to stay
20 competitive in the global trade.

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21 I think the longshoreman individual said it best --
22 that we need something like this to stay competitive because,
23 if not, they may go to the south or go to the north. I think
24 SCIG has went above and beyond what they needed to do to help
25 clean up the area. Long Beach and L.A. are probably -- you

1 know, obviously, we know, is one of the dirtiest ports but
2 it's getting better. It's not probably the dirtiest, but
3 they're making efforts to go green and clean the air.

4 And projects like this, companies like BNSF that
5 want to come in and invest in the community help us breathe
6 cleaner air, should not meet demonstrators saying they don't
7 want it. They should just be meeting people saying they want
8 to support it. Of course, it's going to create jobs for our
9 membership and other individuals, but it's going to be good
10 for our community. And I think that's pretty much it. I
11 mean, when someone wants to invest in us, there's really
12 nothing we can do except to say we accept projects like this.
13 Thank you.

14 MR. DAVID FREELow: Good evening. My name is David
15 Freelow. I represent the Labors National Union of North
16 America, 540 North Wilmington, California. I'm here today to
17 Express my full support for the SCIG, Southern California
18 International Gateway project, BNSF for a few reasons:
19 Number one, in no particular order, is that this will be the
20 greenest intermodal project in the nation, and, as we know,
21 everyone looks to California to set standards. We have a
22 perfect opportunity here to seize this opportunity so that
23 the nation sees that California has a model so that these
24 projects can grow.

25 Also I like the fact that traffic is going to be

1 taken off of the freeways, the GPS system is really good
2 making sure that these trucks stay off of these residential
3 areas, therefore ensuring air quality. If the air
4 quality -- I mean, everyone knows that the Port of Los
5 Angeles has great air quality standards, and to me it's
6 reassuring that the SCIG project ensures us that the air
7 qualities will even exceed the air qualities of the Port of
8 Los Angeles. So, to me, that's another great incentive for
9 us to move forward on this project.

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10 And, lastly, all energy efficient trucks by 2016,
11 again, more health and environmental standards being set
12 high. So what I would like to say is that I do support the
13 SCIG project and urge you to approve and finalize the EIR,
14 and let's move forward with this project. Thank you very
15 much.

16 MR. JOEL THORWALKER: My name is Joel Thorwalker.
17 I'm a business representative for the international
18 (inaudible) of engineers. We have over 21,000 members, and I
19 represent the numbers that live and work in the Harbor and
20 surrounding areas. The Draft EIR released by the Port of Los
21 Angeles affirms that BNSF's proposed --

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22 THE COURT REPORTER: I can't hear him.

23 MR. JOEL THORWALKER: -- SEP -- facility will
24 result in the overall improvement in the air quality --

25 THE COURT REPORTER: Mr. Connor --

1 MR. JOEL THORWALKER: -- and traffic in the
2 immediate area around the site and throughout the region.
3 This project will take three years to construct with the
4 local hire of workers that live and work in the Harbor and
5 surrounding areas. The Draft EIR released by the Port of Los
6 Angeles affirms that BNSF proposed (inaudible) will result in
7 overall improvements in the air quality in the immediate area
8 around the site and throughout the region.

9 This project will take three years to construct
10 with a local-hire requirement which is much needed jobs for
11 the locals. One of my union brothers stated, "It's not just
12 for three years; it's a career and gives them health
13 benefits, a pension, and retirement." It also relieves
14 trucks -- it will relieve 1.5 million trucks per year off the
15 710 Freeway, which amounts to about 125,000 trucks per month
16 and will be a green terminal.

17 To sum it up: It improves the air quality in the
18 region, eliminates 1.5 trucks from the 710, creates local
19 jobs and, therefore, Local 12 supports the new EIR and BNSF
20 Southern California International Gateway project.

21 MS. MARY McCORMICK: Ladies and gentlemen, we do
22 have a court reporter here and she -- we have two. We have
23 one here, and we have one outside, as you know, who are going
24 to be taking comments. Our court reporter actually has to
25 write down and type up every single word that's being spoken.

1 So we would ask you to speak slowly -- you still have your
2 three minutes -- and just for her and actually we have -- we
3 have over -- we have 75 speaker cards as it stands right now.

4 So we may need to take a short break just to give
5 her hands a break, maybe just five minutes, it won't be for
6 quite a while, but I want you to know that the situation is
7 that if you could speak slowly, she can get every word you
8 say.

9 THE COURT REPORTER: Ms. McCormick, if people could
10 spell their names too, please.

11 MS. MARY McCORMICK: Thank you. And if you will
12 spell your name slowly and who you represent.

13 MR. JERRY CALIGIURI: My name is Jerry Caligiuri,
14 C-a-l-i-g-i-u-r-i. I am the field deputy or senior field
15 deputy to council member James Johnson, city council member
16 for the 7th district, City of Long Beach. And I would like
17 to read a letter from the council member that was dated
18 October 15th, 2012, to Mr. Cannon, and it starts off, .

19 "I thought it was a mistake when my
20 constituents first told me that the Port of Los
21 Angeles had decided not to hold a community
22 meeting in West Long Beach regarding the revised
23 environmental impact report, EIR, for the
24 Southern California International Gateway, SCIG,
25 project. I thought it was a simple oversight.

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The Port had held a community meeting in West Long Beach regarding the original EIR and had since dramatically revised it and recirculated it for public comment. Would the Port of Los Angeles really change the report and release it without coming back to West Long Beach and explaining the changes and seeking input on revised document? No, I said. There must have been some administrative error. I am sure that a hearing will be held in West Long Beach on the EIR, given that the impacts of the project are primarily on the -- that community, it appears that I was wrong.

Staff recently informed me that the Port of Los Angeles decided that they did not need to have a meeting. When I called the Port myself, that decision was confirmed. We decided, I was told, that we did not need to have a meeting in Long Beach. Long Beach, it must be said, was not consulted in that decision. Reasonable people can disagree on the SCIG project overall on the environmental impact report in particular, but it is an enormously complex project that will have substantial effects regionally on both that environment and our economy with much of the

1 impact borne by the West Long Beach community
2 bordering it.

3 However, what is a reason -- what is
4 unreasonable is the intention -- is to
5 intentionally ignore the most affected community
6 throughout this process, to say essentially that
7 the voices of Long Beach residents will not be
8 heard. There needs to be a hearing on this
9 revised environmental impact report in West Long
10 Beach. And the comment period should be extended
11 as necessary to provide three weeks' notice for
12 the meeting.

13 To come to my community and present the
14 impacts of the projects and then to revise those
15 estimated impacts without consulting the same
16 community is outrageous and disrespectful to both
17 the impacted residents as well as the city at
18 large. I hope that my initial assessment was
19 wrong -- it was correct that this was a mistake,
20 and that it will be rectified. I respectfully
21 ask for a prompt reconsideration of this
22 decision. Yours truly, council member James
23 Johnson from the 7th district, City of Long
24 Beach. Thank you."

25 MS. JESSICA DUBOFF: Good evening. My name is

1 Jessica Duboff, D-u-b-o-f-f. I'm here on behalf of the Los
2 Angeles Area Chamber of Commerce. We are comprised of over
3 1600 members organizations with 700,000 employees, thousands,
4 probably hundreds of thousands, whose livelihoods depend
5 directly or indirectly on the goods movement industry in our
6 region. I'm here to share the Chamber's strong support For
7 the BNSF Southern California International Gateway revised
8 DEIR.

9 SCIG is exactly the type of green growth project
10 our mayor and city leaders have been asking for and
11 supporting. According to the revised report, this project
12 with its wealth of environmentally sound practices will not
13 only clean up the site, it will improve the health risks of
14 those residents that live nearby, all while making our ports
15 more competitive and creating thousands of jobs with a
16 private investment of 500 million.

17 With limited space on terminals, near-dock rail is
18 the best and most efficient option to allow BNSF to ensure
19 that there is enough cargo for a full train before it heads
20 to its destination. In doing so, SCIG will eliminate the
21 24-mile truck trip of the 710 Freeway for more than 1.5
22 million trucks annually. This will remove thousands of
23 pounds of CO2 and other pollutants from our region's air by
24 shortening the trip and reducing congestion.

25 It will also increase the use of the Alameda

1 Corridor which was specifically built to speed cargo to its
2 ultimate destination in the most environmentally sound method
3 possible. The L.A. Area Chamber supports SCIG as an
4 opportunity to improve the air quality while bringing good
5 paying jobs to our region and making our ports more
6 competitive.

7 The Chamber is still reviewing the updated DEIR and
8 intends to submit written comments as well. Cleaner air,
9 fewer truck trips increase regional competitiveness. Please
10 do not delay this important project. We urge you to finalize
11 this EIR quickly. Thank you.

12 MR. HART KEEBLE: Madam facilitator, my name is
13 H-a-r-t K-e-e-b-l-e, and tonight I'm speaking on behalf of
14 the 632 Local 416 Iron Workers and family members that
15 couldn't come down here to speak for themselves that reside
16 in the Harbor. I'm here to speak and I will be talking as to
17 the -- addressing the analysis of the Southern California
18 International Gateway project.

19 We support the findings of the recirculated Draft
20 EIR which clearly shows that this project as proposed will
21 provide good jobs to the community. It will decrease traffic
22 and will improve air quality. If we'll remember the slide
23 that was just up on the screen, in 2035, the annual one-way
24 traffic will be decreased by 1.5 million trips. The iron
25 workers and the families I speak for support the analysis and

1 the findings provided in the environmental impact report. We
2 support the EIR and the project as proposed, and if you want
3 to know the good things about the project, read the EIR.

4 MS. ANN MARIE ODIE: Good evening. I am Ann Marie
5 Odie, communications director and representative of the Los
6 Angeles/Orange Counties Building and Construction Trades
7 Council. I am first reading a statement made on behalf of
8 the Maria Elaina Dorazo, the executive secretary treasurer of
9 the Los Angeles County Federation, AFLCIO, representing
10 hundreds of thousands of working families throughout the
11 region fully supporting BNSF, SCIG, and the revised draft
12 recirculated EIR.

13 For the Port of Los Angeles to maintain its
14 position as the nation's leading trade gateway, it will
15 require strong partnership of companies, such as BNSF, to
16 better capitalize on much-needed infrastructure projects and
17 stimulate economic activity while reducing the Port's
18 environmental footprint.

19 And now, speaking for the building trades, we are
20 140,000 members in 14 trades and 52 locals, many with
21 headquarters right here in Wilmington, San Pedro and Long
22 Beach, thousands of members who live in these areas. They
23 care deeply about the air quality in their neighborhoods, and
24 SCIG would remove 1.5 million truck trips from the 710
25 Freeway each year, and that is a very significant improvement

1 in the air quality.

2 Another factor that goes along with the word
3 "quality" is to have a job. That is quality of life. SCIG
4 would generate 1,500 jobs per year during construction under
5 an agreement with the building trades that includes
6 significant local hire of people in this room and outside
7 this room as well. These are not temporary jobs. They are
8 links in the chain of a career. Our members work hard. They
9 provide for their families. We share an equal interest in
10 cleaning our air, and we do look forward to working on SCIG,
11 a project that will do that. Thank you very much.

12 MR. BRETT GALLO: Good evening. My name is Brett
13 Gallo. I'm a 7th District west side resident. I did not
14 vote for James Johnson, nor do I support him in his views. I
15 spoke at three of these already -- this is my third one --
16 but I'm here to talk about the air quality impacts. And my
17 heart goes out to all the residents near where I live and
18 near the project that have respiratory illnesses or anything
19 that has been caused by the existing -- and I'm going to
20 repeat -- existing facilities is polluting the air -- is
21 polluting the air around my neighborhood and even closer.

22 I'm within a two-mile radius. So I'm not at ground
23 zero, but I'm there. This facility is a hundred
24 percent -- hundred percent electric and the greenest facility
25 in the nation before the -- it's a no-brainer for me and my

1 family that we support this project. This is going to clean
2 the air. It's going to have my kids and everybody else's
3 kids in my neighborhood having a chance to have a long
4 healthy life in west side Long Beach and all throughout
5 Southern California. Thank you very much.

6 MS. ELISABETH DESMIDT: My name is Elisabeth
7 Desmidt, E-l-i-s-a-b-e-t-h D-e-s-m-i-d-t, and I'm in support
8 of the SCIG project. I'm a West Long Beach resident and very
9 active volunteer in the community. Most of the residents I
10 speak with are in support of the project as well. I have a
11 vested interest in West Long Beach, in the area as a
12 resident, neighbor, and parent. I would never support
13 anything that I thought with bring harm to my neighbors or to
14 my children. This is why I stand up here in support of the
15 SCIG project.

16 This proposed project is the most green facility in
17 all of the US. Trucks will not be allowed to travel in our
18 neighborhoods. In fact, they won't be allowed to travel past
19 Pacific Coast Highway and will be tracked by GPS. This
20 project will clean the air, reduce cancer risks and create a
21 better environment for the community. Thank you.

22 MR. TOMMY FAAVE: T-o-m-m-y F-a-a-v-e. My name is
23 Tommy Faave, and I represent IBEW, International Brotherhood
24 of Electrical Workers Local 11 over 8,000 members. A lot of
25 our members that live in the close proximity of the

1 project -- over a thousand members that live in the close
2 proximity of the project. I'm here to speak on behalf of
3 SCIG. We're supporting SCIG in the recirculated drafted EIR
4 and its findings. We support that wholeheartedly.

5 Also, when it comes to the SCIG project, we're
6 talking about 2010 or newer trucks that's going to be going
7 in and out of this facility. You're going to have a
8 near-dock rail facility that's nearby. You're taking a
9 million and a half trucks off the 710 Freeway and so forth.
10 SCIG also is committed to put \$3 million into zero emissions
11 technology in the near future and support Port of Los Angeles
12 and the nearby facilities on these type of new technologies.

13 Also SCIG will serve over -- and trucks will be
14 monitored and ensure compliance that these trucks are going
15 on these, you know, direct truck routes and not into the
16 residential areas where they're going to be idling and, you
17 know polluting up the air. So 2010 newer trucks, green
18 facility -- let's build it. Thank you very much.

19 MR. HUDSON WARREN: My name is Hudson, H-u-d-s-o-n,
20 Warren, W-a-r-r-e-n. I am chairman of the Propeller Club for
21 Los Angeles/Long Beach, and I have a short message to read.
22 The Propeller Club of the United States is an international
23 trade association with more than 17,000 members in the United
24 States and worldwide. The organization was established in
25 1923, and is dedicated to the enhancement and well-being of

1 all interests in the maritime transportation community on a
2 national and international basis.

3 One of the major objectives of the Los Angeles/Long
4 Beach chapter is to provide a forum for discussion and
5 promote public education regarding crucial issues that affect
6 the industry. Our local membership is comprised of 250
7 maritime transportation executives in the San Pedro Bay area.

8 On behalf of the Propeller Club of the United
9 States L.A./Long Beach, we are providing a letter that will
10 emphasize our strong support for the recirculated EIR for the
11 Southern California International Gateway, BNSF railroad
12 proposed for the near-dock facility.

13 We congratulate you on the release of the
14 environmental study and encourage Port of Los Angeles to move
15 ahead quickly. There is currently a shortage of on-dock
16 capacity, and the ability to expand that capacity is limited.
17 There will always be need for near-dock facilities and
18 expansion of the capacity. SCIG will help keep the Southern
19 California ports competitive through the improvement of
20 operational efficiency and with the expanded Panama Canal
21 opening soon it will remain -- the Port will remain more
22 competitive than it would be without this near-dock facility.

23 It is important to forward rapidly -- move forward
24 rapidly to ensure that the project becomes reality, and we
25 respectfully urge the Los Angeles Board of Harbor

R45C-18-1 1 Commissioners to approve it. Thank you.

2 MR. TONY RIVERA: My name is Tony, T-o-n-y, Rivera,
3 R-i-v-e-r-a.

4 MS. MARY McCORMICK: Thank you.

5 MR. TONY RIVERA: I represent the west side of Long
6 Beach which is the industrial council which is between
7 Pacific Coast and Anaheim Terminal Freeway Long Beach. We
8 are here, and, at this time, we don't support the project.
9 And one of the reasons is that I wish you would do it -- and
10 I don't want to say this, but, like Long Beach, community
11 oriented so that you can go into the community that are
R45C-19-1 12 affected and really get to the people and work with the
13 people so you could get the best project that is possible
14 instead of being so much political and so much political with
15 everybody else, because we are suffering, the traffic.

16 We will be shock if we are not careful with you
17 projects and all the other projects that are on the way, and
18 I say this because we work in this time with the Port of Long
19 Beach on some other trucks and they came to us before and
20 explained how would be the best way to do it. You, until
21 this day, no call, and I'm the chair of the group and I've
22 been for the four years or more. So it's very, very -- I
23 want to second Mr. Johnson's words where he said, you know,
24 you've been lack of community.

25 So you need to change that, and that's it right

R45C-19-1

1 now. I can't say much because you need to get involved with
2 us because we are the most affected business besides the
3 residentials on the other side, which will be the north side.
4 We are going to be affected a hundred percent. Thank you.

5 MS. KATY HAUGHLAND: My name is Katy Haughland,
6 K-a-t-y H-a-u-g-h-l-a-n-d. I represent IBEW Local 11. I am
7 a first-year inside wireman apprentice. One thing I wanted
8 to point out that hasn't been pointed out yet, I think, is
9 that the orange shirts and the white shirts say the same
10 thing. We're all looking for the same thing. We're looking
11 for more jobs, good jobs. We're looking for cleaner air.
12 We're looking for less traffic. All of us want those things.

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13 You read the report, you read the revised EIR, the
14 science is there. If I take off my construction worker hat
15 (indicating), it's not hard to do. I'm a physicist. I'm
16 trained as a physicist. I'm trained as a scientist. When I
17 look at this report what I see is decreased emissions. I see
18 increased health. I see a change in our environment for the
19 better. What I really see here is such a dramatic
20 improvement to this environment.

21 When you look at -- I think a lot of us got the
22 that environmental impact report. You can check it out
23 online. Going from no project to a project, all of that red
24 and green is wiped away. Our respiratory systems are better,
25 air quality is better. Climate change is going to be

1 reduced. There are so many positive impacts.

2 I don't really understand the opposing argument. I
3 don't understand it as a physicist and back as a construction
4 worker (indicating). One thing I got to say is with this --
5 and it's been said a few times -- and it's worth repeating,
6 1500 jobs for three years. 22,000 jobs regionally by 2036.
7 These are jobs for people like me. I made the decision to go
8 from being a physicist to being a construction worker because
9 it's a good job. I'm an electrician because it's going to
10 support me, my family, and my community and all those around
11 me.

12 My union brothers and sisters understand this, and
13 we're not just working for us. We're working for every
14 worker. Every middle class worker in the country is raised
15 up by union workers. We can make this port cleaner. Ports
16 aren't known for being clean. This port is going to be known
17 for being clean. It already is getting better. This project
18 right here, the SCIG project, is going to make it so much
19 better. We can make this better for ourselves here.

20 And, once we do it here, they're going to want to
21 do it everywhere else. They're going to see what we're
22 doing, and they're going to do it all around the country, all
23 the ports, as we do it, when we implement these new
24 technologies.

25 One thing I thought was really important. Again,

1 that for whatever reason hasn't been mentioned, they said in
2 this new EIR that they're going to be looking into new
3 technologies. They're going to check in every five years
4 over this 50-year project. If it's feasible to improve it,
5 it's going to be required. Think about the design, the
6 implementation and the maintenance and how many jobs that is
7 going to create.

8 I urge you to move forward with the SCIG project
9 and help economic growth. Help me help my family and help
10 make a brighter future for this community.

11 MR. LON KETTERING: My name is Lon Kettering, L-o-n
12 K-e-t-t-e-r-i-n-g. I work for California Cartage, my 47th
13 year, and I'm here too on behalf of the warehouse workers,
14 the truckers, the office workers, where we have been
15 supplying jobs where I started in 1970 here at the CFS in
16 Wilmington. These people, hard-working people, have been
17 coming here every working day, riding bikes, walking to work,
18 they have jobs. If you seen the presidents in the debate the
19 other night, that was one of the biggest jobs things they
20 said was keep jobs in the U.S.

21 Well, guess what? Cal Cartage is keeping jobs in
22 the U.S. and have been since 1960. So we want the jobs here,
23 and we want to keep it here. And we want to oppose this
24 project because we already have clean trucks here. We
25 already have clean forklifts working here, and we are

1 supplying the economy now, not five years from now, whatever,
2 we're supporting the economy right now with all of these
3 hard-working jobs and warehouse workers. And stand up all of
4 you workers.

R45C-21-1 5 We want to be here and we want to stay here. We're
6 California Cartage. We're here for Fastlane. We're here for
7 Three Rivers, and we want to stay there. And we've been
8 here. We're keeping the jobs here, and we're going to keep
9 it going.

10 MR. GONZALO CASTILLO: Hello everybody. My name is
11 Gonzalo Castillo. I'm a resident of Wilmington and a Cal
12 Cartage employee for 25 years. I had the opportunity to
13 speak before on two occasions. In the first public hearing I
14 spoke about alternative locations to building a railyard in
15 our community and saving our jobs. The second time I spoke
16 of my experience of having BNSF as my neighbor since I live
17 half a block from the tracks that run -- that run through
R45C-22-1 18 Pacific Coast to B Street in Wilmington.

19 On this occasion, I want to quote BNSF chairman and
20 CEO Matthew K. Ross from a written statement, quote, "I'm
21 proud of the hard work we have done over the past seven years
22 to design the green modern rail facility in this country,"
23 end quote.

24 Allow me to paint a picture: Imagine yourself
25 sound asleep in your comfy bed, covers over your body.

1 Suddenly a loud rickety noise of an old locomotive rattles
2 you out of your slumber. Your bed shakes. Your walls
3 rattle. The sounds of a bell ringing and whistle blowing and
4 red lights flashing chase away any chance of having a good
5 night's rest for the long work days that awaits for you in
6 the morning, and long after the train has passed, your walls
7 and bones are still vibrate.

8 I wish I could say that this is an occasional
9 occurrence, but it goes on and on and on all night long.
10 With all due respect to Mr. Ross and his company, I have yet
11 to see positive results of your hard work (indicating).
12 Those railroads that run through my neighborhood are a safe
13 haven for trash, graffiti -- and dead bodies sometimes -- and
14 serve as a playground for gang-related activities. Please
15 check police reports.

16 Mr. Ross, please know that people, pets, and plants
17 are getting sick and dying because of the pollution that your
18 trains are throwing into the air. I believe I speak for many
19 residents of Wilmington when I say to bring more of the same
20 will be insane. Thank you.

21 MR. JESSE MARQUEZ: Good evening and thank you for
22 this opportunity to meet here in the community. My name is
23 Jesse Marquez. I'm executive director for the Coalition for
24 a Safe Environment, and I'm also a resident that lives half a
25 mile from this proposed project. And I want to clarify for

1 everything for the people in orange here because they did not
2 do their homework here. All they're doing is reading
3 something that someone else has published for them.

4 We are not against the intermodal facility, one
5 that is needed. The fact of the matter is when is it needed.
6 We do -- what we do oppose is it being built off Port
7 tidelands property. We have no problems them building it on
8 Port of L.A. property on or Port of Long Beach property on
9 tidelands property. The fact that the Port of L.A. has
10 bought 5-, 600 acres in Wilmington and in Carson and other
11 cities so they can expand is not correct.

12 We are a hundred percent in support of building
13 construction jobs. We are a hundred percent in support of
14 operation workers working at terminals, but we want it to be
15 built on Port of L.A. property. We've told them for over ten
16 years every year in a row we would not accept that off of the
17 community. We even identified locations where it could be
18 built, and they still refused to do it.

19 Instead of people claiming that they're physicists
20 and doing their research, this is not a 21st century project.
21 Even if it is a tier 1, tier 2, tier 3, tier 4 train, it's
22 still an air-polluting train. It is still a noisy train.
23 You want a 21st century job or 21st century technology? Then
24 why has the Port of L.A. refused to allow American Magnet
25 Train to build a demonstration project here to show that

R45C-23-2

R45C-23-3

R45C-23-4

R45C-23-5

1 their technology works.

2 We support Balgon electric trucks, zero emissions.

3 We support Vision Motor Corps, hydrogen fuel cell truck. We

4 support AMECST, American Emission Control System Technology.

5 Those are technologies that none of you have done your

6 homework for.

7 We have had over 300 residents show up here. Right

8 now, buses are loading because they cannot stay overnight.

9 We even asked the Port to sponsor them coming out on the bus,

10 but the communities had to raise the money on their own. We

11 asked the Port to do a impact health assessment; they refused

12 to do it.

13 We even submitted expert opinion, and that expert

14 opinion points out why a health impact assessment is better

15 than a health risk assessment. A health risk assessment only

16 tells you how many people might die of cancer; how many might

17 die of something else. But what do they tell you? Nothing.

18 They have no clue how many people have asthma, how many

19 people have sinusitis, how many people have bronchitis, lung

20 cancer, leukemia, lymphoma -- nothing that they know to help

21 them explain proper mitigation if they don't know who's sick

22 with what and for how long.

23 My uncle died of lung cancer. Eddie Moore of

24 Wilmington died of lung cancer. Richard Gatewood,

25 African-American, died of asthma. Asthmas don't get picked

R45C-23-5

R45C-23-6

R45C-24-1

1 up as deaths from air pollution. So your data is flawed. We
2 ask you to do a health impact assessment. We want you to do
3 it. We want the Port to select a location where it can be
4 built on Port property. Thank you for my time.

5 MS. MARY McCORMICK: It is 7:31. We're going to
6 take a short three- to four-minute break, five-minute break
7 for our court reporter, and we will start promptly at about
8 7:35, 7:36. Thank you.

9 (Recess.)

10 MR. FLAVIO MERCADO: My name is Flavio Mercado.
11 I'm a cartographer, and I came out with this maps. According
12 to the Draft EIR on the recirculation of the EIR, they're
13 stating that there's no flood hazard in that zone to the
14 proposed project, and there actually is. I came across FEMA,
15 and I purchased this map from them, an electronic version.
16 So I printed it out.

17 MR. CHRIS CANNON: There's no signs --

18 MR. FLAVIO MERCADO: Okay. There's not signs?

19 MAN IN THE AUDIENCE: He's showing a map. It's not
20 a sign.

21 MS. MARY McCORMICK: Sir, go ahead.

22 MR. FLAVIO MERCADO: So it's showing the actual
23 flood hazard map for the 500-year flood zone. The draft IER
24 and the recirculated Draft EIR are saying no flood hazard
25 whatsoever. They're saying that (inaudible).

1 THE COURT REPORTER: I can't hear him.

2 MR. FLAVIO MERCADO: -- for the Port (inaudible).

3 Here's the evidence from a federal agency. There is a flood
4 hazard, and, the other map I created when I was in school. I
5 got first place from the California Geographical item. First
6 place. So if you want to go up against them, you can talk to
7 them. There is a flood hazard. We're against the project
8 location.

9 If you see the maps, there's no flood hazard down
10 at the Port. Why don't they build this location down at the
11 Port? Why are they coming to our communities? And, you can
12 see it outside, they stated that only two schools are within
13 the proximity of a quarter mile that would be affected. I
14 did the same analysis, and I found more sensitive receptors.

15 The Draft EIR is flawed. They're giving us fake
16 information. You guys are all here supporting of this
17 project. You're saying 1.5 million trucks are going to get
18 out of the 710, but they come into our communities. They're
19 going to be coming down PCH and Henry Ford, all this that's
20 connected to us, even in Wilmington. They're not going to
21 disappear.

22 If you want them to disappear, build that property
23 inside the Port. Put rail systems all the way down there in
24 Alameda -- (inaudible from applause) -- and don't be telling
25 us in our communities because we're the ones that are going

1 to have asthma problems. Thank you.

2 MS. McCORMICK Thank you.

3 MR. FLAVIO MERCADO: If you guys want copies, I
4 have copies. Here is an 8 by 11. Give me your e-mail
5 address. I'll give you the information. I already paid for
6 it, and I'll be glad to provide it for everybody else.

7 MS. MARY McCORMICK: Thank you.

8 MR. WALLY BAKER: Good evening. I'm Wally Baker,
9 president of Jobs First Alliance, and our effort is with
10 labor and business, IBEW, the building trades, the longshore
11 union and a number of business folks. And we came together
12 about three years ago on a project called Beat the Panama
13 Canal, and we have been working since then to get the 60
14 projects that are in that package completed and on time for
15 our competition which now completes in 2015, their project.

16 This project, the SCIG project, is the keystone of
17 that effort. This project we must have. It is part of our
18 capacity. It's part of our future. It's a clean project.
19 It's a project that's taken twelve years. I think it's time
20 for us to move forward. There will be fewer trucks, cleaner
21 air, and we need to move forward on this project as soon as
22 possible. And it will help us take on the challenge of the
23 Panama Canal, along with the other projects.

24 But it is critical that we get this project
25 approved and we get it going and we get the jobs going

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R45C-26-1

1 because that's what it's about. It's about the community and
2 the jobs and the training and improving the environment. So
3 I ask the Harbor Commission, please approve this project as
4 soon as possible. Thank you very much.

5 MS. MARY McCORMICK: Thank you.

6 MR. BOB LAFARGA: Hello. My name is Bob Lafarga.
7 I live in Wilmington. I was Laborers Local 507 for 40 years.
8 I was a business manager for 30 years. I'm speaking as a
9 resident, concerned citizen. My kids were raised right here.
10 I was raised in Torrance until the age of 20. In 1971 I
11 moved to Wilmington.

12 If you guys remember, back in the 60's, the air was
13 so bad we couldn't go to school. They would refuse to open
14 up the schools because the pollution was so bad. We had to
15 make laws, changes, catalytic converters, what they do to the
16 gas, and all these different things to clean up the
17 environment. But everybody was afraid of it. They were
18 afraid of change for some reason. I can't figure out why.

19 But now -- do you guys remember the smell of the
20 old ship plant over there on Figueroa? We had the canneries,
21 and the refineries. We had all of this crap over here in
22 Wilmington. They've been cleaning it up. The air's a lot
23 better than it used to be, and I'll be honest with you,
24 people were saying people were dying in Long Beach. No.
25 They weren't. They were dying all over the place because the

1 pollution was terrible, and that's the reality it. I don't
2 care. I mean, I don't care if you were living in Pasadena,
3 you were dying over there too because of cancer.

4 What you're doing is commendable, and I thank you.
5 Let's continue to do what you're doing so that we can clean
6 up the air for the future so that people don't have to
7 continue to die.

8 MS. HILARY NORTON: Good evening. My name is
9 Hilary Norton, and I am the executive director of FAST,
10 Fixing Angelenos Stuck in Traffic, and I'm also here on
11 behalf of BizFed. I'm the co-chair of the transportation
12 committee for BizFed. I represent 100 business
13 organizations, over 200,000 business members of BizFed in my
14 remarks today.

15 FAST is dedicated to near-term practical cost
16 efficient solutions to fixing L.A.'s traffic, the worst
17 traffic crisis in the entire nation, which costs our economy
18 \$12 million each year and a total of 515 million hours each
19 year in lost productivity. We are -- FAST and BizFed are
20 here today as strong supporters of the BNSF Southern
21 California International Gateway project for many reasons.

22 We support this project because it creates jobs and
23 reduces cancer risks. We also believe that taking trucks off
24 of local freeways, 1.5 million truck trips, whenever
25 practical, is critical for our region. This project will

1 allow containers to be loaded onto rails just four miles from
2 the docks rather than 24 miles and will eliminate more than
3 from the 1.5 truck trips from the 710 freeway each year.

4 And, as for BizFed, we do not believe, as others
5 have claimed, that merely removing trucks from local freeways
6 is sufficient to create more truck volume, container volume
7 and, therefore, the number of trucks is a function of
8 economic growth rather than freeway capacity, and we all want
9 economic growth. We are pleased that BNSF will require a
10 hundred percent of the truck fleet servicing the SCIG to be
11 at 2007 or newer upon facility opening and that it will
12 create 22,000 new direct or indirect jobs in Southern
13 California by 2030.

14 We need this economy back. We need a clean
15 economy. We need trucks off our roads, and, for that, we are
16 here in support of the BNSF project. Thank you very much.

17 MS. STACY JONES: My name is Stacy Jones. I'm a
18 lifetime resident of the Harbor area and live and work in the
19 Port community. I am here to support the SCIG project
20 because it will reduce air emissions from current baseline
21 with clean trucks, electrified container handling equipment,
22 and low-emission fuels. It will increase the use of the
23 Alameda Corridor for safe, efficient, and environmentally
24 sound transportation of cargo, protecting the continued
25 viability of this critical asset. It will take 1.5 million

1 more containers through the corridor.

2 It is the best location for this facility. It is
3 the highest and best use for this facility, especially as
4 outlined in the objectives for a facility of this type that
5 was demonstrated earlier in the presentation. There is
6 limited amount of land available in both ports, which would
7 be consumed by other future on-dock rail projects as well as
8 other future Port terminals. This facility is too large and
9 is not the best use in accordance with state tidelands trust
10 to be putting on Port property. This is the best place for
11 it to be.

12 The project will reduce cancer risks for local
13 resident as compared to the baseline. Any additional
14 analysis done on the baseline and the flexibility that have
15 baseline demonstrates clearly that this project is going to
16 reduce emissions and reduce health risks for the residents of
17 this entire community.

18 The project will help keep our ports competitive.
19 When ports are competitive, it allows them to grow. With
20 growth, we have more jobs. I as well as many people in this
21 audience here today depend upon the growth of the ports for
22 our livelihood. I urge the Port to move forward
23 expeditiously and to keep the current 45-day comment period
24 to just that. As someone mentioned earlier, this project has
25 been analyzed and has been reviewed for almost twelve years

1 now. Let's get on with it, okay? Let's get this project
2 built. Thank you.

3 MS. MARY McCORMICK: Thank you.

4 MR. WESTON LABAR: Good evening. My name is Weston
5 Labar, W-e-s-t-o-n L-a-b-a-r, and I am the public policy and
6 economic development consultant for the Long Beach Area
7 Chamber of Commerce. The Chamber represents a little over
8 1100 businesses in and around the Long Beach area. We also
9 live, shop, and work in and around Long Beach. The Chamber
10 is a strong supporter of the BNSF Southern California
11 International Gateway project for many reasons. I'll point
12 out a few:

13 First, the project creates jobs at a time when our
14 city desperately needs them. We currently have a 3.4 percent
15 unemployment rate in Long Beach, and we need to get our
16 residents back to work.

17 Second, the Draft EIR found that the project
18 reduces cancer risks for our residents, a goal we can all
19 share.

20 Third, our region needs to plan now for future
21 container volumes through our ports, and it makes sense to
22 provide comparable near-dock rail facilities for both
23 railroads in our region so that BNSF customers don't need to
24 truck containers 24 miles up the 710 freeway. We support
25 taking trucks off the 710. The project will allow containers

1 to be loaded onto rail just four miles from the docks, rather
2 than 24 miles, and it will eliminate more than 1.5 million
3 truck trips from the 710 freeway each year, reducing
4 congestion and improving air quality.

5 Fourth, although zero emissions technologies are
6 either not yet available, not yet fully demonstrated for this
7 project, BNSF has committed that by 2023, 75 percent of
8 trucks serving the project will be LNG or equivalent
9 emissions and by 2026, 90 percent of the trucks will meet
10 that standard. BNSF has also committed up to \$3 million for
11 the development of zero emission technologies, and we applaud
12 these commitments.

13 The Long Beach Area Chamber of Commerce is still
14 reviewing the Draft EIR of and may submit written comments in
15 the near future. I want to thank you for your time and the
16 opportunity to speak tonight.

17 MR. STEVEN MENDOZA: My name is Steven Mendoza,
18 S-t-e-v-e-n M-e-n-d-o-z-a. I am a 22-year member of the
19 labor union. I represent the Local 507 and many members.
20 And I don't have an education, but I got 22 good years in the
21 union. And how dare anybody in this room knock somebody
22 because they do have education? How dare they?

23 And I commend that young lady that was here because
24 she chose to switch her profession and to be a construction
25 worker. Construction workers make a good living.

1 Construction workers are one of 22 percent of people in this
2 country that have a defined pension plan. And when you
3 retire, with that defined pension plan, it gives you the
4 chance to live a good life in your older years. I'm here in
5 support of this project, and let's get it going.

6 MR. ALEX LAFARGA: How are you doing? My name is
7 Alex Lafarga, A-l-e-x L-a-f-a-r-g-a. I'm a business
8 representative for Laborers Local 507 in Long Beach, and we
9 have many members, as our business manager spoke, 1100
10 members in Long Beach and Wilmington. I'm also a lifelong
11 born-and-bred Wilmington guy. Born and bred in the heart of
12 the Harbor and still live there. So I have some definite
13 opinions on this EIR.

14 First off, let me just tell you this: Every day I
15 drive from Wilmington to Long Beach; every day I drive from
16 Long Beach to Wilmington right down PCH. Right from
17 Wilmington -- right by this proposed facility. So if you
18 tell me you're going to take trucks off that road, you're
19 going to make it safer, you're going to reduce congestion, I
20 got to say, I'm for it, you know.

21 Second, I have family in Wilmington. I live in
22 Wilmington, like I said. Half a mile from the site. I have
23 a nine-year-old son. He's growing. I want to see nothing
24 but the best for him. I've got my parents there. They're
25 very old, frail. I'm concerned with their health. So I

1 applaud the fact that these additional steps are taken to
2 reduce emissions to put a clean facility there. So, I got to
3 say, I like that.

4 Now, let me just say something else: Being a part
5 of this community, growing up, I have friends, family,
6 neighbors, who rely on this Port for a source of income --
7 and in many different ways, directly or indirectly. So if
8 you tell me you want to use this project and help expand the
9 Port to help grow the economy we have in our area, I've got
10 to get behind it. And, representing Long Beach members, I
11 got to say I like the 30 percent local hire.

12 Right now, it's at a pivotal point with this
13 election coming up -- and you got both sides in this
14 election -- both sides are talking about jobs. And how are
15 they going to create jobs and stimulate the economy? Some
16 trickle up, and some trickle down. We have a unique
17 opportunity here to put a facility in our area that is going
18 to stimulate our own economic growth, and, ladies and
19 gentlemen, if we can do it cleanly, we can do it safely and
20 we can do it responsibly, well, we have a definite
21 responsibility to push this project through. Thank you.

22 MR. ALBERTO GUEBARA: (Through the translator) My
23 name Alberto Guebara, G-u-e-b-a-r-a, president of LACC. I
24 represent 400 units who are here in support of this project.
25 Who want the jobs for our community and for our children and

1 for the children of the members of this community as well and
2 for the new clean environment that we are being proposed that
3 we'll have.

R45C-32-1 4 We're all here in support of this project, and I'm
5 asking everyone to please support the project as well because
6 this project will provide a lot of jobs for our people and
7 for all the other community members as well.

8 MR. JOHNNY O'KANE: My name is Johnny with a "Y"
9 O'Kane. "O" apostrophe "K-a-n-e." I'm a union iron worker.
10 I live here in the Harbor. I've raised my kids in the
11 Harbor, and I plan on them raising my grandkids here in the
12 Harbor. This has been going on -- we get our crowds, we get
13 kids parading in dust masks and what have you. This is a
14 project that a lot of people have worked long and hard on.
R45C-33-1 15 It doesn't matter what picture you want to hold up or who you
16 want to yell at and point fingers at.

17 This is a project that's went out of its way to go
18 above and beyond, and I think it's time that we just moved
19 along with it. And when you're making your decisions, I
20 think the character of the room would come into play pretty
21 good. You had a man walk in here and mention the derailment
22 of a train, and you had people giggling and laughing about
23 it. You've got men here that within the last couple of weeks
24 have buried one of their own. So character counts a whole
25 lot. Thank you.

1 MR. GILBERT VALENCIA: My name is Gilbert Valencia,
2 and I'm a yard hostler for California Cartage, G-i-l-b-e-r-t,
3 Valencia, V-a-l-e-n-c-i-a. And I'm opposed to this project
4 for several reasons, some which really, actually, don't make
5 sense and why there's even any question to these things, I
6 stand to be -- twelve years in trying to get this thing
7 together, it stands to reason. Many of the things given have
8 been false or lies, false leading information to this
9 project.

10 Speaking of character, when you lie, what does that
11 say about your character, especially something that is
12 important which affects everybody in this room? We're all
13 human beings. We're all people who live and want to make a
14 living, have a good living, have families, bills,
15 everything -- just a human being.

16 These gentlemen, construction workers, they're
17 talking about working for a year. That's not a career.
18 Their career is being in construction. There's a difference
19 between working at a job for one year to -- like, Cal Cartage
20 workers have 35, 20, 16, 15, myself, 10 years working at Cal
21 Cartage. That's making a career at the same job for
22 practically a lifetime. Just like some people are in this
23 room, making professions, buying homes, buying cars staying
24 here in your community.

25 As far as eliminating trucks or traffic from the

1 710 or even the 110, you get the 130 highway and you go to
2 the Terminal Island Bridge, where does it take you from
3 there? Back to the 110 or the 710. There's no other way
4 around unless they plan to park 1.5 million trucks on the new
5 terminal they want to build and just move four miles each
6 day. Otherwise, where are the drivers going to drive? They
7 have to take the highway unless you're going to eliminate 1.5
8 million jobs of truck drivers.

9 As far as the clean air, let me read you a little
10 something here. Mr. Curry's already five years ahead of this
11 proposed plan with clean air. He has taken all of his
12 trucks, all equipment, fuel equipment, and has turned
13 everything into LNG, volunteer.

14 MS. MARY McCORMICK: Thank you.

15 MR. GILBERT VALENCIA: Volunteer.

16 MS. MARY McCORMICK: Thank you.

17 MR. GILBERT VALENCIA: So, as far as clean air
18 goes, volunteer, five years ahead of this plan.

19 MS. MARY McCORMICK: Thank you.

20 MR. CHRIS CANNON: One thing, we have a lot of
21 people here tonight. When you got a red light, that means
22 you have to stop. We're going to stop you, and it's not
23 preferential to one or the other. If you got a red light,
24 you got to stop.

25 MR. JEFF McCONNELL: Good evening. My name is Jeff

1 McConnell. I'm vice chair of the Valley Industry and
2 Commerce Association. VICA represents hundreds of businesses
3 and advocates on their behalf to enhance the economic
4 vitality of the greater San Fernando Valley. VICA fully
5 supports this SCIG project and urges the Port to act swiftly
6 in processing the project so that thousands of people can get
7 back to work, more well paying Port-related jobs can be
8 created, and, most importantly, our air can be cleaner.

R45C-35-1 9 SCIG will be the greenest intermodal rail facility
10 in the country and proves that ports can accommodate
11 modernization without impacting the environment. The project
12 removes 1.5 million truck trips from the 710 freeway, will
13 phase in an LNG fleet, and will make sure that those trucks
14 do not drive through residential neighborhoods.

15 BNSF Railway worked with interested parties,
16 listened, and responded with improvements and now has broad
17 support from the community businesses and labor. It is time
18 to move this project forward. Thank you.

R45C-36-1 19 MR. PATRICK WILSON: Good evening my name is
20 Patrick Wilson. I'm president of the Fastlane Transportation
21 and also Wilmington Chamber of Commerce, that I'm speaking on
22 behalf of my own company, and I would like to say that I
23 support the project. It has the opportunity to greatly
24 improve our air quality and traffic. It's good for the
25 community and good for the region.

1 But my comments tonight are on a more personal
2 basis because this project, while it's good in its intent and
3 scope, it will have a collateral damage, and that is that it
4 will take property, business property that I have and owned
5 for decades, and the property supports over a hundred local
6 workers and will take that property away. And, at this
7 point, in the -- in the recirculated draft EIR there's no
8 solution for relocation for our company.

R45C-36-2

9 So we're looking for some assurance that our
10 business will be able to continue in its present form and
11 continue to employ local people with good paying Port jobs,
12 and I want to make sure that I have the opportunity to
13 continue this business and continue to keep the local people
14 employed -- including fathers and sons and brothers and
15 cousins -- and I have a huge commitment to this community.
16 And my business has been here for over 30 years, and I want
17 it to stay here.

18 MR. MIKE FORD: Good evening. My name is Mike
19 Ford. I'm a resident of the West Long Beach neighborhood
20 that is directly impacted by the SCIG, and I am 100 percent
21 in support of it. The reason I'm in support of it is I live
22 probably closer to the 710 Freeway than most of the residents
23 across from Hudson School live to the SCIG project as it's
24 proposed.

R45C-37-1

25 Without even considering the fact that we're

1 talking about cleaner air vehicles, if we just said ordinary
2 trucks as they exist today, what I'm looking at is a total
3 assuming 1.5 million round trips is what I had calculated it
4 at. You've got 72 million freeway miles being driven by a
5 truck on the one hand, and you've got 8 million miles on the
6 other hand with the four-mile round trip to the SCIG. It
7 doesn't take a rocket scientist to figure out: This pollutes
8 less than this (indicating).

9 I got involved in this when one of the so-called
10 environmental justice organizations knocked on my door and
11 tried to enlist my opposition to the support before the
12 original draft EIR ever came out. I questioned him on a few
13 things, and the only thing they could do is fall back on
14 scare tactics.

15 I've attended every meeting of the SCIG that I
16 think of that I've been aware of. I have no problem getting
17 from West Long Beach to Wilmington. I was at the Wilmington
18 Senior Center when that meeting was held and one of the
19 gentleman here who thinks that you can move trains with pixie
20 dust and mad-glad (phonetic) made a representation about a
21 loss in property values.

22 I'm offended at that type of representation.
23 Property values is something that I do know something about.
24 I'm an appraiser. There is zero chance of any additional
25 property value loss as a result of SCIG going into the West

1 Long Beach neighborhood. Zero chance. The market has
2 already recognized any external inadequacies that may have at
3 one time been associated with proximity to the refinery, the
4 SCIG, the Harbor, the tracks, everything that's over there.
5 Cleaning it up is not going to reduce values further.

6 I urge the Harbor Department, the City of Long
7 Beach, to move ahead with the project as fast as possible.
8 And, as an aside, the gentleman that came before me, I agree
9 with a hundred percent also. He's one of the few people
10 that's negatively affected by the project that speaks out in
11 favor of it because he's got an open mind. I hope that
12 you'll go ahead and make the effort to try to accommodate the
13 existing businesses. Thank you.

14 MR. JOE SULLIVAN: Hello. I'm speaking to you on
15 behalf -- my name is Joe Sullivan, S-u-l-l-i-v-a-n. I'm
16 speaking to you on behalf of the National Electrical
17 Contractors Association of Greater Los Angeles that
18 represents about 400 businesses, local businesses. And after
19 reading the draft environmental impact report, we strongly
20 support this.

21 Not only is this project, as it's been talked
22 about, going to improve air quality, lessen traffic, and
23 create jobs, there is some other points, bigger picture
24 points, that we think should be mentioned:

25 There's a big picture to this: We look at this as

1 not a single project but, as Wally mentioned, there's 60
2 projects that can follow this. We look at this as one domino
3 that can potentially knock down many dominoes. So we're
4 looking at the impact on jobs and air quality. It's much
5 greater than the numbers that you're seeing here and the
6 numbers that you're talking about here tonight. It's
7 exponentially greater.

8 And we've been fortunate here this year. The IBEW
9 Local 11, the apprenticeship program, thanks the projects
10 like this and the legislation in California, and
11 forward-thinking businesses have been able to hire about 300
12 apprentices this year, and these apprentices -- it's been
13 pointed out -- they receive good pay, good benefits and have
14 an independent retirement, and they go through a five-year
15 apprenticeship program, 8,000 hours of training. It's a
16 \$30,000 education with no money out-of-pocket.

17 So we're not talking about jobs here. We're
18 talking about really good, forward-thinking careers, and
19 they're receiving not just the electrical skills, but we're
20 continuing to develop new classes in areas like advanced
21 lighting controls, electric vehicle infrastructure, energy
22 auditing for what's going to happen in the new energy
23 innovation and what's going on with business in the future.
24 So this project creates education and creates careers that
25 are going on in the future, and this is one small project

1 that has a huge impact.

2 And then, lastly, the design and innovation of this
3 project is going to be a model for other businesses here.
4 It's going to be a model for the Long Beach Port and these 60
5 other projects. Recently, in our electrical training
6 institute, we put in a first-of-its-kind smart microgrid
7 system. It was put in two months ago. The same system is
8 being built for the military now in the desert. A major
9 university just signed up to have the same project put in,
10 and it looks like another electrical training institute is
11 going to do the same thing. That's in two months.

12 It will be replicated. When you have a company
13 like BNSF that's done something very special here and it's
14 done creative, cutting-edge design with the electric crane,
15 the railyard design and put so much thought into this, this
16 will be replicated. This will likely be replicated in Long
17 Beach, but not only that, the innovation and commitment is
18 what will be replicated with the other projects. So what
19 we're doing here tonight is something that's very special and
20 important.

21 MR. JOSE LUIS GARCIA: I might need help, please.
22 (indicating).

23 (Through the interpreter) Good afternoon. My name
24 is Jose Luis Garcia, J-o-s-e L-u-i-s G-a-r-c-i-a. I've been
25 working at Cal Cartage for 38 years. I have supported my

1 family thanks to this job. Just as myself, there's another
2 800 to 1,000 families that depend on Cal Cartage as well. I
3 have asked Mr. Curry -- he's the owner of the company --
4 where is he planning moving us to, and his response is "I do
5 not know," which probably means that we're going to have
6 between 800 to 1,000 families whose main support will be
7 unemployed. And we'll have no source of income to survive.

8 I don't understand why you're saying that you will
9 be creating a job when, in reality, you're creating more
10 unemployment and a lot more contamination for our schools and
11 our surroundings areas. For this and many other reasons,
12 please take this project to a different location. We do not
13 need more children or any other people with asthma. Thank
14 you.

15 MR. ERNESTO NAVARREZ: My name is Ernesto Navarrez.
16 I've been an activist in the Harbor since 1984 with the
17 hazardous waste footprint, which I participated in. As a
18 member of the Harbor Coalition against toxic waste since
19 1998, I've been working with truck drivers. I'm an
20 accountant and analyst in the trucking industry.

21 The main complaint by the drivers is -- and the
22 companies, the trucking companies, that they're going to lose
23 employment. I challenge Bob Curry of Cal Cartage to say on
24 the record how many truck drivers do they employ? None. Bob
25 Curry has said plenty of times, under oath or in public, he

1 has no truck drivers. They're all independent
2 owner/operators, and they have their own truck. Their BIT's
3 are at their homes throughout L.A. This project is not going
4 to take away their employment. They have the freedom of
5 their own trucks. They're independent contractors, and
6 they'll just shift from Friday's paving to Monday work at
7 other company.

8 I challenge Cal Cartage to tell us how many truck
9 drivers are going to lose employment. None. Warehouse
10 workers -- of the 800 truck drivers, Cal Cartage has maybe on
11 the record five employees. Warehouse workers, they're all
12 contracted. They could be moved with one phone call by the
13 contracting company. "Don't show up to Cal Cartage in
14 Wilmington. Go to Nocona. Go to Skechers." It takes
15 one -- they don't have to be rehired, requalified or
16 retrained -- one simple phone call. Those warehouse workers
17 will be working Monday somewhere else. No disruption.

18 Warehouse space -- recently -- late last year, JOC,
19 the Journal of Commerce and other magazines, other trade
20 journals said warehouse space is at a maximum. There's been
21 investments -- Skechers two and a half million, the 215, the
22 high desert, and other places -- plus warehouses are not
23 working two shifts. They can work two shifts and the NRDC --
24 the NRDC has filed an amicus brief in the Port of L.A. versus
25 ATA, in which they state the NRDC, we need better -- we have

1 clean trucks. Now we need cleaner operation.

2 This project will bring that cleaner operation and
3 get rid of Cal Cartage, which is what they're complaining
4 about it. NRDC should make up its mind what it wants, and
5 they should come clean and support the project. I support
6 it. Thank you.

7 MR. GEORGE KIVETT: Good evening. My name is
8 George Kivett, G-e-o-r-g-e K-i-v-e-t-t. I'm the executive
9 director of the Lomita Chamber of Commerce. We represent
10 approximately 225 businesses in the Lomita region, and our
11 board of directors has endorsed the SCIG project, Southern
12 California International Gateway, after a careful study of
13 all the oppositions.

14 We ask you to approve the Draft EIR. You'll create
15 good jobs. SCIG will create 1500 jobs per year over the
16 three years of construction and 2200 new regional jobs by
17 2025. BNSF offers a job training program. I know that there
18 will be an emphasis on the local workers here in the region.
19 BNSF has agreed to a project waiver agreement with 255
20 million with the L.A. Orange County Building and Construction
21 Trades Counsel.

22 Cleaner air -- I grew up in the region, and I've
23 been living in this area for 50 years -- 49 years, and I
24 remember when you could cut the air with a knife. But
25 continually over the years the air has gotten cleaner, and

1 this will just be one more significant step in that matter.
2 But SCIG will be the greenest intermodal facility in the
3 United States. The Draft EIR confirms with that proceeding
4 that project results in significant air quality improvements
5 and better health, less health risks for the residents,
6 students and teachers in the region.

7 SCIG far surpasses the Port of Los Angeles health
8 risks involved in new projects. Freight will be moved
9 through the facility using all electric cranes, ultra low
10 emissions locomotives, low-emission yard equipment, and we'll
11 have low-emission drayage trucks working this facility. SCIG
12 will only be served by 2010 or newer trucks. So there will
13 be a definite and immediate improvement once this project
14 takes hold.

15 And, by 2026, 90 percent of the truck fleet will be
16 either LNG or equivalent, and, again, that will be a
17 significant improvement going forward. The trucks will not
18 travel in the residential neighborhoods, and they will be
19 monitored by GPS to ensure that. And the trucks will be
20 taking -- you will be taking a million and a half truck trips
21 off the 710, and you will have cleaner air and safer driving
22 conditions for everyone.

23 And, on a personal note, I'm a past chair of the
24 Regional Chamber of Commerce. I represent and have
25 represented 52,000 businesses in the region as a past chair

1 of the SBACC, but my wife's family is from laborers. My
2 father-in-law was a laborer with the Local Laborers Union
3 802, and this is going to really bring labor and business and
4 everybody together and create a better environment. Thank
5 you.

6 MR. DAVID PETTIT: Good evening. I'm David Pettit,
7 P-e-t-t-i-t. I'm with the National Resources Defense
8 Counsel.

9 MS. MARY McCORMICK: Excuse me just a moment. I
10 can hear the talking all the way up here. If we can ask if
11 they can just please be quiet in the back. Great. Please
12 start again.

13 MR. DAVID PETTIT: Thank you. I'm with NRDC,
14 National Resources Defense Counsel. I've been listening to
15 all speakers, and it seems to me that a lot of people
16 have accepted the conclusions of the recirculated Draft EIR
17 about traffic and about air quality at face value. And if
18 you just read the words in the introduction, then, yeah, it
19 sounds like a great project.

20 But let me first discuss the traffic impacts, the
21 idea that we're going to take all of these trucks off the
22 710. If you look, buried in the back of this document in
23 appendix G, G-4, there is projections about future traffic to
24 Hobart. That traffic will increase whether SCIG is built or
25 not. So not only will there not fewer trucks on the 710,

1 there will be more trucks on the 710 by the Port's own
2 admission. So the argument that the 710 is somehow going to
3 be, you know, miraculously free of trucks, that's not true,
4 and the Port's own document shows that it's not true.

5 In terms of air quality, yeah, the Port is saying
6 well, the air's going to be much better if the project is
7 built. That is based on a set of assumptions that has
8 nothing to do with this project. The Port is and BNSF are
9 going to take credit for improvements, for example, the truck
10 technology. They're going to happen whether this project is
11 being built or not.

12 So, in effect, these are comments -- similar
13 comments that the South Coast Air Quality Management District
14 made in the last DEIR. Instead of responding, the Port
15 pulled the DEIR and redid it. That problem remains, and so
16 what you've got is the claim that, all other things being
17 equal, putting a million and a half new truck trips in the
18 community will make the air better, which is, I think,
19 ridiculous on its face.

20 And, third, let me address the jobs issue. Our
21 suggestion, like Mr. Marquez, is if we need new capacity for
22 direct rail, put it on dock. You don't need to pick up SCIG
23 as a piece and put it somewhere. There's not enough room to
24 do that. You can build it in pieces. Yeah, there will be an
25 engineering problem to make all the pieces fit, but that's

1 all it is is an engineering problem and it can be fixed.

2 So the phrases that are on these gentlemen's
3 shirts, gentlemen's and ladies' shirts -- "good air, less
4 traffic, good jobs" -- all of these can be achieved by
5 putting this project on dock, and that's what we support.
6 Thank you.

7 MR. DAN HOFFMAN: Good evening. My name is Dan
8 Hoffman. I need to tell you that I am the executive director
9 for the Wilmington Chamber of Commerce, but I am here this
10 evening as a resident. I live here in Wilmington and have
11 for just about over 38 years. I came tonight to let you know
12 that -- and I've spoken about the project at the previous
13 hearings -- that I support it. I think that it's going to
14 improve our environment. I think there's a lot of people
15 that doubt that, but if you look at what the Port has
16 promised before and what it has delivered, it has exceeded
17 expectations.

18 I think it's essential for us to remain
19 economically viable in this global economy. People think if
20 we keep things the same, that we're still going to be okay,
21 but we're bleeding now. And I think that Peter Payton
22 expressed it very well, and I know that you've had those
23 comments on record. So we'll leave it at that.

24 I do have to agree with part of the comments that
25 were presented to us by the Congresswoman's representative,

1 and that's our existing businesses. I really do feel
2 strongly that all of our jobs are important, and, in
3 particular, Fastlane transportation, but that we really need
4 to do and the Port has some great people, some of the
5 sharpest minds in the country, I believe, and we need to
6 expedite this whole thing, but Fastlane transportation has
7 been in this community for 30 years.

8 And the face of Fastlane transportation you met
9 this evening, and that's Matt Wilson. Matt Wilson has been
10 the president of our Chamber of Commerce for eight years.
11 That's the longest ever, and we've been in existence since
12 1904. He's also served on the board of directors for the
13 Banning Residence Museum. In addition to that, he's served
14 with PECAK (phonetic). He's been a part of our Wilmington
15 neighborhood counsel since the very beginning of the
16 neighborhood counsel and acted as a treasurer for that.

17 Not only does he do that, but they give to about 20
18 different organizations in the Harbor area in the South Bay.
19 To find corporate citizens like that is very unusual and
20 unique. He's just not another business. He is a community
21 partner and a community friend, and so we need to find him a
22 place where he can continue his business here in Wilmington
23 and can accommodate his employees and hopefully leave him an
24 opportunity for growth.

25 And we need to keep the other businesses in Los

1 Angeles because we need those tax dollars. I thank you very
2 much for your time this evening, and I do look forward to
3 sending in my written comments. Thank you.

4 MS. KATHLEEN WOODFIELD: My name is Kathleen
5 Woodfield. I'm with the San Pedro Womens and Homeowners'
6 Coalition, and I want to just say on the record that there
7 were two bus loads of community people from Wilmington, many
8 of whom were children, sensitive receptors from the impacted
9 area of this proposed project who were not allowed to come
10 into this room and be part of the process.

11 Also I want to say that this environmental document
12 and almost all of the discussion's been about jobs, and I
13 understand that because jobs is what is the excuse for doing
14 overriding considerations when you do pollute the commute
15 like this project would do. And I want to point out that
16 there were six areas of overriding consideration, six areas
17 of impact -- environmental impact that are so severe that
18 mitigation as has been proposed will not bring that impact to
19 a level of insignificance.

20 And so, when that happens, when this project moves
21 forward to the Board of Harbor Commissioners and gets
22 approved with overriding consideration, which says that the
23 community issues of health and air pollution and noise are
24 not as important as the commerce.

25 And so that gives us yet another message from the

1 Port of Los Angeles that our communities of San Pedro,
2 Wilmington, and parts of Long Beach are throwaway
3 communities, that you are bringing activity that is currently
4 not here, not impacting this area, and actually bringing it
5 here to one of the most polluted areas in L.A. and bringing
6 it here -- or south coast, bringing it here to impact these
7 already severely impacted communities even more.

8 And, as far as your recirculated portions, I think
9 that your numbers are incorrect. I think that your
10 assumptions are incorrect, and I think you need to go back
11 and look at them again. I was on the PECAK when the ship
12 fuel subsidiary program was created by the Port of Los
13 Angeles, and at that time the Port of Los Angeles was
14 assuming it would be on a hundred percent participation. A
15 hundred percent -- nobody assumes a hundred percent; but the
16 Port did -- and it received a 15 percent participation rate.

17 If this is the type of assumptions that are going
18 into the floating baseline, we are in great danger. And I
19 would say that I don't like -- I'm very concerned that you're
20 using antiquated diesel systems that we're going to have to
21 live with for 50 years -- for 50 years of this old technology
22 instead of using available new technology or technologies
23 that are on the edge of being available, and that we will
24 have to live with that for the rest of our truncated lives
25 because you are truncating our lives. And I don't accept

1 that.

2 I don't -- I stand here before you, and I will tell
3 you that I don't appreciate you taking my life, my husband's
4 life, my child's life, my friends' lives and truncating them
5 because you don't want to use new technology and all that
6 because some people can have jobs, but not others.

7 MS. SHAWNA VIALOBOS: Thank you. My name is Shawna
8 Vialobos, and I am here to oppose the SCIG proposal to build
9 a railyard nearby our communities -- in our communities,
10 schools, daycares and homes. I believe it is culturally and
11 morally irresponsible to place this toxic construction site
12 in our community where we live and raise families.

13 I was born and raised in this community and even
14 after leaving here for a few years to study at U.C.L.A., it
15 deeply troubles me to see the ongoing environmental
16 injustices that continue to threaten residents' health since
17 I have returned home. It pains me to imagine the physical
18 and mental health impacts that students and families will
19 experience because of construction and lifetime eyesore of
20 this railyard.

21 Leaving here for a while, you're able to see and
22 experience communities and their way of life, and it makes
23 you realize how much residents here sacrifice their health
24 and overall quality of life for jobs. From experiencing, I
25 can say that all of us community residents here have

1 sacrificed enough. So, if you want the railyard, build it on
2 the Port, not where we live.

3 Also, I'm sorry, but those jobs that you -- that
4 are being dangled at us, isn't inspiring. All it's doing is
5 attempting to create a fog in front of everybody who are
6 financially struggling, like me, to turn the blind eye to
7 environmental degradation this project imposes for future and
8 current generations.

9 I would also like to add to the gentleman, who is
10 no longer here, who started talking about the environment and
11 all the changes that businesses around here are making and
12 how everybody is so proud of it, I would like to add that
13 those are not done by businesses. They're made by people
14 here tonight speaking out against policies like this. It's
15 not that these businesses suddenly had a moral epiphany and
16 decided to start caring about residents' health and changing
17 their business practices. They're always going to do what's
18 convenient for them, but it should be about what's best for
19 us and our community.

20 So, again, build the railyard on the Port, not by
21 our homes. Thank you so much.

22 MS. MARY McCORMICK: Thank you.

23 MS. MICHELLE GRUBBS: Good evening. My name is
24 Michelle Grubbs, and I'm the vice president of the Pacific
25 Merchant Shipping Association. PMSA represents marine

1 terminal operators and ocean carriers calling on West Coast
2 ports. Our members represent about 90 percent of all the
3 containerized cargo coming in and out of the West Coast
4 ports. PMSA members support the reissued Draft EIR for SCIG.
5 SCIG will help keep Southern California ports competitive
6 through improved operational efficiency.

7 In 2015, the expanded Panama Canal will be opening,
8 allowing cargo to bypass the West Coast and go directly to
9 Gulf and East Coast ports. These ports are aggressively
10 marketing to attract cargo away from the ports of L.A. and
11 Long Beach. The cargo our competitors are targeting is the
12 discretionary intermodal cargo which represents approximately
13 50 to 60 percent of all the cargo coming in through our
14 ports.

15 Approving the SCIG project will demonstrate to our
16 competitors we are serious about retaining the intermodal
17 cargo here in Southern California. This cargo is responsible
18 for millions of jobs that benefit our region's economy.
19 We've heard comments that the SCIG facility is not needed
20 because this cargo can be handled on dock. Not all
21 intermodal containers can be handled on dock at the marine
22 terminals.

23 First, there's a limit to the amount of space
24 available for future growth on on-dock facilities. As stated
25 in the Draft EIR, according to the tidelands trust, which is

1 where the Port's property is on, Port-related activity should
2 be water dependent and should give the highest priority to
3 navigation and shipping.

4 Secondly, there's a limit to the size of on-dock
5 railyards within a terminal. An optimal terminal
6 configuration requires a balance between space for container
7 handling, terminal operations and railyards.

8 Third, not all intermodal containers can be placed
9 on trains at the marine terminals. If there are not enough
10 containers unloaded from a ship that are going to a single
11 destination to make a full train, the marine terminals send
12 the containers to a near-dock facility to be staged and mixed
13 with containers from other marine terminals that are bound
14 for the same destination. This helps keep the terminal fluid
15 and provides the fastest service to our customers.

16 Lastly, there is also limited mainline capacity to
17 serve those facilities. In closing, there will always be a
18 need for near-dock facilities, and it's critical that L.A.
19 and Long Beach facilities have near-dock facilities for
20 class-one railroads. Thank you.

21 MR. JOHN SCHAFER: Okay. My name's John Schafer --

22 MS. MARY McCORMICK: Can you spell your name,
23 please?

24 MR. JOHN SCHAFER: S-c-h-a-f-e-r.

25 MS. MARY McCORMICK: Thank you.

1 MR. JOHN SCHAFER: I'm a business manager with
2 (inaudible) bridge, dock and wharf builders Local 2375 here
3 in Wilmington, been around for over a hundred years, and I'm
4 speaking as a resident, a lifelong resident of the Harbor
5 area. We've heard a lot about the environmental impact and,
6 in particular I think what we also have to understand is what
7 the environmental impact the Port has had in the amount of
8 blue collar people, people without degrees, having to be able
9 to purchase a home, to provide an education for their kids,
10 to get a car, to get insurance, has been critical in allowing
11 people to deliver respect.

R45C-47-1
12 My grandfather joined the Local in 1928. He worked
13 steady for 36 years. My dad worked and -- joined in 1945.
14 He worked steady for 36 years. My brother's just about ready
15 to retire after 36 years, and I've got 25 and I'm looking
16 forward to those next 11. We've been able to provide for our
17 families, and it's been a great place to live. I have a
18 14-year-old son, and, just as anyone else that was mentioned,
19 the environmental impacts of the last 20, 30, 40 years, my
20 mother passed away from asthma.

21 And the improvements that have been put in and that
22 are being planned are critical. They've been held up for a
23 long time, and that's what we do. We build the docks, the
24 piers, and so forth. We look forward to offering
25 opportunities for not only our children, but the children of

1 the community to live with dignity in a clean environment.
2 But if we don't build these things, if we don't move forward,
3 things are just going to continue to get worse. You have to
4 look at what's modernized, what can be improved, and it's not
5 going to be perfect, but this is a step in the right
6 direction. The electric cranes, you know, getting people to
7 use the cleaner trucks, to get the cleaner facilities -- it's
8 a step in the right direction, at the same time providing
9 decent jobs.

10 I hope you take an opportunity to look forward with
11 SCIG and with this project, and I thank you for your time.

12 MS. ANDREA HRICKO: My name is Andrea Hricko,
13 H-r-i-c-k-o, and I'm from the U.S.C. Keck School of Medicine.
14 Since 2005, public health experts have pointed out that it's
15 completely inappropriate to site a railyard within 1,000 feet
16 of daycare centers, parks, and lower income veterans' homes.
17 Hundreds of scientific papers show that children and others
18 who live in close proximity to traffic pollution are more
19 likely to develop asthma, heart disease and other illness.
20 Building a railyard is fine, but it belongs at the Harbor, as
21 others have said, not in a lower-income minority community.

22 The EIR notes that there are government guidelines
23 saying that railyards are not compatible with schools and
24 houses, but then it says, the EIR says, that BNSF and the
25 Port of Los Angeles can ignore those guidelines, that public

1 health advice, because they're not -- the guidelines are not
2 mandatory.

R45C-48-2 3 As a result, we have a proposal for a railyard that
4 not only violates land use, smart growth and public health
5 principles, but that also violates environmental justice
6 principles. The EIR finally admits that, after building the
R45C-48-3 7 SCIG, significant health impacts from air pollution will
8 remain in lower income minority communities to the east of
9 the railyard.

10 I have carefully examined the persistent claim by
11 BNSF that building the SCIG will take trucks off of the 710
12 freeway. Right now, 40-foot containers go to the Hobart Yard
13 in Commerce. When the SCIG is built, all those 40-foot
14 containers will go to SCIG, but the BNSF press video almost
15 makes it seem like the Hobart Yard will be empty, no more
R45C-48-4 16 trucks on the 710 freeway.

17 But it's now clear that if the SCIG is built, BNSF
18 plans a massive expansion of its Hobart Yard. Not only will
19 there be 5,000 trucks to the SCIG, but the Hobart yard will
20 not -- definitely will not close. In fact, by 2035 it will
21 be so big -- and this is based on appendix G-4 -- it will be
22 so big that it will handle 1 million TEU's or container units
23 a year more than it handles today. The result, twice as many
24 trucks on the 710 as there are now, and that does not mean
25 that the air will be cleaner. I have copies of my

1 calculations if people would like to see them.

R45C-48-4
2 BNSF, Environ and the Port of L.A. have teamed up
3 to try to convince the public that the SCIG will result in
4 fewer trucks on the 710, but the math simply does not support
5 their claims. To protect public health I would also say we
6 certainly do not want a 50-year lease that prohibits the Port
R45C-48-5
7 from taking action to clean up emissions when necessary. We
8 have already gone that route with the UP ICTF, and West Long
9 Beach has some of the worse levels of diesel pollution in the
10 region.

R45C-48-6
11 I suggest that the revised DEIR be revised again
12 and that it tries to get numbers right in a responsible way,
13 including fixing the inappropriate way that cancer risks were
14 calculated. Perhaps this time the revision should be by
15 another firm other than by Environ, since Environ has such
16 close historical ties or even potential conflicts of interest
17 with both the Port of Los Angeles and BNSF Railroad.

18 MS. MARY McCORMICK: Thank you. And we're going
19 to -- actually, if you don't mind, we need to take a short
20 break for our (indicating) and just to give you -- let's take
21 five minutes. It's ten to 9:00, and we'll be getting back at
22 about five to 9:00. We just need to give our reporter a
23 break. Her hands are -- pretty bad.

24 (Recess)

R45C-49-1
25 MR. RON CHEEK: My name is Ron Cheek, c-h-e-e-k. I

1 am an environmental engineer. I am here representing myself
2 and my company, DNX Engineers. I live in Long Beach. I live
3 in what I would call "West Long Beach," but not the West Long
4 Beach we're talking about, and I think it's really great that
5 this is going to provide 1500 construction jobs just at the
6 time our economy really needs that kind of a boost. But I
7 basically have the same comments that I had when I spoke
8 before the Long Beach City Council on the original EIR, and
9 that was that the location of this facility is very much
10 dependent on what it needs to do. It's a hard thing to site.
11 It needs to be a long and narrow strip of land, all the
12 material from the Port needs to flow into this facility, and
13 this facility needs to hook up with the railyards.

R45C-49-1
14 So I advised them to not go after the location, and
15 I would give the same advice to the people that are still
16 trying to get the location of this changed. I think your
17 efforts will be much better spent working on other things,
18 and the two things that I was concerned about was, one, the
19 effect on West Long Beach residents. And I think that that
20 has been improved a lot with the revised EIR, and I think
21 that this -- this shows the results right here that the
22 environment from air pollution gets better. And also there
23 is now proposed a sound wall to help shield the community
24 from noise and some landscaping to go with that.

25 The access for the truck has been revamped so that

1 they can get in and out without being on the streets, and
2 also I think that the Port needs to be serious about
3 negotiating with the people whose businesses are going to be
4 relocated and that's -- that's my important points.

5 MS. BETSY CHEEK: My name is Betsy Cheek, B-e-t-s-y
6 C-h-e-e-k, and I'm in total support of the SCIG project. It
7 will create 1500 jobs per year and approximately 250
8 operational jobs in 2016 and 450 by 2023. The environmental
9 impact of cleaning our air by getting the trucks off of the
10 710 -- and I'm one of those people that drives that 710 a
11 couple of times a day -- and just for safety and for our
12 health, for our environment, for our sanity -- because nobody
13 should sit in that kind of traffic.

14 I think that the Port -- the partnership of the
15 Port and labor and BNSF is amazing. It is the best of our
16 community coming together to do the right thing for all of
17 us. I think that's very important, and I also wanted to
18 comment that BNSF is an extremely ethical corporation. They
19 have been responsible and a caring community partner for all
20 the years that I have known them. The SCIG project will
21 improve our quality of life and at a time when our state and
22 city are financially insolvent, BNSF is bringing \$500 million
23 of private money to our community. We have seen the future,
24 and it is here. For our economy, for our health, and for our
25 children, I think we need to move forward as quickly as

1 possible. Thank you.

2 MR. JOHN CROSS: My name is John Cross, J-o-h-n
3 C-r-o-s-s. I represent the West Long Beach Neighborhood
4 Association, which is the area just east of the proposed
5 project. I'm the current president of the Long Beach
6 Association. On behalf of the majority of the residents, not
7 Mr. Ford back there, but most of the residents of West Long
8 Beach are adamantly opposed to this project due to the major
9 health risks it imposes upon our community.

10 You say that BNSF will take 1.5 million trucks off
11 the freeway. That is your EIR statement. That might be
12 true, and the gentleman said earlier -- I think it was
13 Mr. Ford -- that all of those trucks not going up and down
14 the freeway is going to cut pollution. But that is going to
15 put that 1.5 million trucks within 450 yards of five schools,
16 residential areas, homeless shelter for U.S. vets and
17 families.

18 Now, that's not acceptable. That's not tolerable.
19 All the pollution is going to be dumped on the West Long
20 Beach community, and that's not acceptable. We're not
21 opposed to building trains that can haul 250 containers or
22 more up the Alameda Corridor out of the L.A. basin back East.
23 We are not opposed to that.

24 Everybody says on-dock rail. You can't get enough
25 on-dock rail, but you've got a lot of property, but you've

1 got a lot of property between the Port of Long Beach and Port
2 of L.A. south of Anaheim Street that could be used to build a
3 rail facility, but BNSF does not want a rail facility in the
4 Port. They do not. I was told by Mr. Cannon and Ms. Knatz
5 that if they build a rail facility in the Port, it has to be
6 shared between the two railroads. BNSF don't want to share.
7 They want total control.

8 And I noticed in the new EIR instead of a 30-year
9 lease, you're looking at a 50-year lease. Now, I'll bet that
10 BNSF put that one in there, and what's going to happen when,
11 five or ten years down the road, you're retired and Mayor
12 Villaraigosa's gone, and the Harbor Commissioners are gone,
13 you're not going to be able to enforce the regulations you
14 put on your contract with BNSF because, ten years down the
15 road if technology changes, and they say you've got -- and
16 that's part of the EIR -- they've got to change if technology
17 changes -- "We don't want to spend the money"? You're not
18 going to shut them down because it will shut down commerce.

19 Now, that was speaking on behalf of the West Long
20 Beach Association. Speaking on my behalf, do not let the
21 Port be like a third-world dictatorship that lets a big
22 company come in and buy them out, and that's what BNSF is
23 trying to do. The Port of L.A. should be better than that
24 and be more concerned about the citizens.

25 South of Anaheim Street is the place to build an

1 on-dock rail and to hell with what the BNSF railroad thinks.
2 You run it. You've got control of it. You can do what you
3 damn well please. Thank you.

4 MR. LUIS CABRALES: Thank you very much. My name
5 is Luis Cabrales with Coalition for Clean Air. Coalition for
6 Clean Air is in opposition of this project. We feel that
7 there is a huge opportunity for the Port to continue to
8 expand the docks and, as a result, to build these much-needed
9 rail-owned dock. That's what we want the Port to work on.
10 If -- we are not in a position to the creation of jobs and
11 development in growth.

12 We feel, however, that this growth and these jobs
13 and this expansion needs to be done in a more sustainable
14 form, and it really needs to be in a way that the adverse
15 impacts in the local communities is not as negative as it
16 would be should this project move forward.

17 So, just a reminder, and it's very unfortunate that
18 the brothers and sisters from the union left, but there needs
19 to be a more understanding that our position is not to not
20 build. We just need to make sure that it's not built where
21 the project is being proposed because it will have a very
22 adverse impact on job creation, current jobs, and obviously
23 on environmental quality. Thank you.

24 MR. RAPHAEL QUINTEROS: (Through the interpreter)
25 Good evening. My name is Raphael Quinteros,

1 Q-u-i-n-t-e-r-o-s. I'm here in support of California
2 Cartage. I've been working for there for 18 years. This job
3 where we currently work is not a promise. It is a job that
4 we have now. California Cartage has supported us, and they
5 also help families support their families, 800 to up to a
6 thousand families.

R45C-53-1 7 So what the trains promising us that we're going to
8 be able to support ourselves and they're going to give us
9 jobs? No. That is a lie. They work for a union, and if the
10 union has 20 positions available, there's a hundred people
11 waiting to fill those 20 positions. Where will we end up?
12 Unemployed? It's going to be another weight added to the
13 government.

R45C-53-2 14 Also, environmentally speaking, this project is
15 going to bring contamination, and we feel that we have enough
16 contamination already, and we don't want any more
17 contamination. That's my point of view. They are thinking
18 of their project. They want to do their project. They're
19 not thinking about hurting a economy that's in -- it's in a
R45C-53-3 20 bad situation, and economies are created to bring more jobs,
21 not eliminating more jobs. Thank you. That's my point of
22 view.

R45C-54-1 23 MR. JOSE LUIS ESQUEDA: (Through the interpreter)
24 My name is Jose Luis Esqueda, E-s-q-u-e-d-a, and I worked for
25 Cal Cartage for the last 18 years. I am against this project

1 that is proposing that is going to be to go through the
2 warehouse. Currently, we're 1500 workers, and the majority
3 of us -- well, all of us will stay with unemployment and our
4 families will suffer and we'll be unemployed. The train
5 proposes to create about 500 jobs, and about 1500 of us will
6 end up unemployed. And my family depends on our jobs, our
7 current jobs, and so do the families of all of my coworkers.

8 How am I going to continue supporting my children
9 like Villaraigosa said? He wants our children to go to
10 school, but how am I going to support them so that they can
11 continue going to school? Around here there is a lot of
12 land, and this project can be built around this area. Why do
13 you have to build it in the areas where we are?

14 That business has provided a lot of jobs for people
15 that live in Wilmington. By now the employment rate is --
16 the employment is saturated. There's not enough jobs, and
17 President Obama wants to continue creating more jobs. That's
18 my point of view. Thank you.

19 MR. TONY CERVANTES: Good evening. My name is Tony
20 Cervantes, T-o-n-y C-e-r-v-a-n-t-e-s. I'm an employee at
21 California Cartage Company of Wilmington over 22 years. This
22 topic of the SCIG is a very important topic to the
23 communities of Long Beach, Wilmington and the public schools
24 and to the five companies in the region where this is
25 proposal is -- proposed. This project SCIG, if it goes

R45C-55-1 1 through, me and thousands of people will be affected by it.

R45C-55-2 2 This country right now is going through a bad time
3 with the economy, and BNSF wants to take our jobs away?
4 About this project and making more jobs for everyone, I don't
5 see that happening. They are Teamsters. They will not hire
6 me or my coworkers or anybody in the community. They hire
7 within themselves. Anybody in the economy -- sorry.

R45C-55-3 8 Let's talk about humanity. I know that people here
9 spoke tonight, and they left. And they're here for the
10 project. I know they don't care if we lose our jobs or can't
11 pay our rent or pay our bills. I am not against this
12 project, but they should build it over here on the Port where
13 it belongs. Thank you very much.

R45C-56-1 14 MR. RONNIE CORNEJO: Good evening. My name is
15 Ronnie Cornejo, C-o-r-n-e-j-o. I've been a resident of Long
16 Beach for 17 years and a California Cartage employee for the
17 last 18. Long Beach suffers from some of the worst air
18 pollution. If BNSF builds a larger railyard next to local
19 schools in the west side, it will only make air quality worse
20 for all local residents for the surrounding areas.

R45C-56-2 21 In Long Beach, there is a high rate of the people
22 with asthma, my own son included. With all these pollution
23 conducting in the railyard, it will only make the issue worse
24 and increase his respiratory and health problems. California
R45C-56-3 25 Cartage Company is helping reduce their pollution by

1 converting their trucks to LNG fuel now, not ten or ten years
2 from now. Thank you.

3 MR. JESUS RAMIREZ: Good evening. My name is Jesus
4 Ramirez, J-e-s-u-s R-a-m-i-r-e-z, and I've been working for
5 18 years at a business located where you want to build your
6 railyard. Unfortunately, more than 1200 other workers will
7 be displaced if you build the project. Your PR people are
8 promising more jobs, but none of them, if any, are for people
9 like me or my coworkers because we don't have any connection
10 with that unions.

11 So, please, I ask you, do not -- you see, these
12 people left already because they don't have to worry about a
13 job tomorrow. I do and my coworkers too. Build this yard
14 somewhere else. The Port of L.A. is really big. We don't
15 want to lose our jobs. I don't want to tell my kids, you
16 know, I don't have a job tomorrow. (Indicating) they went to
17 sleep because they have one. I don't.

18 MR. JOSE CRUZ GONZALEZ: (Through the interpreter)
19 My name is Jose Cruz Gonzalez, G-o-n-z-a-l-e-z. I work for
20 Cal Cartage Company. I am not opposed to the project, but
21 why are you going to create jobs when we already have jobs?
22 They will create 400 jobs, and they will destroy 2,000
23 families. Possibly they will be well-paying jobs, but there
24 will be 1200 families that will be added to unemployment, not
25 to mention the contamination, which possibly in a few years

R45C-58-2 ↑
1 it will not be very obvious. But those who will feel it and
2 pay the price will be the third generations.

R45C-58-3
3 Thank you very much, and one more comment, we were
4 gracious and respectful enough to listen to other peoples'
5 opinions, but yet we were put at the end. It seems like this
6 was prearranged beforehand. If freedom of speech is valid, I
7 don't see it as fair. I -- we are all -- we were respectful
8 in listening to the other peoples' opinions, but they were
9 not respectful enough or gracious enough to listen to our
10 opinions.

11 MS. MARY McCORMICK: Ask him to come back. Just to
12 let you know, Senor, just to let him know that these came to
13 me in the order that they were signed in.

14 MAN IN AUDIENCE: No. That's a lie.

15 WOMAN IN AUDIENCE: No more lies.

16 MR. LUIS CABRALES: I submitted those cards. All
17 the last cars that you called, I submitted them way before.
18 I saw a lot of people who came in spoke before who were there
19 after me and submitted their cards.

20 MS. KATHLEEN WOODFIELD: I spoke before other
21 people, and I don't know why I was ahead of other people.

22 MS. MARY McCORMICK: Okay. Thank you.

23 MR. LUIS CABRALES: That was a really bad mistake
24 on the part of your staff or consultant.

25 MS. MARY McCORMICK: Okay. Thank you.

1 MR. ALAN FISHEL: My name is Alan Fishel, A-l-a-n
2 F-i-s-h-e-l. I was born in Los Angeles, raised in Los
3 Angeles and in Long Beach. I live in James Johnson's 7th
4 district. I've lived in Long Beach for the past 15 years
5 now. In fact, this very location where we are right now is
6 where I used to transfer from the red cars to the great white
7 steamship for our summer vacation in Catalina. So this spot
8 has feelings for me.

9 I very much support this project. First, again,
10 mainly it gets all of these trucks off of the Long Beach
11 freeway. The other thing is what are these independent
12 operators going to do without being able to clog up the
13 freeway. So I think their -- Cal Cartage and the independent
14 operators and the people on the property that's being taken,
15 I think this -- these people and the work and all of this
16 really has to be part of this whole project.

17 If Santa Fe or BNSF is bringing, you know, a
18 billion dollars for this project here, and want to spend it
19 in our city, how lucky we are to have someone of this size
20 wanting to invest in our community for the short-term and the
21 long-term. So, addressing these people that their work is
22 going to be changed needs to be very much a part of this
23 billion dollar project.

24 Let's go one step further. I don't know why it has
25 to take ten years to get CNG vehicles and (inaudible)

1 vehicles to go between the dock and this new facility. It
2 shouldn't take ten years to get this done. Let's get CNG
3 vehicles, you know, from the beginning because it's going to
4 take five years before this thing is even built anyway. So
5 let's get clean air vehicles here from the beginning.

6 And, one other major feature, why can't the BNSF
7 and even the UP electrify their lines in the Los Angeles area
8 so that all of these diesel engines, even if they're changed
9 to CNG engines, aren't electric from the Port to the juncture
10 facilities outside the L.A. basin? This will reduce the
11 amount of pollution incredibly, just thousands of gallons of
12 diesel fuel being used to move these trains through the L.A.
13 basin.

14 Let's electrify it and make it a win-win for
15 everybody. In fact, there's a lot more jobs in the process
16 of electrifying this and making this area a whole lot
17 cleaner. And let's take care of the people who are making a
18 living hauling these containers when the containers are more
19 efficiently put on the Alameda Corridor and the Alameda
20 Corridor East and taken off of the L.A. basin and off our
21 roads. Thank you all.

22 MS. SUSAN NAKAMURA: Good evening. My name is
23 Susan Nakamura. I'm a planning manager of the South Coast
24 AQMD. AQMD staff appreciates the opportunity to comment on
25 the recirculated Draft EIR. We're still reviewing the

R45C-60-1

R45C-60-2

1 recirculated Draft EIR, but we have some initial comments
2 tonight. Our comments tonight are focused primarily on the
3 baseline and the mitigation measures. We'll be submitting
4 written comments on the air quality and health risk analysis
5 for the proposed project.

6 The Draft EIR concludes that the proposed project
7 at full build-out will result in 5500 truck trips per day and
8 will generate over 1500 pounds a day of NOx with locomotives
9 and trucks representing the lion's share of emissions. The
10 Draft EIR is a disclosure document for the public and
11 decision-makers of the potential adverse environmental
12 impacts. How the baseline is calculated and what is included
13 in the baseline is critical to accurately communicate adverse
14 impacts. An inflated baseline will mask adverse impacts.

15 The AQMD staff remains concerned about how trucks
16 and locomotives associated with a Hobart Railyard in Commerce
17 20 miles away from the proposed project are included in the
18 baseline. If the Hobart emissions are included in the
19 baseline, they must be included in the project.

20 The recirculated Draft EIR acknowledges that even
21 with SCIG domestic traffic and transloaded cargo will likely
22 grow at Hobart. Hobart will not go dormant. The
23 recirculated Draft EIR, however, does not account for the
24 Hobart emissions in the proposed project. The result is a
25 false sense that the proposed project reduces emissions.

1 AQMD -- the proposed project will have significant air
2 quality impacts: Localized impacts for NO2, PM10, PM2.5 are
3 significant and far exceed the AQMD significance thresholds.

4 These pollutants are associated with asthma and
5 other respiratory conditions. NO2 impacts are broad and
6 significant, affecting residential neighborhoods, schools and
7 other sensitive land uses. As a result, it is important and
8 required under CEQA that all feasible mitigation measures be
9 included in a proposed project.

10 AQMD staff is concerned that the proposed project
11 does not include all feasible mitigation measures, and we
12 would like to focus on two project conditions that are
13 feasible mitigation measures that can mitigate NO2, PM10 and
14 PM2.5 impacts:

15 PC AQ-11 zero-emission demonstration program, zero
16 emission technologies for drayage trucks and cargo handling
17 equipment should be included as a mitigation measure and/or
18 an alternative to the proposed project. A demonstration
19 program for zero emission technologies is not a strong enough
20 commitment. Zero emission technologies are feasible early in
21 the life of the project and would mitigate significant
22 impacts.

23 The Draft EIR for the I-710 corridor project
24 included an alternative for zero emission freight corridor
25 that would span 18 miles. Let's be clear: We are talking

1 about draying containers less than 4 miles. This is an ideal
2 situation to deploy zero emission technologies. In addition,
3 the AQMD staff recommends that a milestone of 2016 be
4 established to begin deployment of zero emission
5 technologies.

6 (Buzzer ringing.)

7 MS. MARY McCORMICK: Thank you.

8 MS. SUSAN NAKAMURA: Can I just finish?

9 MR. CHRISTOPHER CANNON: How long?

10 MS. SUSAN NAKAMURA: It's one paragraph.

11 MR. CHRIS CANNON: One paragraph, that's all.

12 MS. SUSAN NAKAMURA: The PC AQ-12 San Pedro Bay
13 Ports CAAP Measure Clean Air Action Plan Measure RL-3 should
14 be established also as a mitigation measure. This is a
15 feasible mitigation measure that can further reduce NO2 and
16 PM localized impacts for locomotives. This measure should
17 seek to implement the goal of the CAAP measure RL-3, which is
18 a 95 percent Tier 4 locomotives by 2020.

19 The AQMD staff is concerned that as currently
20 proposed this project condition does not meet the goal or
21 even the minimum performance standard. PC AQ-12 weakens the
22 performance standard by allowing RL-3 emission goals to be
23 made up anywhere in the South Coast Air Basin, not
24 necessarily in and around the proposed SCIG site. Thank you
25 for the opportunity to comment.

1 MR. ANGELO LOGAN: My name is Angelo Logan. Four
2 points: The first has been repeated several times, but I
3 wanted to ask the Port to make sure to review the assumption
4 that truck trips will be taken off the 710 Freeway because of
5 the diversion of trucks from Hobart Yard to the SCIG project.
6 We think that's a fallacy, and it needs to be addressed in a
7 more serious way. The second is that the land use decision
8 on this particular project is inadequate, and it is going to
9 go down in textbooks history as a clear bad land use choice.

10 And, in your own document, you illustrate that
11 there are disproportionate impacts to the minority
12 community -- minority populations in the surrounding area,
13 and that is an assault on environmental justice and the
14 communities around this project. This project should be
15 forbidden to go forward just on that basis alone.

16 And the third is that the -- the last -- I'll just
17 end on this one -- is that I believe that, as part of our
18 Democratic process, we are allowed to come before you to give
19 our opinion and make our statements for further review,
20 believe that we should be allowed to participate in this
21 experience so that we have enough capacity to participate
22 just like the other folks that were here earlier
23 participated. I also believe that in that, that the
24 decision-makers for this particular project should be present
25 to hear the opinions of the public.

1 I wanted to make sure that the staff communicated
2 that with the commission that at least a select few should
3 have been here to hear the comments of the public and not
4 rely solely on the staff to do the analysis and give feedback
5 to the commission. Thank you.

6 MS. MARCI WAYMAN: Okay. It's Marci Wayman,
7 W-a-y-m-a-n. I'm a seminarian involved in ministry with
8 spiritual activism and that we're all connected and all a
9 part of each other and just earlier today, actually, had
10 lunch with the Carpenters' Union. And we were speaking the
11 same language, and it's amazing that, when we listen to each
12 other, that we can see that we're on the same page and are
13 wanting the same things.

14 Unfortunately, what happens too often, whether at
15 the federal level with what's going on in the presidential
16 debates these days or right here in our own community with
17 the divisiveness -- I'm not going to repeat what Andrea
18 Hricko, AQMD, John Cross, the Natural Resource Defense Fund
19 fellow -- I mean, there is so much signs out there. We know
20 that this is going to have adverse affects on our community.
21 Already Long Beach is one of the most polluted cities in the
22 nation.

23 This is the last thing that we should be doing. We
24 need to be visionaries. There is -- there are alternatives.
25 Yes, we need to have jobs. Yes, there are other

R45C-62-2
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alternatives. We can do on-dock. This is all a possibility. And you realize that, Port. It is true what John Cross said with regard to BNSF just buying you off. I mean, that is what it appears to the American public that live here in Long Beach. It's amazing.

I was at the car show, the way the Port was handing out shaved ice to everyone coming by. I mean, the "greenwashing" that happens and the spin image of who you were and what you're doing for the community -- you need to actually live that. It can't just be this rhetoric of values that you hold up to us. That would have been a perfect opportunity to let the rest of Long Beach know what's going on. It's only a few of the select communities right here that even know.

What about the rest of us? Why aren't we having a public hearing in Long Beach? In fact, why aren't we having several all around Long Beach in these communities, and why aren't we doing it in such a way that we're communicating with one other? I don't understand this, and it's so unfortunate that they're not here tonight and that they did indeed leave.

Because if we could actually hear one another and know that we're on the same page and wanting the same things, this wouldn't move forward. The SCIG would not be happening. The science is there. We know what the effects are going to

1 be. We know what the effects of -- the scientist from U.S.C,
2 U.C.L.A., the facts are there.

R45C-62-6 3 Unfortunately, the same sort of "greenwashing"
4 that's happening through your newsletters and what have you
5 to the Long Beach community and surrounding communities is
6 the same as what happens to these unions. And,
7 unfortunately, because we're not in conversation with one
8 another, we're not listening.

9 (Buzzer ringing.)

10 MS. MARCI WAYMAN: I'm sorry. We've been here
11 really -- we've been here all night long because we care
12 because we've been here -- this is our city.

R45C-62-7 13 Please -- please listen to the people, and I absolutely agree
14 with you, Angelo. Where are all the major decision-makers?
15 It's a public hearing. All of them should be out here
16 participating in this.

17 MS. MARY McCORMICK: Thank you.

18 MR. PATRICK KENNEDY: My name is Patrick Kennedy.
19 Do you want me to spell that?

20 THE COURT REPORTER: No, sir.

R45C-63-1 21 PATRICK KENNEDY: P-a-t-r-i-c-k K-e-n-n-e-d-y. I'm
22 with the Greater Long Beach Interfaith Community
23 Organization, and earlier this evening people were talking
24 about character. And the problem with character is when we
25 talk about character, we never talked about the character of

1 the railroad. In our experience, the history with this
2 railroad is not one of good character.

3 Let's start with the Alameda corridor. We were
4 told the Alameda corridor was going to get the trucks off the
5 freeway, but we all know that wasn't the case. But we did
6 pay for the Alameda Corridor, and we know that it was
7 designed to put electric locomotives through there. But we
8 also found out that the railroads refused to sign a contract
9 with the Alameda Corridor unless they took that clause out so
10 they could continue to use diesel in the Alameda Corridor.
11 Okay.

12 So then, a few years back, AQMD said we've got so
13 much pollution coming from these diesel locomotives that we
14 need some regulations. To avoid the regulations, the
15 railroads went to Sacramento to talk to CARB, and they've
16 been negotiating for years now, and there's the four dirtiest
17 railyards in the state here in Southern California. Two of
18 them are BNSF. What's been done? Has there been an
19 agreement? Have they been cleaned up? No. So how is this
20 going to apply to the future?

21 Well, here's the deal: They've been subsidizing
22 this "Let's beat the Port." But, quite frankly, if we want
23 to be competitive as a Port, we need to load on-dock. We
24 need to get it off the ship, on a railroad and out of here,
25 not put it on a truck, drive it a few miles, put it on a

1 train, drive it, build a train and go off. So, A, let's be
2 competitive.

3 Now, people are saying the ability to expand is
4 limited. Well, you know, the same planners that have been
5 telling us that also told us that by 2030 the capacity --or
6 the volume at Port was going to quadruple, and that was from
7 the record year of 2007. Not the case. And what's limited
8 at the Port right now is imagination, an imagination of how
9 do we build on-dock, how do we build for the future.

10 Now, what's wrong with this site? Why are we
11 complaining about it? Well, not only neighbors, but there's
12 schools, one school after another. We've talked about five
13 of them, but one that's not mentioned much is Stevens Middle
14 School. It's at the end of the spur. So when the train is
15 too long to get in, it goes up the spur, stops next to
16 Stevens Middle School, and then backs up. And so this
17 school, this play yard, gets all of the pollution coming from
18 the locomotives. Okay.

19 So closing -- look. The problem with this is we're
20 locked for 50 years with this technology, and the agreement
21 is what's feasible? Let's do feasible improvements. Well,
22 just like with cleaning up the railyards, we're going to
23 spend the next 50 years as a port and as a community fighting
24 the railroads to get them to make any improvements.

25 MS. ASHLEY HERNANDEZ: So my name is Ashley

1 Hernandez. I am a community organizer and a resident here in
2 Wilmington. I'm not going to again repeat what everybody is
3 saying, but I'm going to say one thing regarding a lot of
4 what my colleagues and my peers have said about this, which
5 is -- I mean, the main purpose of this is that we're creating
6 more pollution in the communities that are already highly
7 affected.

8 I work with students, and I hear the impact that it
9 has on their lives. And the most devastating thing is seeing
10 how the character of this community -- which everybody was
11 bringing that up, and it's really irritating, saying how
12 we're being attacked for our character when this is stuff
13 that happens every day. These are things that we hear about,
14 and it's like, "Oh. It happened again? Okay."

15 So the fact that we giggle about it is because we
16 hear about it a lot, and I think that we have to make the
17 best of what we have. And one of the really irritating parts
18 about that is hearing how I'll be on the bus and little kids
19 will be seeing -- a lot of railyards. So they'll see some
20 black trains, and then they'll see some BNSF ones that are
21 actually there as well. And I remember the mom was telling
22 the -- the little kid was asking the mom what it was, and she
23 referenced it to Thomas the Train, which was really
24 ridiculous to me how we've gotten to a point where we glorify
25 everything that we see in our community because that's all

1 we're used to, and that's all we see.

2 So it's not just about putting more and adding more
3 into business and arrogance and ambition because that's what
4 it is. We're turning everybody against us saying that we're
5 trying to get rid of jobs and trying to get rid of something,
6 but the one thing I've been able to see is that the Devil
7 doesn't die. And I didn't understand that up until this
8 moment. It takes many shapes -- it's a man, it's a woman, an
9 adult -- and they are okay with repressing and getting a lot
10 of people in sick in my community.

11 And that is really sick, and that is really sad
12 seeing how that is allowed, how that is actually something
13 that people believe is okay just because you're providing for
14 your family, right? So a lot of the members here, that is
15 really sad that they say, "we're providing for our family,"
16 which is great. That's their hustle, and that's what they're
17 doing.

18 However, it's not okay to get a lot of people sick.
19 It's not okay for it to be reducing cancer emissions because
20 they're still going to be there. It's not okay for all of
21 these kids to be looking at trains and thinking it's Thomas
22 the Train when it's a lot of toxic stuff in our environment.
23 It is -- and I think that the one thing is just -- we're
24 creating this environment that's highly polluted, but then,
25 again, we have all of these people that are here and

1 fighting.

2 And you saw those little kids, like, five-year-old
3 kids, like, three-year-old kids whose shirts didn't even
4 fit -- like -- they looked like they were walking in ghost
5 costumes -- but they were out there fighting because they
6 themselves understand that this wasn't okay because it isn't.

R45C-64-1 7 You don't need a degree. You don't need somebody
8 to give you a job for that. You just need common sense, and
9 you need to know the fact that your brothers are sick, your
10 family's sick. And we're allowing that to be okay just
11 because you're getting a paycheck out of it, and it's really
12 devastating just that seeing that as a community organizer
13 and a resident here.

14 (Buzzer ringing.)

15 MS. MARY McCORMICK: Thank you.

16 MS. ASHLEY HERNANDEZ: So, again, the reason why
17 this is really important is that because this SCIG railyard
18 is going to be adding to this. So please --

19 MS. MARY McCORMICK: Thank you.

20 MS. ASHLEY HERNANDEZ: So, again, make sure it
21 doesn't pass.

22 MS. MARY McCORMICK: Thank you.

R45C-65-1 23 MS. KAT MADRIGAL: My name is Kat Madrigal, and I'm
24 a resident of Wilmington. And I oppose the SCIG project. I
25 see all of these orange shirts, and it's kind of ridiculous

1 to think that BNSF has the audacity to claim that their
2 project will have good jobs when, in reality, they will never
3 replace the jobs that they are destroying nor will
4 they -- it's a ridiculous idea, period. No, you can't create
5 jobs by destroying them.

6 Less traffic? There's no way that 2 million trucks
7 going through my community is less traffic. It's insulting,
8 and it's very hurtful because there are so many people in
9 Wilmington, in Long Beach that are suffering from so many
10 illnesses and BNSF does not care. They have never cared, and
11 this whole year I've seen them in my community with their
12 orange shirts, giving away orange shirts. That doesn't do
13 anything for all of the people that can't afford healthcare,
14 that don't have coverage, and they are making us sick.

15 And, of course, cleaner air? No. More pollution
16 does not equal cleaner air. This project, even in the
17 recirculated Draft EIR, it says that this project is an
18 environmental justice issue. This project is not good for
19 our community. It's not good for people of color. It's not
20 good for Wilmington. It's not good for California. I really
21 hope that this project stops here. It doesn't belong in
22 Wilmington. It doesn't belong near homes, near schools. It
23 isn't a good project.

24 And also the -- the project exceeds the clean air
25 action plan of 10 in a million. I think it says -- the Draft

R45C-65-5

R45C-66-1

R45C-66-2

1 EIR says that the maximum cancer risk is 48 in a million for
2 residents, 39 in a million for workers and 60 in a million
3 for students, and even 10 in a million is ridiculous. People
4 should not be dying from cancer. Thank you.

5 MS. McCORMICK Thank you.

6 MS. ALICIA RIVERA: My name is Alicia Rivera,
7 A-l-i-c-i-a R-i-v-e-r-a. I'm here on behalf of Communities
8 for a Better Environment, an environmental organization that
9 has been operating since 1978, and I'm a community organizer
10 here in Wilmington working with residents. And I am here to
11 oppose on behalf of the Community for a Better Environment
12 this Draft EIR. We believe that all the concerns that had
13 been brought to you by this coalition, a large coalition that
14 involves science, involves residents, involves everybody --
15 everybody's represented there -- and everybody's trying to
16 put before you the reason why this project does not work here
17 in Wilmington.

18 This community has already suffered for an
19 accumulation of pollution from the refinery, from the 710 and
20 the 110, from the Port, and from every other source.
21 Anything else you put is -- I mean, there's no -- how can we
22 make you understand that it's not okay that at least -- there
23 is an alternative, and you have been told what it is -- build
24 it on dock and with zero emission. There is an alternative.
25 This project can move on.

1 And they are saying -- we would go with it, just,
2 you know, involve these alternatives, and I believe they
3 should be listen -- the community should be listened to. We
4 should not be here in controversy with jobs. We want the
5 jobs for all the workers in the union, and the same amount of
6 jobs would be created if they build inside. And as I hear
7 "creativity," the Port is creative enough and can find a way
8 to build it on dock. Everybody will be happy. Why can't we
9 do it that way?

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10 So I'm here to say that there are alternatives, and
11 they have been put before you and they are possible. So
12 everybody would be happy if they are considered. And so I
13 hope that you do listen and I hope that this -- everybody's
14 recommendation and concern are listened by everybody else
15 that are going to make the decisions here because I don't see
16 what they are, but we have been here in this time to record
17 our concern. Thank you very much.

18 MS. MARY McCORMICK: You're welcome.

19 MS. ANA ESPINOSA: My name is Ana Espinosa. I just
20 wanted to explain. I'm here on behalf of all of
21 Wilmington -- all of the residents of the Wilmington. I
22 think we've had enough of important decisions being made
23 behind closed doors, decisions that affect our lives and our
24 healths and the health of our children. I think this project
25 is being pushed on -- all the arguments that are being stated

R45C-67-1

1 to support this project are based on lies and deception.

2 One of arguments was that they're creating better
3 jobs, but there was no mention of the 1,700 jobs that are
4 going to be taken away from people and due to the
5 construction of this project. Most of the people that are
6 supporting this project don't live in this area, and they're
7 simply here to make money. However, we live here. We eat
8 here, we sleep here, and we're going to breath in the toxic
9 air, as we do every day.

10 So I think the community has a better -- should
11 have more of a say regarding this because the people trying
12 to push this project don't live here. They live -- I don't
13 know -- in some rich area, not near here. So it isn't fair
14 that they're here making decisions that are going affect the
15 lives and the health of families and children. And they're
16 not going to be affected, simply to make some money. And --
17 yeah. I think it's unacceptable that this project is
18 ignoring the entire community.

19 They're talking about reducing traffic on the
20 freeway, yet they're going to bring all of those trucks to
21 Anaheim and PCH and all of Wilmington. So I think it's
22 unacceptable because -- and I must add that most of the
23 people that are going to be affected are lower income, and
24 they're people of color. So there's the issue here where
25 these people are constantly being taken advantage of.

1 And I think if this project was proposed in another
2 area of higher income families they would -- it would just
3 not be acceptable. They wouldn't even be discussing it. But
4 because it's an area of lower income families, they're still
5 trying to push it. So I'm here to ask you guys that the
6 least you can do is not allow this SCIG project to go
7 through, just for the lives and the health of our children.
8 Thank you.

9 MS. SOPHIA VALENCIA: Hello. My name is Sophia
10 Valencia. That's S-o-p-h-i-a, Valencia, V-a-l-e-n-c-i-a. I
11 am opposed to this proposed project. What seems to be the
12 most concern is the air quality. Mr. Curry was awarded the
13 California Green Leadership Award for recognition for energy
14 conservation and environmental stability in L.A. County, a
15 second, the Annual Green Leadership Award for Natural Port
16 Truck Project in Green Leadership, and a third award for
17 Coalition for Clean Air.

18 Cal Cartage has been awarded the bid to become a
19 central station for over 2,000 clean trucks. Cal Cartage did
20 not hesitate to take the lead in transferring and eliminating
21 the fuel emissions up to 83 percent less nitrogen oxide. By
22 volunteering and being the first company -- the first
23 company -- with this company and these trucks to switch to
24 LNG trucks.

25 And, as the gentleman stated earlier, who actually

1 already left, about independent drivers and having
2 independent trucks with these companies, no. Mr. Curry made
3 them trade in their trucks for LNG trucks. Okay? The
4 company has aggressively upgraded the rest of its operation
5 to new state-of-the-art clean diesel technologies.

R45C-68-2 6 My dad is not a truck driver. He's not a warehouse
7 worker. He has been a full-time employee there for ten
8 years. Not for one year, for ten years. He cannot just pick
9 up the phone and make a phone call and ask someone, "Please
10 give me a job." It does not work like that.

11 Right now, in the debates, they said unemployment
12 is about 13.4 percent. We're talking about thousands of jobs
13 here, taking away from all of these people (indicating).
14 We're talking about affecting their families. You know, and
15 you do that and you're increasing unemployment by the
16 thousands, who have to take care of their families, who are
17 not able to find jobs easily in this economy.

R45C-68-3 18 Let's keep the jobs that we have already. Move the
19 project to the Port and keep it out of our community. Thank
20 you.

21 MS. MARY McCORMICK: With that, ladies and
22 gentlemen, we have no more speaker cards. So I am officially
23 closing our hearing this evening. Thank you for coming.

24 (The proceedings concluded
25 at 9:58 p.m.)

1 Comment Letter R45C: Public Meeting Oral Comments (Banning)**2 Response to Comment R45C-1-1 (R. Salceda)**

3 Please see Master Response 8, Displaced Businesses, and the responses to comment R31.

4 Response to Comment R45C-1-2 (R. Salceda)

5 A public meeting on the Recirculated DEIR was held in west Long Beach on November
6 7, 2012. The comments presented at that meeting constitute Comment R95, below, and
7 the responses to those comments are presented immediately after the transcript. Because
8 only certain portions of the DEIR were being recirculated for public review, the LAHD
9 as lead agency determined that the standard 45-day comment period was appropriate for
10 the RDEIR.

11 Response to Comment R45C-1-3 (R. Salceda)

12 Please see Master Response 8, Displaced Businesses.

13 Response to Comment R45C-2-1 (E. Warren)

14 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
15 and is therefore before the decision-makers for their consideration prior to taking any
16 action on the SCIG project. The comment is general and does not reference any specific
17 section of the DEIR or RDEIR, therefore no further response is required. (Public
18 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

19 Response to Comment R45C-3-1 (P. Payton)

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 Response to Comment R45C-4-1 (P. Santione)

26 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
27 and is therefore before the decision-makers for their consideration prior to taking any
28 action on the SCIG project. The comment is general and does not reference any specific
29 section of the DEIR or RDEIR, therefore no further response is required. (Public
30 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

31 Response to Comment R45C-5-1 (T. Young)

32 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
33 and is therefore before the decision-makers for their consideration prior to taking any
34 action on the SCIG project. The comment is general and does not reference any specific
35 section of the DEIR or RDEIR, therefore no further response is required. (Public
36 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

1 Response to Comment R45C-6-1 (L. Dominguez)

2 Please see Master Response 8, Displaced Businesses. The remainder of the comment is
3 general and does not reference any specific section of the DEIR or RDEIR, therefore no
4 further response is required. (Public Resources Code § 21091(d); CEQA Guidelines §
5 15204(a)).

6 Response to Comment R45C-7-1 (K. Craft)

7 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
8 and is therefore before the decision-makers for their consideration prior to taking any
9 action on the SCIG project. The comment is general and does not reference any specific
10 section of the DEIR or RDEIR, therefore no further response is required. (Public
11 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

12 Response to Comment R45C-8-1 (A. Miyorga)

13 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
14 and is therefore before the decision-makers for their consideration prior to taking any
15 action on the SCIG project. The comment is general and does not reference any specific
16 section of the DEIR or RDEIR, therefore no further response is required. (Public
17 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

18 Response to Comment R45C-9-1 (D. Freelow)

19 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
20 and is therefore before the decision-makers for their consideration prior to taking any
21 action on the SCIG project. The comment is general and does not reference any specific
22 section of the DEIR or RDEIR, therefore no further response is required. (Public
23 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

24 Response to Comment R45C-10-1 (J. Thorwalker)

25 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
26 and is therefore before the decision-makers for their consideration prior to taking any
27 action on the SCIG project. The comment is general and does not reference any specific
28 section of the DEIR or RDEIR, therefore no further response is required. (Public
29 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

30 Response to Comment R45C-11-1 (J. Caliguri)

31 Please see the response to Comment R16-1.

32 Response to Comment R45C-12-1 (J. Duboff)

33 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
34 and is therefore before the decision-makers for their consideration prior to taking any
35 action on the SCIG project. The comment is general and does not reference any specific
36 section of the DEIR or RDEIR, therefore no further response is required. (Public
37 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

38

1 Response to Comment R45C-13-1 (H. Keeble)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R45C-14-1 (A.M. Odie)

8 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
9 and is therefore before the decision-makers for their consideration prior to taking any
10 action on the SCIG project. The comment is general and does not reference any specific
11 section of the DEIR or RDEIR, therefore no further response is required. (Public
12 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

13 Response to Comment R45C-15-1 (B. Gallo)

14 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
15 and is therefore before the decision-makers for their consideration prior to taking any
16 action on the SCIG project. The comment is general and does not reference any specific
17 section of the DEIR or RDEIR, therefore no further response is required. (Public
18 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

19 Response to Comment R45C-16-1 (E. Desmidt)

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 Response to Comment R45C-17-1 (T. Faave)

26 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
27 and is therefore before the decision-makers for their consideration prior to taking any
28 action on the SCIG project. The comment is general and does not reference any specific
29 section of the DEIR or RDEIR, therefore no further response is required. (Public
30 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

31 Response to Comment R45C-18-1 (H. Warren)

32 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
33 and is therefore before the decision-makers for their consideration prior to taking any
34 action on the SCIG project. The comment is general and does not reference any specific
35 section of the DEIR or RDEIR, therefore no further response is required. (Public
36 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

37 Response to Comment R45C-19-1 (T. Rivera)

38 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
39 and is therefore before the decision-makers for their consideration prior to taking any
40 action on the SCIG project. The comment is general and does not reference any specific

1 section of the DEIR or RDEIR, therefore no further response is required. (Public
2 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

3 **Response to Comment R45C-20-1 (K. Haughland)**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 **Response to Comment R45C-21-1 (L. Kettering)**

10 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
11 and is therefore before the decision-makers for their consideration prior to taking any
12 action on the SCIG project. The comment is general and does not reference any specific
13 section of the DEIR or RDEIR, therefore no further response is required (Public
14 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

15 **Response to Comment R45C-22-1 (G. Castillo)**

16 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
17 and is therefore before the decision-makers for their consideration prior to taking any
18 action on the SCIG project. The comment is general and does not reference any specific
19 section of the DEIR or RDEIR, therefore no further response is required. (Public
20 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

21 **Response to Comment R45C-23-1 (J. Marquez)**

22 Please see Master Response 5, Alternatives.

23 **Response to Comment R45C-23-2 (J. Marquez)**

24 Please see Master Response 7, ZECMS. Also, please see Section 5.2.2 of the RDEIR for
25 a discussion of Alternative Container Transport Systems. The comment as to why POLA
26 has refused to allow American Maglev Trains to build a demonstration project does not
27 constitute a comment on the RDEIR, and no response is necessary.

28 **Response to Comment R45C-23-3 (J. Marquez)**

29 Please see Master Response 5, Alternatives and Master Response 7, ZECMS.

30 **Response to Comment R45C-23-4 (J. Marquez)**

31 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
32 and is therefore before the decision-makers for their consideration prior to taking any
33 action on the SCIG project. The comment is general and does not reference any specific
34 section of the DEIR or RDEIR, therefore no further response is required. (Public
35 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

36 The comment does not constitute a comment on the RDEIR, However, the Port, through
37 Councilman Joe Buscaino's office (Council District 15), offered buses to shuttle people
38 from Silverado Park in West Long Beach to Banning's Landing Community Center in

1 Wilmington to attend the public hearing on the RDEIR that occurred on October 18,
2 2012.

3 Please see Master Response 9, HIA.

4 **Response to Comment R45C-23-5 (J. Marquez)**

5 Please see Master Response 9, HIA.

6 **Response to Comment R45C-23-6 (J. Marquez)**

7 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
8 and is therefore before the decision-makers for their consideration prior to taking any
9 action on the SCIG project. The comment is general and does not reference any specific
10 section of the DEIR or RDEIR, therefore no further response is required. (Public
11 Resources Code § 21091(d); CEQA Guidelines § 15204(a))

12 Also, see Master Response 5, Alternatives.

13 **Response to Comment R45C-24-1 (F. Mercado)**

14 The Project site, including the alternate sites for existing businesses, is located in a
15 FEMA-mapped flood zone X, which, except for the Dominguez Channel railroad bridge,
16 is an area that is determined to be outside the 100- and 500-year floodplains (Federal
17 Emergency Management Agency, 2008). Accordingly, as stated in DEIR Section
18 3.12.4.3.2 Impact WR-5b, there would be a less than significant impact on 100-year or
19 500-year floods associated with the Project. Accordingly, the analysis in the RDEIR
20 complies with CEQA.

21 **References**

22 Federal Emergency Management Agency. 2008. National Flood Insurance Program:
23 Flood Insurance Rate Map, Los Angeles County California and Incorporated Areas,
24 Panel 1 1965F, Map No. 06037C1965F, dated September 26.

25 **2 Website: www.msc.fema.gov. Accessed April 1, 2009**

26 **Response to Comment R45C-24-2 (F. Mercado)**

27 The sensitive receptors in the vicinity of the proposed Project are fully described in the
28 relevant resource sections, particularly 3.2, Air Quality (Figure 3.2-1 and Table 3.2-6)
29 and 3.9, Noise (Figure 3.9-2 and Table 3.9-4).

30 **Response to Comment R45C-24-3 (F. Mercado)**

31 The comment does not identify a specific section or analysis in the RDEIR that is flawed,
32 so no further response on that issue is necessary.

33 The RDEIR identifies the dedicated truck routes that would be used by trucks serving the
34 SCIG facility. (See RDEIR Section 3.10.) Those routes do not include local streets in
35 surrounding communities, but rather main arterials that are currently used by trucks.

36 Please see Master Response 5, Alternatives, concerning alternatives inside the port.

37

1 Response to Comment R45C-24-4 (F. Mercado)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a))

7 Response to Comment R45C-25-1 (W. Baker)

8 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
9 and is therefore before the decision-makers for their consideration prior to taking any
10 action on the SCIG project. The comment is general and does not reference any specific
11 section of the DEIR or RDEIR, therefore no further response is required. (Public
12 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

13 Response to Comment R45C-26-1 (B. Lafarga)

14 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
15 and is therefore before the decision-makers for their consideration prior to taking any
16 action on the SCIG project. The comment is general and does not reference any specific
17 section of the DEIR or RDEIR, therefore no further response is required. (Public
18 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

19 Response to Comment R45C-27-1 (H. Norton)

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 Response to Comment R45C-28-1 (S. Jones)

26 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
27 and is therefore before the decision-makers for their consideration prior to taking any
28 action on the SCIG project. The comment is general and does not reference any specific
29 section of the DEIR or RDEIR, therefore no further response is required. (Public
30 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

31 Response to Comment R45C-29-1 (W. Labar)

32 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
33 and is therefore before the decision-makers for their consideration prior to taking any
34 action on the SCIG project. The comment is general and does not reference any specific
35 section of the DEIR or RDEIR, therefore no further response is required. (Public
36 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

37 Response to Comment R45C-30-1 (S. Mendoza)

38 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
39 and is therefore before the decision-makers for their consideration prior to taking any
40 action on the SCIG project. The comment is general and does not reference any specific

1 section of the DEIR or RDEIR, therefore no further response is required. (Public
2 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

3 **Response to Comment R45C-31-1 (A. Lafarga)**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 **Response to Comment R45C-32-1 (A. Guebara)**

10 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
11 and is therefore before the decision-makers for their consideration prior to taking any
12 action on the SCIG project. The comment is general and does not reference any specific
13 section of the DEIR or RDEIR, therefore no further response is required. (Public
14 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

15 **Response to Comment R45C-33-1 (J. O’Kane)**

16 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
17 and is therefore before the decision-makers for their consideration prior to taking any
18 action on the SCIG project. The comment is general and does not reference any specific
19 section of the DEIR or RDEIR, therefore no further response is required. (Public
20 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

21 **Response to Comment R45C-34-1 (G. Valencia)**

22 Regarding traffic, please see the response to Comment R6. The remainder of the
23 comment is general and does not reference any specific section of the DEIR or RDEIR,
24 therefore no further response is required. (Public Resources Code § 21091(d); CEQA
25 Guidelines § 15204(a)).

26 **Response to Comment R45C-34-2 (G. Valencia)**

27 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
28 and is therefore before the decision-makers for their consideration prior to taking any
29 action on the SCIG project. The comment is general and does not reference any specific
30 section of the DEIR or RDEIR, therefore no further response is required. (Public
31 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

32 **Response to Comment R45C-35-1 (J. McConnell)**

33 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
34 and is therefore before the decision-makers for their consideration prior to taking any
35 action on the SCIG project. The comment is general and does not reference any specific
36 section of the DEIR or RDEIR, therefore no further response is required. (Public
37 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

38 **Response to Comment R45C-36-1 (P. Wilson)**

39 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
40 and is therefore before the decision-makers for their consideration prior to taking any

1 action on the SCIG project. The comment is general and does not reference any specific
2 section of the DEIR or RDEIR, therefore no further response is required. (Public
3 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

4 **Response to Comment R45C-36-2 (P. Wilson)**

5 Please see Master Response 8, Displaced Businesses.

6 **Response to Comment R45C-37-1 (M. Ford)**

7 Please see Master Response 8, Displaced Businesses. The remainder of the comment is
8 general and does not reference any specific section of the DEIR or RDEIR, therefore no
9 further response is required. (Public Resources Code § 21091(d); CEQA Guidelines §
10 15204(a)).

11 **Response to Comment R45C-38-1 (J. Sullivan)**

12 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
13 and is therefore before the decision-makers for their consideration prior to taking any
14 action on the SCIG project. The comment is general and does not reference any specific
15 section of the DEIR or RDEIR, therefore no further response is required. (Public
16 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

17 **Response to Comment R45C-39-1 (J.L. Garcia)**

18 Please see Master Response 8, Displaced Businesses.

19 **Response to Comment R45C-40-1 (E. Navarrez)**

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 **Response to Comment R45C-41-1 (G. Kivett)**

26 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
27 and is therefore before the decision-makers for their consideration prior to taking any
28 action on the SCIG project. The comment is general and does not reference any specific
29 section of the DEIR or RDEIR, therefore no further response is required. (Public
30 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

31 **Response to Comment R45C-42-1 (D. Pettit)**

32 Please see Master Response 3, Hobart which discusses how truck traffic on the I-710
33 freeway was analyzed in the RDEIR. The RDEIR does not claim that the I-710 freeway
34 will be “miraculously free of trucks” in the future as the commenter claims. The RDEIR
35 appropriately analyzes reductions in truck trips on the I-710 that are due to the Project, as
36 appropriate under CEQA. Growth in traffic volumes on the I-710 freeway in the future
37 that are not related to the Project are evaluated in the cumulative transportation analysis
38 in the RDEIR (see section 4.2.10).

1 Response to Comment R45C-42-2 (D. Pettit)

2 The RDEIR analysis appropriately includes future emissions reductions from regulations;
3 please see Master Response 2, Adopted Regulations, and Master Response 1, Baseline.

4 Response to Comment R45C-42-3 (D. Pettit)

5 Please see Master Response 6, On-Dock Rail.

6 Response to Comment R45C-43-1 (D. Hoffman)

7 Please see Master Response 8, Displaced Businesses. Thank you for your comment. The
8 comment is noted and is hereby part of the Final EIR, and is therefore before the
9 decision-makers for their consideration prior to taking any action on the SCIG project.
10 The comment is general and does not reference any specific section of the DEIR or
11 RDEIR, therefore no further response is required. (Public Resources Code § 21091(d);
12 CEQA Guidelines § 15204(a)).

13 Response to Comment R45C-44-1 (K. Woodfield)

14 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
15 and is therefore before the decision-makers for their consideration prior to taking any
16 action on the SCIG project. The comment is general and does not reference any specific
17 section of the DEIR or RDEIR, therefore no further response is required (Public
18 Resources Code Section 21091(d); CEQA Guidelines § 15204(a)).

19 Response to Comment R45C-44-2 (K. Woodfield)

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 Response to Comment R45C-44-3(K. Woodfield)

26 The commenter is correct that the RDEIR assumed (p. 3.2-32) that the one vessel
27 involved in the proposed Project (for construction) would comply with the Vessel Speed
28 Reduction Program (VSRP). This is not an unreasonable assumption because overall
29 vessel compliance in 2011 was 92 percent in the 20-mile zone and over 70 percent in the
30 40-mile zone (POLA, 2013). The figure of 15 percent the commenter cited reflects the
31 first year of the program, more than 10 years ago; compliance has been steadily rising
32 since the start of the program. Furthermore, the Port never assumed compliance would
33 reach 100 percent – that figure is the program’s goal.

34 References

35 Port of Los Angeles (POLA). 2012. “Vessel Speed Reduction Program (VSRP).”
36 Operator Summary Report. Accessed online at:
37 http://www.portoflosangeles.org/pdf/VSR_Compliance_Data.pdf. March 3.

38 Response to Comment R45C-44-4 (K. Woodfield)

39 Please see Master Response 7, ZECMS.

1 Response to Comment R45C-45-1 (S. Vialobos)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R45C-45-2 (S. Vialobos)

8 With regard to building the Project inside the Port, please see Master Response 5,
9 Alternatives.

10 Response to Comment R45C-45-3 (S. Vialobos)

11 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
12 and is therefore before the decision-makers for their consideration prior to taking any
13 action on the SCIG project. The comment is general and does not reference any specific
14 section of the DEIR or RDEIR, therefore no further response is required. (Public
15 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

16 Response to Comment R45C-46-1 (M. Grubbs)

17 Please see Master Response 6, On-Dock Rail Thank you for your comment. The
18 comment is noted and is hereby part of the Final EIR, and is therefore before the
19 decision-makers for their consideration prior to taking any action on the SCIG project.
20 The comment is general and does not reference any specific section of the DEIR or
21 RDEIR, therefore no further response is required. (Public Resources Code § 21091(d);
22 CEQA Guidelines § 15204(a)).

23 Response to Comment R45C-47-1 (J. Schafer)

24 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
25 and is therefore before the decision-makers for their consideration prior to taking any
26 action on the SCIG project. The comment is general and does not reference any specific
27 section of the DEIR or RDEIR, therefore no further response is required. (Public
28 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

29 Response to Comment R45C-48-1 (A. Hricko)

30 Please see responses to comments R148-2 through 5. The health impacts of pollutants are
31 discussed fully in RDEIR and summarized in Table 3.2-1. Please also see Master
32 Response 11, Locating a Railyard Near Sensitive Receptors, and Master Response 10,
33 Environmental Justice.

34 Response to Comment R45C-48-2 (A. Hricko)

35 Please see Master Response 10, Environmental Justice, and Master Response 11, Locating
36 a Railyard near Sensitive Receptors.

37 Response to Comment R45C-48-3(A. Hricko)

38 The RDEIR analysis shows that the Health impacts of the SCIG project are below levels
39 of significance. The analysis shows that, for the areas east of the SCIG railyard, cancer

1 risk (average of 1+ in a million) is below the level of significance (10 in a million). In
2 addition, both chronic hazard index and the acute hazard index, which measure short and
3 long term health effects caused by TACs, are well below the level of significance (1.0).
4 Exposure of receptors to toxic air contaminants (TACs) is evaluated under Significance
5 Threshold AQ-7 (Section 3.2.4.3) and the Health Risk Assessment (Appendix C3). See
6 also, Table 3.2-35, Maximum Health Impacts Associated with the Mitigated Project of
7 the RDEIR for a summary of the analysis.

8 Under the cumulative analysis, however, considering the cancer risk from TAC emissions
9 in the Port region, the Project is determined to make a cumulatively considerable
10 contribution to the significant health risk impact to the predominantly minority and low-
11 income population in the Port region. The latter analysis is not required under CEQA and
12 was provided for informational purposes. (RDEIR Section 6.4.2.1 and Master Response
13 10, Environmental Justice.)

14 **Response to Comment R45C-48-4 (A. Hricko)**

15 See Master Response 3, Hobart. The comment does not present facts or evidence
16 supporting the assertion that “BNSF plans a massive expansion of its Hobart Yard.”

17 **Response to Comment R45C-48-5 (A. Hricko)**

18 The proposed lease does not, in fact, prohibit the Port from imposing additional pollution
19 control measures as they become feasible. The RDEIR clearly sets out, in mitigation
20 measure MM AQ-9, a requirement for the implementation of new air quality
21 technological advancements no less often than every five years. Also see the response to
22 comment R42-5.

23 **Response to Comment R45C-48-6 (A. Hricko)**

24 The comment does not present specific reasons why the cancer risk methodology is
25 alleged to be “inappropriate.” Cancer risks were calculated in a manner consistent with
26 the POLA health risk assessment protocol for the RDEIR (POLA, 2008). The cancer risk
27 results were interpreted in accordance with that protocol, as well as with SCAQMD
28 significance thresholds (SCAQMD, 2011; POLA and POLB, 2006; POLA and POLB,
29 2010). The carcinogenicity of DPM and all other carcinogenic toxic air contaminants
30 (TACs) was quantified using inhalation unit risk values developed by California’s Office
31 of Environmental Health Hazard assessment (OEHHA). It is also worth noting that the
32 USEPA Region 9 lists OEHHA’s unit risk factor for DPM as a Regional Screening Level
33 for use in assessing cancer risk associated with the inhalation of DPM. All chronic and
34 acute reference exposure levels (RELs) used to assess the non-cancer effects of DPM and
35 other TACs were developed by OEHHA and applied in accordance with that agency’s
36 methods.

37 The commenter misunderstands the role of consultants in drafting EIRs. The EIR
38 contains the independent judgment of the lead agency, not the consultant. The EIR was
39 prepared pursuant to CEQA Guidelines §15084 (e), which requires that: “Before using a
40 draft prepared by another person, the Lead Agency shall subject the draft to the agency’s
41 own review and analysis. The draft EIR which is sent out for public review must reflect
42 the independent judgment of the Lead Agency. The Lead Agency is responsible for the
43 adequacy and objectivity of the draft EIR.”

44 **References**

1 Port of Los Angeles (POLA). 2008. "Draft Protocol for Emissions Estimation, Dispersion
2 Modeling and Human Health Risk Assessment for the Southern California Intermodal
3 Gateway." October 31, 2008.

4 South Coast Air Quality Management District (SCAQMD). 2011. SCAQMD Air Quality
5 Significance Thresholds. Website: <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>.

6 Ports of Los Angeles and Long Beach (POLA and POLB). 2006. Final 2006 San Pedro
7 Bay Ports Clean Air Action Plan.

8 Ports of Los Angeles and Long Beach (POLA and POLB). 2010. San Pedro Bay Ports
9 Clean Air Action Plan 2010 Update. Website:

10 http://www.portoflosangeles.org/CAAP/12_21_2010_CAAP_update_full_text.pdf

11 **Response to Comment R45C-49-1 (R. Cheek)**

12 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
13 and is therefore before the decision-makers for their consideration prior to taking any
14 action on the SCIG project. The comment is general and does not reference any specific
15 section of the DEIR or RDEIR, therefore no further response is required. (Public
16 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

17 **Response to Comment R45C-49-2 (R. Cheek)**

18 Please see Master Response 8, Displaced Businesses.

19 **Response to Comment R45C-50-1 (B. Cheek)**

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 **Response to Comment R45C-51-1 (J. Cross)**

26 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
27 and is therefore before the decision-makers for their consideration prior to taking any
28 action on the SCIG project. The comment is general and does not reference any specific
29 section of the DEIR or RDEIR, therefore no further response is required. (Public
30 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

31 **Response to Comment R45C-51-2 (J. Cross)**

32 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
33 and is therefore before the decision-makers for their consideration prior to taking any
34 action on the SCIG project. The comment is general and does not reference any specific
35 section of the DEIR or RDEIR, therefore no further response is required. (Public
36 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

37 **Response to Comment R45C-51-3 (J. Cross)**

38 Please see Master Response 5, Alternatives, and Master Response 6, On-dock Rail.

1 Response to Comment R45C-51-4 (J. Cross)

2 Please see response to comment 42-5, Master Response 5, Alternatives, and Master
3 Response 6, On-dock Rail.

4 Response to Comment R45C-52-1 (L. Cabrales)

5 Please see Master Response 6, On-Dock Rail.

6 Response to Comment R45C-52-2 (L. Cabrales)

7 Please see Master Response 5, Alternatives.

8 Response to Comment R45C-53-1 (R. Quinteros)

9 Please see Master Response 8, Displaced Businesses.

10 Response to Comment R45C-53-2 (R. Quinteros)

11 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
12 and is therefore before the decision-makers for their consideration prior to taking any
13 action on the SCIG project. The comment is general and does not reference any specific
14 section of the DEIR or RDEIR, therefore no further response is required. (Public
15 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

16 Response to Comment R45C-53-3 (R. Quinteros)

17 Please see Master Response 8, Displaced Businesses. Thank you for your comment. The
18 comment is noted and is hereby part of the Final EIR, and is therefore before the
19 decision-makers for their consideration prior to taking any action on the SCIG project.
20 The comment is general and does not reference any specific section of the DEIR or
21 RDEIR, therefore no further response is required. (Public Resources Code § 21091(d);
22 CEQA Guidelines § 15204(a)).

23 Response to Comment R45C-54-1 (J.L. Esqueda)

24 Please see Master Response 8, Displaced Businesses.

25 Response to Comment R45C-54-2 (J. L. Esqueda)

26 Please see Master Response 5, Alternatives.

27 Response to Comment R45C-55-1(T. Cervantes)

28 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
29 and is therefore before the decision-makers for their consideration prior to taking any
30 action on the SCIG project. The comment is general and does not reference any specific
31 section of the DEIR or RDEIR, therefore no further response is required. (Public
32 Resources Code § 21091(d); CEQA Guidelines § 15204(a))

33 Response to Comment R45C-55-2 (T. Cervantes)

34 Please see Master Response 8, Displaced Businesses.

1 Response to Comment R45C-55-3 (T. Cervantes)

2 Please see Master Response 5, Alternatives.

3 Response to Comment R45C-56-1 (R. Cornejo)

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 Response to Comment R45C-56-2 (R. Cornejo)

10 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
11 and is therefore before the decision-makers for their consideration prior to taking any
12 action on the SCIG project. The comment is general and does not reference any specific
13 section of the DEIR or RDEIR, therefore no further response is required. (Public
14 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

15 Response to Comment R45C-56-3 (R. Cornejo)

16 It is true that California Cartage is converting their fleet in accordance with the Ports'
17 Clean Trucks Program, but it is also true that all drayage companies serving the two ports
18 are doing likewise, meaning that the trucks that would serve the SCIG facility would be
19 as clean as those operated by California Cartage (POLA, 2012). Please also see Master
20 Response 7, ZECMS.

21 References

22 Port of Los Angeles (POLA). 2012. "Clean Truck Program." Accessed online at:
23 http://www.portoflosangeles.org/ctp/idx_ctp.asp

24 Response to Comment R45C-57-1 (J. Ramirez)

25 Please see Master Response 5, Alternatives, and Master Response 8, Displaced
26 Businesses.

27 Response to Comment R45C-58-1 (J.C. Gonzalez)

28 Please see Master Response 8, Displaced Businesses.

29 Response to Comment R45C-58-2 (J.C. Gonzales)

30 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
31 and is therefore before the decision-makers for their consideration prior to taking any
32 action on the SCIG project. The comment is general and does not reference any specific
33 section of the DEIR or RDEIR, therefore no further response is required. (Public
34 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

35 Response to Comment R45C-58-3 (J.C. Gonzalez)

36 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
37 and is therefore before the decision-makers for their consideration prior to taking any
38 action on the SCIG project. The comment does not reference any specific section of the

1 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
2 21091(d); CEQA Guidelines § 15204(a)).

3 **Response to Comment R45C-59-1 (A. Fishel)**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 **Response to Comment R45C-59-2 (Alan Fishel)**

10 Please see Master Response 8, Displaced Businesses.

11 **Response to Comment R45C-59-3 (Alan Fishel)**

12 The Project includes Mitigation Measure AQ-8 (Low-emission Drayage Trucks, see
13 Section 3.2.4.5), which specifies a timetable by which trucks calling at the SCIG facility
14 must be low-emission trucks, as defined in the mitigation measure. As discussed in the
15 RDEIR, Mitigation Measure AQ-8 is appropriate to mitigate the significant impacts,
16 including health and air quality related impacts, identified in the RDEIR.

17 **Response to Comment R45C-59-4 (Alan Fishel)**

18 Please see Master Response 7, ZECMS.

19 **Response to Comment R45C-59-5 (Alan Fishel)**

20 Please see Master Response 7, ZECMS.

21 **Response to Comment R45C-60-1 (S. Nakamura)**

22 Please see Master Response 3, Hobart. The RDEIR's baseline properly includes trucks
23 and trains that would be affected by the proposed Project, and thus complies with CEQA.

24 **Response to Comment R45C-60-2 (S. Nakamura)**

25 Please see Master Response 3, Hobart, which shows that the RDEIR properly excludes
26 emissions from operations inside Hobart because those emissions would be unaffected by
27 the proposed Project except to the extent that there would be less truck and train activity
28 due to the diversion of direct international cargo from Hobart to the SCIG facility.

29 **Response to Comment R45C-60-3 (S. Nakamura)**

30 The comment is introductory material that does not raise issues under CEQA requiring a
31 response. Responses to specific issues raised by subsequent comments are provided
32 below.

33 **Response to Comment R45C-60-4 (S. Nakamura)**

34 Please see Master Response 7, ZECMS.

35 **Response to Comment R45C-60-5 (S. Nakamura)**

36 Please see Master Response 7, ZECMS.

1 Response to Comment R45C-60-6 (S. Nakamura)

2 PC AQ-12 San Pedro Bay Ports CAAP Measure RL-3 is not quantifiable or feasible at
3 this time and is not considered mitigation under CEQA to reduce an identified impact.
4 Tier 4 locomotives are expected to utilize a new, untested technology that simply does
5 not currently exist at a size adequate for line-haul locomotive engines. Under even the
6 most optimistic scenario, there will only be a limited number of prototype high-
7 horsepower Tier 4 locomotives operating in California for field testing in 2013. It is
8 infeasible to commit in advance to purchase and deploy locomotives by a date certain
9 when those locomotives have not yet been designed, tested, or deployed. PC AQ-12 is
10 clear that “[i]mplementation of the RL-3 goal for introduction of the locomotives calling
11 at SCIG while on port properties would be based on the commercial availability of
12 operationally proven Tier 4 locomotives in 2015 and *any adjustment in that date will*
13 *require equivalent adjustment in the goal achievement date.*” RDEIR, Section 3.2.5
14 (emphasis added). PC AQ-12 takes into account the necessity to adjust the goal
15 achievement date if certain key assumptions, such as the commercial availability of
16 operationally proven Tier 4 locomotives by 2015, are not met. In addition, PC AQ-12 is
17 clear that the emission reduction sought by the RL-3 emissions goal “may also be
18 achieved by BNSF’s reduction in air emissions anywhere in the South Coast Air Basin
19 equivalent to the RL-3 goal for locomotives calling at SCIG while on port properties
20 through *any other alternative means.*” RDEIR, Section 3.2.5 (emphasis added). This
21 provides necessary flexibility in meeting the project condition, without which the project
22 condition would be infeasible. Therefore PC AQ-12 is appropriate as a project condition
23 and not a mitigation measure under CEQA.

24 Response to Comment R45C-60-7 (S. Nakamura)

25 See response to Comment R45C-60-6.

26 Response to Comment R45C-60-8 (S. Nakamura)

27 See response to Comment R45C-60-6.

28 Response to Comment R45C-61-1 (A. Logan)

29 Please see Master Response 3, Hobart. The comment on the land use decision is general
30 and does not reference any specific section of the DEIR or RDEIR, therefore no further
31 response is required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a))

32 Response to Comment R45C-61-2 (A. Logan)

33 Please see Master Responses 10, Environmental Justice and 11, Locating a Railyard Near
34 Sensitive Receptors.

35 Response to Comment R45C-61-3 (A. Logan)

36 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
37 and is therefore before the decision-makers for their consideration prior to taking any
38 action on the SCIG project. The comment does not reference any specific section of the
39 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
40 21091(d); CEQA Guidelines § 15204(a)).

1 Response to Comment R45C-62-1 (M. Wayman)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R45C-62-2 (M. Wayman)

8 Please see Master Response 5, Alternatives, and Master Response 6, On-Dock Rail.

9 Response to Comment R45C-62-3 (M. Wayman)

10 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
11 and is therefore before the decision-makers for their consideration prior to taking any
12 action on the SCIG project. The comment does not reference any specific section of the
13 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
14 21091(d); CEQA Guidelines § 15204(a)).

15 Response to Comment R45C-62-4 (M. Wayman)

16 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
17 and is therefore before the decision-makers for their consideration prior to taking any
18 action on the SCIG project. The comment does not reference any specific section of the
19 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
20 21091(d); CEQA Guidelines § 15204(a)).

21 Response to Comment R45C-62-5 (M. Wayman)

22 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
23 and is therefore before the decision-makers for their consideration prior to taking any
24 action on the SCIG project. The comment does not reference any specific section of the
25 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
26 21091(d); CEQA Guidelines § 15204(a)). However, the Port responded to City of Long
27 Beach Councilmember James Johnson's request for a public hearing in a letter dated
28 October 17, 2012. The letter indicated that because only certain portions of the DEIR
29 were being recirculated for public review and two public hearings were previously held
30 with an extended comment period on the DEIR, the Port as lead agency, determined that
31 the standard 45-day comment period and one public hearing were appropriate for the
32 RDEIR.

33 Response to Comment R45C-62-6 (M. Wayman)

34 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
35 and is therefore before the decision-makers for their consideration prior to taking any
36 action on the SCIG project. The comment is general and does not reference any specific
37 section of the DEIR or RDEIR, therefore no further response is required. (Public
38 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

39 Response to Comment R45C-62-7 (M. Wayman)

40 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
41 and is therefore before the decision-makers for their consideration prior to taking any

1 action on the SCIG project. The comment does not reference any specific section of the
2 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
3 21091(d); CEQA Guidelines § 15204(a)).

4 **Response to Comment R45C-63-1 (P. Kennedy)**

5 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
6 and is therefore before the decision-makers for their consideration prior to taking any
7 action on the SCIG project. The comment does not reference any specific section of the
8 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
9 21091(d); CEQA Guidelines § 15204(a)).

10 **Response to Comment R45C-63-2 (P. Kennedy)**

11 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
12 and is therefore before the decision-makers for their consideration prior to taking any
13 action on the SCIG project. The comment is general and does not reference any specific
14 section of the DEIR or RDEIR, therefore no further response is required. (Public
15 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

16 **Response to Comment R45C-63-3 (P. Kennedy)**

17 Please see Master Response 6, On-Dock Rail.

18 **Response to Comment R45C-63-4 (P. Kennedy)**

19 Please see Master Response 6, On-Dock Rail.

20 **Response to Comment R45C-63-5 (P. Kennedy)**

21 The RDEIR acknowledges that several schools, including Stephens Middle School, are in
22 the vicinity of the proposed Project (e.g., sections 2.2.2, 3.2.2.4, and 3.9.2, Table 3.9-4).
23 The analyses in the RDEIR evaluated the proposed Project's health impacts on those
24 schools and determined that they would be less than significant. (see Impact AQ-7.)

25 **Response to Comment R45C-63-6 (P. Kennedy)**

26 The commenter is incorrect in stating that the SCIG facility would be "locked for 50
27 years with this technology." Although the term of the lease would be 50 years, Mitigation
28 Measure AQ-9 (see Section 3.2.6) requires that "As partial consideration for the Port
29 agreement to issue the permit to BNSF, BNSF shall implement not less frequently than
30 once every five (5) years following the effective date of the permit, new air quality
31 technological advancements, subject to mutual agreement on operational feasibility and
32 cost sharing, which shall not be unreasonably withheld." Accordingly, this lease re-
33 opener would ensure that new technologies for reducing air emissions and health risk
34 impacts would be incorporated into the SCIG facility as they become available.

35 **Response to Comment R45C-64-1 (A. Hernandez)**

36 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
37 and is therefore before the decision-makers for their consideration prior to taking any
38 action on the SCIG project. The comment is general and does not reference any specific
39 section of the DEIR or RDEIR, therefore no further response is required. (Public
40 Resources Code §§ 21091(d); CEQA Guidelines §§ 15204(a)).

1 Response to Comment R45C-65-1(K. Madrigal)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required (Public
6 Resources Code §§ 21091(d); CEQA Guidelines §§ 15204(a)).

7 Response to Comment R45C-65-2 (K. Madrigal)

8 Please see the response to Comment R6-1. The traffic analysis was conducted adequately
9 under CEQA and showed that the proposed Project's impacts to local intersections would
10 be less than significant.

11 Response to Comment R45C-65-3 (K. Madrigal)

12 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
13 and is therefore before the decision-makers for their consideration prior to taking any
14 action on the SCIG project. The comment is general and does not reference any specific
15 section of the DEIR or RDEIR, therefore no further response is required. (Public
16 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

17 Response to Comment R45C-65-4 (K. Madrigal)

18 Please see Master Responses 10, Environmental Justice, and 11, Locating a Railyard
19 Near Sensitive Receptors

20 Response to Comment R45C-65-5 (K. Madrigal)

21 The commenter is incorrect that the maximum cancer risk from the Project is "48 in a
22 million for residents, 39 in a million for workers and 60 in a million for students." The
23 commenter appears to be quoting results from the DEIR health risk assessment; the
24 RDEIR health risk assessment shows that the unmitigated Project predicted residential
25 cancer risk is 31 in a million, the floating baseline predicted residential cancer risk is 34
26 in a million, and the CEQA increment is 20 in a million at the maximum exposed
27 individual resident (MEIR). Mitigation measures MM AQ-1 through MM AQ-3 and MM
28 AQ-8 through MM AQ-10 are applied and the resulting mitigated Project predicted
29 residential cancer risk is 9.8 in a million and the mitigated CEQA increment is 0.2 in a
30 million at the MEIR. These results are summarized in Section 3.2.4.3 (Tables 3.2-33 and
31 3.2-35).

32 The residential cancer risk threshold of 10 in a million was established by the SCAQMD
33 and adopted by the Port for evaluating new projects under CEQA, as described in section
34 3.2.4.2 and was therefore analyzed appropriately under CEQA.

35 Response to Comment R45C-66-1 (A. Rivera)

36 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
37 and is therefore before the decision-makers for their consideration prior to taking any
38 action on the SCIG project. The comment is general and does not reference any specific
39 section of the DEIR or RDEIR, therefore no further response is required. (Public
40 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

1 Response to Comment R45C-66-2 (A. Rivera)

2 Please see Master Response 5, Alternatives, and Master Response 6, On-Dock Rail.

3 Response to Comment R45C-67-1 (A. Espinosa)

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 Response to Comment R45C-67-2 (A. Espinosa)

10 Please see Master Response 8, Displaced Businesses.

11 Response to Comment R45C-67-3 (A. Espinosa)

12 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
13 and is therefore before the decision-makers for their consideration prior to taking any
14 action on the SCIG project. The comment is general and does not reference any specific
15 section of the DEIR or RDEIR, therefore no further response is required. (Public
16 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

17 Response to Comment R45C-67-4 (A. Espinosa)

18 Thank you for your comment. The comment is noted and is hereby part of the Final EIR
19 and is therefore before the decision-makers for their consideration prior to taking any
20 action on the SCIG project. The comment is general and does not reference any specific
21 section of the DEIR or RDEIR. Please see Master Responses 10, Environmental Justice
22 and 11, Locating a Railyard Near Sensitive Receptors.

23

24 Response to Comment R45C-68-1 (S. Valencia)

25 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
26 and is therefore before the decision-makers for their consideration prior to taking any
27 action on the SCIG project. The comment is general and does not reference any specific
28 section of the DEIR or RDEIR, therefore no further response is required. (Public
29 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

30 Response to Comment R45C-68-2 (S. Valencia)

31 Please see Master Response 8, Displaced Businesses.

32 Response to Comment R45C-68-3 (S. Valencia)

33 Please see Master Response 6, Alternatives, and Master Response 8, Displaced
34 Businesses.

35

36

From: bergstressers@sbcglobal.net
To: [Ceqacomment](#)
Subject: Recirculated Draft Environmental Impact Report (EIR) for the Southern California International Gateway (SCIG) Project
Date: Friday, October 26, 2012 1:02:48 PM

Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Recirculated Draft Environmental Impact Report (EIR) for the Southern California International Gateway (SCIG) Project

Even with the health risk assessment (HRA) in the Draft EIR updated to include both an existing baseline and a future or floating baseline analysis, the assertion that the SCIG would improve air quality is flawed and inaccurate.

The proposed location of this project will subject residents of Long Beach, Wilmington and Carson to over 5000 additional truck trips and 16 train passages daily. The railyard would be located within 1000 feet of multiple public schools and 250 feet from a daycare center for homeless children.

The proposed project contradicts the latest research findings from local scientists at USC and UCLA showing extremely harmful health effects from air pollution in areas adjacent to traffic pollution.

I believe the Recirculated Draft of the SCIG EIR continues to fail to accurately assess all negative impacts to the surrounding communities and does not adequately examine alternative potential freight transport technologies.

Despite repeated requests from the community for an analysis of potential Zero Emissions Container Movement Systems, and the widespread acknowledgement by both ports and the South Coast Air Quality Management District that such technology is necessary, such an analysis was not included in the document.

There is an alternative to this project: with the GRID project, trains can be loaded on-dock rather than in city neighborhoods. More cargo containers could be moved from ship to train without adding truck trips through urban neighborhoods. Incorporating nonpolluting alternatives would absolutely prevent further damage to the health of our community and would create new, long-term green jobs.

R46-1

R46-2

R46-3

R46-3

↑ I request that this EIR examine the GRID project, a goods movement alternative that improves port operations at the dock rather than further expanding port acreage into the cities of Los Angeles and Long Beach.

Judy Bergstresser
1945 Meridian Avenue
South Pasadena, CA 91030

1 **Comment Letter R46: Judy Bergstresser**

2 **Response to Comment R46-1**

3 The RDEIR's health risk analysis was conducted in accordance with the Port's protocol.
4 Please see Section 1.0 of Appendix C3 of the SCIG RDEIR for a discussion of how the
5 HRA was prepared.

6 The commenter is incorrect that the project would result in more than 5000 additional
7 truck trips per day – that statement does not account for the existing traffic at the site.
8 However, as described in Section 3.10.3.5 of the SCIG RDEIR, that traffic would not
9 result in significant impacts on intersections or freeway segments. The environmental
10 impacts of the project were analyzed thoroughly in the DEIR and RDEIR, and the
11 comment does not provide any evidence contrary to the analysis or conclusions therein.

12 Please see Master Response 11, Locating a Railyard Near Sensitive Receptors regarding
13 the location of the project near schools and other sensitive receptors.

14 **Response to Comment R46-2**

15 Please see Master Response 7, ZECMS.

16 **Response to Comment R46-3**

17 The GRID concept is a minor variant of the various advanced technology concepts
18 considered at length in the RDEIR (Section 5.2) and in the ports' Alternative Container
19 Movement Systems evaluation process (described in Section 5.2.2.3 of the RDEIR). An
20 EIR must evaluate a reasonable range of potentially feasible alternatives, and is not
21 required to analyze multiple variations of different alternatives. (*Village Laguna of*
22 *Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029.)
23 Furthermore, the GRID concept is even farther from being proven in a real-world
24 application than most of the ones described in the RDEIR. The RDEIR concluded that
25 those concepts are too far from demonstrated feasibility to constitute realistic alternatives
26 to the proposed Project. Accordingly, the GRID concept would likewise not constitute an
27 alternative to the proposed Project. See Master Response 5, Alternatives, and Master
28 Response 7, ZECMS for more detail.

29

From: [Yahoo Customers Care](#)
To: [Ceqacomment](#)
Subject: Public Comment for BNSF-SCIG Project
Date: Friday, October 26, 2012 2:20:03 PM

R47-1

I am a resident of the 7th District in the City of Long Beach and I support BNSFs Southern California Intermodal Gateway project 100%. I recently graduated college and like so many college grads, I have returned home in search for a great career. I feel that BNSFs new railyard near the busy Ports presents the greatest career opportunity for not only local residents, but new college grads looking for jobs as well. In following the recent media coverage of the proposed railyard, I understand many local residents on the West side of Long Beach in my district have expressed deep concern in this proposed railyard. I personally feel that once SCIG is complete and operational, it will greatly stimulate the local economy and cut the local unemployment rates drastically. I am fascinated with rail transportation and I personally feel that rail transportation is the most efficient way both economically and environmentally to transport goods and even people. Unfortunately, I feel the residents living near the proposed rail site have developed a highly false and inaccurate stereotype of how this new rail facility will impact the local community. I know that the railroads serving the Ports have been the leading industry to implement Green Technology and have taken strict measures to ensure that trains entering/exiting the Ports comply with the regions environmental codes already in place and codes that have not yet taken effect yet.

Pacific Harbor Line was the first railroad to implement Green Operation by converting and replacing its entire locomotive fleet with engines that satisfy EPA standards. BNSF and Union Pacific have followed by implementing their own Green Operations among their locomotives. I applaud BNSF for doing such an outstanding job on their revised EIR, although I'm not an expert on Environmental issues, I know that BNSF and the other railroads have taken every necessary measures to meet current and new Environmental codes.

I know BNSF has addressed concerns of local residents in their impact reports regarding SCIG, and I feel that these residents have not thoroughly studied the report to realize the positives this facility will have on the economy, community, environment, and the region. At this time I would like to suggest that BNSF along with the Port of Los Angeles work with the City of Long Beach 7th District to develop a large public park area complete with large water features be built along the border of the proposed Southern California International Gateway site. Such a large park with foliage and water features will hopefully reduce the visual and noise impacts of the yard with the local residents and community. Although this suggestion will not sound-proof railyard operations, a large park with water features will hopefully maintain a positive quality of life for those residents and also maintain healthy relations between the Ports, Railroads, and the Local Community. Please consider this idea to those residents and let us move forward with SCIG and bring prosperity and economic growth to the region! Thank You for listening!

R47-2

Kelly Walton-Harper
7th District Resident of Long Beach, CA

1 Comment Letter R47: Kelly Walton-Harper**2 Response to Comment R47-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 Response to Comment R47-2

9 The commenter suggests that a large public park be built along the border of the SCIG
10 facility that, although it would not sound-proof railyard operations, would maintain a
11 positive quality of life for residents and healthy relations between the ports, railroads, and
12 local community, and would reduce visual and noise impacts on local residents. A similar
13 suggestion related to the reconfiguration of the Terminal Island Freeway and building of
14 a landscaped park was also provided by the City of Long Beach in their comment letter
15 on the RDEIR (comment letter R89) and in a comment letter submitted by City Fabrick
16 (comment letter R114). As discussed in response to Comment R89-2, a proposed
17 landscaped buffer or park along the SCIG facility is not sufficiently related to the impacts
18 identified in the RDEIR for the Project and are not proportional in nature and extent to
19 those impacts. See Pub. Resources Code § 21002; CEQA Guidelines 15370; see
20 generally *Nollan v. California Coastal Commission*, 483 U.S. 825, 834-37 (1987)
21 (condition requiring a dedication of property *along* a beach rather than *to* the beach did
22 not address the harm at issue and was therefore invalid); *Dolan v. City of Tigard*, 512
23 U.S. 374, 391 (1994) (mitigation must be related in “rough proportion” both “in nature
24 and extent” to the impact of the proposed development).

25

26

From: [Richard Risemberg](#)
To: [Ceqacomment](#)
Subject: Recirculated Draft Environmental Impact Report (EIR) for the Southern California International Gateway (SCIG) Project
Date: Friday, October 26, 2012 1:40:30 PM

Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Recirculated Draft Environmental Impact Report (EIR) for the Southern California International Gateway (SCIG) Project

R48-1

Despite SCIG's update of the Health Risk Assessment in the Draft EIR, in an October 22 LA Times article, independent experts such as the NRDC and the SCAQMD dispute assertions that this project will significantly lower pollution and truck traffic, especially as container traffic is expected to grow over the next several decades. And contrary to BNSF's assertions in that article, SCIG is not "better than doing nothing"--it is doing nothing, diverting a small portion of the anticipated daily load of trucks from the 710 to replace them with numerous diesel train trips--more efficient, to be sure, but not enough more efficient. Rearranging the deck chairs on a regional Titanic gashed by incessant congestion and washed over by tides of particulate emissions.

R48-2

What the ports need to do is study entirely new paradigms, primarily one that is already under development in Los Angeles County: I speak of GRID, the "Green Rail/Intelligent Development" project outlined at <http://gridlogisticsinc.com>.

This all-electric system would both reduce the port's literal as well as its carbon footprint by vastly reducing the need for container shuffling and storage at the docks, and it would use an unmanned electric shuttle train to move boxes between the ports and the big railyards in the Inland Empire. Up to 70% of I-710 truck traffic would vanish, as would much of the need for dockside drayage, opening new opportunities for development as well as reducing congestion, pollution, and roadway damage over the entire eastern third of the county. Furthermore, it would still feed business to the traditional railroads--just not in the middle of densely-populated neighborhoods.

And it can be built with current technologies.

It is unconscionable not to consider a project of GRID's potential when considering how to accommodate port traffic now, and for years to come.

Sincerely,

Richard Risemberg
648 1/2 S. Burnside Ave.
Los Angeles CA 90036
323-428-4669

--
Richard Risemberg
<http://www.bicyclexifaction.com>
<http://www.SustainableCityNews.com>
<http://gridlogisticsinc.com>
<http://www.rickrise.com>

1 **Comment Letter R48: Richard Risemberg**

2 **Response to Comment R48-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R48-2**

9 Please see response to comment R46-3, Master Response 5, Alternatives, and Master
10 Response 7, ZECMS.

11



Tubular Rail, Inc.

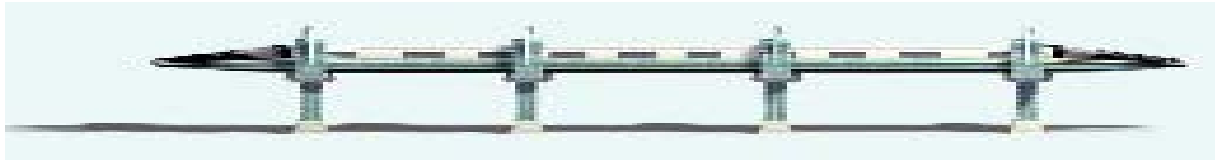
5000 Milwee, Suite 43

Houston, TX 77092

713-681-9501

www.tubularrail.com

info@tubularrail.com



October 27, 2012

Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

Dear Mr. Cannon,

Please allow this letter to serve as our public comment submission to the Draft EIS (recirculated) for the proposed Southern California Intermodal Gateway project.

It is our past and current understanding that the project is opposed by a number of individuals and groups, largely on environmental and quality of life issues. A Zero Emissions Container Movement was at one time contemplated as a partial solution to both increased congestion and air pollution issues associated with increasing container throughputs emanating from the Ports.

R49-1

Based on our experience as a potential provider of such Zero Emission Technology we encourage a delay in approvals for the BNSF SCIG project. We feel that the process to find, deploy or develop, and operate such technology was badly flawed from the beginning and only got more so as the Ports got deeper into the process.

This is not merely our opinion of the ZECMS search, the events associated were noted by the Transportation Research Board TRB who after reviewing

↑ the Keston report, which was in itself a review of both Ports actions in the matter, developed a Research Proposal

<http://apps.trb.org/cmsfeed/TRBNetProjectDisplay.asp?ProjectID=2922>

R49-1

which could serve as a guide on how to actually find a solution to the problems faced by the Ports. The Proposal was awarded to Tioga and is being written by Dan Smith who should be familiar to people in the Intermodal Industry. The completion date is 12/31/12, a few months from now.

It does not seem prudent to rush an EIS approval until what should be an unbiased view is released.

Sincerely,

Robert Pulliam

Tubular Rail Inc.
Houston TX

1 **Comment Letter R49: Tubular Rail, Inc.**

2 **Response to Comment R49-1**

3 - LAHD as lead agency has properly considered studies and information available as of the time of
4 its analysis regarding zero emissions container movement, and has thus complied with CEQA.
5 The commenter has not made any specific comments regarding deficiencies in the RDEIR's
6 analysis of zero emission container movement systems and expresses only a general statement
7 regarding the ports' general process to develop such a system. The commenter has requested that
8 the LAHD as lead agency delay the completion of its EIR in order to wait for a future study to be
9 completed by the Transportation Research Board, which has an estimated completion date of
10 April 30, 2013, but no certainty regarding such completion date. Because the world of scientific
11 and technical research is dynamic there will always be studies in progress at the time of a lead
12 agency's preparation of an environmental impact report, and it is speculative on the part of the
13 commenter regarding whether such future report will affect or contribute to the SCIG EIR. There
14 is no requirement under CEQA that the lead agency delay the CEQA process to wait for such a
15 future study. ". . . an EIR need not include all information available on a subject. An EIR should
16 be 'analytic rather than encyclopedic' and should emphasize portions 'useful to the decision-
17 makers and the public'." (*Al Larson Boat Shop v. Board of Harbor Commissioners of the City of*
18 *Long Beach* (1993) 18 Cal.App.4th 729, 748) Please see Master Response 7, ZECMS.

19

20

From: [Wes](#)
To: [Ceqacomments](#)
Cc: [Bob and Margie](#)
Subject: SCIG support
Date: Saturday, October 27, 2012 10:16:05 AM

R50-1

I would like to voice my approval of this project. I live in Long Beach 7th District and I have always been in support of projects that keeps our ports competitive and pollution free. I have studied the area which currently contains 3 large terminal buildings and parking lots used as a trucking terminal. It cannot possibly be as efficient or as environmentally friendly as SCIG will be. Why did we build the Alameda Corridor at the cost of over \$2B if we are not going to keep it running at maximum capacity? I drive the Long Beach Freeway when I go Downtown and cannot believe all the truck traffic! What will it be like when the Gerald Desmond Bridge is completed and the port capacity triples. Moving some of these trucks to the Terminal Island Freeway and off the Long Beach Freeway will be good business for Long Beach and all of Southern California. Using electric intermodal cranes and Tier 4 locomotives should be considered mandatory for this project. BNSF good on you!

Thank you,
Your Neighbor,
Wes Goble

Sent from my iPhone4s

1 **Comment Letter R50: Wes Goble**

2 **Response to Comment R50-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 Nevertheless, the commenter suggests that the project should require electric intermodal
9 cranes and Tier 4 locomotives. Regarding Tier 4 locomotives, please see the responses to
10 Comments R89-8 and R89-46. Regarding the use of electric intermodal cranes, the
11 project does include the use of wide-span electrically-powered intermodal cranes.
12 (Section 2.4.2.2 of the RDEIR.)

13

October 29, 2012

Port of Los Angeles
Director of Environment Management

Dear Mr. Cannon

I would like to take this opportunity to address a very important concern I have regarding the Recirculated Draft Environmental Impact Report for the Southern California International Gateway project, a project that has been in the works for over seven years. During this seven year period, one of our local community businesses, Fast Lane Transportation, Inc., has operated their business with a great deal of uncertainty for their future due to the probable taking of their property, the business property they own. They have not been able to make long term operations or financial plans. Even their hiring plans, which largely consist of community members, have been negatively impacted by the delay in moving this project forward.

To compound matters even further, there does not appear to be any specific provision for the relocation or infrastructure replacement they will require as a result of this project.

R51-1

While the Recirculated Draft Environmental Impact Report identifies certain environmental improvements, such as traffic and air quality, these regional improvements should not come at the expense of local businesses—businesses that have a positive impact on our community. As the only business that operates on property it owns in the way of this project, I believe the Port of Los Angeles and BNSF Railway can and should make plans, now, for the relocation of Fast Lane. They have suffered long enough with trying to run their business without the benefit of knowing where or if their business will continue after the certification of this project.

The Recirculated Draft does address the impact on local businesses, but only in a clinical manner. Without consideration for the impact on individuals from our community who could be rendered unemployed, and the businesses, like Fast Lane, which support our community in so many ways that could cease to exist, this report does not adequately address the environmental impact created by the project and the adverse impact which could occur to the community.

R51-2

I request that you include a clear and adequate relocation plan for Fast Lane Transportation, Inc. and other businesses eligible for relocation in the Final EIR for the SCIG Project.

Sincerely,

Mary Gant
Wilmington Community Organization
(626) 227-5803

Cc: Pat Wilson - Fast Lane Transportation

1 **Comment Letter R51: Mary Gant (Wilmington Community**
2 **Organization)**

3 **Response to Comment R51-1**

4 Please see Master Response 8, Displaced Businesses.

5 **Response to Comment R51-2**

6 Please see Master Response 8, Displaced Businesses, which explains how the RDEIR's
7 treatment of business displacement and job loss complies with CEQA.

8

October 29, 2012

Port of Los Angeles
Director of Environment Management

Dear Mr. Cannon

I would like to take this opportunity to address a very important concern I have regarding the Recirculated Draft Environmental Impact Report for the Southern California International Gateway project, a project that has been in the works for over seven years. During this seven year period, one of our local community businesses, Fast Lane Transportation, Inc., has operated their business with a great deal of uncertainty for their future due to the probable taking of their property, the business property they own. They have not been able to make long term operations or financial plans. Even their hiring plans, which largely consist of community members, have been negatively impacted by the delay in moving this project forward.

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The Recirculated Draft does address the impact on local businesses, but only in a clinical manner. Without consideration for the impact on individuals from our community who could be rendered unemployed, and the businesses, like Fast Lane, which support our community in so many ways that could cease to exist, this report does not adequately address the environmental impact created by the project and the adverse impact which could occur to the community.

R51-2

I request that you include a clear and adequate relocation plan for Fast Lane Transportation, Inc. and other businesses eligible for relocation in the Final EIR for the SCIG Project.

Sincerely,

Mary Gant
Wilmington Community Organization
(626) 227-5803

Cc: Pat Wilson - Fast Lane Transportation

From: chateaubolster@aol.com
To: [Ceqacomments](#)
Subject: Support for port rail improvements
Date: Tuesday, October 30, 2012 12:21:06 PM

R52-1

I have a fear if the port project is rejected, The L.A./Long Beach port will be bypassed entirely in 2014 when the Panama Canal is widened to allow the super container ships to bypass the West Coast entirely, and sail to the East Coast for unloading. Can you say 200,000.... that is the the lost jobs in the LA area alone. Can you imagine the loss of 200,000 jobs in California, a state that is already bankrupt, and loosing jobs...thus tax revenue.....Is there anyone down there in politics that has common sense?? The rest of the country wants to know....If notmaybe we could just give California to Mexico as a gift, so they could'nt influence the rest of the country (through their insanity) and get rid of the Pelosi's Boxers, Feinsteins since your state voters love liberals so much....I thank God I dont live there.....Have a nice fall California.....Please dont take the rest of us with you....Ps we grow our own food, have cheap electricity, put up with harsh winters, And best of all, born with brains and wisdom to see the science of cause and effect.....Something that seems to have escaped the liberal mind... As Obie one Canobie said to Anacin Skywalker...."Then you are lost" So goes this movie. Or maybe Gov. Jerry Brown..The lifelong politician..will save you... You had better wake up real soon California, or you will be owned by George Sorros... The world will be watching you... Build this Port...offer China and Japan cheaper shipping rates through your port cities, take away their incentive to sail around through the canal, develop your energy independence, find a solution to your water problems, return to GOD and prayer, Quit listening to Hollywood and other hippie ideals, forget about gay marriage, enviromental extreamists and the commies special interest groups who want to do America harm.. If America dissappears...so does the rest of the world. I support your prosperity....but please wake up.....A Truck driver from Wash. state.....

1 Comment Letter R52: Chateau Bolster**2 Response to Comment R52-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a lifelong Torrance resident, California State Long Beach University Alumni, and San Pedro employee located not far from where BNSF's facility would be positioned, I wish to express my strong support for the Southern California International Gateway (SCIG).

Like many of my associates, I share concerns about unemployment, traffic congestion and air quality, but BNSF's proposal responds to all three of these concerns. SCIG will improve air quality, increase use of trains to move cargo from our ports, reduce truck traffic on the 710 freeway and bring much needed jobs to our neighborhood.

As a South Bay native, I support the fact that SCIG trucks will be prohibited from using local streets and instead will be confined to the designated truck routes. This will improve air quality and provide health benefits to fellow community members and myself. The reduction in air emissions from the project will also reduce greenhouse gas emissions and will help fight global warming.

Being employed by Berg & Associates, Inc., a local construction management firm who specializes in transportation, I will be directly affected by SCIG in that it will create approximately 1,500 jobs per year over the three years of construction, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight, aiding me in continuing this career path.

I support BNSF's project as a resident, alumni, and employee of the surrounding area SCIG is an ideal example of green growth and will be an important economic asset for our region. It will bring clean technology, reduce traffic congestion and provide good jobs for people like myself. I ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,

Jenelle Saunders
Client Relations Manager

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

R53-1

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R53: Jenelle Saunders**

2 **Response to Comment R53-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

9



INTERNATIONAL CARGO EQUIPMENT, INC.
Serving the Intermodal Industry Since 1979



October 30, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Re: Southern California International Gateway (SCIG) Project.

Dear Mr. Cannon,

I am writing you in support of Pat Wilson and his company, Fastlane Transportation, Inc.

Pat is a competitor of mine. Why am I supporting a competitor? Answer: Because of Pat and what he has done and continues to do for the community of Wilmington.

In my over 30 years of operating a business in Wilmington, I cannot think of any one individual who has done more for this community. He has been the President of the Chamber for years and Pat singlehandedly turned that organization into a force of good in the community. The local Neighborhood Council has been fortunate to have Pat on its board since it was founded. Pat devotes an incredible amount of time, effort and energy on these and other community organizations.

I know Pat is a supporter of SCIG and understands why his business must be affected. What is not fair is that the Port could and should do more to minimize the damage you are planning to inflict on Pat's business.

I urge you to reconsider and work with Pat towards a more equitable outcome.

Sincerely,

Christer Palsson

R54-1

1 **Comment Letter R54: International Cargo Equipment, Inc.**

2 **Response to Comment R54-1**

3 Please see Master Response 8, Displaced Businesses.

4



Wilmington Jaycee Foundation, Inc.

1371 Eubank Ave.
Wilmington, CA 90744
Phone (310) 518-4533



October 15, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
424 S. Palos Verdes Street
San Pedro, CA 90731

Re: Southern California Intermodal Gateway Recirculated Draft Environmental Impact Report

Dear Mr. Cannon:

R55-1

After not receiving answers to our original statement, the Wilmington Jaycees Foundation is going on record as not supporting the SCIG project as it is being presented. Again we don't believe enough thought has been given to the relocation of businesses in the project area and the property directly to the east (homes and schools). Fast Lane is located in an industrial area as it should be. If part of their business goes away because of lack of space one of the other container storage companies that are located in Wilmington would benefit. The problem with that is that they are located next to residential neighborhoods which would be a source of conflict.

R55-2

We are questioning the efficient access to and from the relocation sites not only for the businesses being relocated but also for those businesses within the surrounding SCIG project area i.e. Warren E & P, California Carbon Company and John Taylor.

R55-3

Also at question is the need for an evacuation plan that addresses the relocated businesses as well as those in the surrounding SCIG project area.

R55-4

We feel with the technology of today and the promise of an on dock rail system the need for SCIG is over kill. Put more effort into finding a way to stop doing double work. In the end if all else fails the land use area for Fast Lane Transportation needs to be configured for the efficient storage, stacking and repairs of containers. The replacement of their office, warehouse and maintenance facilities needs to be done so there is no interruption of business. Fast Lane Transportation employees over 100 people here in Wilmington. These are good paying jobs with benefits and retirement. About 80% are local residents.

Sincerely,

Gary L. Kern, Executive Director

1 **Comment Letter R55: Wilmington Jaycees Foundation**

2 **Response to Comment R55-1**

3 Please see Master Response 8, Displaced Businesses, Master Response 11, Locating a
4 Railyard Near Sensitive Receptors, and Master Response 13, Previous DEIR and RDEIR
5 Comment Letters.

6 **Response to Comment R55-2**

7 Access to the alternate sites would be provided across an at-grade crossing of the SCIG
8 South Lead Track at E. Opp Street with another at-grade crossing to Farragut Ave. and
9 then to East "I" Street leading to Anaheim Street, which was analyzed in the RDEIR (see
10 Section 3.10.3.5 of the RDEIR). Alternative access to the north via the access road along
11 the Dominguez Channel that connects to PCH would not occur. The FEIR will be
12 modified to include this correction. BNSF would be the entity to implement any crossing
13 improvements in accordance with PUC requirements, and would submit the application
14 for construction of any new crossings or modification of existing crossings, as noted in
15 response to Comment R56-2. Furthermore, an evacuation plan would be developed by
16 BNSF with the assistance and coordination of those affected by the Project and suitable
17 roadways will be provided. The affected businesses, such as those listed by the
18 commenter, would be part of the planning process. It would not be appropriate for that
19 planning process to proceed until after formal action on the Project is taken by the Board
20 of Harbor Commissioners including FEIR certification and project approval.

21 **Response to Comment R55-3**

22 Please see Response to Comment R55-2. As discussed therein, safe emergency access for
23 all of the current businesses and the businesses assumed to be moving to the alternate
24 sites would be provided as part of the overall construction plan. The affected businesses
25 would be part of the planning process. The planning process has not proceeded to the
26 point of being able to provide a greater level of detail at this time. Evacuation plans are a
27 standard component of business plans, and would be prepared by the displaced
28 businesses once their new facilities had been designed.

29 **Response to Comment R55-4**

30 Please see Master Response 6, On-Dock Rail, which explains why all intermodal cargo
31 cannot be handled at on-dock railyards and reiterates the RDEIR's analysis of the need
32 for the proposed Project. See also Master Response 8, Displaced Businesses.

33

34

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
 LOS ANGELES, CA 90013
 (213) 576-7083



October 31, 2012

Lisa Ochsner
 City of Los Angeles Harbor Department
 425 South Palos Verdes Street
 San Pedro, California 90731

Dear Ms. Ochsner:

Re: SCH# 2005091116; Southern California International Gateway Project

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires the Commission approval for construction or alteration of crossings and grants the Commission exclusive power on design, alteration, and/or closure of crossings in California. The Commission's Rail Crossings Engineering Section (RCES) has received a copy of the *Draft Environmental Impact Report (DEIR)* from the State Clearinghouse for the proposed Southern California International Gateway (SCIG) project. The City of Los Angeles (City) is the lead agency.

According to the DEIR, the project would include construction of a new intermodal rail yard facility by BNSF Railway Company (BNSF). The SCIG rail yard would be located four (4) miles north from the ports of Los Angeles and Long Beach. RCES has specific concerns on the following crossings:

- Existing at-grade highway-rail crossings along the SCIG designated truck routes, north of Seaside Freeway as shown on Figure 2-4; and
- New crossings or modifications to existing crossings required by construction of the SCIG facility and its tracks.

R56-1 The SCIG development and designated truck route operations may increase truck traffic volumes not only on streets and intersections, but also at-grade highway-rail crossings. The potential project impacts on the existing at-grade crossings along the SCIG designated truck routes, north of Seaside Freeway should be identified, discussed and evaluated for necessary safety improvements and mitigations. This includes considering traffic queuing, level of service and interconnect of nearby intersections, emergency service response, pedestrian circulation patterns or destinations with respect to the railroad right-of-way, and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way.

R56-2 As part of the SCIG construction, several new grade-separated crossings or modification to existing crossings would be necessary. These include the railroad bridge widening over Sepulveda Boulevard, a new railroad bridge over the Southern California Edison property, a new Pacific Coast Highway bridge over the new south lead tracks, a private crossings (highway-rail or rail-rail) within the SCIG facility, and other at-grade crossings in the southern portion of the SCIG facility.

R56-2 Construction of a new public crossing or modification of an existing public crossing requires authorization from the Commission, through the formal application or the General Order (GO) 88-B request processes, respectively. Prior to submission of a formal application or GO 88-B request, the City should arrange a diagnostic meeting with BNSF and RCES to discuss relevant safety issues and requirements for the Commission's authorization.

R56-3 While construction of private crossings may not need the Commission's authorization, compliance with the Commission's GO 26-D (Clearances on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings) and GO 75-B (Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossing) standards are still required.

RCES representatives are available for consultation on crossing safety matters. See the link for more information: <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formalapps.htm>.

If you have any questions in this matter, please contact me at (213) 576-7076, yen.chiang@cpuc.ca.gov, or Jose Pereyra at (213) 576-7083, jfp@cpuc.ca.gov.

Sincerely,



Ken Chiang, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: State Clearinghouse
Melvin Thomas, BNSF Railway Company

1 **Comment Letter R56: California Public Utilities Commission**

2 **Response to Comment R56-1**

3 There would be only one existing at-grade highway-rail crossing along the SCIG
 4 designated truck routes that would be projected to result in additional vehicular traffic
 5 flow where freight trains cross. This crossing is the West Basin lead track crossing on
 6 Henry Ford Avenue, located just south of Anaheim Street (Public Utilities Commission
 7 crossing ID. 114A-17.44-C). Sections 3.10.3.2 and 3.10.3.4 of the Recirculated DEIR
 8 describe the methodology and significance criteria for proposed Project operations that
 9 may cause an increase in rail activity and/or delays at rail crossings used. The following
 10 table summarizes the analysis that was conducted for the Henry Ford Avenue crossing,
 11 and indicates there would no impacts to the Henry Ford Avenue at-grade rail crossing as
 12 a result of the Project:

	<i>2035 Cumulative</i>
Vehicle Hours of Delay per Day	156.2
Average Delay per Vehicle in AM Peak Hour (seconds)	26.4
Level of Service AM Peak Hour	C
Average Delay per Vehicle in Midday Peak Hour (seconds)	27.1
Level of Service Midday Peak Hour	C
Average Delay per Vehicle in PM Peak Hour (seconds)	28.5
Level of Service PM Peak Hour	C
LOS E (55 – 80 seconds of average delay per vehicle)	Significant if >2 seconds
LOS F (over 80 seconds of average delay per vehicle)	Significant if >1 second
Significant?	No

14
 15
 16 Based on the above, no new mitigation is required. It should also be noted, as part of
 17 another independent project, the POLA will be implementing a freight train advance
 18 warning system at this location in 2013. This warning system entails the installation of
 19 three changeable message signs (CMS) upstream of the track crossing on Henry Ford
 20 Avenue. The three CMS will be installed at the following approximate locations:
 21 southbound Henry Ford Avenue north of Anaheim Street, eastbound Anaheim Street,
 22 west of Henry Ford Avenue, and northbound on the terminal island freeway (SR 47) just
 23 north of Ocean Boulevard. The CMS message will entail advance notification of a
 24 blockage of greater than 10 minutes, which is expected to prompt motorists to divert to
 25 another street (e.g., Anaheim Street or Pier A Way). This warning system is in addition to
 26 the standard automated crossing control system with warning lights and gates that
 27 currently exists. Caltrans will also be installing a fourth CMS as part of the CS Heim
 28 Bridge replacement project, currently under construction. All of these improvements are
 29 considered reasonable foreseeable and will improve vehicular traffic circulation, level of

1 service, and safety at at-grade rail crossings. The FEIR will be modified to include this
2 information regarding the Henry Ford Avenue crossing in Section 3.10.3.5.1.

3 Additionally, as provided in Section 3.10.3.5 of the revised RDEIR, no new crossings or
4 modifications to existing crossings required by construction of the project and associated
5 tracks would result in any significant impacts.

6 **Response to Comment R56-2**

7 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
8 and is therefore before the decision-makers for their consideration prior to taking any
9 action on the SCIG project. The comment is general and does not reference any specific
10 section of the DEIR or RDEIR, therefore no further response is required. (Public
11 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

12 The BNSF Railway would be the entity to implement any crossing improvements, and
13 would submit the application for construction of any new crossings or modification of
14 existing crossings.

15 **Response to Comment R56-3**

16 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
17 and is therefore before the decision-makers for their consideration prior to taking any
18 action on the SCIG project. The comment is general and does not reference any specific
19 section of the DEIR or RDEIR, therefore no further response is required. (Public
20 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

21 The BNSF Railway would be the entity to consult with PUC and comply with any
22 requirements pertaining to private crossings.

23

Julia Sheldon Banning
2025 North Capella Court
Costa Mesa, California 92626
949-463-7039

November 1, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY (SCIG) RAIL PROJECT – PUBLIC COMMENT

Dear Mr. Cannon:

As an active volunteer at the Banning Museum in Wilmington and Treasurer of the Friends of Banning Museum Board of Directors, I spend a good deal of time in Wilmington. As the great-great-grand daughter of the father of the Port of Los Angeles, Phineas Banning, I am very interested in the history of our port and its continuous improvement. Today, I am writing to express my concerns about the above reference EIR draft. While I support the concept of improved railroad facilities and service for the Port of Los Angeles and its customers, I strongly believe that such improvement must be done responsibly. Any impact report should reasonably address the project's repercussions on property owners and businesses located in the impacted area and include specific equitable mitigation plans.

More specifically, I am concerned that there is no mention of the impact and planned equitable mitigation for **Fast Lane Transportation, Inc.** This company owns the acreage where it operates, storing shipping containers responsibly in an industrial area, as opposed to other operations, right next to residential neighborhoods, with very high stacks of containers block out the sunshine for hours each day. **Fast Lane Transportation, Inc.** has owned the property and operated at this current six acre location for over 25 years and is the only business property owner in the impacted area. All of the other businesses currently operating in the impact area have expired or short term leases.

Without an equitable plan for mitigation for **Fast Lane Transportation, Inc.**, including relocation to comparable acreage available at a site contiguous to the current operation, the Port and the city of Wilmington risks losing a responsible community employer with a workforce of over one hundred local workers. Furthermore the containers now stacked in an appropriate industrial area could well end up in the stacks next to residential neighborhoods, further exacerbating an already difficult neighborhood situation. How can these be issues be ignored in the current EIR? Saying that these issues cannot be addressed in this report, flies in the face of reason given that the entire report focus on impacts and mitigations assuming the SCIG project is implemented.

I urge the Port of Los Angeles Commissioners to properly manage all aspects of this significant project, including a written plan in the above reference EIR for specific equitable mitigation for the impacted property owner and long time business operator, **Fast Lane Transportation, Inc.**

Thank you for your consideration.


Julia Banning
Treasurer, Friends of Banning Museum

R57-1

1 **Comment Letter R57: Julia Banning**

2 **Response to Comment R57-1**

3 Please see Master Response 8, Displaced Businesses.

4

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0055
(916) 319-2055
FAX (916) 319-2155

DISTRICT OFFICE
4201 LONG BEACH BLVD., SUITE 327
LONG BEACH, CA 90807
(562) 989-2919
FAX (562) 989-5494

Assembly California Legislature



WARREN T. FURUTANI
ASSEMBLYMEMBER, FIFTY-FIFTH DISTRICT

COMMITTEES
CHAIR, PUBLIC EMPLOYEES,
RETIREMENT AND SOCIAL SECURITY
LABOR AND EMPLOYMENT
TRANSPORTATION
UTILITIES & COMMERCE

CHAIR, SELECT COMMITTEE ON
CAREER TECHNICAL EDUCATION
AND WORKFORCE DEVELOPMENT

CHAIR, ASIAN PACIFIC ISLANDER
LEGISLATIVE CAUCUS

November 1, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Re: Southern California International Gateway (SCIG) Rail Project

Dear Mr. Cannon:

I am writing to express my concerns about the impact on a business being dislocated by the SCIG rail project: Fast Lane Transportation. Fast Lane is engaged in container repair and represents 100 local jobs, but under the proposed relocation plan, he will likely not be able to continue to operate.

Under SCIG, Mr. Wilson is being affected more acutely in several ways. A significant and unique factor is he owns a portion of the land on which he operates. Of more concern is the proposed relocation site, which is inadequate and virtually unusable for his business operations. His dislocation represents a loss of his investment in the property in the form of office building and repair facilities.

I urge you to do everything possible to help Mr. Wilson as he has helped our community. I'm sure you're aware of Pat's generous involvement, both monetarily and time wise, on the Wilmington Neighborhood Council and with the Wilmington Chamber of Commerce, where he has served as president for many years.

I understand that efforts will be made to relocate at least some of the businesses in the path of SCIG and all will be compensated. However, Mr. Wilson has a unique situation and I hope you take that into account. Currently, the uncertainty of the immediate future is already generating concerns among customers and employees, which has the potential to damage his business now.

I urge the Port and BNSF to immediately create a plan with workable, reasonable solutions to keep this business in the Port area. We cannot afford to lose one job. Businesses like Fast Lane Transportation are important to the economic health of the Harbor Area.

Sincerely,

WARREN. T. FURUTANI
Assemblymember, 55th Assembly District

cc: Los Angeles Mayor Antonio Villaraigosa
Los Angeles Harbor Commission

LA City Councilmember Joe Buscaino
LaDonna DiCamillo, BNSF Railway Co.



R58-1



1 **Comment Letter R58: Warren Furutani, Assembly member, 55th**
2 **Assembly District**

3 **Response to Comment R58-1**

4 Please see Master Response 8, Displaced Businesses.

5

6

7



October 26, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a property owner in San Pedro and Long Beach, a longtime resident of the South Bay, and a business owner in San Pedro not far from where BNSF's facility would be located, I wish to express my strong support for the Southern California International Gateway (SCIG).

Like many of my associates and neighbors, I share concerns about unemployment, traffic congestion and air quality, but BNSF's proposal responds to all three of these concerns. SCIG will improve air quality, increase use of trains to move cargo from our ports, reduce truck traffic on the 710 freeway and bring much needed jobs to our neighborhood.

R59-1

Specifically, SCIG will reduce the total number of truck trips on residential streets. I support the fact that SCIG trucks will be prohibited from using local streets and instead will be confined to the designated truck routes. Roads in my neighborhood will see an improvement in traffic because of SCIG. I support BNSF's project because it will bring clean technology to my community, while reducing traffic congestion. This will improve air quality and provide health benefits to my family, my neighbors and my employees.

It is my understanding that upon completion, SCIG will have created up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036. I appreciate that a hiring preference for new jobs will be given to qualified local businesses and individuals.

SCIG is an ideal example of green growth and will be an important economic asset for our region. It will bring clean technology, reduce traffic congestion and provide jobs. I ask that you finalize and approve the EIR for SCIG without delay and without hesitation.

Sincerely,

Deborah Berg
President
Berg & Associates, Inc.

CC: Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R59: Berg & Associates**

2 **Response to Comment R59-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [John Callas](#)
To: [Ceqacomment](#)
Subject: Support for BNSF's SCIG Project
Date: Thursday, November 01, 2012 12:40:00 PM

Dear Port of LA,

R60-1

I am writing to support the BNSF Southern California International Gateway (SCIG) project. This project when completed will reduce overall transportation emissions by the efficient use of rail transport instead of less efficient truck transport. Further, this will reduce traffic congestion as more freight is moved by rail instead of by trucks. Trucks disproportionately damage our roadways and cause accidents. So the use of rail transport enabled by SCIG will save lives and save infrastructure costs. BNSF has addressed the many community concerns associated with this project. The reality is the community will benefit with improved air quality, reduced traffic and congestion, improved traffic safety, and sustained infrastructure from this project. I support proceeding as quickly as possible with the SCIG project.

Sincerely,
John Callas
883 Magnolia Ave, Unit 12
Pasadena, CA 91106

From: [John Callas](#)
To: [Ceqacomment](#)
Subject: Support for BNSF's SCIG Project
Date: Thursday, November 01, 2012 12:40:00 PM

Dear Port of LA,

R60-1

I am writing to support the BNSF Southern California International Gateway (SCIG) project. This project when completed will reduce overall transportation emissions by the efficient use of rail transport instead of less efficient truck transport. Further, this will reduce traffic congestion as more freight is moved by rail instead of by trucks. Trucks disproportionately damage our roadways and cause accidents. So the use of rail transport enabled by SCIG will save lives and save infrastructure costs. BNSF has addressed the many community concerns associated with this project. The reality is the community will benefit with improved air quality, reduced traffic and congestion, improved traffic safety, and sustained infrastructure from this project. I support proceeding as quickly as possible with the SCIG project.

Sincerely,
John Callas
883 Magnolia Ave, Unit 12
Pasadena, CA 91106

1 **Comment Letter R60: John Callas**

2 **Response to Comment R60-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



October 29, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Carson Chamber of Commerce I am writing to re-iterate our strong support for the re-circulated Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG also promotes the emission reduction goals of the Clean Air Action Plan (CAAP).

R61-1

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes, GPS tracking will ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes.

↑ According to a study by HIS Global Insight, upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036.

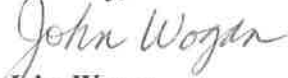
While some have argued that SCIG should be built on-dock, according to the DEIR, there is a limit to the amount of space that will be available for future growth of on-dock facilities. Facilities already planned for both ports will require all available land. In addition, there is a limit to the size of on-dock railyards within terminals, in order to balance container handling space, terminal operations and railyard operations. There is also limited main line capacity to serve these facilities.

Near-dock facilities such as SCIG also play an important role in supporting the efficiency of on-dock railyards, because they allow cargo from multiple marine terminals to be built into trains for specific destinations throughout the country, rather than congesting limited on-dock space with containers awaiting trains for specific locations.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you quickly finalize and approve the EIR for SCIG.

Sincerely,



John Wogan
President

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause

Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

R61-1

1 **Comment Letter R61: Carson Chamber of Commerce**

2 **Response to Comment R61-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code §21091(d); CEQA Guidelines §15204(a)).

8

9

From: [Jim Zupon](#)
To: [Ceqacomment](#)
Subject: Public Review Period Clarification on the Recirculated Draft Environmental Impact Report for the Southern California International Gateway Project
Date: Monday, November 05, 2012 10:16:07 AM

This is my first time hearing of this project. It is my understanding you are going to be affecting long time businesses in the area. Right now when people are hurting for jobs with benefits how can you consider such a project. You are affecting 100's of good citizens of our community. These are your friends and family; and their friends and family.

I know what you might be saying; "that this is going to create more jobs." This might be true but right now this country cannot afford to even lose one job let alone 100's of jobs. These 100's of jobs help support thousands of jobs within our community. You would have to be insane to do this at this point in time within our state.

If you decide to do this you have to make these people not feel the impact. You have to replace the business owners land and structures they have in place. You should put this as a priority over building your own project. Once you have these businesses and the people that work for them up and running then you can consider building your own project.

When making this decision please consider how you would feel if you worked for or owned one these businesses that you are affecting. **"Do unto others as you would have them do unto you"**

Thanks for the considerations.

Jim Zupon
310-831-1767

R62-1

1 **Comment Letter R62: Jim Zupon**

2 **Response to Comment R62-1**

3 Please see Master Response 8, Displaced Businesses.

4

From: [Daniel Domonoske](#)
To: [Ceqacomment](#)
Subject: SCIG Recirculated Draft EIR - LAHD Recirculated Draft EIR So Cal Intl Gateway Project -
Date: Monday, November 05, 2012 10:51:16 AM

To: Christopher Cannon, Dir. Env. Mgmt. Division, Port of LA

November 5, 2012

Re: LAHD Recirculated Draft EIR So Cal Intl Gateway Project

Mr. Cannon:

The purpose of this email is to provide written comments to support Fast Lane Transportation so that if the land upon which they operate their business is acquired by eminent domain that they are provided with relocation assistance so that their infrastructure is not diminished and they do not incur costs for their relocation.

We believe that the alternate sites identified in the draft EIR should address both construction and improvements needed so that Fast Lane Transportation can continue to operate their business without interruption or additional expenses beyond their current operating environment. We urge the Port to consider the following issues during their evaluation process: utilities, container storage proximity to residential neighborhoods, access without rail interruption, truck trip traffic changes, and the overweight corridor.

Potential Industries supports the project itself along with the corresponding improvements to air quality and traffic mitigation. However, it is important that as those goals are pursued that existing local businesses, such as Fast Lane Transportation, do not suffer negative unintended consequences, and if they do that they are mitigated w/o resulting in higher costs to such businesses.

Thank you for your consideration. Please reply by return email so I have confirmation that this email was received.

Regards,

Daniel J. Domonoske, Vice President
Potential Industries, Inc.
922 East "E" Street
Wilmington, CA 90744
Tel (310) 549 5901

R63-1

1 **Comment Letter R63: Daniel Domonoske**

2 **Response to Comment R63-1**

3 Please see Master Response 8, Displaced Businesses.

4

5

From: [daniel.spring](#)
To: [Ceqacomment](#)
Subject: "SCIG Recirculated Draft EIR"
Date: Monday, November 05, 2012 10:11:33 AM

Dear Chris,

I am writing in support of Pat Wilson and Fast Lane Transportation.

Pat is a tremendous man personally as he and his wife are among the most generous people I know both through their giving nature through their dedication to their family and their community. I know Pat from the local little league and was so impressed that he continued to serve on the board of the league even when his son decided not to play baseball any more.

R64-1

I know Fast Lane employs over 100 people with good paying jobs and full benefits and it would be a crime to see a many decade-old family business go under through absolutely no fault of their own.

Furthermore, and at the risk of getting too political, I fundamentally believe it is wrong from the government to take over privately held land under any circumstance, but it's especially wrong in a circumstance that would be devastating for 100+ families, the local community, and the local economy.

Respectfully,

Dan Spring

1 **Comment Letter R64: Daniel Spring**

2 **Response to Comment R64-1**

3 Please see Master Response 8, Displaced Businesses.

4

5

6

7

DEPARTMENT OF TRANSPORTATION

DISTRICT 7, REGIONAL PLANNING

IGR/CEQA BRANCH

100 MAIN STREET, MS # 16

LOS ANGELES, CA 90012-3606

PHONE: (213) 897-9140

FAX: (213) 897-1337



*Flex your power!
Be energy efficient!*



November 2, 2012

Ms. Lisa Ochsner
City of Los Angeles
Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731

RE: IGR/CEQA No. 120955AL-DEIR-Recirculated
Ref. IGR/CEQA No. 110946AL-DEIR
Southern California International Gateway (SCIG)
Vic. LA-01 / 8.56
SCH # 2005091116

Dear Ms. Ochsner:

This is to follow our letter dated December 12, 2011 after we review the Recirculated Draft Environmental Impact Report of the above mentioned project.

1. Caltrans concurs with the Traffic Impact Study Report conclusion that the proposed Southern California International Gateway project will not impact significantly the state highway systems in the vicinity.

Furthermore, Caltrans supports implementation of the Southern California International Gateway project because of the following regional benefits to the state highway system:

- As indicated in the report, it is estimated that this project will reduce over 1.3 million truck trips per year on I-710.
- Provide direct access to Alameda Corridor.
- Reducing significantly travel cost thus reducing fuel emission.
- Potentially enhancing public safety by reducing truck trips on I-710

2. As indicated in the Traffic Impact Study Report, the primary site access for the proposed Project will be from the Pacific Coast Highway ramps. The Sepulveda Boulevard access will be retained for emergency access.

R65-1

R65-2

According to **Table 3.10-22** of the report, the proposed project net change in Pacific Coast Highway entrance peak hour trip generation as follow:

Entrance Scenario	Peak Hour Trip Generation (In Passenger Car Equivalent)								
	AM Peak Hour			MD Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
CEQA Baseline	330	145	475	195	230	425	240	225	465
Proposed Project	410	450	860	570	550	1120	365	295	660
Net Change	80	305	385	375	320	695	125	70	195

The increase in access truck traffic will potentially impact the Pacific Coast Highway ramps/mainline due to the followings:

- Trucks decelerating at low speed to exist PCH (downgrade).
- Trucks accelerating at low speed to enter PCH (upgrade, short acceleration lane).

3. In order to mitigate the PCH access impacts, Caltrans recommends the following:

R65-2

- The proposed auxiliary lanes and the on/off ramps (used by trucks) existing Asphalt pavement to be reconstructed by Concrete pavement per latest state standards and specifications.
- To restripe the westbound PCH outside lane to auxiliary lane from Freeway 103 SB off ramp to access off ramp. This will provide deceleration lane and thus minimize the impact to the traffic at the adjacent lane.
- To convert the PCH eastbound outside lane east of the access off ramp to a designated exit ramp lane.
- To restripe the eastbound PCH outside lane to auxiliary lane from access EB on ramp to Freeway 103 SB on ramp. This will provide longer acceleration lane and thus minimize the impact to the traffic at the adjacent lane.

See attached exhibit for schematic details. The above recommended mitigation measures will be at interim stage until the build out of the proposed PCH Bridge replacement (#53-399).

The developer should submit engineering plans showing proposed pavement reconstruction, striping, signings, and construction traffic control plans to our permit office for approval.

R65-2 ↑ Again, as part of the traffic mitigation on the State facility, the Port proposed reconstruction of site entrance from Pacific Coast Highway (SR-1). Caltrans concurs with this finding and is looking forward to working with the applicant and consultants. The proposed access improvement must be constructed prior to the project build out year.

R65-3 | Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without a storm water management plan.

R65-4 | Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from the Department. It is recommended that large size truck trips be limited to off-peak commute periods. In addition, a truck/traffic construction management plan is needed for this project.

If you have any questions, please feel free to contact me at (213) 897-9140 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 120955AL.

Sincerely,



DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



WB auxiliary lane with reconstructed pavement (including ramps).

EB auxiliary lane with reconstructed pavement (including ramps).

Exit lane with reconstructed pavement (including off ramp).

1 Comment Letter R65: Caltrans**2 Response to Comment R65-1**

3 Thank you for your comment that Caltrans concurs with the Traffic Impact study and that
4 the project provides the following benefits: Reduce over 1.3 million truck trips per year
5 on the I-710; Provide direct access to the Alameda Corridor; reduce fuel emission, and
6 potentially enhance public safety. The comment is noted and is hereby part of the Final
7 EIR, and is therefore before the decision-makers for their consideration prior to taking
8 any action on the SCIG project.

9 Response to Comment R65-2

10 The potential impacts of the proposed project on highway congestion, including the
11 ingress and egress ramps to the Pacific Coast Highway, were analyzed in Section 3.10.3.5
12 of the SCIG RDEIR. As discussed therein, congestion-related impacts of the proposed
13 project would be less than significant.

14 The comment proposes alterations to the PCH in order to mitigate impacts of project-
15 associated truck traffic until the proposed grade separation is completed. Please note that
16 there would be no interim stage in which there would be increased traffic prior to the
17 completion of construction. The PCH grade separation would be completed and fully
18 functional prior to the opening of the Project.

19 BNSF will submit all engineering and development plans requiring Caltrans approval to
20 Caltrans.

21 Response to Comment R65-3

22 The Project's proposed provisions for storm water drainage are described in Section 3.8
23 Utilities. No storm water would be discharged onto any state highway.

24 Response to Comment R65-4

25 The RDEIR analyzed the potential impacts to traffic from construction of the project,
26 including trucks delivering equipment and fill material to the site. (See Section 3.10.3.5,
27 Impact TRANS-1, of the SCIG RDEIR.) As a standard practice, the POLA requires
28 contractors to prepare a detailed traffic management plan for Port projects. (See Section
29 3.10.3.5 of the RDEIR) A traffic management plan would be required as part of the
30 proposed Project prior to initiating any construction. The traffic management plan will
31 include observance of hours of operations restrictions and appropriate signing for
32 construction activities. The hours of construction will be 7:00 A.M. to 7:00 P.M. Monday
33 through Saturday. With the inclusion of the traffic management plan, the impacts from
34 construction of the project on traffic would be less than significant.

35

WATERFRONT COALITION



November 1, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Grow the Port with Green Projects Including the Southern California International Gateway

Dear Mr. Cannon:

On behalf of The Waterfront Coalition representing shippers and transportation providers, I am writing to reiterate our strong support for the Draft Environmental Impact Report prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

By way of background, the Waterfront Coalition represents manufacturers, product suppliers, retailers, agricultural producers and transportation providers moving a substantial amount of containerized freight through marine terminals in the Port of Los Angeles. Our members have an interest in making sure that this freight moves efficiently, safely and in an environmentally responsible manner. We believe that the SCIG project, when complete, will help the port offer competitive services while maintaining the Port's top tier status as one of the most green facilities in North America.

SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects.

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

↑ In building SCIG, BNSF will improve an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

R66-1

SCIG will help keep the Southern California ports competitive through improved operational efficiency. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and the ports consistent with the Port's rail policy.

Finally, it's worth noting that with unemployment chronically high in Los Angeles County, creating well-paying local jobs is a high priority. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 14,000 new direct and indirect jobs in Los Angeles and 22,000 new direct and indirect jobs in Southern California by 2036, according to a study by IHS Global Insight.

SCIG will be an important economic asset for the Southern California region, supporting thousands of good-paying jobs in the greater Los Angeles area. At the same time it meets or exceeds environmental standards. We look forward to approval of the EIR.

Sincerely,

Robin Lanier
Executive Director

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA90731

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Vice President David Arian

Robin Kramer

Douglas P. Krause

Dr. Sung Won Sohn

425 South Palos Verdes Street

San Pedro, CA90731

1 **Comment Letter R66: Waterfront Coalition**

2 **Response to Comment R66-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



THE LOS ANGELES CUSTOMS BROKERS & FREIGHT FORWARDERS ASSOCIATION, INC.

November 5, 2012

Mr. Chris Cannon
 Director of Environmental Management
 Port of Los Angeles
 425 South Palos Verdes Street
 San Pedro, CA 90731



Dear Mr. Cannon:

On behalf of the board of directors and entire membership of the Los Angeles Customs Brokers & Freight Forwarders Association (LACBFFA) I am writing to express our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will not travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in the area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,

Vincent Iacopella
 President

Copies to:
 Mayor Antonio Villaraigosa
 Geraldine Knatz, Ph.D, Executive Director, Port of Los Angeles
 Los Angeles Board of Harbor Commissioners

Post Office Box 4250, Sunland, California 91041 • Telephone: (818) 951-2841 • FAX: (818) 353-5976 • E-Mail: la.cbffa@verizon.net
 Website: lacbffa.org

R67-1

1 **Comment Letter R67: Los Angeles Customs Brokers & Freight**
2 **Forwarders Association**

3 **Response to Comment R67-1**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9

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 Miriam's Museum Hotel
 Miriam's Museum of Art
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 O'Meara & Myers
 Pacific Design Co.
 Pantheon Pictures
 Park Group
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 PCL Contract Services, Inc.
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 Sill & White
 SNR Denton
 Sony Pictures Entertainment
 Southern California Edison
 Southern California Gas Company
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 State Farm Insurance Company
 System Property Development Company
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 The City Market of Los Angeles
 The Culbert School
 The Edison
 Thomas Properties Group
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 United Parcel Service
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 University of Southern California
 Van de Kamp Consulting
 Van Wagner Communications
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 Visa
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 Watermark Properties
 Wells Fargo
 Walsh Development Hold & Subs
 Walsh Investment Services
 Syos Holdings
 Yillm Company

November 5, 2012

Chris Cannon, Director of Environmental Management
 Port of Los Angeles
 425 South Palos Verdes Street
 San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of CCA and our 450 members, I am writing to express our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment. In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,



Carol E. Schatz
 President & CEO

CC: Mayor Antonio Villaraigosa; Geraldine Knatz, Ph.D; Los Angeles Board of Harbor Commissioners



R68-1

1 **Comment Letter R68: Central City Association**

2 **Response to Comment R68-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



November 2, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Long Beach Area Chamber of Commerce and our over 1,000 members, I am writing to reiterate our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG also promotes the emission reduction goals of the Clean Air Action Plan (CAAP).

We support the findings of the updated DEIR, which confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year because trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems. We applaud BNSF's efforts to advance cleaner drayage technologies in our community.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight. And we appreciate BNSF's attention to Long Beach in offering to give qualified local residents priority for all jobs offered at SCIG as well as funding a work force training program in partnership with local institutions to provide assistance so that our local residents can obtain those jobs.

We have been told there is some concern about job loss as a result of the current tenants having to relocate. It is obvious that railroads have unique property requirements, e.g., needing long parcels with access to the Alameda Corridor, whereas the current tenants can be located on much smaller parcels. We are confident that these tenants will be able to relocate in the port area.

R69-1

R69-1 ↑ SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,



Randy Gordon
President/CEO
Long Beach Area Chamber of Commerce

CC:

Mayor Bob Foster
Mayor, City of Long Beach
333 West Ocean Blvd 14th Floor
Long Beach, CA 90802

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R69: Long Beach Area Chamber of Commerce**

2 **Response to Comment R69-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). See Master Response 8,
8 Displaced Businesses, for a discussion of job loss.

9



Wilmington Neighborhood Council

544 N. Avalon Boulevard, Suite 103 • Wilmington, California 90744 • (310) 522-2013

www.wilmingtonneighborhoodcouncil.com

November 5, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731



Re: Southern California Intermodal Gateway Recirculated Draft Environmental Impact Report

Dear Mr. Cannon:

The Wilmington Neighborhood Council (WNC), the first Neighborhood Council certified by the City of Los Angeles in 2001, is the most balanced representative voice of the Wilmington community. The WNC is truly a representative body for the community of Wilmington because its membership represents the makeup of the community. While the greatest number of representatives of the WNC are associated with residents and residents' organizations, the WNC has seats specifically dedicated for representatives from businesses, religious organizations, non-profits, recreational facilities, *and* the Port of Los Angeles.

R70-1 Since its inception, the WNC has taken positions on and supported or opposed dozens of projects, developments, and initiatives. The WNC previously provided written comment on the Southern California International Gateway Project (SCIG) in November, 2005, and January, 2011. We would like to update and amend our previous comments and concerns with the release of the Recirculated Draft Environmental Impact Report (RDEIR).

The Wilmington Neighborhood Council supports the Southern California Intermodal Gateway project because of the resulting *regional* improvements in air quality and traffic, but our community must not suffer unmitigated negative environmental impacts in exchange for regional improvements.

R70-2 While traffic impacts identified in our letter were thoroughly evaluated in the SCIG Draft Environmental Impact Report (DEIR) and RDEIR, there was no response to our request to evaluate impediments to the need for safe evacuation from residential or commercial areas particularly with regard to the alternate sites identified as possible relocation sites for dislocated businesses. Also, the consequences for trucks

R70-3 deviating from the approved truck routes to and from the SCIG were not identified. We would like to know how these issues will be addressed.

R70-4 In addition, there was no response to the request to provide 24-hour telephone access to address residents' concerns.

R70-5 While the WNC expressed its concern for the impact on local businesses resulting from dislocation, it does not appear that our concerns have been satisfactorily addressed in the RDEIR. For the purpose of analysis only, the RDEIR has identified alternate sites to relocate dislocated businesses. While the DEIR identified relocation sites for two businesses, Fast Lane Transportation, Inc, and California Cartage Company, the relocation of these two businesses has now been determined, in the RDEIR, to be beyond the scope of the Environmental Impact Report. Therefore, after more than seven years of planning by the Port, these two businesses (and others impacted by the Project) continue to operate under a cloud of uncertainty resulting in an environment in which long term decision making regarding hiring, expansion, and investment continue to hamper the affected business' operations.

R70-5

As a matter of fact, with regard to the project boundaries, Fast Lane Transportation, Inc. is the *only* business operator which owns the property on which it operates and is *not* a tenant of the Port. Further complicating matters for Fast Lane is the fact that the Port has required BNSF to “acquire” private property (Fast Lane’s) associated with the construction of the project. This, coupled with the Port’s assertion, in the RDEIR, that it would not be responsible for construction any new improvements at alternate sites requires further analysis and a commitment to mitigate any loses which might arise from the acquisition of private property and removal of businesses conducted within the boundaries of the SCIG project. Our community largely depends on the employment provided by these businesses and the services and products they provide.

Some businesses that would be impacted by the project appear to have no relocation plan. The impact on the loss of these businesses needs to be more thoroughly evaluated and addressed. The assumptions made in the RDEIR are incomplete.

R70-6

Additionally, the RDEIR does not analyze how the Port of Long Beach Pier B On-Dock Rail Support Project could impact the use of the alternate sites for relocation. As proposed, the boundary of the Pier B project may overlap with the boundary of the alternate sites which would significantly reduce the size and utility of the alternate sites. This needs to be further evaluated in the Cumulative Analysis section of the Final EIR.

R70-7

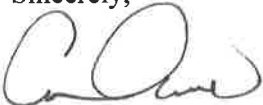
The RDEIR does not adequately study the impact of rerouting hundreds of thousands of annual truck trips onto private and public roadways, the delay of traffic at rail crossings, the impact to existing businesses, and the condition of the roadways identified for access to the alternate sites. We believe further study of traffic impacts is necessary.

R70-8

One of the streets identified as a “Proposed Truck Route”, East “I” Street between the Terminal Island Freeway (SR 103) and Anaheim Street, is in such poor condition that it constitutes a safety hazard. If any portion of the 1.5 million truck trips referenced in the RDEIR utilizes East “I” Street, it will surely result in further deterioration of the roadway to the extent that it will become unserviceable. The replacement of the roadway of East “I” Street needs to be considered in the RDEIR.

We look forward to answering any questions you might have or offering any additional comments as necessary. We also look forward to our concerns above being addressed in the Final Environmental Impact Report.

Sincerely,



Cecilia Moreno
Chair

cc: WNC File

1 **Comment Letter R70: Wilmington Neighborhood Council**

2 **Response to Comment R70-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R70-2**

9 Please see the responses to comments R55-2 and R55-3.

10 **Response to Comment R70-3**

11 See response to Comment R89-70.

12 **Response to Comment R70-4**

13 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
14 and is therefore before the decision-makers for their consideration prior to taking any
15 action on the SCIG project. The comment is general and does not reference any specific
16 section of the DEIR or RDEIR, therefore no further response is required. (Public
17 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

18 **Response to Comment R70-5**

19 Please see Master Response 8, Displaced Businesses.

20 **Response to Comment R70-6**

21 The Pier B Railyard Project would, according to the Notice of Preparation (NOP) issued
22 by the Port of Long Beach (POLB, 2009), include reconstruction of the lead tracks in the
23 area of the alternate business sites for the proposed Project. In particular, the Long Beach
24 Lead adjacent to the ACTA Maintenance Facility would be reconstructed, although it is
25 not clear from the NOP whether new tracks would be added. At this point, there is no
26 indication that the Pier B project would involve any taking of land in the alternate
27 business sites – the illustration in the NOP merely indicates the general area included in
28 the project, not the exact boundaries of the project. As of this date, only the NOP has
29 been issued and the POLB has not released a draft environmental impact report, or
30 approved the Pier B project. Accordingly, any assumption that the Pier B project would
31 adversely affect the alternate business sites would be speculative, and thus not required
32 by CEQA to be considered in the EIR (*State Water Resources Control Bd. Cases* (2006)
33 136 Cal. App. 4th 674, 797).

34 **References**

35 Port of Long Beach (POLB). 2009. "Notice of Preparation and Initial Study for the Port
36 of Long Beach On-Dock Rail Support Facility Project." Accessed online at:
37 <http://www.polb.com/civica/filebank/blobload.asp?BlobID=6660>. August

38

1 **Response to Comment R70-7**

2 The RDEIR (see Section 3.10) adequately analyzes the impact of annual truck trips
3 utilizing private and public roadways, delay of traffic at rail crossings, including
4 additional analysis that was added to the FEIR for the at-grade crossing at Henry Ford
5 Avenue and Anaheim Street (see response to Comment R56-1), and impacts to existing
6 businesses, and roadways that would provide access to the alternate business sites. Since
7 the commenter has not provided evidence to the contrary, the analysis in the RDEIR is
8 consistent with CEQA.

9 **Response to Comment R70-8**

10 East I Street is located partially in the City of Long Beach and partially in the City of Los
11 Angeles. In the City of Long Beach the Public Works Department is responsible for
12 repair and maintenance of City streets. In the City of Los Angeles, the Bureau of Street
13 Services Resurfacing and Reconstruction Division maintains all improved streets. Each
14 year, the Bureau of Street Services develops an Annual Resurfacing Program. However,
15 not all of the projects, which are submitted annually, are funded for resurfacing within
16 that year since budgets and funding sources for resurfacing varies from year to year.

17

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ATTORNEY AT LAW
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November 5, 2012

CHRISTOPHER CANNON
DIRECTOR OF ENVIRONMENTAL MANAGEMENT
PORT OF LOS ANGELES
425 S PALOS VERDES STREET
PO BOX 151
SAN PEDRO CA 90731

RE: SCIG RAIL PROJECT

Dear Mr. Cannon:

By way of introduction, I was the 2005 President of the Lomita Chamber of Commerce and am still actively involved in that organization. I am currently Vice-chair of the board of Pacific Gateway Workforce Investment Network, appointed to that board by the City of Lomita as its business representative.

R71-1

In reviewing the matter of the SCIG Rail Project, it appears that it will promote job creation, while reducing traffic and helping our environment. I respectfully urge approval of the SCIG Rail Project.

Very truly yours,

A handwritten signature in black ink that reads "Phillip G. York". The signature is written in a cursive style.

Phillip G. York

PGY/mmi

From: [Ed McArdle](mailto:Ed.McArdle@comcast.net)
To: [Ceqacomment](mailto:ceqacomment@portla.org)
Subject: FW: SCIG RECIRCULATED DRAFT EIR
Date: Tuesday, November 06, 2012 2:44:12 PM

resending

From: Pat Wilson [mailto:pwilson@fastlanetrans.com]
Sent: Tuesday, November 06, 2012 4:16 PM
To: 'Ed McArdle'
Subject: RE: SCIG RECIRCULATED DRAFT EIR

Ed, it turns out the e-mail address you used for the Port is slightly off. It is ceqacomment@portla.org.

The difference is you used a "g" and it should be a "q" in "ceqa". Could you please correct and resend?

Thank you,

Pat Wilson

From: Ed McArdle [mailto:macship@comcast.net]
Sent: Tuesday, November 06, 2012 11:03 AM
To: ceqacomment@portla.org
Cc: Pat Wilson (Pat Wilson)
Subject: SCIG RECIRCULATED DRAFT EIR

I AM WRITUNG ON BEHALF OF Fast Lane Transportation who I have done considerable container handling/storage and repairs since 1992 for various leasing companies. The changes contemplated by this EIR will have some serious effects on our business relations if they cannot perform complete container depot operations at competitive prices.

We therefore support Fast Lane with their comments regarding this issue.

E.T.McARDLE ASSOCIATES LLC
1 Las Olas Circle #301
Fort Lauderdale, Fl.
33316, USA
tel: 954-463-2897
fax:954-463-9053

R72-1

1 **Comment Letter R71: Phillip G. York**

2 **Response to Comment R71-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Comment Letter R72: E.T. McArdle Associates, LLC**

9 **Response to Comment R72-1**

10 Please see Master Response 8, Displaced Businesses.

11

Michael Sanborn
1173 West 18th Street
San Pedro, CA 90731
(310) 650-7724

November 6, 2012

Christopher Cannon
Director of Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY (SCIG) RAIL PROJECT - PUBLIC COMMENT

Dear Mr. Cannon:

As a resident of San Pedro who has worked in Wilmington for over 18 years as the Director for the Banning Residence Museum, I have had the pleasure of working with many of our local businesses who contribute to the betterment of the community. I believe improving the business infrastructure for the Port of Los Angeles should always be at the forefront as we continue to grow and compete in the global market, and I support responsible projects that will enhance business and create more jobs that will in turn keep us competitive.

R73-1

However, with regards to the above draft EIR for the SCIG project I am very concerned that there is no mention of adequate relocation property for Fast Lane Transportation Inc., the land owner of the site, to continue their business operations at status quo. Fast Lane Transportation is a family owned business that employs over 100 fulltime workers, many with roots and homes in Wilmington. Fast Lane Transportation also supports community activities, the arts and education endeavors. Displacing Fast Lane Transportation from their property needs to be done responsibly and efficiently to insure their livelihood.

I strongly urge the Port of Los Angeles Harbor Commissioners to include a comprehensive plan in the SCIG EIR for specific equitable mitigation for Fast Lane Transportation, Inc.

Courteously,



Michael Sanborn

1 **Comment Letter R73: Michael Sanborn**

2 **Response to Comment R73-1**

3 Please see Master Response 8, Displaced Businesses.

4

From: [Loren Miller](#)
To: [Ceqacomments](#)
Subject: SCIG Recirculated Draft EIR
Date: Wednesday, November 07, 2012 6:56:44 AM

Christopher Cannon
Director of Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Mr. Cannon,

I would urge you to support Mr. Pat Wilson's request of fairness and equity for land relocation when the SCIG Project commences. As you know, he is owner of Fast Lane, a local business.

R74-1

Mr. Wilson has been a pillar of the local community, and from personal experience has volunteered widely in the community and giving back to the community far beyond that of a typical small or medium sized business owner. He and his business are exemplary role models of a local and family-owned business. I strongly believe it would be the Port of Los Angeles' duty to recognize the disruption in business and act accordingly. Thus, it is imperative that the disruption to his business and land relocation be fair and equitable.

Thanks for your consideration to this matter. Feel free to contact me if you have any questions.

Sincerely,

Loren Miller

--

Loren G. Miller, M.D., M.P.H.
Associate Professor of Medicine
David Geffen School of Medicine at UCLA
Division of Infectious Diseases
Director, Infection Prevention and Control Program
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1000 W Carson St Box 466
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e-mail: lgmiller@ucla.edu
<http://labiomedfaculty.org/faculty/loren-miller/>

1 **Comment Letter R74: Loren Miller**

2 **Response to Comment R74-1**

3 Please see Master Response 8, Displaced Businesses.

4

The Los Angeles Coalition

A COALITION FOR THE ECONOMY & JOBS IN LOS ANGELES



November 7, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As members of the Los Angeles Coalition for the Economy & Jobs, we are writing to express our strong support for the re-circulated Draft Environmental Impact Report prepared for BNSF Railway's proposed near-dock rail facility – the Southern California International Gateway (SCIG) - at the Port of Los Angeles.

The Los Angeles Coalition brings together top leaders from business, labor, academia and non-profit organizations to develop and advance sound policies that help to responsibly grow the economy and create quality jobs. We are particularly focused on the competitiveness of our region's key economic assets, such as the Port of Los Angeles, because they will directly contribute to future economic growth by strengthening our region's ability to compete in today's global marketplace.

R75-1

As you know, the Port of Los Angeles has a daily impact on our region's business and residential communities and roadways, providing access to jobs, economic stimulus and the means by which goods are delivered to consumers. For the Port of Los Angeles to maintain its position as the nation's leading trade gateway, it will require strong partnerships with companies, such as BNSF Railway, to better capitalize much needed infrastructure projects, such as SCIG, in order to stimulate economic activity, while reducing the Port's environmental footprint.

The updated DEIR was another confirmation that last year's report was on the right track:

- SCIG would result in a reduction of local cancer risk. Since the Port set a goal that no new project could have a risk score higher than 10 in a million, SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air



quality.

- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. Additionally, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. These trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

R75-1

SCIG will also set a higher standard for future intermodal projects by reinvigorating an existing industrial site and replacing it with a state of the art facility that will feature wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment. These improvements will increase operational efficiency and help attract shippers who have started to focus their attention on the newly expanded Panama Canal and the gulf and east coast ports who are constantly pursuing opportunities to attract more cargo.

This growing competition should serve as a compelling catalyst for our region's policy makers to help develop more public/private partnerships with companies, like BNSF, who are committed to investing hundreds of millions of dollars into our region's most critical assets.

With unemployment around 12 percent in Los Angeles County, creating well-paying local jobs should remain a high priority. During SCIG's three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will ultimately sustain up to 14,000 new direct and indirect jobs in Los Angeles and 22,000 new direct and indirect jobs in Southern California by 2036, according to a study by IHS Global Insight.

Throughout the past few years, residents, business, labor and government officials have spoken out on the importance of modernizing the Port of Los Angeles to better align with today's global realities.

As key stakeholders in this region, we encourage you to demonstrate prompt and prudent leadership by moving this process forward with deliberate speed in order to meet the confidence necessary for those who want to do business with, and in, Los Angeles, as well as the expectations of the Port's customers and the residents of the Los Angeles community.

Port of Los Angeles Harbor – Re-Circulated DEIR

November 7, 2012

Page | 3

Respectfully,

A handwritten signature in black ink that reads "Michael H. Kelly". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Michael H. Kelly
Executive Director

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R75: Los Angeles Coalition for the Economy & Jobs**

2 **Response to Comment R75-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Cannon, Chris](#)
To: [Ochsner, Lisa](#)
Subject: FW: Undeliverable: fast Lane
Date: Thursday, November 08, 2012 6:05:19 AM

Christopher Cannon
Environmental Management Division
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
310-732-3763 Dir
310-547-4643 Fax

From: Janet Esposito [Janet.Esposito@statefish.com]
Sent: Wednesday, November 07, 2012 11:01 PM
To: Cannon, Chris
Subject: Fwd: Undeliverable: fast Lane

Sent from my iPad

Begin forwarded message:

From: Microsoft Exchange
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@statefish.com>
Date: November 7, 2012 10:45:04 PM PST
To: Janet Esposito <Janet.Esposito@statefish.com>
Subject: Undeliverable: fast Lane

Delivery has failed to these recipients or distribution lists:

christophercannon@portla.org

An error occurred while trying to deliver this message to the recipient's e-mail address. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message, or provide the following diagnostic text to your system administrator.

The following organization rejected your message: server-16.tower-46.message-labs.com.

Sent by Microsoft Exchange Server 2007

Diagnostic information for administrators:

Generating server: MKT-EXCH01.STATEFISHCO.NET

christophercannon@portla.org

server-16.tower-46.message-labs.com #550-Invalid recipient
<christophercannon@portla.org> 550 (#5.1.1) ##

Original message headers:

Received: from MKT-EXCH01.STATEFISHCO.NET ([127.0.0.1]) by MKT-EXCH01 ([127.0.0.1]) with mapi; Wed, 7 Nov 2012 22:45:02 -0800
From: Janet Esposito <Janet_Esposito@statefish.com>
To: "christophercannon@portla.org" <christophercannon@portla.org>
Date: Wed, 7 Nov 2012 22:44:59 -0800
Subject: fast Lane
Thread-Topic: fast Lane
Thread-Index: Ac29fJNzMi75EZTMQsitKGtGHwdVtg==
Message-ID: <4F50188D-ADDF-4CCB-87D3-03A8EF04B16D@statefish.com>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
acceptlanguage: en-US
Content-Type: text/plain; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable
MIME-Version: 1.0

Reporting-MTA: dns; MKT-EXCH01.STATEFISHCO.NET Final-recipient: RFC822; christophercannon@portla.org Action: failed Status: 5.0.0 Remote-MTA: dns; server-16.tower-46.message-labs.com X-Supplementary-Info: 550 (#5.1.1)>

Dear mr cannon,

I am a stake holder in the Wilmington area. Our company State Fish has been located there since 1968. I am writing you today to express my support and concern for the SCIG project in the Port.

I realize the project will improve environmental concerns in the area, however, two companies in the area will be relocated and I am writing to express my concern for the negative impact it will have on one of them --Specifically, Fast Lane Transport.

A few years ago, State Fish experienced a similar threat to our business and I know first hand, the disruption to operations to future planning. I don't think the Port realizes how private businesses struggle with expenses, and uncertainty. It's my understanding that the relocation site for Fast Lane is inadequate. I am opposed to the port relocating a business to a site that does not sufficiently meet their needs.

While I support the SCIG, as a business person in the area, I do not want the port, a public agency, "taking" private property because it's plainly-- bad business and bad citizenship. Jobs will be lost if Fast Lane does not have a space they can expand into.

Thanks for the opportunity to voice my concerns.

Sincerely, Janet Esposito

Sent from my iPad

R76-1

1 **Comment Letter R76: Janet Esposito**

2 **Response to Comment R76-1**

3 Please see Master Response 8, Displaced Businesses.

4

LAW OFFICES OF RICHARD A. HAFT JR.
129 19TH STREET
MANHATTAN BEACH, CA. 90266
310 546-8712 (office) 310 628-0931 (cell)
rahaft@yahoo.com

November 7, 2012

Mr. Chris Cannon: Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
RE: SCIG Project CEQA Comments

Dear Mr. Cannon:

My office is special legal counsel for California Cartage Company (Cal Cartage), Three Rivers Trucking Inc. (Three Rivers), Los Angeles Harbor Grain Terminal (LA Grain), and San Pedro Forklift. The purpose of this letter is to formally put the Port of Los Angeles on notice that the Recirculated Draft EIR (DEIR) is misleading, inaccurate and frankly intentionally distorts the true facts to mislead the decision makers about both the environmental and economic impacts this SCIG Project (the "Project") will have on my clients which will culminate in the loss of almost 1000 Port jobs and a net loss from the Project of over 400 Port jobs.

THE NET RESULT OF THIS PROJECT WILL BE THE LOSS OF OVER 400 JOBS TO THE PORT OF LOS ANGELES AND THE CRIPPLING OF THE EXPORT CAPABILITY OF THE PORT OF LOS ANGELES. MOREOVER, THE MOVMENT OF IMPORTED GOODS WILL BE DIRECTLY AFFECTED BY THE LOSS OF THE PORT'S TRANSLOAD CAPABILITY AND ULTIMATELY LEAD TO THE MOVEMENT OF GOODS TO OTHER PORTS AROUND THE COUNTRY.

The description of the Project and its impacts on my four clients can be summarized by reviewing the DEIR's relevant Sections. These Sections represent what the Port believes are the socioeconomic

R77-1



impacts of the Project and the Port's conclusion that the Project will increase job growth by over 660 jobs by 2016.

The DEIR states in relevant parts the following:

PROJECT DESCRIPTION

1. Section 2.1 lines 17-20 " The proposed Project elements evaluated in this EIR include property acquisition by BNSF, the demolition of existing on-site structures, the termination of non-renewal of leases and the movement of some existing businesses to alternate locations being offered as part of the proposed Project.
2. Section 2.4.2.1 Page 2-18 "As a result, the LAHD has offered alternate sites that some businesses could elect to move to as part of the proposed Project. However the LAHD would not purchase any new properties and would not be responsible for constructing any new improvements at the alternate sites.

Lines 15-18 "of the existing businesses within the proposed Project site (Table 2-3) only three (a portion of California Cartage..... Are assumed to move to alternate sites on nearby properties for the purposes of this analysis"

Lines 25-30 " The displaced businesses for which no alternate locations were identified as part of the proposed Project or during the time of this analysis are assumed to move to other compatible areas in the general port vicinity as part of their own business operations and plans. Potential future locations identified would be subject to separate environmental review by the lead agency with jurisdiction over a particular site"

3. Section 2.4.2.1 Page 2-19 Lines 1-4 "This analysis assumes that California Cartage would move a portion of its operation to a 10-acre site where the current ACTA maintenance yard is located near the South Lead Track area" Line 6-9 "this analysis assumes that business operations could occur on the 10-acre site"
4. Table 2-3 The table acknowledges that Three Rivers, San Pedro Forklift and LA Grain will be displaced with no known alternative location.
5. Section 2.4.2.1 Page 2-20 Line 19-25 In their comment letter on the Draft EIR California Cartage stated that they would not be able to conduct a transloading operation on the 10 acre site and that it could only be used for storage and maintenance (Curry, 2012) In order to be conservative, however, this analysis assumes that a transloading operation or operation of a similar intensity could be conducted on the 10-acre parcel and the SCE parcel. Accordingly, the transloading activity at their current 105 acre site is assumed to be reduced by approximately 72 percent based on the available acreage at the new 10 acre alternate location and the existing 19-acre SCE parcel.

R77-1

6. Section 2.4.2.5 page 2-27 Southern California Edison Access Road. 2-33 Description of access to SCE properties.

7. Section 2.4.4 Proposed Project Operations “Upon opening, the facility would have approximately 93 employees (e.g. crane operators, train crews on site, hostler drivers, mechanics, clerks, inspectors, security personnel, and supervisors) which would increase to a maximum of 450 employees at full operation.”

Socioeconomics and Environmental Quality Page 7-25 Line 35 Port of Los Angeles Plan Objectives page 7-26 Objective 12 “To stimulate employment opportunities for workers residing in adjacent communities such as San Pedro and Wilmington-Harbor City.

Policies Policy 7 Decisions to undertake individual and specific development projects shall be based on consideration of alternative locations and designs to minimize environmental impacts”

R77-1

8. Economic Effects of Port Operations Page 7-28 lines 34-37. “the analysis concentrates on the rail yard component of the proposed Project because displaced businesses are assumed to maintain their business elsewhere in the immediate region with little change in activity levels, revenue or employment:

9. Socioeconomics Operation Section page 7-31 Lines 6-28

“implementation of the proposed Project could result in an increase in employment of between 660 jobs in 2016 to 1,096 jobs in 2046 and 2066” The majority of jobs are indirect and induced. The Project is currently occupied by seven businesses which collectively provide direct employment of over 1700 people..... California Cartage representing 1,050 jobs would have an alternate site available so their operations would continue and may be combined with another unknown site that California Cartage may choose to relocate to as part of its own business plan”.....The other businesses which consist of Three Rivers Trucking, San Pedro Forklift, LA Harbor Grain Terminal..... Would have to relocate to unknown sites based on their own business relocation plans. Even if these businesses are unable to relocate, their loss is not likely to translate into a permanent loss of jobs in the region because the nature of the jobs at such businesses is driven by port trade that would continue in the region and such jobs would be needed at other companies in the region. Therefore, any job or business loss that would occur if these businesses could not find relocation sites would be made up through increased (sp) from other businesses.”

The true facts that the public and the decision makers must understand are drastically different than are set forth herein.

R77-1

↑ In reality the job losses from my four client's businesses alone will exceed 1000, the import and the export capability of the Port of Los Angeles will be impacted negatively and the Port trade revenue from discretionary import and export material will move outside the region to the Ports of Oakland, Savannah, Norfolk, Seattle and New Jersey to name just a few. Discretionary export of fruits and grains destined for the Far East will re-locate to Oakland and the east coast; imports of shoes, small power equipment and National Brands will find their way to Seattle and Oakland as well as east coast locations.

Here are the real facts:

California Cartage: The company cannot operate any of its present transload business on the 10 acre alternative area that is described in the DEIR. Its customers including Yusen, Nissan Mitsubishi, Sumitomo, Hitachi, Sears, K-Mart, Lowes, Toys R Us, New Balance, American Suzuki, Samsonite and Home Depot require transload facilities as well as overweight corridor access. Without this infrastructure which will be lost as a result of the BNSF Project this transload business will be moved to alternate locations outside of the region.

Export operations will be moved entirely to Oakland and Seattle including frozen meats from companies such as JBS Swift, AJC poultry, Farmland Pork and Foodcare Beef; The exporting of metals, cooper and aluminum will be taken from the region.

R77-2

At peak seasons California Cartage employs over 700 workers at the Port plus over 150 Owner Operators to move this material throughout the system. The 700 jobs will be gone and many of the owner operators will not find enough trade work to remain in business.

Both California Cartage and Three Rivers may continue to have "parking privileges" through the leasing of Southern California Edison properties located within the Port. However, the DEIR only sets forth a one entrance road from the Willow off-ramp of the 710 Freeway. Using the well-worn phrase my way or the highway, the DEIR spells out an egress and ingress that leaves these companies with little options to utilize even the parking aspects of their present Port operations.

R77-3

Three Rivers Trucking (See attachment letter from Three Rivers; To summarize the letter: The company will move all of its operations which include 40,000 container moves to the Port of Oakland with the direct loss of 200 jobs and the further loss of work opportunities for over 100 independent trucking contractors. All of these overweight perishable commodities come from the San Joaquin Valley and will move out of the region. The only thing stated correctly in the DEIR is that this Project throws these four companies out of business and unlike the DEIR conclusions found in items 8 and 9 quoted above the region will lose this business, lose the exporting capability and lose the jobs for the local economy.

R77-4

↓ San Pedro Forklift represents the largest fumigation company for servicing imports and exports in the region. The company fumigates over 100 million dollars of cargo and is responsible for over 90% of air cargo arriving in Los Angeles International Airport and 75% of the Port cargo, both import and export. Because of the use of Methyl Bromide this operation cannot be moved to the cannery location at the

R77-4

↑ Port leaving the Port of Los Angeles without the infrastructure to fumigate imports and exports. Federal Law along with the AQMD permitting requires permitting of this facility at an alternate location almost impossible. The immediate loss of 30 full time jobs will occur along with the infrastructure loss.

R77-5

L A Grain handles over 60,000 containers that enter the Port via rail (75%) and truck (25%). The material that is exported comprises various forms of grain destined for Asia. The company occupies leased facilities at the Port and employs 50 full time employees and utilizes 30 owner operators. The grain exports of over ½ million tons represents 99% of the exporting grain movements out of the Port of Los Angeles and requires rail space for 150 railcars or one mile of track. Operations will be moved out of the region to the east coast to handle all Midwest grain movements and thereafter through the expanded Panama Canal to Asia. Neither the Port or the Project proponent BNSF has offered LA Grain any alternative for this crucial operation.

Statements and conclusions in the DEIR as represented in items 8 and 9 set forth above are not only factually incorrect but are nothing but fabricated lies to deceive the public and the decision makers into believing that there will be positive job growth from this Project.

The net results and the true facts are as follows:

The Project will have a net loss of permanent jobs in excess of 400 (assuming the Ports estimated job gains of up to 660 jobs (many indirect jobs) and 450 permanent jobs versus the loss of almost 1000 full time present jobs, plus the loss of job opportunities for over 250 independent owner operators.

The Project will destroy the export capability of the Port for grains, frozen produce and meats and will destroy the fumigation capability for air cargo and Port cargo both import and export.

The region will not keep any of this discretionary cargo which will in fact move to the Ports of Seattle; Oakland, New Jersey, Savannah and Norfolk.

R77-6

The Ports stated objectives (set forth in item 7 above) are not met and a vacuum is created in the Ports ability to service the major import companies as well as service the export markets for grain, fruit and meats as well as metals such as aluminum and copper.

The Port has in fact dropped the ball and has decided to throw out the non-union companies for the political gain of temporary union construction jobs which will last only two years, and a railroad operation that will employ less people than are now employed by my four clients at the Port.

Based on the foregoing one must review the California Code of Regulation, specifically Article 7, Sections 15080-15097.

R77-7

↓ The first issue is whether or not the project has environmental impacts. Clearly as set forth by the South Coast Air Quality Management District (AQMD) in its letter addressed to you on November 30, 2011, CEQA requires the Port to analyze health impacts and emissions impacts using a realistic baseline and to

R77-7

↑ evaluate alternatives and mitigation measure to address significant impacts. Based on the AQMD findings the DEIR fails to set forth the true air quality environmental impacts. With this as a baseline the Port must follow Code of Regulations Section 15091 which states that “no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental impacts of the project unless the public agency makes one or more written findings for each impact accompanied by an explanation for each finding. To conclude that the SCIG project will be a cleaner project than the transload operations at the Port is an outrageous statement especially given the fact that the trucks and operations within by client’s facilities have been subject to the Clean Trucks Program. This blatant disregard for the truth cannot be tolerated. The Project does not have to eliminate diesel emissions of its rail fleet until 2025 yet the Port CAAP clearly established a clean truck program fully operational in 2011.

R77-8

Section 15093 requires the Port to balance, based and supported by substantial evidence in the record, the economic, legal and social benefits of the project against the unavoidable environmental risks when determining whether to approve the project. This statement of Overriding Considerations as defined in this Section must be supported by substantial evidence in the record.

No such evidence exists in regard to the economic impacts of the project and in fact the entire economic underpinnings for “employment’ is a sham. Jobs will be lost, companies such as Three Rivers, LA Grain and California Cartage will need to relocate not in Los Angeles but in Ports located entirely in other regions of the country. The Port has no basis for any findings of Overriding Considerations as required by the Code of Regulations.

R77-9

As set forth above the DEIR identifies new potential locations for California Cartage. Unfortunately this alternative location is totally inadequate to handle any transload operations. A review of table2-3 then establishes the fact that my other three clients are totally displaced with nowhere to go. Thereafter the DEIR then sets forth its conclusions as shown in items 8 and 9 above by merely stating that all these companies will obviously find alternate locations within the region or other companies in the area will pick up the slack. The document then goes on to say that any relocation will be subject to a new EIR.

It is imperative to look at Item 2 above specifically lines 25-30 wherein the DEIR refers to new locations in the Port vicinity which will serve the displaced companies. Thereafter reference is made to Chapter 4 Cumulative Impacts pages 62-82.

The DEIR tries to have it both ways. If one were to assume there is available space within 20 miles of the Port then over 100,000 containers will need to be moved to these transload facilities from just these four companies that now operate within the Port. The number of containers will not change but the distance to and from the Port will require at least a 50% increase in truck moves given the extra time it will take to go from the Port to the new transload operations. The impacts of these extra trucks are not found in Section 4 of the Traffic study.

↓ If the companies can move where do they move to and what is the cumulative impact of each site on the overall traffic pattern and traffic studies set forth in the DEIR. We are talking about over 50,000 new truck trips to accommodate the 100,000 containers that are being taken from the Port facilities. Either

the DEIR needs to discuss the cumulative impacts of permitting these sites or it needs to admit that the majority of these 100,000 containers will be taken to another region with the loss of almost 1000 jobs. You cannot have it both ways.

R77-9

Not only has the DEIR failed to consider these economic and environmental impacts it has failed to produce a true traffic study based on how and where these businesses will operate. If you do not know where thousands of extra truck trips will operate in the alternate world of "relocation" how can you complete a traffic study and air quality review that is based on fact.

In light of these facts you would think that the DEIR would include, as required by law, a set of real alternatives, explain these alternatives in detail and allow the decision makers to come to a rational conclusion as the basis of approving the proposed project.

R77-10

In fact, the DEIR includes only two alternatives: No Project or a Reduced Project. CEQA requires that an EIR include a reasonable range of alternatives. Although the DEIR includes a long list of alternatives each was dismissed with no detailed analysis. The reasoning used to reject these alternatives is questionable and not based on the reality of the impacts of this proposed project. For example the DEIR states that the Terminal Island Joint Intermodal Terminal (TIJIT) alternative would meet at least some of the objectives and would have fewer community issues, avoid aesthetics and noise impacts and relocation of facilities such as Three Rivers. However, the DEIR rejects out of hand this alternative allegedly the result of a conclusion that it is incompatible with the Clean Water Act and the unavailability of mitigation credits for the biological impacts.

There are several flaws with the reasons this alternative is rejected. First, neither of the assumptions for rejection is supported by evidence within the DEIR. CEQA requires that the EIR act as a tool used to determine the project alternatives that is the least damaging practical alternative under the Clean Water Act. Here the DEIR simply concludes without any analysis that the TIJIT alternative would not be that alternative. Similarly, the DEIR does not explain why LAHD would be incapable of obtaining mitigation credits.

Lastly and most importantly CEQA requires that an EIR include a detailed analysis of potentially feasible alternatives. The potential for an alternative to have one or more impacts not caused by the project does not render an alternative infeasible. CEQA guidelines state: " If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effect of the project as proposed". (CEQA guidelines Section 15126.6 subd. (d)) By failing to include any detailed analysis of the TIJIT alternative it is unclear if this alternative would avoid or significantly lessen any of the other impacts caused by the proposed project. In conclusion, if nothing else this alternative should be considered within the DEIR in full detail.

R77-11

Many other alternatives are dismissed on the basis that a given site is not large enough to deal with the alleged increase in Port traffic over the next several decades. There is no basis in the DEIR for using a

R77-11

baseline study that is without merit. The 2004 Parsons report is not worthy of consideration and did not foresee the total collapse of cargo volumes since 2008. No mention of the loss of business resulting from the expansion of the Panama Canal is ever taken in consideration. Given the projections coming from east and gulf coast ports, the Ports of Los Angeles and Long Beach may suffer dramatic loss of business. This discussion is crucial to a baseline discussion of smaller alternatives. Moreover, the baseline analysis was performed pre- 2008. The world changed then but apparently the authors of the DEIR were asleep. There are studies that now show that smaller sites on dock will clearly be sufficient through the year 2035 yet no discussion of these studies can be found in the DEIR. Is not the question that needs to be answered the following: Do we need this Project or are there other alternatives that have less impacts and satisfy the Port needs?

R77-12

Other Alternatives were dismissed without adequate discussion; The Watson yard, West Anaheim and East of Anaheim all are viable alternatives and represent virtually no loss of employment and facilities at the Port. The DEIR is virtually worthless with a baseline and future growth projections that have no basis in fact and no meaningful discussion of these alternative sites.

In light of the devastating health and economic impacts to those residences and businesses within the path of this project the DEIR lacks the fundamental facts necessary to determine whether an alternative other than the proposed project exists . The DEIR eliminated all discussion of alternatives located inside the Port. This decision eliminates the opportunity to avoid net employment loss and eliminate potential health effects of emission on the neighboring Long Beach schools and residences. Why was the City of Long Beach and the Port of Long Beach not brought into this process? Surely, alternatives exist that lessen all the air quality, traffic and economic losses.

Moreover, the Port is losing its transload capability; its export capability and its fumigation capability with no apparent understanding of the effects this will have on the overall business and revenues. The total failure of the Port to consider its loss of infrastructure for transloading and export capability is stunning.

R77-13

The Port is required to consider Title 14 California Code of Regulations, Article 9 Section 15131. Specifically, this code section states: “ Despite the implication of these sections, CEQA does not focus exclusively on physical changes, and it is not exclusively physical in concern. For example, in Section 21083 (c) CEQA requires an agency to determine that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly...”

The Port has in effect acknowledged this criteria in developing the DEIR and discussing the socioeconomic issues. Unfortunately, the Port has taken the road less traveled in its lack of understanding of the true economic effects of the proposed Project.

R77-14

The following findings should be included in the decision reached by the Los Angeles Port Commissioners who have already through political appointment and the Mayor’s union bias decided that the Project will be approved. In order to make sure the record is accurate the Final EIR and the findings should include the following:



1. The Project will result in the loss of up to 1000 permanent Jobs from the following four companies being displaced at the Port: California Cartage; Three Rivers. LA Grain and San Pedro Forklift.
2. The Project will only require 450 permanent jobs to operate with up to 200 secondary speculative jobs causing a net loss of jobs at the Port of at least 400.
3. The Port will lose major import and export customers including 99% of the grain exports; 40,000 containers of fruit exports; several thousand containers of meat exports and upwards of 50,000 containers of inbound product and will further lose the ability to transload thousands of containers from major companies such as Target, Toys R Us, Sears. K=Mart, Lowes, New Balance, American Suzuki, Samsonite, Hitachi, Sumitomo, Nissan logistics, Mitsubishi logistics among others.
4. The Port will lose up to 75% of its import and export fumigation capability and 90% of the air cargo capability.
5. The customers of these companies will move out of the region for all discretionary loads and no other company in the region can or will pick up this work.

If the politicians want to then deal with the environmental damage caused by the project which others such as the NRDC are bringing forth and then deal with the human loss of net jobs in the region then they are legally within their rights to do so. However, the final EIR must set forth the real world and not the outright lies found in the socioeconomic discussion now found in this document. This document reflects political motivation to satisfy the BNSF and unions and is not an unbiased attempt to enlighten decision makers. CEQA was intended to be an unbiased factual guide to decision makers.

In conclusion this is a political document, not an unbiased informational study, motivated and conceived by the Los Angeles Mayor's office to meet a personal agenda for his own political gain once he leaves office and is not and cannot be an information document to show the true impacts on human beings both from an employment and health point of view. Unless the DEIR reflects the real socioeconomic impacts it is not legally defensible.

Thank you for allowing my clients to again set forth the true economic impacts of the proposed project, impacts that have been known to the Port of Los Angeles and ignored for political reasons. There is no legal justification for this to occur in 2012 some 40 years after the passage of CEQA.

Very truly yours.

Law Offices of Richard A. Haft Jr.

(original mailed)

1 Comment Letter R77: Law Offices of Richard A Haft, Jr.**2 Response to Comment R77-1**

3 This comment consists largely of re-statements of material in the RDEIR. With respect to
4 the statements regarding job and economic losses, please see Master Response 8,
5 Displaced Businesses, which explains that the issues raised in those statements are not
6 CEQA issues.

7 Response to Comment R77-2

8 Please see Master Response 8, Displaced Businesses, which addresses the issues of job
9 loss, overweight corridor access, and economic loss raised by the comment. The
10 comment's assertions regarding the likelihood of California Cartage leaving the San
11 Pedro area do not represent evidence. In any case, as the master response makes clear,
12 absent a physical change to the environment the loss of a business is not an issue
13 requiring analysis under CEQA. Regarding access for California Cartage and Three
14 Rivers to Southern California Edison property, please see the response to Comments
15 R119-8 and R147-6.

16 Response to Comment R77-3

17 Please see Master Response 8, Displaced Businesses, which addresses the issues of job
18 loss, overweight corridor access, and economic loss raised by the comment. The
19 comment's assertions regarding the likelihood of Three Rivers Trucking leaving the San
20 Pedro area do not represent evidence. In any case, as the master response makes clear,
21 absent a physical change to the environment the loss of a business is not an issue
22 requiring analysis under CEQA.

23 Response to Comment R77-4

24 Please see Master Response 8, Displaced Businesses, which addresses the issues of job
25 loss, businesses moving out of the area, and economic loss raised by the comment. The
26 comment's assertions regarding the likelihood of San Pedro Forklift leaving the San
27 Pedro area do not represent evidence. In any case, as the master response makes clear,
28 absent a physical change to the environment the loss of a business is not an issue
29 requiring analysis under CEQA. In addition, the Master Response makes it clear that the
30 comment's statement that the loss of San Pedro Forklift would leave the Port of Los
31 Angeles without fumigation capabilities is not correct: there is at least one other company
32 in the Port with substantially larger fumigation capabilities.

33 Response to Comment R77-5

34 Please see Master Response 8, Displaced Businesses, which addresses the issues of job
35 loss, businesses moving out of the area, and economic loss raised by the comment. The
36 comment's assertions regarding the likelihood of L.A. Harbor Grain leaving the San
37 Pedro area do not represent evidence. In any case, as the master response makes clear,
38 absent a physical change to the environment the loss of a business is not an issue
39 requiring analysis under CEQA. The master response explains that although LA Harbor
40 Grain is currently the only major transloader of grain near the port with rail access, other
41 potential grain transloading facilities have been proposed at Pier T at the Port of Long
42 Beach and in Shafter, California.

1 Response to Comment R77-6

2 Please see Master Response 8, Displaced Businesses, which addresses the issues of job
3 loss, businesses moving out of the area, and economic loss raised by the comment. The
4 commenter's reference to "California Code of Regulation Article 7, Sections 15080 –
5 15097" is general in nature and does not refer to any specific section of the DEIR or
6 RDEIR, so no response it necessary.

7 Response to Comment R77-7

8 The commenter refers to the comment by the South Coast Air Quality Management
9 District (SCAQMD) regarding health impacts and emissions impacts, baseline,
10 alternatives and mitigation measures, and is referred to the response to Comment R156
11 on these issues. Regarding "Code of Regulations Section 15091" the Board of Harbor
12 Commissioners will satisfy this requirement if it adopts the Final Findings of Fact and
13 Statement of Overriding Considerations in conjunction with its decision regarding
14 approval of the proposed Project. The RDEIR conducted its Project impact analyses in
15 accordance with CEQA by comparing the proposed Project to the baseline. The proposed
16 Project, like the existing businesses, would comply with the Clean Truck measures, as
17 explained in RDEIR Section 3.2.3.3. Regarding reduction of rail emissions, please see
18 RDEIR Section 3.2.4.3 and Appendix C1..

19 Response to Comment R77-8

20 Please see Master Response 8, Displaced Businesses, which addresses the economic
21 issues raised by the comment. The comment's assertions regarding the likelihood of
22 businesses leaving the San Pedro area and the statement that the "economic
23 underpinnings for 'employment' is a sham" do not represent evidence that would prompt
24 a re-evaluation under CEQA.

25 Response to Comment R77-9

26 Please see Master Response 8, Displaced Businesses. The RDEIR's cumulative analysis
27 includes background traffic in a broad area around the ports, and includes future growth
28 in such activities as cargo transport and transloading. In that way, the activities of
29 displaced businesses are included in the cumulative analysis. The comment attempts to
30 introduce a new source of truck trips to the RDEIR's cumulative analysis by claiming
31 that moving transloading operations from the project site to unknown sites elsewhere in
32 the port area would make drayage trips between the port terminals and the transloading
33 operations longer. That may or may not be true, depending on where the alternate sites
34 are, but in that case it is just as likely that the second leg of a transload operation, from
35 the transload facility to the downtown railyards, which the comment ignores, would be
36 shorter than at present. Both scenarios, however, are entirely speculative because it is not
37 known to where the existing transload operations might move. CEQA does not require an
38 EIR to speculate about possible future occurrences (*State Water Resources Control Bd.*
39 *Cases* (2006) 136 Cal. App. 4th 674, 797), and therefore the analysis in the RDEIR
40 complies with CEQA.

41

1 Response to Comment R77-10

2 The alternatives evaluated in the REIR are consistent with the requirements of CEQA, as
3 explained in Section 5.1 of the RDEIR. Please see Master Response 5, Alternatives, for
4 more detail. As a note, the comment's discussion of the TIJIT alternative appears to be
5 based upon the DEIR, not the RDEIR. In the RDEIR the TIJIT alternative was rejected
6 primarily on the basis of logistical constraints to high volumes of train traffic to and from
7 Terminal Island, although the fact that the LAHD does not have enough mitigation
8 credits to build the necessary land also makes that alternative infeasible.

9 Response to Comment R77-11

10 The comment appears to be alleging that 1) the RDEIR used the wrong baseline and 2)
11 that the cargo forecasts presented in the RDEIR have been rendered invalid by the 2008
12 recession. This comment, too, appears to be based upon the DEIR, not the RDEIR. The
13 RDEIR uses 2010 as the baseline year; the comment's mere assertion that the DEIR uses
14 "a baseline study that is without merit" is not evidence of an inadequacy in the RDEIR.

15 With respect to the cargo forecast, the RDEIR actually uses the 2009 forecast (Tioga,
16 2009) as the basis for analyzing intermodal cargo volumes. That forecast, like the
17 previous forecasts, does include assumptions about the enlarged Panama Canal, the
18 growth of other ports that could take discretionary cargo, and other factors affecting
19 cargo volumes at the San Pedro Bay ports. The commenter mentions "studies that now
20 show that smaller sites on dock will clearly be sufficient through the year 2035" but gives
21 no citations or summary of findings. Again, the mere statement does not constitute
22 evidence, and no re-analysis is warranted. Section 1.1.5 of the RDEIR clearly
23 demonstrates why on-dock facilities cannot handle all intermodal cargo, and that
24 discussion is supplemented by Master Response 6, On-Dock Rail.

25 References

26 Tioga. 2009. San Pedro Bay Container Forecast Update. Report prepared for the Ports of
27 Long Beach and Los Angeles. Prepared by the Tioga Group, Inc. and IHS Global Insight.
28 20 July 2009.

29 Response to Comment R77-12

30 The commenter is incorrect: the RDEIR did not "eliminate all discussion of alternatives
31 located inside the Port." In fact, as described in detail in Master Response 5, Alternatives,
32 alternative sites for a near-dock facility both inside and outside the ports were evaluated
33 before the SCIG project was proposed, and the sites mentioned in the comment were
34 rejected on the basis of several factors, including size, configuration, access to the
35 Alameda Corridor, and engineering constraints. The comment claims that several of the
36 alternative sites considered but rejected in the RDEIR are actually "viable alternatives,"
37 but presents no evidence whatsoever to that effect. Accordingly, the analysis of
38 alternatives in the RDEIR complies with the requirements of CEQA.

39 Response to Comment R77-13

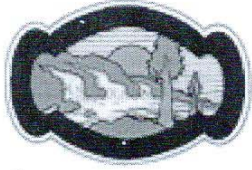
40 The comment is general and does not describe any CEQA inadequacies in the
41 socioeconomic analysis therefore no further response is required (Public Resources Code
42 § 21091(d); CEQA Guidelines § 15204(a)).

43

1 **Response to Comment R77-14**

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). With respect to the assertion
7 of various socioeconomic “findings” offered by the commenter regarding jobs and
8 business impacts, there is no evidence given to support such proposed findings, as
9 compared to the substantial evidence cited in the RDEIR Chapter 7 for the assumptions
10 and analysis contained therein.

11
12
13



Three Rivers Trucking, INC.

Richard Haft
RE: Three Rivers Trucking

To Whom It May Concern:

Pursuant to our previous conversation, here are some pertinent facts about the impact of the SCIG project on my business, jobs in the community, and business for the ports.

If Three Rivers Trucking is not provided with an alternative site we are out of business in Long Beach and Los Angeles. This business is highly specialized export cargo consisting primarily of the overweight trans loading of perishable commodities, namely fruit from the San Joaquin valley.

This cargo will move to the port of Oakland where I have another facility. This would mean the loss of 200 jobs and approximately 40,000 container moves to the port of LA and Long Beach. The 200 jobs are good wage jobs with health care, 401K and other benefits. Our employees are diverse, and many have college education. Many of our highest paid employees are females. Several are Hispanic females.

In addition to the direct loss of employee jobs, the destruction of Three Rivers would mean the loss of work for nearly 100 independent truckers and countless other local businesses who depend on the Three Rivers revenue stream.

Three Rivers Trucking is a 20 plus year local business that was built from the ground up and founded on the principle of providing great service to our customers by attracting high quality employees and empowering them to succeed. We have well served the industry, the cities of LA and Long Beach, and the ports. The death of Three Rivers will be a travesty of unconscionable magnitude.

Bruce White
Three Rivers Trucking

R78-1

1 **Comment Letter R78: Three Rivers Trucking**

2 **Response to Comment R78-1**

3 Please see Master Response 8, Displaced Businesses.

4

5

From: [Babcock-Doherty, Debra](#)
To: [Ochsner, Lisa](#)
Cc: [Havenick, Richard](#); [Anderson, Frank](#); [Hart, Chuck](#); [James, Jody](#); [Mardesich, Andrew](#); [Miller, John](#); [Nave, Pat](#); [Woodfield, Kathleen](#)
Subject: FW: Comment on SCIG
Date: Thursday, November 08, 2012 9:30:00 AM

-----Original Message-----

From: igornla@cox.net [<mailto:igornla@cox.net>]
Sent: Wednesday, November 07, 2012 3:38 PM
To: Babcock-Doherty, Debra
Subject: Re: Please review the draft Minutes of the October EIR Subcommittee meeting for approval at upcoming meeting

Hi Deb, Terry and I are here in the British Virgin Islands but we have e-mail. Greetings to the EIR Subcommittee and Port Staff.

I would like to ask you to share with the EIR subcommittee this comments or possible inclusion in our comments on the SCIG DEIR.

I also ask you to please forward this to the environmental division as my own personal comment:

"We are concerned that the SCIG DEIR fails to adequately analyze the growth inducing potential of the project in terms of potential for major induced growth in truck and train traffic and associated air pollution at the down town Hobart Rail Yard. Thus in our view the DEIR fails as an informational document. We call for further analysis of this issue.."

R79-1

THANKS, John

> -----Confidentiality

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1 **Comment Letter R79: John Miller**

2 **Response to Comment R79-1**

3 Please see Master Response 3, Hobart, which explains why the RDEIR correctly assumed
4 that there would be no growth at Hobart induced by the proposed Project.

5

From: [Cannon, Chris](#)
To: [Ochsner, Lisa](#)
Subject: FW: Social Science and Medicine: Study regarding premature death due to unemployment
Date: Thursday, November 08, 2012 6:04:49 AM
Attachments: [Pre-mature death due to unemployment.pdf](#)

Christopher Cannon
Environmental Management Division
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
310-732-3763 Dir
310-547-4643 Fax

From: Wally Baker [wally@wallybaker.com]
Sent: Thursday, November 08, 2012 5:50 AM
To: Cannon, Chris
Cc: Peter Peyton; ronmillerlaoc@sbcglobal.net; annemarie.otey@gmail.com
Subject: Social Science and Medicine: Study regarding premature death due to unemployment

Dear Mr. Cannon,

Please add the attached study to the record on the BNSF SCIG Project EIR process.

This study comes from credible academic sources and was researched by prominent experts. I discovered this study earlier this year. This research indicates that NOT building SCIG project, health wise, will cause premature death in many unemployed people. We must build SCIG to improve the health of local unemployed residents.

Thank you.

Wally Baker
Jobs 1st Alliance

R80-1

1 **Comment Letter R80: Wally Baker**

2 **Response to Comment R80-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment attaches a generic study and does not
6 reference any specific section of the DEIR or RDEIR, therefore no further response is
7 required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 The commenter attached a document. This document does not specifically address
9 sections of the RDEIR or its adequacy. Therefore, no response is provided. A copy of the
10 commenter’s attachment is included in the electronic versions (CD and POLA website) of
11 the Final EIR. The commenter’s attachment:

- 12 1. “Losing life and livelihood: A systemic review and meta-analysis of unemployment and
13 all-cause mortality”, Social Science and Medicine

14

From: [Lee F. White](#)
To: [Ceqacomment](#)
Cc: district7@jamesjohnsonlb.com; emendoza@lbschools.net; avega@lbschools.net; rarcher@lbschools.net; felton.williams.73@facebook.com
Subject: Personal Comment Regarding BNSF SCIG Project
Date: Thursday, November 08, 2012 9:08:06 AM

I am a resident of the Long Beach 7th District and a volunteer at Cabrillo High School west of where I reside and adjacent to the proposed project.

The revised Environmental Impact Report (EIR) for the Southern International Gateway (SCIG) project does not address public safety along Pacific Coast Highway, Willow nor Wardlow Road from the I-710.

When I walk or bicycle to school, I normally take Willow Avenue. Traffic is heavy on that route. However, knowing Pacific Coast Highway is a shorter walk, I recently decided to walk it to save time. It was the worse walk I recall ever experiencing. Deafening sound of traffic, odor and filth emitting from automobiles and trucks and the presence of so much traffic especially at the I-710 on and off ramps was overwhelming and stressful. A myriad of potential problems and risks crossed my mind in that short distance. There is no doubt a routine walk, bike ride or residing in the vicinity has mental and health risks.

Pacific Coast Highway and Willow Avenue are two main traffic arteries leading to the proposed Burlington Northern Santa Fe (BNSF) rail yard development. A development of this magnitude will have a tremendous negative effect on an already impacted corridor. Construction plans indicate the development will require more than a thousand employees. Those are new commuters to the area. While completion of the development proposes removal of a large volume of trucks from the I-710 freeway, it will be quite a while before that materializes. In the meantime, in addition to existing truck conditions, there will construction trucks, machinery and automobile traffic as employees commute to work.

The redesigned bridge at the Pacific Coast Highway entrance to the BNSF SCIG development is remarkably larger than the current bridge. The marked increase in truck volume alone will make for a negative living, bicyclist and pedestrian experience in the area.

Economic growth and a greener, healthier environment is needed in the Long Beach West side community. My experience walking the corridor taught me that the impact of a large industrial facility in the vicinity of my neighborhood schools creates conditions I do not want to endure again. I am concerned that developing and sustaining the BNSF rail yard would do more harm than good for the community in its shadows, West Side Long Beach or any community where people live and children attend school.

Thank you for considering my concerns.

Lee White
2276 Oregon Avenue,
Long Beach CA 90806

Cabrillo High School Parent Center, PTSA Volunteer
(562) 810-1308 cell
Email: chsptsa90810@charter.net

R81-1

1 Comment Letter R81: Lee White**2 Response to Comment R81-1**

3 The proposed Project is intended to serve international intermodal containers related to
4 the San Pedro Bay Ports terminals and as such includes as a project feature mandatory
5 truck routes for project-related trucks traveling between the proposed Project site and the
6 port terminals (see RDEIR Figure 3.10-5). Those routes do not include Willow Street
7 (located approximately 1 mile north of the closest portion of the project's designated
8 truck route), do not include Wardlow Road (located approximately 2.25 miles north of
9 the closest portion of the designated truck route), and do not include Pacific Coast
10 Highway east of SR-103. While existing traffic levels are important issues to POLA,
11 fixing existing issues are beyond the scope of the CEQA analysis for an individual
12 project. (See *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal. App.
13 4th 1059 ["The FEIR was not required to resolve the [existing] overdraft problem, a feat
14 that was far beyond its scope."]) Please also see the response to Comment R92-24.

15

16

Oct 18, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon:

My name is Julie Turner and I work in the Wilmington and San Pedro communities. I would like to express support for BNSF Railway's proposed Southern California International Gateway project with the addition of a more comprehensive plan to successfully relocate Fastlane Transportation.

BNSF and Fastlane have been longtime supporters of many non profit organizations demonstrating that they are good corporate citizen.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

The updated report also needs to more specifically address the needs of Fastlane Transportation. Concerns have been identified and need to be addressed/resolved in an equitable way related to land being appropriate for the efficient storage, stacking and repair of containers, the timely replacement of infrastructure with no interruption of business, and unimpeded access (no rail obstruction).

The jobs created by BNSF and environmental enhancements make this project important to improving the lives of those in adjacent communities.

We urge you to address the relocation needs and then approve SCIG.

Sincerely,

Julie Turner

R82-1

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

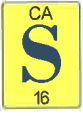
Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R82: Julie Turner**

2 **Response to Comment R82-1**

3 Please see Master Response 8, Displaced Businesses.

4



November 5, 2012

Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

Subject: Comments on the SCIG Project Draft EIR (ADP No. 041027-199)
SCH# 2005091116

Dear Mr. Cannon:

We are providing comments on the Recirculated Draft Environmental Impact Report (EIR) (ADP No. 041027-199; SCH# 2005091116) for the Southern California International Gateway (SCIG) Project, which was released for public review on September 27, 2012. The proposed SCIG Project is a new near-dock intermodal rail facility located in the northeast corner of Wilmington. The proposed Project elements evaluated in the EIR include property acquisition, the termination or nonrenewal of leases and relocation of businesses, and construction and operation of an intermodal rail facility (Draft EIR p. 2-1). The project would also create badly needed construction and operational jobs, reduce the number of truck trips to downtown rail yards and implement green container transfer technologies at the rail yard.

California Sulphur Company (CSC) is located on Port of Los Angeles (Port) industrial property in Wilmington just south of the proposed SCIG Project (Figure 1). CSC is bordered on the West by the Dominguez Channel, on the North by a container storage area, to the East by the Port of Los Angeles crushing yard, and to the immediate South by an active rail line. Molten sulfur is delivered daily to the CSC facility as a liquid product from local refineries via tanker truck. Once the sulfur is converted to pellets it is delivered by truck to Port terminals for export. The only truck access to the CSC facility is from Pacific Coast Highway, at the southern end of the proposed main SCIG Project site, and a narrow access road that parallels the Dominguez Channel.

In a letter dated January 26, 2012, CSC provided written comments on the Draft SCIG EIR released in 2011. After reviewing the Recirculated Draft EIR, we believe that our original comments still require consideration, and we have additional comments based on new information that has been included in the Recirculated Draft EIR. We have consolidated/included all of our comments on the 2011 Draft and the 2012 Recirculated Draft EIRs in this comment letter.

R83-1

While CSC is not included in the project boundaries (Recirculated Draft EIR Figures 2-2 and 2-5) nor identified as affected by the proposed project (Recirculated Draft EIR Table

2250 East Pacific Coast Highway
Wilmington, CA 90744
(562) 437-0768 Fax (562) 436-7866

Mailing Address:
P.O. Box 176
Wilmington, CA 90748

2-1 and 2-3), some elements of the project have the potential to directly or indirectly affect our operations.

R83-1

1. Access During Construction. Truck and rail access to the proposed SCIG project will require construction of a new Pacific Coast Highway Grade Separation, which would be built over a 22-month period (Recirculated Draft EIR Figure 2-8). The EIR assumes that there is no direct, indirect or cumulative traffic impact during demolition, construction (and associated staging and laydown areas), due to the presence of a Port-required Traffic Management Plan that has not yet been written (Recirculated Draft EIR pp. 2-31). Since a third party, BNSF, would be constructing the project, the Traffic Management Plan should be included as a mitigation measure, which can be monitored, rather than as an assumption in the project description which may or may not be included in design documents. Absent including the Traffic Management Plan as a mitigation measure, CSC requests that the Final EIR, in response to this letter, include a confirmation that the Traffic Management Plan shall provide for continuous unhindered access to the CSC facility from Pacific Coast Highway during project construction.

R83-2

2. Use of the CSC Access Road by Relocation Candidates. The proposed SCIG project could result in the partial relocation of Cal Cartage or some other operator to an area of Port property just south of the CSC facility (Figure 1), i.e., the "10-acre parcel". This site is presently bounded on all sides by rail tracks and following construction of the SCIG Project, will also be bounded by the BNSF South Lead Track. We could not find in the 2011 Draft EIR how Cal Cartage or some other operator would gain access to this area, which is completely surrounded by operating rail tracks, nor could we find the exact number of trucks entering and leaving this and other relocation sites. The 2012 Recirculated Draft EIR now identifies the CSC access road and the CSC emergency access gate as the access to the relocation site located across the rail lines to the south of CSC (Recirculated Draft EIR pp: 3.8-24, lines 46-49; 3.8-25, lines 1-4; and 3.10-29, lines 3-5) (see Figure 2). While we were unable to find the number of trucks entering and leaving this and other relocations sites, we estimate this could result in several hundred thousand truck trips to and from the relocation sites. The proposed route to the 10-acre relocation parcel would jeopardize the continued operation of CSC for the following reasons:

- a. The access roadway, which is very narrow, is not designed for heavy two-way traffic. Routing thousands of trucks down this narrow roadway would result in congestion and hazardous traffic conditions.
- b. The east-west roadway leading to the emergency entry across the railroad tracks is within the California Sulphur secure leasehold and behind California Sulphur's facility exit gate (Figure 2).
- c. The east-west roadway is single lane and one-way in the westerly direction and could not accommodate two-way traffic, which would prohibit exit of empty liquid sulfur trucks and trucks carrying sulfur outbound during ship loadings (Figure 2).
- d. The CSC liquid sulfur unloading rack was designed for use by outgoing/empty

R83-2

- liquid sulfur trucks and to change the internal flow would require a complete redesign of the CSC including structural elements (e.g. the unloading rack).
- e. The access roadway crossing the tracks is an emergency access and not a suitable design for heavy traffic and trucks would be unable to make a right turn through the crossing due to the size of the crossing and crossing gate. The turn from the crossing onto the CSC property is also the location of the CSC propane tank.
 - f. The uncontrolled traffic through the CSC facility would place a burden on CSC in complying with both its NPDES (Water Board) and Open Storage Permit (AQMD) Conditions and Best Management Practices especially in regard to control of fugitive dust and increase in contaminants in runoff. Excessive dust also has the potential to contaminate the adjacent stockpile of pure sulphur.
 - g. The increase in uncontrolled traffic inside the CSC facility would result in a significant unacceptable safety hazard for CSC employees.

R83-3

In the Final EIR, please provide traffic counts and level of service calculations for roadways and intersections (e.g. at the intersection of CSC entry and exit gates to the access road) that allow access to these sites or where in the Recirculated Draft EIR such calculations and analyses can be found. Further, the Final EIR should include a determination as to how utilization of this access route is not considered a significant impact or alternatively, provide for a different access to the relocation site, perhaps using the crossing at Foote Street. We would be happy to do a site walk of the area to discuss feasible alternative routes.

R83-4

R83-5

3. CSC Emergency Access. As mentioned above, emergency access to the CSC facility required by the Fire Department is on the southeast corner of the facility and provides access via East Grant Street across the rail tracks (Figure 1). Since Grant and Foote Streets have been vacated by the City, it is not certain how CSC would gain emergency access to their facility with an operating container facility in the relocation site. Since this was not identified as a significant effect in the Recirculated Draft EIR (e.g., see Recirculated Draft EIR Section 3.11), please identify the project element/measure in place that would allow the required emergency access to the CSC facility.

Thank you for the opportunity to comment on the SCIG Project Recirculated Draft EIR. We look forward to your response to our issues. If you have any comments, please contact me at 562-437-0768.

Sincerely,



Jack Babbitt, President
California Sulphur Company

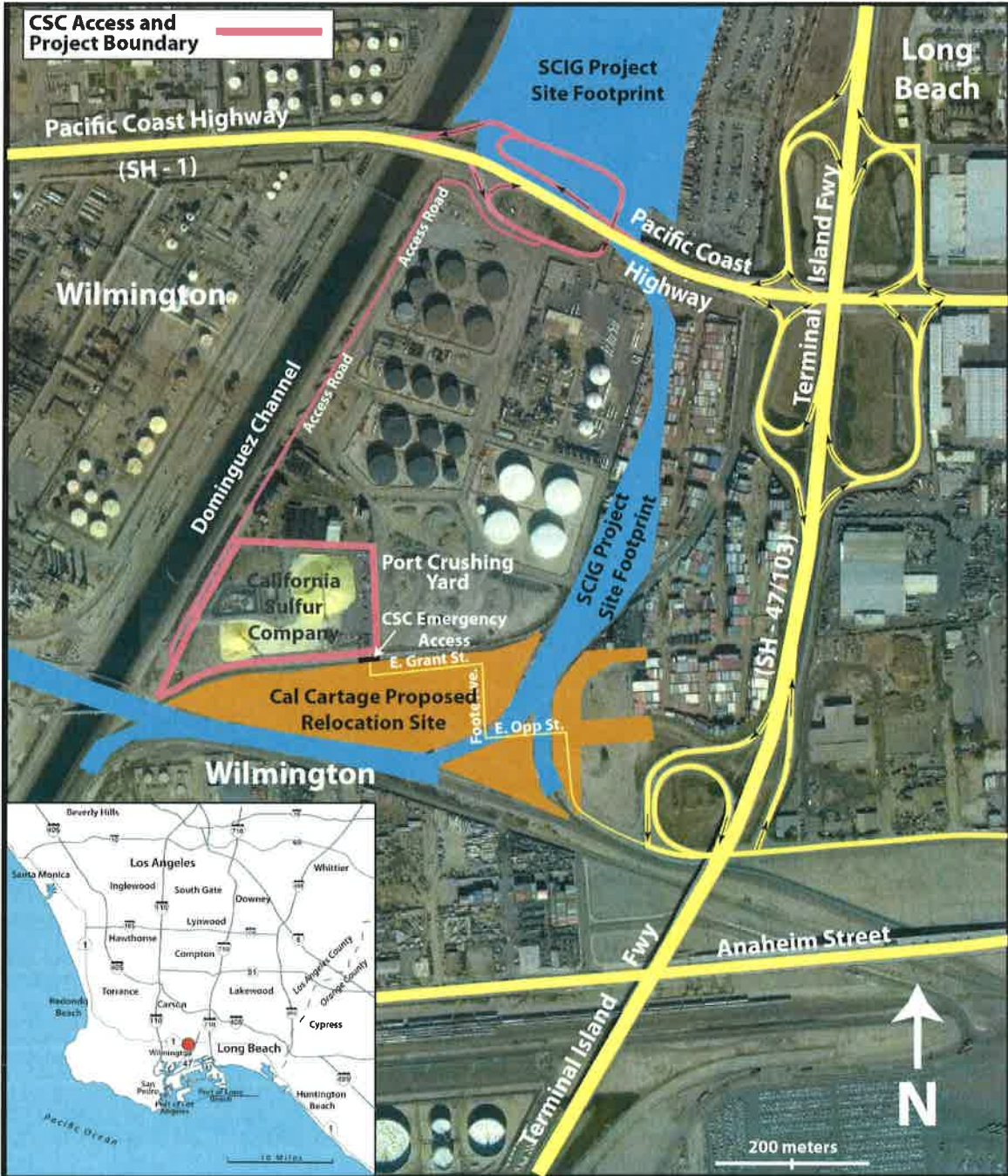


Figure 1. California Sulfur Company (CSC) locality and access route relative to the SCIG Project and Relocation Sites.



Figure 2. California Sulphur Company property/facility and proposed Port access route to the 10-acre relocation site.

1 **Comment Letter R83: California Sulphur Company**

2 **Response to Comment R83-1**

3 The commenter has stated it has incorporated comments on the 2011 Draft EIR within its
4 RDEIR comments. Regarding comments on the 2011 Draft EIR, please see Master
5 Response 13, DEIR and RDEIR Comment Letters. The commenter recommends that the
6 Traffic Management Plan (TMP) should be a mitigation measure rather than a project
7 assumption for monitoring purposes even though the RDEIR did not identify any direct,
8 indirect, or cumulative traffic impacts during construction. Mitigation under CEQA is
9 only required for reducing or avoiding significant environmental impacts. As discussed in
10 Section 3.10.3.5.1 of the RDEIR, construction worker trips and truck trips would not
11 exceed the LOS threshold of significance and therefore, traffic impacts during
12 construction would be less than significant. Nevertheless, as suggested by the commenter,
13 the TMP will be incorporated into the MMRP, in a table that is separate and distinct from
14 CEQA mitigation measures, for tracking and reporting purposes in order to ensure
15 compliance with this project requirement during construction. With respect to access to
16 the California Sulphur Company (CSC) facility during project construction, all access
17 that CSC has presently would be maintained throughout project construction. There may
18 be modifications at times to the configuration of the access, but CSC would have
19 continuous access to and from both eastbound and westbound PCH during project
20 construction.

21 **Response to Comment R83-2**

22 The commenter includes a comment on the 2011 DEIR regarding a question of access to
23 the 10-acre parcel south of Pacific Coast Highway (PCH) currently occupied by the
24 ACTA maintenance yard, identified in RDEIR Section 2.4.2.1 as a potential alternate site
25 for California Cartage. This comment is on information in a chapter that was substantially
26 revised in the RDEIR, Chapter 2, Project Description which superseded the DEIR
27 Chapter 2. Therefore, the LAHD is no required to respond to comments on superseded
28 chapters, as explained in Master Response 13, Previous DEIR and RDEIR Comment
29 Letters. The RDEIR assumed, for analysis purposes only, that California Cartage would
30 move to the 10-acre alternate site being offered as part of the proposed Project. The
31 number of trucks entering and leaving the 10-acre alternate site is detailed in Table 3.10-
32 23 of the RDEIR. With respect to use of the CSC access road for the 10-acre alternate
33 site, access to the alternate business sites would actually be provided across an at-grade
34 crossing at the proposed South Lead Track for SCIG to E. Opp Street with another at-
35 grade crossing to Farragut Ave. and then to East "I" Street leading to Anaheim Street,
36 which was analyzed in the RDEIR (see Section 3.10.3.3.2). Access to the north via the
37 road that serves the CSC facility and connects to PCH would not occur. The FEIR will
38 be modified to include this correction. As such, the points raised by CSC regarding
39 configuration of the access road for two-way truck traffic and resulting traffic volumes
40 and level of service, emergency access, safety and operational issues at the CSC facility
41 are no longer applicable and do not require written responses. :

42 **Response to Comment R83-3**

43 See response to Comment R83-2. Traffic counts are not needed at the cited intersection
44 because access to the alternate business sites would not use the CSC access.

1 **Response to Comment R83-4**

2 Please see the response to Comment R83-2.

3 **Response to Comment R83-5**

4 With respect to emergency access to the CSC facility, there is currently no final design
5 for the SCIG South Lead Track and the resulting crossing, in part because it is not yet
6 known which business would actually occupy the 10-acre alternate site. The Project
7 includes emergency access to the CSC facility via East Grant Street and the business
8 moving to the 10-acre alternate site.

9



November 1, 2012

VIA EMAIL AND U.S. MAIL

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Updated Draft Environmental Impact Report for Southern California International Gateway

Dear Mr. Cannon:

I would like to reiterate my comment regarding accusations that jobs associated with current tenants, like Cal Cartage, will be lost if the SCIG facility is built.

R84-1

It was suggested during some of the meetings that beneficial cargo owners pick the port of entry based on the use a specific vendor. In fact, a cargo owner is more likely to pick a port based on infrastructure, like the new SCIG facility. This great facility is a far more important consideration for relocating to your port than choosing which trucking company or vendor they hire to move their cargo. That means that there are many, many trucking vendors versus one SCIG. This also makes the facility very critical to the port's attractiveness and this is why you must approve this facility without further delay.

I know from many years at the LAEDC that this kind of displacement argument isn't an economically accurate one.

If you recall, during the Clean Truck Program debates, Cal Cartage argued that its truck drivers were independent owner-operators and the program should not force them to become employees. This fact can easily be checked. At that time, I recall the Company claimed to have about 800-1,000 contract drivers.

R84-2

Now opponents of the SCIG are trying to say that Cal Cartage has 800-1,000 "employees" and that relocating Cal Cartage would cause those trucking industry jobs to go away. Not true.

Again, retailers do not base their port-of-entry decisions on whether a particular trucking company exists. In the unlikely event that a company like a Cal Cartage would close its doors and not relocate locally, a competitor company — of which there are many — will quickly absorb those container moves and employees in their



workforce. The associated jobs will simply move to other firms. So in this real world economic scenario, the associated jobs at the current Cal Cartage facility will go to work for other firms should Cal Cartage leave the market entirely.

R84-2

Finally, Cal Cartage's business does not depend on a particular site location. There are millions of square feet of commercial trans-loading space available in the South Bay area and many of those facilities are already permitted for this type of business. It should be noted that recently Cal Cartage acquired 330,000 square feet of warehouse space next door in the City of Carson. Similar space can be found for Cal Cartage's SCIG site operations. Consequently, there will be no job loss when they move into this new facility.

I do not blame Cal Cartage for using this situation to raise the ante on their buyout price by the Port of LA when the SCIG facility gets built and they have to move. That's smart business strategy on their part.

R84-3

Fortunately, the economics of this situation mean the current jobs and workforce will remain. When you add the fact that SCIG is the greenest intermodal facility ever proposed, we can keep the product moving faster and cleaner while we increase net jobs, which is what our organization is all about.

Beat the Canal!

Sincerely,

A handwritten signature in blue ink, appearing to read "Wally Baker", with a long horizontal flourish extending to the right.

Wally Baker
President
Jobs 1st Alliance

1 **Comment Letter R84:Jobs 1st Alliance**

2 **Response to Comment R84-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). The commenter is referred
8 to Master Response 8, Displaced Businesses, which discusses job loss issues,

9 **Response to Comment R84-2**

10 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
11 and is therefore before the decision-makers for their consideration prior to taking any
12 action on the SCIG project. The comment is general and does not reference any specific
13 section of the DEIR or RDEIR, therefore no further response is required. (Public
14 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). The commenter is referred
15 to Master Response 8, Displaced Businesses, which discusses job loss issues.

16 **Response to Comment R84-3**

17 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
18 and is therefore before the decision-makers for their consideration prior to taking any
19 action on the SCIG project. The comment is general and does not reference any specific
20 section of the DEIR or RDEIR, therefore no further response is required. (Public
21 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). The commenter is referred
22 to Master Response 8, Displaced Businesses, which discusses job loss issues.

23



Harbor Interfaith Services

Empowering the Homeless and Working Poor



TRANSMITTAL

DATE:	11/01/2012
Attention:	Chris Cannon, Director of Environmental Management
Company:	Port of Los Angeles
RE:	Support for the Southern California International Gateway

URGENT
 REPLY ASAP
 PLEASE COMMENT
 PLEASE REVIEW
 FOR YOUR INFORMATION

COMMENTS:

Mr. Cannon,
Please find enclosed seventeen (17) original and signed letters of support for the Southern California International Gateway project.

We look forward to completion of this project.

Thank you,

Diva R. Ramirez, Executive Assistant
Per Caroline Brady-Sinco, Development Director

CC: Mayor Antonio Villaraigosa, Mayor, City of Los Angeles
Geraldine Knatz, Ph.D, Executive Director, Port of Los Angeles
Los Angeles Board of Harbor Commissioners

Sent Via:	Date:
USPS	11/01/2012

670 West 9th Street, San Pedro, CA 90731
phone (310) 831-0603 | fax (310) 831-1997
DRamirez@harborinterfaith.org | Off.Mgr@harborinterfaith.org
www.HarborInterfaith.org

R85-1

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

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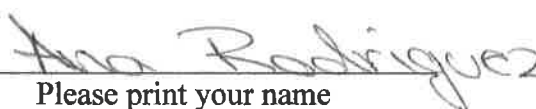
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The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, taking children on the Santa Train, sponsoring our holiday activities and our annual fundraising events.

We urge prompt review and approval of SCIG.

Sincerely,


Signature


Please print your name

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
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Los Angeles, CA 90012

Geraldine Knatz, Ph.D
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Sincerely,


Signature

Michael Deers
Please print your name

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
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San Pedro, CA 90731

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Sincerely,


Signature

IVAN ACOSTA
Please print your name

670 9th St
Address

SAN PEDRO, CA 90731
City, state, zip

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
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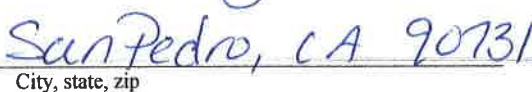
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Signature


Please print your name


Address


City, state, zip

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Los Angeles, CA 90012

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We urge prompt review and approval of SCIG.

Sincerely,



Gilbert Suarez

Signature

Please print your name

484 W. 3rd St. San Pedro, CA 90731

Address

City, state, zip

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

R85-1



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425 South Palos Verdes Street
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a volunteer
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Sincerely,

Richard M. Ellison
Signature

Richard M Ellison
Please print your name

28006 S. Western Ave #367
Address

San Pedro, CA 90274
City, state, zip

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
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Sincerely,


Signature

Elizabeth Mora
Please print your name

1235 W 256th Street
Address

Harbor City, CA, 90710
City, state, zip

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
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Sincerely,

Signature

Diva Renee Ramirez

Please print your name 10/24/12

2225 South Pacific Avenue
San Pedro CA 90731

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
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Los Angeles Board of Harbor Commissioners
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Lindsey Evans.
670 W. 9th St.
San Pedro, CA 90731

R85-1

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The updated environmental report for SCIG confirmed BNSF's commitment to our community. The new yard will clean up the air, remove 1.5 million trucks from the 710 freeway and create thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of whom are children. Homeless children suffer from asthma and other respiratory ailments at a higher rate than other children. The SCIG project will improve air quality and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, taking children on the Santa Train, sponsoring our holiday activities and our annual fundraising events.

We urge prompt review and approval of SCIG.

Sincerely,

Signature

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

Mania Cervantes

Please print your name

670 W. 9th St.
San Pedro, CA 90731

R85-1

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

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Sincerely,



Signature

Alma Herrera

Please print your name

670 W. 9th St.
San Pedro, CA 90731

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Los Angeles Board of Harbor Commissioners
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San Pedro, CA 90731

Manuel Castillo

670 W. 9th St.
San Pedro, CA 90731

R85-1

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We urge prompt review and approval of SCIG.

Sincerely,



Signature

Martha Flecha-Raza.

Please print your name

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

670 W. Ninth St.
San Pedro, CA 90731

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Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
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R85-1

October 24, 2012

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Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

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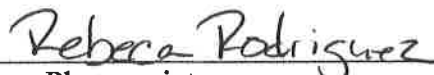
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Sincerely,


Signature


Please print your name

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Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

670 W. Ninth St.
San Pedro, CA 90731

Geraldine Knatz, Ph.D.
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

R85-1

1 **Comment Letter R85: Harbor Interfaith Services**

2 **Response to Comment R85-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



Ms. Mary Jo Walker
1379 W 12th St
San Pedro, CA 90732-3811



Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a resident of San Pedro, I wish to express my strong support for the Southern California International Gateway (SCIG).

I share concerns about unemployment, traffic congestion and air quality, but BNSF's proposal responds to all three of these concerns. SCIG will improve air quality, increase use of trains to move cargo from our ports, reduce truck traffic on the 710 freeway and bring much needed jobs to our neighborhood.

Specifically, SCIG will reduce the total number of truck trips on residential streets. I support the fact that SCIG trucks will be prohibited from using local streets and instead will be confined to the designated truck routes. The reduction in air emissions from the project will also reduce greenhouse gas emissions and will help fight global warming.

The updated report showed that SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.

I support BNSF's project because it will bring clean technology to my community, while reducing traffic congestion and providing good jobs.

Sincerely,

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

R86-1

11/5/2012

1 **Comment Letter R86: Mary Jo Walker**

2 **Response to Comment R86-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON CHAN
Chief Engineer and General Manager

November 6, 2012

Ref. File No: 2368394



Mr. Christopher Cannon
Director of Environmental Management Division
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon:

Southern California International Gateway Project

The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Availability for a Recirculated Draft Environmental Impact Report for the subject project on September 26, 2012. The proposed development is located within the jurisdictional boundaries of Districts Nos. 3 and 8. We offer the following comments regarding sewerage service:

R87-1

- The Districts maintain sewerage facilities within the project area that may be affected by the proposed project. Approval to construct improvements within a Districts' sewer easement and/or over or near a Districts' sewer is required before construction may begin. For a copy of the Districts' buildover procedures and requirements, go to www.lacsd.org, Wastewater & Sewer Systems, and click on Buildover Procedures. For more specific information regarding the buildover procedure, please contact Mr. Ronnie Burtner at extension 2766.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Grace Robinson Chan

Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR: ar

c: R. Burtner

1 **Comment Letter R87: County Sanitation Districts of Los Angeles**
2 **County**

3 **Response to Comment R87-1**

4 Thank you for your comment. The comment refers to a section of the DEIR that was not
5 recirculated (Section 3.11, Utilities and Public Services); accordingly, please see Master
6 Response 13, Draft EIR and REIR Comment Letters. The comment is noted and is hereby
7 part of the Final EIR, and is therefore before the decision-makers for their consideration
8 prior to taking any action on the SCIG project. The comment is general and does not
9 reference any specific section of the DEIR or RDEIR, therefore no further response is
10 required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).
11



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Steven G. Fink
Fifteen Group LLC

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Victor J. Gold
Loyola Law School

The Honorable John A. Pérez
California State Assembly

Denise De La Rosa Salazar
Urban Strategies, Inc.

Teresa Samaniego
ABC7

R88-1

Jeremy H. Stern
Google

Advisory Committee

John E. Anderson, Jr.
Ace Beverage Co.

Lee Baca
Los Angeles County
Sheriff's Department

Maria Pilar Hoya
Latham & Watkins LLP

November 6, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Support for the Southern California International Gateway

Dear Mr. Cannon:

I want to take this opportunity to express my appreciation on behalf of the student body, board, and staff of PUENTE Learning Center for all that BNSF Railway Company does for our community.

I became acquainted with the admirable work of BNSF through PUENTE's charity golf tournament. For several years now, BNSF has been an important participant in the event, which helps to fund PUENTE's vital programs.

For the past 27 years, PUENTE has provided educational and workforce training programs to more than 85,000 children, youth, and adults in impoverished neighborhoods of Boyle Heights and South Los Angeles.

We are able to provide these important services to the community because of donations from good corporate citizens such as BNSF. The generosity of BNSF is much appreciated.

Sincerely,

Luis E. Márquez
Chief Executive Officer

cc: Mayor Antonio Villaraigosa
Geraldine Knatz, Ph.D.
Cindy Miscikowski
David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn

1 **Comment Letter R88: Puente Learning Center**

2 **Response to Comment R88-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6711 FAX (562) 570-7650

November 8, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Comments on Southern California International Gateway (SCIG) Recirculated Draft Environmental Impact Report

Dear Mr. Cannon:

The City of Long Beach (City) appreciates the opportunity to provide comments on the Recirculated Draft Environmental Impact Report (Recirculated Draft EIR) for the Southern California International Gateway (SCIG) Project, hereafter referred to as the Project.

R89-1 In reviewing the key environmental challenges facing the City in the new millennium, the overall social, economic and health impacts to the City of Long Beach due to the growth and expansion of port operations in Los Angeles and Long Beach, and the associated goods movement from these two economic engines, remain paramount. The City is strongly supportive of the modifications the City of Los Angeles Harbor Department (PoLA) has made to the Project and the additional analysis conducted under the Recirculated Draft EIR. It is fair to say, though, that the City remains underwhelmed by the PoLA's lack of leadership and vision in attempting to balance economic growth with social and environmental justice issues facing an overburdened and underserved West Long Beach neighborhood. In addition, we contend that the mitigation measures included in this Recirculated DEIR fails to reduce project impacts to an acceptable level, and do not adequately protect our neighborhoods and the sensitive receptors that will be impacted by this project. As such, in addition to the comments related to the specific deficiencies in the Recirculated DEIR, the City of Long Beach suggests a couple of mitigation projects that would balance community needs with continued goods movement to and through the Project and would not exacerbate existing land use conflicts between industry and neighborhoods.

Terminal Island Reconfiguration and Parkway Mitigation Project

R89-2 As you know, the City does not support continued reliance on the existing Terminal Island Freeway north of Pacific Coast Highway as the major truck route to the Project site. The environmental impacts of its continued operation and expansion under the Project are factual and known, and remain woefully understated in this Recirculated DEIR. It is the

responsibility of the Project proponents to provide the necessary vision to mitigate these environmental impacts. To that end, the City of Long Beach proposes a requirements for the “de-intensification” of the Terminal Island Freeway (north of Pacific Coast Highway) to a local boulevard, which would require the major truck access route to be Alameda Street outside of City limits and would repurpose a portion of the de-intensified Terminal Island Freeway to a professionally designed passive landscaped buffer.

The newly reconfigured Terminal Island Parkway Mitigation Project would downgrade the City-owned section of the existing Terminal Island Freeway north of Pacific Coast Highway, consolidate roadway lanes and medians into a local street with one lane in each direction and would lose its designation as a truck route. These changes are more fitting for localized traffic circulation as opposed to regional goods movement. As stated earlier, the truck route between the two Ports and the Project would occur on Alameda, thereby relieving the beleaguered West Long Beach community from bearing the brunt of operational impacts from the Project. The ultimate roadway configuration and eventual roadway placement (either on the far western or far eastern boundaries of the existing right-of-way) would result in a minimum 75’–100’ wide landscaped buffer that would provide further separation between existing sensitive receptors and remaining goods movements and industrial uses that will remain to the west, outside of the City’s limits. If properly configured, the new local street could resolve existing traffic circulation issues at San Gabriel Avenue/20th Street and at Willow Street, thereby enhancing local traffic movements and reducing traffic impacts associated with the current Project. Project proponents should also examine the feasibility of incorporating existing right-of-way owned by Southern California Edison in the establishment of this greenbelt parkway for maximum environmental benefit.

R89-2 As professional planners, we recognize that such a mitigation project would address several significant impacts to air quality, noise and aesthetics that continue to hound the proposed Project, and that cannot be resolved with the construction of a mere sound wall. Creation of a minimum 75’ wide landscaped buffer greenbelt/park would provide enhanced air quality benefits through the provision of additional landscaped materials that would offset carbon generation. Noise impacts would be greatly reduced and aesthetic concerns related to sound wall construction would be abated. It is expected that the design for this landscaped buffer be of the same high quality and caliber as the newly constructed Wilmington Waterfront Park, which was built by PoLA instead of sound abatement walls.

The parklike setting should be generously appointed and include similar features and amenities such as Wilmington’s sculptural earthworks, water features, lush plantings and walking paths and trails. The western edge of the proposed Terminal Island Parkway Mitigation Project should incorporate raised landforms that will serve to shelter adjacent sensitive receptors from the harsh sites and sounds of the Project and from the industrial uses that will remain to the west. The City recognizes the inherent need to keep active recreational uses as far away as possible from the Project’s sources for air quality and noise pollution, and therefore would stress the relative passive nature of the proposed Park’s features provided it is more than an “urban forest” as considered in an earlier version of the DEIR. Similar to how it funded the Wilmington Waterfront Park, it is expected that the proposed Terminal Island Parkway Mitigation Project would be either the

R89-2 ↑ responsibility of the PoLA's capital improvement program, or as part of the proposed Project. It is the collective civic responsibility of both entities to secure the funds necessary to provide real, lasting mitigation to an underserved community. It is the right thing to do.

Proposed Mitigation Grants Program

R89-3 In addition to the proposed Terminal Island Parkway Mitigation Project, the City of Long Beach urges the establishment of a Mitigation Grants Program to provide tangible benefits to those populations primarily affected by the health risks of the project, including schools, health facilities, senior centers, homeless shelters and private residences, among other users. The grants could be used for the installation of whole house air filtration units, installation of new energy efficient windows and doors with low air leakage, or positive exhaust ventilation for attached/enclosed garages (thereby reducing overall health risks by ventilating toxic air contaminants associated with automobile start/hot soak in garages). A working concept being considered on another project with similar air quality impacts would dedicate at least 10 percent of the total project costs associated with the development of the Project to the Mitigation Grant Program. Another approach would be to provide annual funding to the Mitigation Grant Program based on a percentage of gross revenues of the SCIG operations until such time that modeled emissions no longer impact sensitive receptors.

Specific Comments

R89-4 In addition to the main themes set forth above, the City provides you with specific and detailed comments regarding the Recirculated DEIR. These comments have been organized by section and address the need for additional analysis or correction of numerous inadequacies. Many of these inadequacies were already raised in our letter to you regarding the Draft EIR dated January 30, 2012, yet the inadequacies have not been addressed. Thus, additional analyses continue to be necessary, and existing analyses and base assumptions need to be modified and/or substantiated. Based on these deficiencies and the associated failure to comply with the requirements of CEQA, the EIR will need to be circulated again, this time with the inclusion of the proposed Parkway Mitigation Project and revised project boundaries to reflect all aspects of the Project and its operations.

Specific comments on the Recirculated Draft EIR are as follows:

EXECUTIVE SUMMARY

R89-5 ↓

- Section ES.5.4, Summary of Less than Significant Impacts, page ES-25: The summary regarding the Project's hazards and hazardous materials impacts associated with RISK-4 and RISK-6 is not accurate and is not consistent with the analysis presented in Section 3.7, Hazardous and Hazardous Materials, of the Recirculated Draft EIR. Specifically, the summary states, "because the site is not on a list of hazardous materials sites or within one-quarter mile of a school, the impacts of the Project and Reduced Project Alternative would be less than significant (RISK-4 and RISK-6)." However, Section 3.7 describes that "several properties within the Project site are located on lists of hazardous materials sites

R89-5

↑ compiled pursuant to Government Code Section 65962.5.” In addition, Section 3.7 also notes that “six existing schools are located within one-quarter mile of the proposed Project site.” The public and decisionmakers must be able to rely on accurate information and consistency across the analyses.

R89-6

- Section ES.5.5, Lease Measures, page ES-27: The identified lease measures, which would serve to reduce Project impacts and or improve the Project’s less than significant impacts, must be identified as mitigation measures to be incorporated into a Mitigation Monitoring and Reporting Program (MMRP).

R89-7

- Table ES-3, Summary of Potential Significant Impacts and Mitigation for the Proposed Project and Alternatives, page ES-61: The impacts with regard to RISK-4 are not accurate and are not consistent with the analysis presented in Section 3.7, Hazardous and Hazardous Materials, of the Recirculated Draft EIR. Specifically, impact RISK-4 states that “the proposed Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.” Similarly, the impact analysis for the alternatives states that the alternatives would not be located on a site that is included on a list of hazardous materials sites. However, Section 3.7, page 3.7-33 states that “several properties within the proposed Project site are located on lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a result of these listings, and because of the long history of industrial activities that have occurred within and adjacent to the Project area, near-surface soil may be contaminated with petroleum products, metals, solvents, PCBs and other contaminants of concern.” The public and decisionmakers must be able to rely on accurate information and consistency across the analyses.

R89-8

- Section ES.6, Project Conditions Subject to Approval, page ES-90: This section is titled “Project Conditions Subject to Approval.” However, the introductory text states that “the following project conditions are recommended for inclusion in the lease between the LAHD and BNSF for the proposed SCIG facility. These project conditions are not required as CEQA mitigation measures but are important because they advance important LAHD environmental goals and objectives.” As with the “lease measures” provided in Section ES.5.5, these project conditions, which serve to reduce Project impacts, should also be included as mitigation measures and incorporated into a MMRP.

CHAPTER 2 PROJECT DESCRIPTION

R89-9

- ↓
- Section 2.4, Proposed Project, pages 2-11 through 2-12: This section continues to state that the Project would eliminate a portion (estimated at 95 percent) of existing and future intermodal truck trips between the ports and the BNSF’s Hobart/Commerce Yard. Furthermore, this section notes that “this document analyzes only impacts that arise as a result of the proposed Project (Public

R89-9

↑ Resources Code 21065 and CEQA Guidelines 15378(a). It therefore does not analyze activities at the Hobart Yard or the Sheila Commerce Mechanical Repair Facility at 6300 Sheila Street, in Commerce (the Sheila facility).” If the Project is taking credit for elimination of trips at the Hobart/Commerce Railyards, then potential impacts to the Hobart Yard/Commerce Railyards resulting from the Project must be included in the EIR. Further, based on statements elsewhere in the Recirculated Draft EIR, BNSF has expanded the capacity of Hobart Yard and can provide substantial additional capacity under reasonably foreseeable conditions. Thus, the base assumption of the Recirculated Draft EIR that 95 percent of the trips will be diverted from Hobart Yard is entirely suspect in that regardless of whether the Project occurs, the Hobart Railyard has been expanded and is expected to be expanded in the foreseeable future to accommodate future demand for cargo. This base assumption regarding elimination of trips from the Hobart Railyard results in impact analyses throughout the Recirculated that are substantially understated and inaccurate. This is a substantial flaw in the Recirculated Draft EIR and a new recirculated Draft EIR must be prepared.

R89-10

- Similarly, the Recirculated Draft EIR concludes that locomotive maintenance at the Sheila facility would be “generally the same” once the Project is implemented (p. 2-13). In this context, “generally the same” can certainly be interpreted to be an increase in activity attributable to the Project. As the primary purpose of an EIR as set forth in the CEQA Guidelines is to disclose the potential impacts of a Project, the Recirculated Draft EIR fails to do this by not disclosing what the maximum increase in maintenance operations at the Sheila facility attributable to the Project could be. Without a full disclosure of this potential increase, and a full analysis of the resultant environmental impacts, a potentially significant impact may occur that is not addressed in the Recirculated Draft EIR. Providing this type of information is a basic requirement under CEQA and should be included in a new recirculated EIR.

R89-11

- Additionally, the Recirculated Draft EIR fails to disclose the potential impacts that may result from relocation of all business within the Project Site. Specifically, of the businesses that would need to be relocated, the Recirculated Draft EIR only considers the displacement of three businesses and identifies relocation sites for these three businesses while simply noting that “the displaced businesses for which no alternate locations were identified as part of the Project or during the time of this analysis are assumed to move to other compatible areas in the general port vicinity as part of their own business operations and plans.” Further, of the three businesses that the Recirculated Draft EIR has chosen potential relocation sites for, the identified relocation site for California Cartage would require operations be reduced by 72 percent and would experience some access constraints due to rail activity. Over 1,700 good local jobs, employing many Long Beach residents, are being sacrificed and replaced by only 411-some new SCIG jobs that would not be reached until full buildout of the 2035. Although building the Project would provide construction jobs for a while, upwards of 1,289
- ↓

R89-11

↑ permanent jobs will be lost; and the tradeoff for Long Beach residents will be reduced air quality, increased noise, and nighttime sleep disruption.

R89-12

- In addition, the Recirculated Draft EIR does not address alternative scenarios that may be possible if California Cartage cannot operate on the SCE parcel if SCE does not provide approval. Therefore, the assumption made in the Recirculated Draft EIR that “the business that move a portion or all of their operations to alternative locations would operate at the same levels on their new sites as they would have on their existing sites” is inaccurate. In addition, the Recirculated Draft EIR fails to address impacts associated with businesses not being able to relocate or finding a suitable relocation site. The City of Long Beach is anxious to coordinate with LAHD to ensure that businesses can continue providing the good jobs they offer to local residents.

R89-13

- The Recirculated Draft EIR clearly states that the relocation of certain specified businesses are part of the Project and such relocation occurs on the Project Site. Since that is the case, it is unclear why it is just “anticipated” that similar measures to those outlined in the Public Resources Relocation plan would be undertaken at the alternate business sites. As the same types of potential impacts that occur under the Project could occur at the alternate business sites, compliance with the measures set forth in the Public Resources Relocation plan must be a requirement as it cannot be left up to chance as to whether these very important measures are implemented or not.

R89-14

- The Recirculated Draft EIR indicates that the Project’s Applicant, BNSF, must negotiate an easement with SCE to use the SCE Access Road (p. 2-27). The Recirculated Draft EIR merely assumes that this will occur. As this is a future action with an unknown result, the Recirculated Draft EIR is obligated under CEQA’s full disclosure provisions to identify the implications of BNSF not securing this easement in terms of overall Project functionality, as well as the full range of associated environmental impacts that would result. Providing this information is a basic requirement under CEQA and should be included in a recirculated EIR.

R89-15

- Table 2-1, Existing Land Uses within the Project Site, page 2-8: Footnote a) of Table 2-1 notes that “small amounts of land would be acquired by BNSF from these businesses, but because the proposed Project would not change their operations in any way, these businesses are not included in the analyses in this EIR.” The Recirculated Draft EIR must describe what this land is currently used for and what the effects of the Project would be by converting this land to Project-related uses.

R89-16

- Section 2.4.4.1, Truck and Container Operations, page 2-35: This section states that the Recirculated Draft EIR “assumes that only marine cargo, i.e., direct intermodal cargo, would be handled at the facility. This assumption is supported by the requirement that only trucks that use the designated truck routes between
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R89-16 ↑ the ports and the SCIG facility and that are equipped with GPS devices would be allowed in the railyard.” To ensure that such requirements are implemented, these requirements must be included as a mitigation measure and incorporated into the MMRP.


R89-17 • Section 2.4.2.2: Two parallel 4,000 foot-long storage tracks would run parallel to the existing ports-owned San Pedro Branch tracks, from the south lead tracks to the north lead tracks. These tracks would be located within the boundaries of the City of Long Beach, within two hundred feet of several sensitive receptors, including Cabrillo High School, Bethune School and Hudson Elementary School. This component of the project is not accurately reflected in the project boundaries and the associated impacts on air quality, noise and aesthetics also analyzed.

SECTION 3.1 AESTHETICS/VISUAL RESOURCES

• Section 3.1 of the Recirculated Draft EIR analyzes potential impacts at four Key Viewpoints in terms of the visual character/aesthetics/views analysis. The following analysis addresses the visual character/aesthetics impacts at Key Viewpoints 1 and 2 as well as the nearby land uses whose impacts are identified in terms of these analyzed viewpoints.


R89-18 ○ With regard to Key Viewpoint 1, as shown in Figure 3.1-2, views of the mountains serve as the prominent visual backdrop at this location. While this impact can be identified within the photo provided, the importance of this visual context is substantially more discernible when viewed at the actual location of the selected viewpoint. The Recirculated Draft EIR states that “the proposed Project would interrupt north-facing views of mountains in the distance.” When Figure 3.1-2 is placed side-by-side with Figure 3.1-13, it becomes immediately apparent that there is a complete blockage of the mountains and certainly not a mere “interruption” as stated in the Recirculated Draft EIR. The Recirculated Draft EIR’s rationale for why this clearly significant impact is not significant is that this view is not protected by applicable planning documents and is currently interrupted by electrical transmission lines. A comparison of Figures 3.1-2 and 3.1-13 clearly reveals that both of these rationales are invalid. First, it is impossible and not the role of planning documents that address these types of issues to identify every single valued view resource in the Southern California region. That is why the City of Los Angeles CEQA Thresholds Guide identifies factors to be considered when conducting these types of analyses rather than provide a list or reference to a document(s) for a list of such resources. Second, as shown in both Figures 3.1-2 and 3.1-13, which again is even more convincing when viewed in person, the

R89-18




role of the existing transmission lines in interrupting the view is very limited, particularly given that the available viewshed is panoramic in nature and the transmission lines only occur within a small portion of the total viewshed. As this is a new significant impact not disclosed in the Recirculated Draft EIR, an analysis of this significant impact and an identification of mitigation measures or alternatives that address this significant impact must be provided in a revised and recirculated EIR.

R89-19

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- Key Viewpoint 2 captures the visual environment as seen from the playground at the Mary Bethune School. As the Recirculated Draft EIR only analyzes a limited number of viewpoints, the impacts that occur at Key Viewpoint 2 also represent the impacts that occur for the residents in this area as well. Based on a review of Figures 3.1-3 and 3.1-15, it is reasonable to conclude that prior to the implementation of the proposed noise mitigation, the visual character impact of the Project occurs within the context of the existing industrial uses in the area. While the land uses that are viewed from Key Viewpoint 2 are industrial in nature, as shown in Figure 3.1-3, there is a critical and important sense of openness that provides an invaluable contribution to the value of the play area that is completely lost with the implementation of the sound wall. This becomes immediately apparent when Figures 3.1-3 and 3.1-15 are placed side-by-side. As can very easily be seen when these two figures are compared, the sound wall totally eliminates the existing sense of openness that currently exists and replaces it with the sense of a walled-in, confined, and limited play area that is demarcated by a blank wall that towers over the children. As a result, the play area becomes much less inviting and much smaller in size. This change in conditions clearly constitutes a significant impact that is not disclosed in any manner, shape, or form in the Recirculated Draft EIR.

R89-20

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- While the landscaping proposed on the freeway side of the wall improves the aesthetic environment for drivers that are driving at freeway speeds along the Terminal Island Freeway, it does nothing to address the significant impact to the visual character and aesthetic environment experienced at Mary Bethune School as well as the residents in the area that are similarly impacted. In other words, the Recirculated Draft EIR emphasizes improving the visual environment for those driving at freeway speeds, where the benefit would be experienced for a very short time duration and limited to the periphery of the driver's viewshed, as opposed to those that would experience the significant impact described above for an extended period of time and on a daily basis. To reduce, but not eliminate this significant impact, landscaping is required to occur on

R89-20

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both sides of the wall. The value of landscaping in tempering this impact can be easily seen by comparing Figures 3.1-17 and 3.1-15. The Recirculated Draft EIR conclusion that the sound wall “would not create a distinct contrast with the established setting character and quality” is completely inaccurate. These issues and impacts must be disclosed in a revised and recirculated EIR as these are new significant impacts that cannot be reduced to a less than significant level with the imposition of mitigation measures.

R89-21

- The significant impacts discussed above that cannot be mitigated would also be experienced by the residents located east of the Terminal Island Freeway, within Long Beach’s Westside Residential Neighborhood. The analysis of potential impacts to this important part of the City of Long Beach requires a more complete analysis rather than the Recirculated Draft EIR’s current approach to limit the analysis of the Westside Residential Neighborhood to a passing reference in the conclusion of the analysis for Key Viewpoint 2. This lack of analysis in the Recirculated Draft EIR is not acceptable given the adjacency of these uses to the Project Site and the extent of impact that would occur under Project. As impacts would be significant for residences within the Westside Residential Neighborhood that are adjacent to the sound wall, similar mitigation to that identified above is required. As is the case with regard to the Mary Bethune School, impacts to these residences would be significant, even with the imposition of the identified mitigation measure. As this is a new significant impact that cannot be mitigated, it must be addressed in a revised and recirculated EIR.

R89-22

- Section 3.1.2.1, Existing Visual Characteristics, page 3.1-3: This section states that “the Project site and surrounding area are not considered a scenic vista for residents in the immediate vicinity, as the site area currently contains primarily industrial warehousing activities as well as container storage, and parking and servicing in support of the Port of Los Angeles.” However, this section later states that “the proposed Project would interrupt north-facing views of mountains in the distance.” Therefore, the description of the existing visual characteristics is not consistent with the analysis provided and does not accurately reflect the existing visual character surrounding the Project Site.

R89-23

- Section 3.1.2.3.1, Key View Point 1 – View from Pacific Coast Highway, page 3.1-7: As the analysis notes that “the proposed Project would interrupt north-facing views of mountains in the distance,” such views should be identified and described in this section.

R89-24

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• Section 3.1.4.3, Impacts and Mitigation, page 3.1-42: The analysis regarding construction of the PCH bridge at night must be expanded to adequately disclose

R89-24

↑ potential impacts. Merely stating that “any nighttime construction that did occur at the PCH bridge site would be of very short duration, in order to minimize traffic delays or meet interim construction schedules, and any night lighting would be similar to the bright security lighting that current exists in that area” is not adequate. In addition, the “project conditions” identified within Section 3.1 do not include measures to reduce or avoid potential nighttime lighting from construction of the PCH bridge or to ensure that such construction complies with applicable requirements. Such mitigation must be included.

R89-25

- Section 3.1.5, Consideration of Project Conditions Subject to Approval, page 3.1-48: The Project conditions provided to introduce additional landscaping and ensure compliance with Terminal Lighting Design Guidelines would serve to reduce the Project’s aesthetics impacts to the surrounding community. These Project conditions must be implemented and as such should be included as mitigation measures and incorporated in to the MMRP.

R89-26

- With regard to artificial light, the Recirculated Draft EIR provides a quantitative analysis of existing conditions but the analysis of Project impacts is limited to a few sentences that provide a cursory qualitative analysis with a conclusion that impacts are less than significant. As a result, the Recirculated Draft EIR lacks substantial evidence that the Project’s impacts are less than significant. It is customary in EIR’s that provide a quantitative analysis of existing conditions that a quantitative analysis of Project impacts be conducted. In addition to providing this additional analysis, the protections to nearby sensitive receptors in the City of Long Beach that would occur with implementation of the Terminal Lighting Design Guidelines, which are discussed in detail in the Recirculated Draft EIR, need to be imposed as a requirement of the Project to either mitigate significant impacts or provide additional protections for the sensitive receptors in Long Beach that are being subjected to a myriad of impacts, many of which are significant.

SECTION 3.2 AIR QUALITY AND METEOROLOGY

Inadequate Analysis of Localized Impact Thresholds

R89-27

- Effective April 12, 2010, the United States Environmental Protection Agency (USEPA) set a new 1-hour NO₂ standard at 0.10 parts per million (188 µg/m³). To attain this standard, the three-year average of the 98th percentile of the daily maximum 1-hour average must not exceed 0.1 ppm. While Table 3.2-2 on page 3.2-7 of the Recirculated Draft EIR acknowledges that the standard, no significance threshold is provided for the new standard. In addition Table 3.2-17 (footnote f) cites that because SCAQMD as the SCAB is in attainment the SCAQMD has yet adopted a threshold of significance. An exceedance of an Ambient Air Quality Standard (AAQS) must be considered a significant impact under CEQA.

Underestimation of Construction Emissions and Inadequate Mitigation Measures

- The analysis employs a methodology that substantially underestimates peak daily emissions and fails to fully identify or characterize significant construction impacts. These analysis flaws are discussed below.

R89-28

- The trip distances for construction trucks provided on page 3.2-32 of the Recirculated Draft EIR potentially underestimate pollutant emissions. It was assumed that a truck average round-trip travel distance was 13 miles for water trucks, 15 miles for concrete and haul trucks, and 40 miles for other supply truck trips. These distance assumptions are not sufficiently supported and pollutant emissions could potentially be underestimated by 67 percent. Other default URBEMIS values (e.g., construction worker commute) were selected and it is not clear why the more conservative values were not assumed for trucks. The URBEMIS default value is 30 miles for demolition debris and twenty miles for grading and concrete. In addition, SCAQMD's recommended model (CalEEMod) uses a default value of 20 miles. Use of a lower round trip distance would require identification of the specific locations as to where the material would be imported/exported, concrete batch plants, and a mitigation measure should be provided requiring use of the identified locations. If not, the analysis should be revised to include the default URBEMIS/CalEEMod trip distances or the pollutant emissions from construction truck activity could be underestimated.

R89-29

- The SCAQMD recommends calculation of on-road fugitive dust. SCAQMD's recommended model (CalEEMod) calculates on-road fugitive dust associated with paved and unpaved roads consistent with USEPA's AP-42, Section 13.2.1, Paved Roads, January 2011 (<http://www.epa.gov/ttn/chief/ap42/ch13/final/c13s0201.pdf>). Table C1.1-5 of Appendix C-1 (Air Quality Appendices) of the Recirculated Draft EIR appears to show that the both on and off-site road dust were calculated and cited as obtained from USEPA AP-42. However, the supporting calculations are not provided and the roadway dust emission factors cannot be reproduced. It is recommended that the parameters (e.g., silt loading and weight) used to generate the emission factors be provided so that it can be determined whether the emission factors potentially underestimate roadway dust. If default parameters were not used, then supporting documentation should also be provided.

R89-30

- The fugitive dust emission factors underestimate emissions and then apply overly optimistic control efficiencies for both the unmitigated and mitigated case which substantially underestimates potential regional and localized PM10 and PM2.5 impacts. Table C1.1-5 of Appendix C-1 (Unmitigated Emission Factors for Construction Activities not Included in



R89-30

the Offroad Model) of the Recirculated Draft EIR provides a construction grading fugitive dust emission factor of 4.17 pounds of PM10/acre-day and assumes a control efficiency of 69 percent (compliance with SCAQMD Rule 403). This is equivalent to 13.45 pounds uncontrolled. The table cites EPA's AP-42, Volume 1, Section 13.2.3 (EPA 1995) as the source, which is nearly thirty years old and based on a single field study. The EPA factor is 1.2 tons/acre/month (80 pounds/acre/day) of total suspended particulate (TSP). No discussion is provided in the appendix to support the assumed fraction of PM10 from TSP. Furthermore, there is much more recent guidance. SCAQMD's URBEMIS model recommends 20 pounds of PM10/acre/day as default. In addition, SCAQMD provides recommended control efficiencies for compliance with SCAQMD Rule 403 (Fugitive Dust) on the SCAQMD website in which applying water every three hours to disturbed areas within a construction site reduces PM10 emissions by 61 percent.¹ Thus, unmitigated fugitive PM10 emissions (compliance with SCAQMD Rule 403) should be 7.8 pounds/acre/day and the Recirculated Draft EIR underestimates these emissions by 87 percent. Unfortunately it is worse under the mitigated condition since fugitive dust emission factors in Table C.1.1-6 (Mitigated Emission Factors for Construction Activities) are further reduced by 90 percent. Please note that this does not mean 90 percent of uncontrolled emissions, but 90 percent on top of the 61 percent assumed for compliance with SCAQMD Rule 403 or an equivalent 97 percent. Unless SCIG is planning on placing all of the construction under a tent and using a baghouse to control the emissions this is not physically possible. The SCAQMD recommends a maximum control efficiency of 68 percent for construction projects that maintain soil as "visibly wet". Based on this control efficiency it appears that fugitive dust emissions may be underestimated by 15 times. Please note that this same issue applies to fugitive PM2.5 emissions. The regional and localized impact analysis must be revised, recirculated, and additional mitigation measures for areas impacted by localized PM10 and PM2.5 impacts are warranted. In addition, it is likely that the SCIG will result in a new undisclosed significance localized PM2.5 impact.

R89-31

- The Recirculated Draft EIR only provides maximum offsite localized pollutant construction concentrations and fails to provide pollutant concentration isopleths delineating the extent of localized construction PM10, PM2.5, and NO2 impacts. This information was provided for operations in Appendix C-2 of the Recirculated Draft EIR, but not for construction. The public and decisionmakers need this information to evaluate the extent of potential impacts and to help determine whether mitigation measures have effectively reduced potential localized impacts.

¹ AQMD website at http://www.aqmd.gov/ceqa/handbook/mitigation/fugitive/MM_fugitive.html.

- Additional mitigation measures are warranted based on the substantial exceedances of ambient air quality standards and SCAQMD localized significance thresholds. Below are revisions to mitigation measures and proposed mitigation measures that are necessary:

R89-32

- MM AQ-1 should be revised to require Level 3 diesel emissions control strategy (e.g., diesel particulate filters) for all off-road diesel-powered equipment effective January 1, 2012 instead of waiting for January 1, 2015. Diesel particulate filters are readily available and should be used beginning with the start of construction.

R89-33

- MM AQ-2 should be revised to require use of trucks that meet EPA 2010 on-road emission standard rather EPA 2004/2007 standards.

R89-34

- The additional fugitive dust controls under MM AQ-3 do not result in an unrealistic control efficiency of 97 percent. Please see comments above.

R89-35

- The Project shall establish a program to make available MERV 10 filters during construction activities that are reported to result in offsite significant localized PM10 and PM2.5 impacts. Recipients shall be limited to sensitive uses (e.g., residential, schools, daycare centers) within a defined impacted area. The requested localized construction pollutant concentration isopleths requested above can be used to define the impacted area.

No evaluation of Air Toxic Emissions During Construction

R89-36

- The analysis fails to address potential health risk impacts as a result of proposed construction activities. Most heavy-duty construction equipment is diesel powered. The visible emissions in diesel exhaust are known as diesel particulate matter ("DPM"), which includes carbon particles or "soot." Diesel exhaust also contains a variety of harmful gases and over 40 other known cancer-causing substances and is estimated to contribute to more than 75% of the added cancer risk from air toxics in the United States. Diesel exhaust also has the potential to cause serious adverse health effects including pulmonary and cardiovascular diseases. The Project would be built out over a period of several years. During this time, heavy-duty diesel powered construction equipment would emit considerable amounts of diesel particulate matter, which would travel into nearby residential areas, increase ambient concentrations of this pollutant, and result in potentially adverse health impacts. Sensitive receptors that may be adversely affected include schools, parks and residences in the vicinity of the Project site. The Project's construction emission would exacerbate the already existing severe health impacts on the City's residents caused by construction equipment. A recirculated Draft EIR is required to analyze and mitigate this impact.

Failure to Provide Analysis of Concurrent Business Operations at Alternate Sites with Construction Period-Proposed Project Impacts

R89-37

- The Recirculated Draft EIR fails to provide an interim year analysis that accounts for combined construction and operational impacts. This analysis should include both regional and localized air quality impacts and compared against SCAQMD significance thresholds.

Erroneous Operational Emissions and Localized Impact Analysis

R89-38

- City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: Similar to the City's comments on the Draft EIR, the Recirculated DER air quality analysis bases current (baseline) emissions on current (presumably 2010) emission rates and bases future emissions from the same facilities on lower rates anticipated in future years as emission rates for individual vehicles decline. This approach suggests that existing facilities will only be subject to future regulations that will reduce emissions if they relocate. Obviously, this is not the case, so the approach used erroneously implies that emissions associated with relocated facilities will actually decline if the Project is implemented as compared to what would occur at the same facilities if the Project were not implemented. In reality, emissions associated with existing facilities will decline in future years (and by roughly the same amount) regardless of whether or not the Project is implemented and the facilities are relocated. Thus, the analysis contained in Impact AQ-3 overestimates the reduction in emissions that would result from the Project. The use of a more appropriate approach which recognizes that emissions from existing facilities as a constant for the "no project" and "with project" scenarios could actually result in an increase in emissions. In fact, the Recirculated Draft EIR now uses a 50-year horizon (DEIR used a 30 year horizon) which exacerbates the differences between existing and future emission factors.

R89-39

The other related problem is that the POLA has allowed the Project to take "credit" for regulations and agreements (described in Table 3.2-8) that will be enforced regardless of whether or not the Project is implemented. Thus, Section 3.2 of the Draft EIR shows reductions in emissions and associated health risks and attributes these to the Project rather than properly attributing such reductions to pending regulations and agreements.

R89-40

It is reasonable for the Recirculated Draft EIR to discuss pending regulations and agreements, and their potential effect on emissions associated with Project activities. However, the approach used under Impact AQ-3 improperly attributes the positive effects of these regulations/agreements to the proposed new rail yard. A more appropriate approach would be to consider emissions associated with each of the following scenarios:

R89-40

- Existing conditions
- Existing conditions + the proposed project (and without pending regulations and agreements – presumably, this would show an increase in emissions)
- Future conditions (including changes in Port activity and pending regulations and agreements)
- Future conditions + the proposed project (including pending regulations and agreements + any changes in activity due to the project itself)

The analysis could then compare “existing + project” emissions to “existing” emissions and compare “future + project” emissions to “future without project” emissions. This would allow a realistic analysis of the Project’s actual impact rather than falsely attributing forecast emission reductions due to regulations, agreements, and technology improvements to the Project.

- Further Comment on Recirculated Draft EIR: The above comments remain applicable to the Recirculated Draft EIR.

Diversion of Trips from Hobart Yard

R89-41

- City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: Similar to City comments on the Draft EIR, the Recirculated Draft EIR did not properly address Hobart Yard. Generally, it seems reasonable to discount emissions associated with existing vehicle trips if the Project truly would eliminate such trips. However, the Recirculated Draft EIR states the following regarding diversion of truck trips from the Hobart Yard:

- Truck trips to and from the Hobart Yard total approximately 467,000 annual round trips in the Recirculated Draft EIR baseline scenario. (Page 3.2-12)
- Implementation of the proposed project would eliminate 95 percent of existing and future intermodal truck trips between the ports and the BNSF’s Hobart Yard. (Page 2-11)
- The project would reduce over 1.3 million annual truck trips between the project site and the BNSF Hobart Yard. (Page 3.10-26)
- The Recirculated Draft EIR also specifically acknowledges that one of the Project’s purposes is to relieve projected future cargo capacity constraints and that, absent the proposed Project, cargo demand will exceed capacity by 2035. (Pages 1-21)

∨ The above statements raise several questions:

R89-41

- If the Project would eliminate 95 percent of truck trips to the Hobart Yard and there are currently 467,000 trips to the Hobart Yard, how can 1.3 million trips be eliminated?
- If 95 percent of the truck traffic to Hobart Yard truly were diverted to the Project site, what would happen at Hobart Yard? Would that facility not be used for some other purpose? If so, what impacts might the new use(s) have? Based on the discussion for the No Project Alternative within the alternatives section of the Recirculated Draft EIR, BNSF has expanded the capacity of Hobart Yard and can provide substantial additional capacity under reasonably foreseeable conditions.
- Is it really reasonable to assume that, as the Recirculated Draft EIR states, cargo demand will be met at other facilities if the project is not approved? If this truly is the case, then the real impact of the Project is represented by the difference in impact between the “future without project” and “future with project” conditions (as discussed above).
- If the Port will meet future cargo demand at other facilities if the Project is not approved, where are the other facilities and how do the vehicle miles traveled (VMT) and emissions associated with use of these facilities compare to the VMT/emissions associated with use of the Project site?
- The baseline needs to include emissions from the Hobart yard – this facility will not go dormant with the Project.
 - Further Comment on Recirculated Draft EIR: The above comments remain applicable to the Recirculated Draft EIR.

Faulty Health Risk Analysis and Ultra Fine Particulates

R89-42

- City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: As with the analysis of regional air quality impacts, the project appears to be given credit for emission reductions resulting from regulations and agreements that will be enforced regardless of whether or not the project is implemented. Consequently, the Draft EIR reaches the probably erroneous conclusion that implementation of the Project would actually reduce emissions of TACs and associated health risks.

In addition, the Draft EIR (Impact AQ-4, page 3.2-73) acknowledges that Project operations would exceed the SCAQMD thresholds for one hour and annual NO₂, 24-hour and annual PM₁₀, and 24-hour PM_{2.5}. It would also exceed the four NAAQS for one hour NO₂. As these thresholds/standards are intended to be

protective of public health, some explanation of why exceedances of these thresholds and standards are not linked to localized health effects is necessary.

R89-42

To allow the reader to understand the actual impact of the Project, the analysis should: (1) compare existing (baseline) conditions to conditions with the Project, but without future emission reductions; and (2) compare future conditions with anticipated emission reduction programs to those same future conditions with the Project. As performed, the analysis overstates the “benefits” of the Project with respect to actual health risks. Although the health risks associated with ultra fine particulates have been a topic of concern for the last several years, they have yet to be regulated at the federal, state, regional or local level. Yet, since evidence is emerging of just how damaging these particulates are to our bodies over time, steps should be taken now to minimize ultrafine particle emissions. For example, the SCAQMD’s Draft 2007 AQMP includes some approaches for projects to consider in minimizing ultrafine particle emissions.

R89-43

- Encourage use of after-treatment technologies combined with oxidation catalyst technology to produce concurrent benefit of ultrafine particle reduction.
- Encourage equipment and vehicle manufacturers to develop diesel particulate filters (DPF) with integrated controls for ultra fines since the additional cost may be relatively minor.
- Work with CARB, US EPA, and other stakeholders in conducting research studies and control strategy development efforts.
- When developing control measures for the reduction of PM₁₀ and PM_{2.5}, consideration should be given for reducing any undesired effects on ultrafine number emissions, where feasible.

We strongly recommend that the POLA adopt these as Project mitigation measures.

- Further Comment on Recirculated Draft EIR: The above comments remain applicable to the Recirculated Draft EIR.

Inadequate Project Mitigations and Lease Conditions

R89-44

City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: As noted in the Draft EIR (page 3.2-73), the proposed lease measures are merely recommendations and are not required. However, the impact that these measures are intended to address (Impact AQ-4) has been identified as unavoidably significant. Consequently, the PoLA is obligated to adopt feasible

R89-44 ↑ mitigation measures. Because the Draft EIR includes no suggestion that the lease measures are infeasible, they should be included as CEQA mitigation measures. Moreover, mitigation measures 1, 3, and 4 on pages 3.2-79 and -80 are not actually infeasible based on the discussion. For example, Measure 4 (Zero Emissions and Hybrid Trucks) has been dismissed as infeasible merely because its benefits cannot be accurately modeled. The inability to accurately quantify the measure's benefits does not make the measure infeasible. Rather, zero emissions technology is real and needs to be fully integrated into any design solution. Measures 1 and 3 are dismissed as infeasible because they may have constraints. Absent a definitive conclusion that these measures are infeasible, both measures should be considered feasible and included as mitigation for an unavoidably significant impact.

R89-45 The South Coast Air Quality Management District has provided testimony that zero emissions cargo-moving technologies could be deployed, if the Ports require them, by 2020, within four years of SCIG start up. With a life measured in decades, the SCIG yard must require such technologies be employed whenever and wherever feasible. Clean locomotive technologies must be committed to by the POLA and used here and now, where the local air quality impacts are the greatest. The Draft EIR needs to address this issue and provide an analysis to support the contention that this technology isn't feasible. The Draft EIR needs to analyze the public position of the Southern California Air Quality Management District that this technology will be available within a few years before dismissing zero emissions as infeasible. We strongly support a Pilot Program to demonstrate the economic and logistical feasibility of zero emissions technology. We further content that the South Coast Air Quality Management District is a credible and willing partner on such a Pilot Program.

R89-46 ○ Further Comment on Recirculated Draft EIR: The above comments remain applicable to the Recirculated Draft EIR. The EIR needs to include all feasible mitigation measures. The City of Long Beach also recommends the following two additional mitigation measures: Use of PCAQs 11 for drayage trucks and use of PCAQs 12 to further reduce NO2 and PM from locomotives.

SECTION 3.6 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

R89-47 • The Recirculated Draft EIR fails to provide adequate mitigation measures to mitigate GHG impacts. The Project should consider purchase of carbon offsets to reduce GHG impacts to a level of less than significant. Carbon offsets are readily available and funding of projects (e.g., solar panels on local schools) within the community could also be used to offset the significant GHG impacts

SECTION 3.7 HAZARDS AND HAZARDOUS MATERIALS

R89-48

- Section 3.7.3, Applicable Regulations and Laws, page 3.7-8: In addition to the City of Long Beach General Plan – Fire Prevention, identified in the Recirculated Draft EIR, the Long Beach Certified Unified Program Agency (CUPA) has primary responsibility for hazardous materials regulations and enforcement. Additionally, the following chapters included in Title 8, Health and Safety, of the City of Long Beach Municipal Code are also applicable with regard to hazardous materials: Chapter 8.85 – Underground Storage Tanks; Chapter 8.86 – Hazardous Materials Release Response Plans and Inventory; Chapter 8.87 – Hazardous Waste Control; Chapter 8.88 – Hazardous Materials Clean-up. The Project must be constructed and operated in conformance with all applicable regulations.

R89-49

- Section 3.7.4.3.1, Construction Impacts, page 3.7-20: This section states “the site is not adjacent to any populated areas for the public to be exposed to health hazards as a result of contaminated soil and building materials, but on-site construction workers would be exposed.” As described in the Recirculated Draft EIR, sensitive uses including residential properties, school, and parks are located 300 feet from the Project site. Any asbestos or lead-containing material/fibers released into the air could result in health hazards and this potential should be identified and analyzed as such. In addition, the conditions included to reduce the potential for construction activities to increase the probable frequency and severity of consequences to people from exposure to health hazards should be listed as mitigation as it is not clear to what extent the leasing requirements would be implemented.

R89-50

- Section 3.7.4.3.1, Construction Impacts, page 3.7-27: Given the proximity of sensitive uses to the Project area, if any terrorist attack were to occur, these uses would certainly be affected. As such, the statement that “given the localized consequences if any such attack were to occur, impacts would be less than significant” is inadequate and does not address the extent to which the potential for a terrorist attack would affect the Project area.

R89-51

- Table 3.7-6, Summary of Impacts and Mitigation Related to Hazards and Hazardous Materials, page 3.7-37: The summary of impacts with regard to RISK 4 is inconsistent with the analysis provided in the section. Specifically, impact RISK-4 states that “the proposed Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.” However, page 3.7-33 states that “several properties within the proposed Project site are located on lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a result of these listings, and because of the long history of industrial activities that have occurred within and adjacent to the Project area, near-surface soil may be contaminated with petroleum products, metals, solvents, PCBs and other contaminants of



R89-51



concern.” The public and decisionmakers must be able to rely on accurate information and consistency across the analyses.

SECTION 3.8 LAND USE

R89-52



- The single most important deficiency of the EIR’s land use section pertains to the displacement of the existing businesses located on the SCIG site. Specifically, the analysis of impacts to relocated businesses focuses on acreage comparisons and provides limited analysis of the impacts to the functionality of dividing business operations at the alternate business sites. For example, the 6 acres occupied by Fast Lane would be consolidated down to 4.5 acres, a 25% reduction in site area, but the new 4.5-acre site is divided in half by a railroad track. A similar situation occurs with regard to California Cartage, as their 10-acre site, as stated in the Recirculated Draft EIR, would be “entirely surrounded by active rail lines”. The Recirculated Draft EIR analysis concludes that “business operations could occur” and the degree of “separation would be minor.” However, the Recirculated Draft EIR also indicates that California Cartage may leave as they have indicated that the configuration they have been offered under the relocation plan cannot accommodate all of its current operations. For these two businesses, as well as for the existing businesses located within the Project Site that would simply be displaced without relocation, these businesses individually, and collectively, may not be able to find suitable and cost effective sites in appropriate locations as a result of the uniqueness and economic limitations associated with their operations. While the Recirculated Draft EIR assumes that the displaced businesses would be “transferred to nearby industrial sites,” no information to support this claim is provided in the Recirculated Draft EIR. These and related points were made in the City of Long Beach’s comments on the Draft EIR dated January 30, 2012. The Recirculated Draft EIR failed to address these comments and they are restated below as they as relevant today as when they were originally made:

R89-53



- The Land Use Element of the City of Long Beach General Plan divides the City into a series of land use districts. The portion of the Project within the City of Long Beach is located within Land Use District No. 9R Restricted Industry. As stated in the Recirculated Draft EIR, this land use district is intended to accommodate “clean, non-nuisance industries ... with activities that are confined completely indoors and have minimal offsite impacts.” Thus, the Project is wholly inconsistent with this policy direction, as the Project is an open-air, rather than an indoor facility, and it results in multiple impacts, many of which are significant. As such, the Project clearly and most certainly cannot be classified as a “clean non-nuisance” industry.

R89-54



- The Recirculated Draft EIR analyzes the Project’s consistency with the plans of the Southern California Association of Governments (SCAG) using the Regional Comprehensive Plan (RCP). However, the RCP was never adopted by SCAG’s Regional Council and as such SCAG has concluded that the RCP is only

R89-54 ↑ advisory in nature. SCAG staff has indicated that the Compass Growth Visioning Plan (Compass Plan) is the proper adopted plan upon which consistency with SCAG's land use plans are to be based. While the Recirculated Draft EIR provides a passing reference to the Compass Plan it fails to provide any analysis of the Project's consistency with this plan.

SECTION 3.9 NOISE

R89-55 | With regard to noise, as set forth below, the Recirculated Draft EIR employs a flawed methodology, fails to consider numerous undisclosed noise impacts, and provides inadequate mitigation. In addition, the Recirculated Draft EIR fails to address many of the City's noise comments provided in the January 30, 2012 DEIR comment letter.

Inadequate Representation of the Existing Noise Environment

- The Recirculated Draft EIR does not provide adequate information to determine whether noise-monitoring locations were properly selected or if the measurements were conducted consistent with industry standards (e.g., ASTM E1014 Standard Guide for Measurement of Outdoor A-Weighted Sound Levels). In addition, Figure 3.9-2, Location of Noise and Vibration Measurements, on page 3.9-10 of the Recirculated Draft EIR does not provide enough specificity regarding the placement of the noise measurements. Appendix F1 (SCIG Recirculated Draft EIR Noise Technical Study) does provide some relevant information regarding the locations. However, not enough information is provided to determine if the measurements are representative of the receiver area. Pictures similar to what was provided for the vibration measurement locations should be provided to clearly show consistency with ASTM standards (e.g., confirmation that the receiver was not improperly shielded from the noise source).
- Table 3.9-4, Summary of Existing Ambient Noise Measurement Data, on page 3.9-12 of the Recirculated Draft EIR shows that the vast majority of locations monitored for short-term noise were only conducted during peak noise hours (rush hour). As a result, potential noise impacts could be substantially underestimated by assuming an existing noisier environment and thus a smaller overall change in noise levels as a result of the Project. In addition, no short-term nighttime noise measurements were conducted even though nighttime operations would occur as part of Project. Nighttime noise measurements must be conducted at the short-term monitoring locations to properly identify potential nighttime impacts at these sensitive noise receivers and provide mitigation where required.

R89-56

Flawed Sound Propagation Methodology

- As discussed on page 3.9-35 (line 23), the methodology employed in all noise analyses reflects a soft-site attenuation rate for distance attenuation (rate sound drops off over distance). Caltrans' Technical Noise Supplement—Technical Supplement to the Traffic Noise Analysis Protocol provides clear guidance regarding the use of hard- versus soft-site attenuation rates. On page 27 of this guidance document, a hard site is defined as a reflective surface between the source and the receiver such as parking lots or smooth bodies of water. No excess ground attenuation is assumed for these sites. Soft sites include absorptive ground surfaces with bushes and trees. Based on this guidance and review of the intervening topography between many of the noise receivers in the City of Long Beach and Project Site (i.e., SCIG site, Terminal Island Freeway, and parking lots), use of a soft-site attenuation rate is inappropriate. As a result, the Recirculated Draft EIR under predicts potential noise impacts. All noise analyses should be updated to reflect hard-site noise attenuation for distance attenuation and additional mitigation measures should be incorporated into the Project as required. Alternatively, it is recommended that a sound measurement study be conducted to field verify the distance attenuation rate if a higher attenuation rate is used.

R89-57

Underestimation of Construction Noise Impacts and inadequate Mitigation Measures

- Construction noise was evaluated using the methodology outlined by the Construction Engineering Research Laboratory (CERL) and considers the type and number of construction equipment used, individual equipment noise emissions, and time usage factors for each phase of construction. The Recirculated Draft EIR states on page 3.9-35 (line 16) that a list of equipment assumptions and usage factors is provided in the Noise Study included in Appendix F1. However, this information is not included in Appendix F1 and the validity of the construction analysis cannot be verified. This is especially true regarding noise attenuation rates, barrier insertion loss for intervening building and terrain, and reference noise levels for heavy-duty construction equipment. To make verification of the results even more difficult, the Recirculated Draft EIR utilized the CadnaA Noise Model to evaluate noise from the Project. While the CadnaA noise model is a useful tool to evaluate potential noise impacts, the Recirculated Draft EIR provides no input files, output files, assumptions employed (construction equipment noise levels, usage rates, barrier heights, intervening topography, etc.), or graphical representations to show where noise sources, receivers, barriers, buildings were placed. As discussed below, in many cases the construction noise impacts range from suspect to simply not believable. However, without the above information it is impossible to point to errors within the analysis.

R89-58

R89-58

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- Table 3.9-22 on page 3.9-53 of the Recirculated Draft EIR provides a summary of predicted daytime construction noise impacts at sensitive land uses within the City of Long Beach. For the reasons discussed above, it is impossible to verify the validity of these results. However, using an industry standard construction noise level of 86 dBA at 50 feet and hard-site distance attenuation, many of the numbers appear to substantially under predict construction noise impacts. As an example, R3 (Hudson Elementary School) and R7 (Bethune School) show a construction noise level of 65.4 dBA and 68.8 dBA at a distance of 300 feet, respectively. It does not appear that there are any intervening structures or topography between SCIG and the schools. Therefore, it would be expected that the noise level would be closer to 71 dBA. R30 (Stephens Middle School-playground) shows a construction noise level of 57.5 dBA at a distance of 600 feet. While it is acknowledged that a portion of the playfield receives additional noise attenuation from structures, a portion of the playfield has a direct line of sight. Therefore, it would be expected that the noise level would be closer to 65 dBA.
 - Table 3.9-23 on page 3.9-53 of the Recirculated Draft EIR provides a summary of predicted nighttime construction noise impacts at sensitive land uses within the City of Long Beach. The Recirculated Draft EIR only evaluates construction noise related to nighttime construction activities associated with the PCH grade separation. The RDEIR is not clear whether any additional construction activities (e.g., other bridge and roadway improvements that are within Caltrans jurisdiction) would require nighttime construction. If so, then nighttime noise impacts should be addressed for these activities. If not, then a mitigation measure should be provided that clearly prohibits any nighttime construction activities with the exception of the PCH grade separation.

For the reasons discussed above, it is impossible to verify the validity of the results in Table 3.9-23. The table does not even provide the distance used for determining the noise levels. This was at least provided in Table 3.9-22 for daytime construction noise levels. However, using an industry standard construction noise level of 86 dBA at 50 feet and hard-site distance attenuation, R7A (Century Villages at Cabrillo) appears to be substantially under estimated. At a distance of 600 feet from the proposed construction, Century Villages at Cabrillo would be impacted by a construction noise level of 65 dBA or approximately 14 dBA higher than reported in the Recirculated Draft EIR. This is a new unidentified significant impact that must be mitigated.
 - Table 3.9-24 on page 3.9-55 of the Recirculated Draft EIR provides a summary of predicted construction noise levels within classrooms. Significant noise impacts at the Cabrillo Child Development Center and Bethune School are likely underestimated because of the use of a soft-site distance attenuation rate. Additional mitigation measures may be warranted once the analysis has been corrected.

Flawed Truck Routes Analysis

R89-59

- City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: Figure 2-4 SCIG Designated Truck Routes is so vague that it can be considered deceptive. For example, northbound Terminal Island Freeway truck traffic will transition along the northeast corner off-ramp to westbound Pacific Coast Highway (PCH) within a half block of the Century Villages at Cabrillo (CVC) homeless, transitional and supportive services campus of 1,000 residents. Since the NOP release on the Project in 2005, the CVC has increased its resident population by 41 percent; this is not accounted for in the Draft EIR. As proposed, truck traffic from the Ports to the SCIG will exit the freeway on the PCH cloverleaf that empties next to San Gabriel Avenue, the only ingress and egress to this campus. With so many trucks, it is very likely that this will become a major congestion point with trucks queuing up to go west - in effect blocking access to San Gabriel Avenue. However, this intersection was not even evaluated in the Draft EIR. With future truck traffic to the SCIG site anticipated to exceed 5,500 trips per day, Long Beach is very concerned about CVC residents and their roads to recovery, health and wellness. This Draft EIR oversight is Significant and egregious. It must be corrected.

R89-60

- Further Comment on Recirculated Draft EIR: The truck route analysis still has not been corrected in the transportation analysis in the Recirculated Draft EIR. In addition, Table 3.9-19 on page 3.9-19 of the Recirculated Draft EIR provides a summary of Project roadway traffic noise level increases. As an example of how the analysis is flawed, the Terminal Island Freeway PCH off-ramp shows a 0.4 dBA CNEL increase as a result of the increased truck traffic. However, PCH between the Terminal Island Freeway SB and NB ramp shows a 0.5 dBA CNEL decrease. Thus, the analysis is flawed as the trucks are not accounted for on PCH. Once all trucks are accounted for, additional mitigation is likely warranted for R7A (the Century Villages at Cabrillo [CVC]).

Flawed Traffic Noise Methodology

R89-61

- City of Long Beach Draft EIR Comments Not Addressed in Recirculated Draft EIR: While in general the approach to noise analysis within the Technical Appendix is reasonable, a review of the report indicates that the traffic analysis was performed using the FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108), or “108 model” (see Section 10 of Appendix F-1). This noise model is no longer recommended for use by either FHWA or Caltrans. As stated on the FHWA webpage (http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/):

“Although an effective model for its time, the “108 model” was comprised of acoustic algorithms, computer architecture, and

↑
source code that dated to the 1970s. Since that time, significant advancements have been made in the methodology and technology for noise prediction, barrier analysis and design, and computer software design and coding. Given the fact that over \$500 million were spent on barrier design and construction between 1970 and 1990, the FHWA identified the need to design, develop, test, and document a state-of-the-art highway traffic noise prediction model that utilized these advancements. This need for a new traffic noise prediction model resulted in the FHWA TNM.”

R89-61

The updated methodology is the Traffic Noise Model (FHWA TNM®), first released in 1998, with the latest version (2.5) released in April 2004. Caltrans has required the use of TNM ver. 2.5 since the publication of the revised *Traffic Noise Analysis Protocol* in August 2006, and such requirement is also contained in the May 2011 update of this protocol. Use of the “108 model” has potentially resulted in inaccurate estimates of noise levels based on traffic volumes, and inaccurate barrier effect analyses. The TNM is referenced in Appendix F-1, but no rationale as to why the older “108 model” was used, or whether the analysis used the updated source algorithms contained in the TNM or not. The traffic noise predictions have also been based on peak hour conditions that are then used to predict Leq and CNEL. For most cases, this peak hour assumption has resulted in relatively low vehicle speeds, and consequentially, lower predicted noise levels. Further, it is unknown what relationship was used between the estimated peak hour Leq and the CNEL. As illustrated by the various 24-hour noise monitoring data, the difference in peak hour noise levels and nighttime noise levels was less than would typically be the case for most standard “108 model” applications. These relatively higher nighttime noise levels are indicative of an overall higher CNEL than would be typically predicted by the “108 model.”

R89-62

Appendix F-1 lacks any information regarding the methodology or data behind the rail operations, with Section 11 simply stating “Operational and rail noise modeling input and output files are maintained at AGI offices. This is not adequate access of information under CEQA. At the very least, such information should have been available for review at the lead agency’s offices.

R89-63

The lack of a pre-project and post-project noise contour map for the site makes it difficult to envision the extent of noise impact into the City of Long Beach residential neighborhoods. We highly recommend that contour maps be produced, such as those created for the POLA/POLB by I-H. Khoo and T-H. Nguyen (Study of the Noise Pollution at Container Terminals and the Surroundings, Final Report - Metrans Project 09-09; July 2011; California State University, Long Beach).

R89-64

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- Further Comment on Recirculated Draft EIR: The Recirculated Draft EIR still lacks any information regarding the methodology or

R89-64



data behind the calculation of noise levels from on-site equipment and rail activities. Appendix F-1 does not even provide a summary of the assumptions employed in the analysis. The Recirculated Draft EIR must provide input/output files, assumptions employed (number and types of equipment, usage rates, hours of operation for each piece of equipment, barrier heights, intervening topography, etc.), and graphical representations that show each noise source, distance to receivers, barriers, buildings, etc. This information must be released to the public and decision makers to review to determine the adequacy of the analysis. The City of Long Beach acknowledges that many model input/output files can be too voluminous to circulate in hard copy. However, this information certainly could have been electronically provided on the Port's website. A trust me approach does not provide full disclosure or allow adequate review of the document.

R89-65

- Table 3.9-26 on page 3.9-59 of the Recirculated Draft EIR provides a summary of predicted operational noise levels within the nearby classrooms. Significant noise impacts at the Cabrillo Child Development Center may occur if the analysis is corrected to use a hard-site distance attenuation rate. Additional mitigation measures may be warranted once the analysis has been corrected.

Inadequate Sound Mitigation

City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR:
We have the following comments on the proposed operational mitigation measures:

- MM NOI-1—The 12-foot sound wall proposed is inadequate. There is no evidence it would reduce both construction and operational noise. Given that the rail yard to the north is using a 24-foot-tall barrier, it appears that this barrier is grossly undersized.

R89-66

In addition to walls, appropriate vegetative buffers should be a required mitigation for any project such as this, located so close to residential neighborhoods. Although Mitigation for Greenhouse Gases mentions including tree plantings to reduce such emissions, an appropriately designed green landscaped berm should also be included as a Project mitigation to combat noise and light pollution as well. All parking areas should have appropriate tree species planted, i.e., low Biogenic Emissions, species that help remove pollutants from the air, and have the ability to sequester greenhouse gases; and the area along the eastern edge of the Proposed Project should be bermed and heavily landscaped with trees and understory plants as well. (The CVC has a good example of how this can be achieved.)

The measures proposed do not support the conclusion that construction noise would be reduced to below a level of significance. Table 3.9-27 shows post-



↑ mitigation construction noise levels. Comparison of predicted daytime construction noise with sound walls to measured ambient noise reveals the following differences:

R89-66

Receptor No.	Receptor Location	Measured Ambient Noise Level (dBA)	Predicted Daytime Construction Noise Level with Proposed Sound Walls	Difference Between Predicted Construction Noise and Ambient ^a
R1	Residence at 2789 Webster—rear yard	49.4–55.3	62.2	12.8
R2	Buddhist Temple at Willow and Webster	59.9–60.3	65.8	5.9
R3	Hudson Elementary School Playground	54.2–57.8	65.5–66.2	12.0
R4	Hudson Park	64.1–65.3	70.3	6.2
R5	Cabrillo High School building setback	51.0–52.0	57.8	6.8
R6	Cabrillo Child Development Center	63.3–64.6	68.1	4.8
R7	Bethune School	63.3–64.6	65.0	1.7
R8	Villages of Cabrillo	61.0–62.5	64.4	3.4
R30	Stephens Middle School Playground	47.2–64.0	57.5	10.3
R31	Webster School	49.2–55.7	47.0	(2.2)

^a Difference between the higher end of predicted and the lower end of the measured daytime ambient range.

As indicated, all of the receptors except R7 and R31 would experience daytime noise level increases of more than 3 dBA during construction. Thus, even with mitigation, construction noise increases would exceed significance threshold NOI-6 on page 3.9-35, which states that noise impacts would be significant if the Project would increase ambient noise by 3 dBA or more. Consequently, daytime construction noise impacts should be classified as unavoidably significant. In addition, assuming that nighttime construction at the proposed PCH overpass would be similar to daytime construction noise levels (up to 62.5 dBA), nighttime noise at the Century Villages at Cabrillo (Receptor R8) would be far more than 3 dBA higher than the measured nighttime ambient level of 48 dBA at that location. Thus, nighttime construction noise impacts should also be classified as unavoidably significant.

R89-67

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- Further Comment on Recirculated Draft EIR: The numbers in the Recirculated Draft EIR have slightly changed, but this issue has still not been addressed adequately. Construction daytime noise levels still

R89-67 ↑ substantially exceed the 3 dBA significance threshold. Although the Recirculated Draft EIR does provide an analysis of nighttime construction noise levels, the analysis is flawed based on the comments provided above and once corrected nighttime construction impacts will also be significant and unavoidable. Table 3.9-28 on page 3.9-66 of the Recirculated Draft EIR provides the reduced operational noise impacts with MM NOI-1 (soundwall). The mitigated noise levels remain significant and unavoidable even without considering the numerous comments provided above that demonstrate that predicted noise levels are understated. The Recirculated Draft EIR acknowledges nighttime operations noise with mitigation would remain significant and unavoidable when “high activity” operations (haul trucks, yard tractors, container loading and unloading, train building, and servicing activities) coincide with extremely low nighttime ambient noise levels. Therefore, additional mitigation measures are warranted. The 12-foot sound wall proposed is inadequate and it is recommended that the sound wall be increased to 24-feet. It is also interesting that the Recirculated Draft EIR analysis assumed a soft-site noise attenuation rate, but provides no vegetative buffer as mitigation. As discussed in the DEIR Comment Letter, the area along the eastern edge of the Proposed Project should be bermed and heavily landscaped with trees and understory plants as well.

SECTION 3.10 TRANSPORTATION/CIRCULATION

R89-68 • Table 3.10-21 indicates that the Project would generate a total of 8,155 daily trips. This equates to an average of 340 trucks per hour over a 24-hour period. Since hourly traffic flows are not anticipated to be constant over the 24-hour period, using a peak hour arrival rate that is 20 percent higher than the average hour, results in a total of 408 trucks that would arrive at the Project site during a peak hour. This equates to an average of approximately 17 trucks per minute. Based on a review of Section 3.10 of the Recirculated Draft EIR, it does not appear that there is an analysis evaluating the adequacy of the on-site truck queuing areas to accommodate the forecasted number of truck trips that would move through the Project Site.

R89-69 • As indicated above within the comments regarding noise, the truck route analysis has not been corrected to address the City’s previous comments regarding queuing and access to San Gabriel Avenue and associated impacts to CVC residents.

R89-70 ↓ • The Recirculated Draft EIR claims GPS devices “would ensure driver compliance with the Project’s specified truck routes” but doesn’t discuss how this actually occurs. As a GPS device simply provides directions between locations, it is difficult to understand how the use of a GPS device guarantees that truck travel would only occur along the designated truck routes. Additional

R89-70

↑ information on this subject is required. In addition, fines should be imposed for trucks not using the designated truck routes and a fund should be established for the purposes of conducting future traffic studies to determine if Project operations are resulting in neighborhood impacts and if such impacts are detected, that funding for the implementation of specific measures be provided. This type of neighborhood protection fund is commonly imposed by the City of Los Angeles Department of Transportation (LADOT) on projects occurring throughout the City of Los Angeles.

R89-71

• Section ES.1 of the Recirculated Draft EIR indicates that the Recirculated Draft EIR addresses Project impacts over a 50-year operational period, with the lease expiring in 2066. Based on these statements, the Recirculated Draft EIR analyses need to address the entire lease period. If the EIR analyses only cover a portion of the lease period, then the EIR fails to address the impacts of the Project over the full term of the lease. This requirement is reflected in case law wherein the courts have determined that Development Agreements cannot extend beyond the analysis period covered by the EIR. In this regard, the Recirculated Draft EIR is clearly deficient. Based on a review of Appendix G1 of the Recirculated Draft EIR, traffic analyses are conducted relative to existing conditions, and for conditions forecasted to occur in 2016, 2035, and 2046. As such, the impact analysis falls 20 years short of the lease period that is supposedly covered by the Recirculated Draft EIR. Also of note, and in addition to this fundamental deficiency, the bases upon which the 2046 traffic analysis is conducted is not explained in the Recirculated Draft EIR. This is of particular importance since SCAG's traffic model serves as the basis upon which the Project's traffic analysis is based and SCAG has only projected conditions, even in SCAG's latest Regional Transportation Plan, to 2035. This begs the question as to what are the regional assumptions incorporated into the 2046 traffic analysis and on what basis were they made. This information is critical in understanding the Project's traffic analysis as an analysis of 2046 conditions without the Project can only be made based on land use projections since an analysis based on a related projects list would be meaningless for a time period that is 34 years in the future.

R89-72

• While the preceding points are critical and must be addressed, the issues raised by the analysis presented under Impact TRANS-2 may be the most problematic and troublesome deficiency of the entire traffic analysis. Specifically, Impact TRANS-2 concludes that the Project would generate fewer truck trips than would have been generated without the Project. This statement is particularly egregious in light of the data presented in the Project's trip generation table (Table 3.10-21), which clearly states that the Project generates an increase in trips during all analysis periods (AM peak, Midday peak, and PM peak). If the statement under TRANS-2 is correct, then the traffic analyses are fundamentally flawed and invalid as the traffic modeling was based on an erroneous trip generation assumption. As no details are provided as to the basis for this

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R89-72

↑ conclusion it is impossible to determine the validity of the Project's traffic analysis. This lack of disclosure is sufficient unto itself to warrant the revision and recirculation of the Recirculated Draft EIR. The deficiencies based on this lack of disclosure measurable worsen when one attempts to establish the logic upon which the statement that the Project would generate fewer truck trips than would have been generated without the Project is based. It appears that the logic underlying the traffic analysis is that the conditions at the SCIG site and the Hobart site are being analyzed collectively. This would be somewhat understandable, but still questionable, if the Project Site for the purposes of analyzing the impacts of the Project included both the SCIG site and the Hobart site. If the two sites are joined in this manner, then analyzing impacts in the context of the two sites may be supportable. Even under this analytic structure, impacts at localized intersections to the SCIG site that would not be on the travel routes to Hobart would still be impacted by the increase in trip generation per the data provided in Table 3.10-21. Since, the Recirculated Draft EIR defined the Project Site as the SCIG site (see Figure 2-2), basing the traffic analysis on anything other than the trip generation data set forth in Table 3.10-21 is a deceptive and unequivocal misuse of the baseline condition that is in clear violation of CEQA. This deficiency in terms of using an inappropriate baseline extends to the Project's CMP analysis as well. Further, the basis underlying the CMP analysis is only valid if the trips to Hobart are never replaced. Thus, for the CMP analysis to remain valid a condition of approval must be imposed that requires a limitation on truck trips to Hobart to the level specified in the Recirculated Draft EIR (i.e., the trips that correspond to 78,950 annual lifts – see page 3.10-41 of the Recirculated Draft EIR). Extending these deficiencies across the various traffic analyses presented in the Recirculated Draft EIR leads to the conclusion that all traffic analyses predicated upon the transfer of trips from Hobart are equally invalid unless the condition of capping trips at Hobart is implemented.

R89-73

- Also of considerable concern regarding the Project's traffic analysis pertains to the analysis presented under Impact TRANS-5 which assumes no growth at Hobart between 2010 and 2035. If this is the case, it raises serious questions as to the viability of future operations of the Hobart facility as the EIR analyzes that 95 percent of Hobart's truck trips are transferred to the Project. These assumptions seem to defy logic as it indicates that BNSF would continue to operate Hobart at 5 percent of its current operating levels. Since it is extremely unlikely that BNSF would operate the Hobart facility at such a low level of operations, then the Project's traffic analysis is also deficient as the Project's trip generation would be underestimated because in actuality 100 percent of Hobart's truck trips would eventually be transferred to SCIG.

R89-74

- ↓ Although not as fundamental and complex as the deficiencies identified above, the Project's traffic analysis is also deficient as the analyses of traffic hazards and emergency access do not address potential issues associated with the

- R89-74** ↑ alternative sites locations (e.g., increased truck crossings of train tracks). Further, the traffic analysis presented in the Recirculated Draft EIR fails to identify and analyze multiple traffic issues set forth in the City of Los Angeles CEQA Thresholds Guide. Specifically, impacts related to street segments (CEQA Thresholds Guide Section L.2); neighborhood intrusion (Section L.4); project access (Section L.5); and parking, particularly with regard to on-site truck storage (Section L.7) are not addressed.
- R89-75**

CHAPTER 4 CUMULATIVE ANALYSIS

- R89-76**
- Section 4.2.1.2, Cumulative Impact AES-1, page 4-22: As described further above in the comments to Section 3.1, Aesthetics/Visual Resources, views of the mountains in Key Viewpoint 1 serve as the prominent visual backdrop from this location. In addition, Section 3.1 concludes that “the proposed Project would interrupt north-facing views of mountains in the distance.” As set forth above, the Project would result in a complete blockage of the mountains and not a mere “interruption.” Therefore, to the extent other projects in the area further block views of the distant mountains in combination with the Project, cumulative impacts regarding Impact AES-1 would be considered significant.
- R89-77**
- Section 4.2.3.3, Cumulative Impact BIO-4, page 4-34: This section concludes that “the past, present, and reasonably foreseeable future projects, including the Project, would add to the bright light and glare that characterizes urban Los Angeles, but the additions would be relatively small. Accordingly, the related projects would not result in significant cumulative impacts related to wildlife migration corridors.” However, no technical studies or evidence to support such statement is provided. In addition, the Project in combination with 170 projects would not be expected to result in a “relatively small” addition to the light and glare already in the Project area. Therefore, cumulative lighting impacts related to the interference with the movement of wildlife species is not adequately addressed.
- R89-78**
- City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: Another issue with the cumulative impact analysis is the same one that comes up in the project air quality analysis - the baseline. The conclusion that the Project would reduce emissions (based on the comparison to the 2010 baseline) leads the authors to similar conclusions with respect to cumulative impacts. Specifically, we believe the following conclusions are inaccurate:
 - Item 4.2.2.4 (Page 4-26): The conclusion that the project would not make a cumulatively considerable contribution to significant cumulative emissions is based on the erroneous conclusion that the project would reduce emissions. If calculated appropriately (as discussed earlier), project emissions may be significant and may, therefore, represent a cumulatively considerable contribution to a significant cumulative impact.

R89-78

- Item 4.2.2.8 (Pages 4-28 and 4-29): Based on the potentially erroneous conclusion that the Project would reduce emissions of toxic air contaminants (TACs), the RDEIR concludes that the Project would reduce cancer risks and would not make a considerable contribution to a significant cumulative impact related to TACs. If calculated appropriately (as discussed earlier), Project emissions of TACs and associated health risks may exceed established significance thresholds and may therefore represent a cumulatively considerable contribution to a significant health risk impact.

R89-79

- City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: The analysis presented in Chapter 4 of the RDEIR does not provide an accurate picture of what the true cumulative impacts of rail operations will be. For example, the discussion of off-site rail operations on page 4-58 suggests that only noise from SCIG and ICTF rail operations are considered. All rail operations, including existing and other planned future train operations need to be considered in this analysis, especially as many of these rails (and roads) leading to the Proposed Project site are located within the City of Long Beach.

CHAPTER 5 ALTERNATIVES

Inadequate Alternatives Analysis

- With regard to alternatives, CEQA Guidelines Section 15126.6(a) requires that a Draft EIR include a discussion and evaluation of “a reasonable range of alternatives to the project, or to the location of the project, which would feasibly obtain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

R89-80

The analysis of alternatives in Chapter 5 of the Recirculated Draft EIR does not comply with these basic CEQA requirements. The analysis of alternatives within Chapter 5 includes a discussion of just two alternatives including a no build alternative. These two alternatives in no way represent a range of reasonable alternatives to the Project. In addition, the alternatives analysis fails to focus on alternatives that would address significant impacts of the Project as required by CEQA. Specifically, the Project would result in significant impacts associated with aesthetics, air quality, cultural resources, greenhouse gases, land use compatibility, consistency with land use policies, noise, transportation and solid waste. Many of these significant impacts are local impacts that occur within the adjacent residential community of the City of Long Beach. The alternatives analysis fails to provide an analysis of alternatives that have the potential to mitigate these impacts. Rather, the No Project Alternative in the Recirculated Draft EIR is determined to result in an increased number of significant environmental impacts, while the Reduced Intensity Alternative is determined to

R89-80

↑ result in the same number and type of significant impacts as the Project. The fundamental purpose of an EIR under CEQA is to reduce the significant impacts of a Project through mitigation measures or alternatives. This fundamental purpose of CEQA has been thwarted with the Recirculated Draft EIR.

R89-81

• Alternative sites were determined to be infeasible without any updated comprehensive analysis of why such alternative sites are infeasible. Specific examples are as follows:

- The discussion within the Watson Yard alternative site states that the Watson Yard site is too small and poorly shaped. However, the discussion then states “a smaller near-dock facility at Site 1 would be compatible with existing intermodal technology.” The analysis then rejects this alternative site by stating that it would not meet the 2007 Goods Movement Action Plan since the SCIG Project would not be implemented and smaller near-dock facilities are not contemplated. These assumptions are self-serving and need to be reevaluated. A true analysis of the viability of the Watson Yard site needs to be evaluated. Additional smaller near-dock facilities can assist in accommodating future demand for the ports and should be considered in a new recirculated Draft EIR.
- The discussion regarding alternative sites inside the ports states that such alternative sites would be available for consideration for development into a near-dock yard but then inappropriately uses the need to address other environmental issues as if that should be some sort of deterrent from consideration of alternative sites. The discussion also states that all of the “sites inside the ports would meet at least some of the project objectives, and all except the POLB Pier B site would likely have fewer community issues than the proposed Project because they would be farther away from residences and sensitive uses.” Based on this determination, these and other alternative sites inside the ports must be comprehensively considered in a new recirculated Draft EIR.
- The POLA LAXT site was eliminated from further consideration as LAHD has proposed other improvements for this site. This alternative site should be thoughtfully reconsidered. As stated in the alternatives analysis, no land acquisition or creation would be needed and the facility would operate similar to the Project. Thus, this is a viable alternative site. Furthermore, contrary to the statement in the Recirculated Draft EIR that the LAXT site would have essentially the same environmental impacts as the Project, this alternative site would actually have reduced impacts when compared with the Project. Specifically, sensitive land uses such as residential uses and schools are not located immediately adjacent to this alternative. In addition, due to its location, truck trips and associated

R89-81



air quality, green house gas emissions and traffic impacts would be reduced when compared with the Project.

R89-82

- The Draft EIR acknowledges that even if the Project is not approved, it is anticipated that cargo demand will be met through the use of existing facilities. This calls into question whether the Project is actually needed at all; and suggests that a smaller facility, in conjunction with operational changes at existing facilities, could meet the Port's needs.

R89-83

- In accordance with CEQA, the discussion of the feasibility of alternative site layouts provided needs to be redrafted in the context of eliminating significant impacts, including those that would occur at the adjacent residential community to the east. The alternative layouts provided instead merely propose different track layouts and access, not to mention use of conventional cranes, which would increase air quality impacts. This analysis is entirely inadequate.

R89-84

- City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: In addition, on dock rail alternatives should be critically reexamined. Not locating this type of facility on the docks clearly violates the goals, policies and intents of the Ports' Clean Air Action Plan (CMP), also known as the San Pedro Bay Standards. The Port of Long Beach is setting a much better example in locating these types of facilities on the docks. We expect the Port of Los Angeles to do more than immediately violate and invalidate their 2006 CAAP promises to the community, as this Project does.

- Further Comment on Recirculated Draft EIR: The document still fails to address on-dock rail comprehensively and to justify why it is not considered a viable alternative. In addition, the discussion of on-dock railyards is based on a 2006 study, which is likely based on even older data. This discussion should be updated based on new data that represents current and future conditions of the Ports.

R89-85

- The use of inland ports/remote railyards should be more thoroughly investigated and considered as an alternative. As indicated in the Recirculated Draft EIR, this concept would eliminate port area trips and thus, would substantially reduce air quality, GHG and traffic impacts. In addition, as set forth in the Recirculated Draft EIR, such a concept could present an opportunity to use dedicated locomotives with advanced emissions reduction features. Thus, air quality and GHG impacts have the potential to be even further reduced with implementation of this concept. Furthermore, the significant impacts to the residents adjacent to the Project Site would be eliminated under this concept.

R89-86



- Alternative container transportation systems must be incorporated as both an alternative to the Project and as a Project element. As indicated in the

R89-86

↑ Recirculated Draft EIR, such alternative container transportation systems are being evaluated. Zero emission trucks in particular have been included as part of other recent projects (e.g., the I-710 Corridor Project). With the 50-year lease included as part of the Project, these systems and features must be incorporated. The conditions requiring participation in demonstrations of concept rail technologies and demonstration and eventual deployment of zero-emission trucks when they are determined to be commercially and economically feasible are not sufficient.

R89-87

- City of Long Beach Draft EIR Comment Not Addressed in Recirculated Draft EIR: No Comparative Analysis – Across the board, the alternatives analysis fails to identify whether the alternatives’ impacts are greater than or less than those of the Project. Per CEQA Guidelines Section 15126.6, this comparison is a fundamental purpose of the alternatives analysis. Although the matrix at the end of Chapter 5 provides something of a comparative analysis, each discussion should provide a comparison of the impacts of the alternative and the Project.
 - Further Comment on Recirculated Draft EIR: In most cases the alternatives analysis continues to fail to provide a clear comparison of the impacts of the alternatives with those of the Project. Instead, the Recirculated Draft EIR specifically states that “no detailed quantitative analysis is conducted because there is expected to be little difference between the baseline conditions and the No Project such that the existing impact analysis described in Chapter 3 is comparable to that of the Project minus the No Project.” Again, a comparison of the impacts of each of the alternatives with those of the Project, whether quantitative or qualitative, is a fundamental purpose of the alternatives analysis and must be provided.

Inadequacy of the No Project Alternative

R89-88

- As set forth under CEQA Guidelines Section 15126.6(e), “the purpose of describing and analyzing a no project alternative is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” CEQA further provides that the No Project should be based on either the existing conditions at the time the NOP was issued or on what would be reasonably expected to occur in the foreseeable future if the project were not approved based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6).

↓ The No Project Alternative within the Recirculated Draft EIR provides that the existing uses within the Project site would remain with a 10 percent increase in activity levels of the existing uses by 2016. However, one of the fundamental flaws in the No Project Alternative is that the alternative and the associated impact analyses assume that all of the future demand in cargo that would have been handled by SCIG plus an additional approximately 500 trips would be

R89-88

↑ handled at the Hobart/Commerce Railyard, east of downtown Los Angeles approximately 24 miles north of the Ports. This bold assumption does not account for the other facilities and new technologies that will be available through 2035 to accommodate future cargo. Further, this bold assumption is predicated on an assumption that the five additional 8,000 foot tracks, 250 wheeled parking spaces and 3,700 container stacking spaces needed by the Hobart/Commerce facility to accommodate this demand would require no discretionary actions or leases, permits or licenses, or certificates from a public agency. Based on these aggressive assumptions, which as discussed further below, overstate environmental impacts of the No Project Alternative, a No Project Alternative needs to be provided that provides a more reasonable expectation of what the impacts of not building the Project would be. Furthermore, if the future Hobart Commerce Railyard expansions are reasonably foreseeable, traffic from the ports to these facilities should have been included as part of the traffic analysis.

- Based on the aggressive and unrealistic assumptions regarding the increased cargo demand being specifically accommodated at the Hobart/Commerce Railyard under the No Project Alternative assumptions, the air quality and GHG emissions and traffic generation under the No Project Alternative are greater than under the Project. These analyses must be updated to reflect realistic assumptions.

R89-89

• The impact analyses for the No Project Alternative are inconsistent in their approach and are not objective. For example, the air quality analysis provides a detailed analysis of the truck trips that would travel to the Hobart/Commerce Railyard and thus, results in an increase in air quality emissions when compared with the Project. However, for issues such as aesthetics, geology, hazards, among others, the analysis concludes that the Hobart/Commerce Railyard will have no physical changes to the environment since "LAHD would not issue any permits or discretionary approvals." The analyses need to be consistent in their assumptions regarding Hobart/Commerce. Specifically, if the air quality analysis is going to include the trips to the Hobart/Commerce Railyards, then the other analyses also need to address the physical impacts associated with construction and operation with the Hobart/Commerce Railyards that are accommodating the truck traffic. In its current form, the No Project Alternative is piecemealing its assumptions regarding future use of the Hobart/Commerce Railyards.

R89-90

- The CEQA Baseline numbers provided in Table 5-14 in the transportation analysis for the No Project Alternative are not consistent with other sections of the Recirculated Draft EIR. In addition, as with the air quality analysis, the base assumption that all of the trucks that would travel by SCIG plus an additional approximately 500 trips would be instead handled at the Hobart/Commerce Railyard as part of the No Project Alternative is suspect.

R89-91

Inadequacy of the Reduced Project Alternative

- R89-92** | • In accordance with CEQA, the Reduced Project Alternative should be redesigned in the context of mitigating the significant impacts of the Project, including those impacts on the residential community adjacent to the Project site to the east. Instead, the Reduced Project Alternative merely assumes that the same geographic area and physical features of the Project would be developed with reduced operation of the facility. In addition, given that several of the significant and unavoidable impacts of the Project relate to the construction activity, we find it a major oversight that the Recirculated Draft EIR does not consider an alternative that would reduce overall construction activity and duration.
- R89-93** | • Under the Reduced Project Alternative, it is assumed that the cargo demand not handled by SCIG would continue to be handled by Hobart/Commerce or other railyards such as the UP ICTF. Thus, as stated above, the bold assumption under the No Project Alternative that all of the SCIG cargo demand would instead go to the Hobart/Commerce facilities rather than other regional facilities such as the UP ICTF is suspect.
- R89-94** | • The CEQA Baseline numbers in Table 5-39 in the transportation analysis for the Reduced Project Alternative are not consistent with other sections of the Recirculated Draft EIR.

CHAPTER 6 ENVIRONMENTAL JUSTICE

- R89-95** | • Section 6.4.2.1, Evaluation of Disproportionately High and Adverse Effects on Minority and Low-Income Populations, page 6-12: As described previously, with regard to aesthetics, the Project would cause an unfavorable and additional contrast with the placement of a sound wall which would reduce the openness that provides an invaluable contribution to the value of the play area at the Mary Bethune School. In addition, the proposed sound wall would only be landscaped and treated on the side temporarily available to motorists and not on the playground side. Such a change evidenced in Figure 3.1-15, Key Viewpoint 2 would certainly have significant impacts with respect to minority and low-income populations and should be identified as such.
- R89-96** |
- R89-97** | • Section 6.4.2.2, Summary of Impacts that Would Not Cause Disproportionately High and Adverse Effects on Minority and Low-Income Populations, page 6-15: This section concludes that “mass emissions impacts from the Project operations were determined to be less than significant, but make a cumulatively considerable contribution to a significant cumulative impact with regards to CO emissions. However, these CO emissions are predominantly from the operations of displaced businesses, and because the future locations of these displaced businesses are unknown this cumulative impact is not considered to fall disproportionately on minority and low-income populations.” However, in other areas, the Recirculated Draft EIR states that such businesses are assumed to

R89-97

↑ relocate within the port region, which is characterized by minority and low-income populations. Therefore, the Recirculated Draft EIR does not adequately characterize potential impacts to minority and low-income populations and such analysis must be revised.

CHAPTER 7 SOCIOECONOMICS AND ENVIRONMENTAL QUALITY

R89-98

- Section 7.3.1.2, Proposed Project, 7-31: As this section describes, the Project would only provide a maximum of 450 direct employment opportunities and several businesses employing over 1,700 people would need to be relocated. As noted previously, the Recirculated Draft EIR describes that two of the three businesses for which relocation sites have been identified would likely experience reduced operations due to the lack of available space and as such would experience an associated loss of jobs, which would not be replaced by the Project. In addition, the Recirculated Draft EIR assumes that the remaining five businesses would find a place to relocate. However, these businesses may not find a suitable site to relocate due to the nature of their business and would therefore also result in an associated reduction in employment, which would again not be met by the Project. The Recirculated Draft EIR fails to adequately consider the potential for the loss of jobs and the loss of the business that currently exist within the Project Site. Accordingly, the Project's socioeconomic impacts are understated as the loss of business and the associated loss of jobs would certainly result in socioeconomic impacts. Such impacts must be disclosed.

GENERAL COMMENTS

Section 15126.2 (b) of the CEQA Guidelines requires that "where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described." The Recirculated Draft EIR has failed to comply with this EIR requirement.

Based on the above comments, we believe that the Recirculated Draft EIR has severe inadequacies that must be corrected in order to comply with CEQA. Many of these inadequacies were set forth in our letter to you regarding the Draft EIR but were not addressed in the Recirculated Draft EIR. Additional analyses are needed and existing analyses and base assumptions need to be modified and/or substantiated within a new recirculated Draft EIR. The City looks forward to continued discussions and coordination with PoLA on this important Project.

Sincerely,



PATRICK H. WEST
CITY MANAGER

1 **Comment Letter R89: City of Long Beach**

2 **Response to Comment R89-1**

3 The comment is introductory material that does not raise issues under CEQA requiring a
4 response. Responses to specific issues raised by subsequent comments are provided
5 below.

6 **Response to Comment R89-2**

7 The comment describes the “Terminal Island Parkway Mitigation Project” at a
8 conceptual level, and does not provide sufficient information to evaluate its effectiveness
9 in achieving the benefits cited in the comment. There is insufficient information to
10 evaluate, for example, whether the claimed benefits related to carbon offsets, air quality,
11 noise, and aesthetics could simultaneously be achieved by the suggested 75-foot-wide
12 landscaped buffer greenbelt/park. Analysis in the RDEIR addresses each of these topics
13 and, where possible, identifies feasible mitigation for significant impacts. The comment
14 also suggests that funding for the “Terminal Island Parkway Mitigation Project” should
15 be made a part of the proposed Project. Although the suggested mitigation program
16 includes generalized goals, it is not sufficiently developed to conclude that such a
17 program would actually achieve mitigation and would thus represent improperly deferred
18 mitigation for this project. (See *Center for Sierra Nevada Conservation v. County of El*
19 *Dorado* (2012) 202 Cal.App.4th 1156. [to be considered adequate, a fee program must, at
20 some point, be reviewed under CEQA]). In addition, as the commenter states, the
21 proposed Terminal Island Parkway Mitigation Project would be located on property
22 owned by the City of Long Beach. The LAHD has no jurisdiction over property owned
23 by the City of Long Beach and could not implement the parkway project. Please also see
24 the response to comment R114-12.

25 The comment implies that the proposed Project would route trucks on the Terminal
26 Island Freeway north of PCH. However, although this portion of the Terminal Island
27 Freeway is an existing truck route it is not one of the designated truck routes serving
28 SCIG (see Figure 2-4 on page 2-17 of the RDEIR depicting the SCIG-designated truck
29 routes). No truck traffic serving SCIG would operate north of PCH. Any traffic operating
30 north of PCH on Terminal Island Freeway would be either local traffic or trucks destined
31 for the existing UP facility (ICTF). Thus, future truck traffic diverted from this portion of
32 the Terminal Island Freeway by the proposed “de-intensification” would represent local
33 traffic and UP traffic, not SCIG traffic.

34 With respect to noise, the RDEIR Section 3.9.4.3 identified significant impacts within the
35 City of Long Beach that would be mitigated to less than significant, and a significant,
36 unavoidable impact at three sensitive receptors in Long Beach (2789 Webster, the
37 Buddhist Temple, and, and the Century Villages at Cabrillo) that would occur in the
38 event nighttime “high activity” operations coincide with extremely low nighttime
39 ambient noise levels. That impact would be associated with on-site (i.e., railyard) and
40 train operations, not truck traffic on the Terminal Island Freeway (which the “de-
41 intensification” of the Terminal Island Freeway would propose to address). In fact, as
42 discussed in the RDEIR (Section 3.9.4.3, Impact NOI-6.), the majority of roadways in the
43 City of Long Beach would experience a traffic noise decrease because the proposed
44 Project would reduce truck traffic on roadways north of the Project site.

1 The RDEIR also did not find any significant aesthetic impacts related to the proposed
2 sound wall and the key views of the eastern side of the Project. Aesthetic effects of the
3 proposed sound wall referred to in the comment are evaluated in RDEIR Section 3.1.4.3.
4 The analysis determined that the sound wall would represent a new visual feature in this
5 view, but would not block or interrupt any unique or scenic views in the Project area.

6 The comment also asserts, but does not present evidence that the reconfiguration of the
7 Terminal Island Freeway and building of a landscaped park would mitigate air quality
8 impacts due to criteria pollutants and health risk impacts at residential and sensitive
9 receptors east of the present freeway location. The RDEIR (Section 3.2) finds significant
10 and unavoidable impacts from criteria pollutants (NO₂, PM₁₀, PM_{2.5}) even after
11 applying all feasible mitigation. However, there is no evidence that those impacts would
12 be further mitigated by the de-intensification project proposed in the comment.

13 Additionally, the proposed mitigation measure is not sufficiently related to the impacts
14 identified in the RDEIR, and it is not proportional in nature and extent to those impacts.
15 See Pub. Resources Code § 21002; CEQA Guidelines § 15370; see generally *Nollan v.*
16 *California Coastal Commission*, 483 U.S. 825, 834-37 (1987) (condition requiring a
17 dedication of property *along* a beach rather than *to* the beach did not address the harm at
18 issue and was therefore invalid); *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994)
19 (mitigation must be related in “rough proportion” both “in nature and extent” to the
20 impact of the proposed development). For these reasons, the proposed “Terminal Island
21 Parkway Mitigation Project” is not an appropriate mitigation measure for the Project.

22 Response to Comment R89-3

23 The commenter is suggesting the establishment of a mitigation grants program. The
24 suggested program appears to be designed to provide general, public benefits, but is not
25 specifically related to the proposed Project. For example, the suggested program is not
26 designed to mitigate construction impacts, and as a result, would not provide mitigation
27 for construction related impacts during the three-year construction period. The proposed
28 mitigation measure is not sufficiently related to the impacts identified in the EIR and not
29 proportional in nature and extent to those impacts. See Pub. Resources Code § 21002;
30 CEQA Guidelines § 15370; see generally *Nollan v. California Coastal Commission*, 483
31 U.S. 825, 834-37 (1987) (condition requiring a dedication of property *along* a beach
32 rather than *to* the beach did not address the harm at issue and was therefore invalid);
33 *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994) (mitigation must be related in “rough
34 proportion” both “in nature and extent” to the impact of the proposed development);
35 *Ehrlich v. City of Culver City*, 12 Cal. 4th 854 (1996) (California Supreme Court applied
36 *Nollan* and *Dolan* to mitigation fees; “[t]he amount of such fee...must be tied ... to the
37 actual impact”).

38 In addition, as discussed in the response to Comment R89-2, the suggested mitigation
39 grants program is presented at a conceptual level. Although the suggested program
40 includes a generalized goal of reducing air quality impacts, it is not sufficiently
41 developed to conclude that it would actually achieve mitigation and thus represent
42 improperly deferred mitigation for this project. (See *Center for Sierra Nevada*
43 *Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156. [to be considered
44 adequate, a fee program must, at some point, be reviewed under CEQA].)

1 Response to Comment R89-4

2 The comment asserts that the alleged deficiencies in the DEIR were not addressed in the
3 RDEIR, as an introduction to the following comments describing these alleged
4 deficiencies. With regard to the Parkway Mitigation Project mentioned by the comment,
5 which is presumably the concept described by City Fabrik, please see the responses to
6 Comment R114.

7 Response to Comment R89-5

8 The commenter is correct that the text in Section ES.5.4 was in error, and this has been
9 revised in the Final EIR.

10 Response to Comment R89-6

11 Two lease measures (LM RISK-1 and LM RISK-2) identified in Section ES 5.5 of the
12 RDEIR are being included as conditions to the lease with BNSF, and relate to practices
13 and procedures required by existing laws and regulations for the handling, treatment, and
14 disposal of soil and groundwater contamination encountered during construction.
15 Compliance with existing laws and regulations may be considered mitigation under
16 CEQA. (See Master Response 2, Adopted Regulations, for additional discussion
17 regarding compliance with applicable laws and regulations.) However, because these
18 lease measures would be required under LAHD leasing requirements, analysis in the
19 RDEIR considered them part of the project, not mitigation, and found that, impacts
20 related to hazardous materials during construction would be less than significant for the
21 Project and would not require mitigation (refer to page 3.7-22 of the RDEIR).
22 Nevertheless, as suggested by the commenter, the lease measures will be incorporated
23 into the MMRP, in a table that is separate and distinct from CEQA mitigation measures,
24 for tracking and reporting purposes in order to ensure compliance with these lease
25 measures during construction.

26 Response to Comment R89-7

27 The comment correctly points out an inconsistency in the wording of threshold RISK 4 in
28 the RDEIR. The correct statement of the threshold is presented on p. 3.7-17 of the
29 RDEIR: “Be located on a site which is included on a list of hazardous materials sites
30 compiled pursuant to Government Code Section 65962.5 and, as a result, create a
31 significant hazard to the public or the environment.” The statement of the threshold on p.
32 3.7-33 (“create a significant hazard to the public or the environment as a result of the
33 proposed Project being located on a site which is included on a list of hazardous materials
34 sites compiled pursuant to Government Code Section 65962.5”) is slightly different in
35 wording but wholly consistent in meaning and intent with the statement on p. 3.7-17;
36 accordingly, the impact finding under RISK 4b is appropriate, and Table 3.7-6 accurately
37 states that finding. The wording in Table 3.7-6 will be revised in the FEIR

38 Response to Comment R89-8

39 LAHD staff is recommending to the Board of Harbor Commissioners that certain project
40 conditions, including those discussed in Section ES 6 of the RDEIR be included in the
41 lease between the LAHD and BNSF for the SCIG facility. These project conditions are
42 not required as CEQA mitigation measures but are important because they advance
43 important LAHD environmental goals and objectives. The Board may not elect to adopt
44 some or all of those conditions, but any that are adopted will be enforceable and will be

1 incorporated into the MMRP, in a table that is separate and distinct from CEQA
2 mitigation measures, for tracking and reporting purposes.

3 However, the project conditions in Section ES.6 are not quantifiable or feasible at this
4 time and are not considered mitigation under CEQA to reduce an identified impact. For
5 example, PC AQ-11 Zero Emission Technologies Demonstration Program specifies goals
6 and lists the process by which zero emission technologies will be tested and pursued, but
7 does not set fixed levels for zero emissions technology implementation until determined
8 feasible in accordance with the criteria established in PC AQ-11. For further details on
9 feasibility, please see Master Response 7, ZECMS.

10 PC AQ-12 San Pedro Bay Ports CAAP Measure RL-3 is also a project condition subject
11 to approval and was not quantified for mass emissions, air pollutant concentrations or
12 health risk analysis for several reasons. Tier 4 locomotives are expected to utilize a new,
13 untested technology that simply does not currently exist at an adequate size for large-bore
14 locomotive engines. Under even the most optimistic scenario, there will only be a limited
15 number of prototype high horsepower Tier 4 locomotives operating in California for field
16 testing in 2013. It is infeasible to commit in advance to purchase and deploy locomotives
17 by a date certain when those locomotives have not yet been designed, tested, or deployed.
18 PC AQ-12 is clear that “[i]mplementation of the RL-3 goal for introduction of the
19 locomotives calling at SCIG while on port properties would be based on the commercial
20 availability of operationally proven Tier 4 locomotives in 2015 and *any adjustment in*
21 *that date will require equivalent adjustment in the goal achievement date.*” (RDEIR,
22 Section 3.2.5 [emphasis added]). PC AQ-12 takes into account the necessity to adjust the
23 goal achievement date if certain key assumptions, such as the commercial availability of
24 operationally proven Tier 4 locomotives by 2015, are not met. In addition, PC AQ-12 is
25 clear that the emission reduction sought by the RL-3 emissions goal “may also be
26 achieved by BNSF’s reduction in air emissions anywhere in the South Coast Air Basin
27 equivalent to the RL-3 goal for locomotives calling at SCIG while on port properties
28 through *any other alternative means.*” RDEIR, Section 3.2.5 (emphasis added). This
29 provides necessary flexibility in meeting the project condition, without which the project
30 condition would be infeasible. Nevertheless, as suggested by the commenter, these
31 Project Conditions Subject to Approval will be incorporated into the MMRP, in a table
32 that is separate and distinct from CEQA mitigation measures, for tracking and reporting
33 purposes in order to ensure the advancement of important environmental goals and
34 objectives.

35 **Response to Comment R89-9**

36 See Master Response 3, Hobart.

37 **Response to Comment R89-10**

38 The commenter appears to be interpreting “generally the same” to mean the substantial
39 increase that would be necessary to cause a significant impact under CEQA. The
40 statement cited in the comment is based upon the information presented in the previous
41 paragraph, on p. 2-12 of the RDEIR, that points out that truck and locomotive traffic
42 volumes would be the same whether SCIG is built or not. The locomotives associated
43 with the proposed Project would be serviced at the Sheila facility, but because the
44 proposed Project would not add locomotive traffic to the region, it would not increase the
45 amount of activity at Sheila. If the proposed Project were not built, those locomotives
46 would simply work at other intermodal facilities such as Hobart, but would still be

1 serviced at the Sheila facility. The analysis in the RDEIR is consistent with CEQA and
2 recirculation is not appropriate. The term “generally” will be removed from the FEIR.

3 **Response to Comment R89-11**

4 The RDEIR has fully analyzed the potential impacts from businesses moving to alternate
5 locations (analyzed as ACTA, Cal Cartage and Fast Lane), and has analyzed the impacts
6 of the movement of other displaced businesses to unknown sites to the extent feasible. ee
7 Master Response 8, Displaced Businesses.

8 **Response to Comment R89-12**

9 The RDEIR has conservatively analyzed transloading activity occurring on the SCE
10 parcel, under the assumption that a portion of Cal Cartage’s activity would occur on this
11 parcel. If SCE does not provide approval for this type of activity the environmental
12 impacts associated with this parcel would be less than those analyzed in the RDEIR,
13 therefore the analysis has still conservatively captured potential impacts from activity on
14 this parcel. See Master Response 8, Displaced Businesses for additional discussion.

15 **Response to Comment R89-13**

16 The commenter appears to be assuming that the alternate business sites are separate from
17 the proposed Project, but, as Section 2.1 (p. 2-1) and Section 2.4.2.1 (p. 2-18) of the
18 RDEIR, and Section 3.11.4.3 of the DEIR make clear, the proposed Project specifically
19 includes movement of some existing businesses to alternate locations being offered as
20 part of the proposed Project, and the construction of new facilities for those businesses.
21 Accordingly, the need for a public service relocation plan for any construction applies
22 equally to activities at the alternate business sites. (The commenter’s reference to the
23 “Public Resources Relocation plan” is assumed to refer to public services relocation.)
24 The wording on p. 2-31 regarding activities on alternate business sites takes into account
25 the fact that the exact entities who would be undertaking construction are not known at
26 this time. They would, however, require construction permits from most of the same
27 entities as BNSF, and those permits would be subject to conditions that would include the
28 need for public services relocation plans. Accordingly, compliance with a public services
29 relocation plan is not, contrary to the comment’s assertion, being “left up to chance”.

30 **Response to Comment R89-14**

31 The RDEIR does disclose the impacts of BNSF’s not obtaining easements from SCE: that
32 is the No Project Alternative, since without those easements the facility could not be built
33 as described (the access road is only one of the project’s features that would require
34 agreements with SCE). There is no reason to assume that BNSF will not be able to obtain
35 an easement, and since CEQA does not, in fact, require analysis of every speculative
36 contingency. Under CEQA, “the adequacy of an EIR is determined in terms of what is
37 reasonably feasible. In light of factors such as the magnitude of the project at issue, the
38 severity of its likely environmental impacts, and the geographic scope of the project.
39 CEQA does not require a lead agency to conduct every test or perform all research, study,
40 and experimentation recommended or demanded by commentators.” CEQA Guidelines
41 §15204(a). The RDEIR’s analysis complies with CEQA.

1 Response to Comment R89-15

2 The minor parcels that would be acquired by BNSF are listed in Table 2-1 of the RDEIR.
3 All of the parcels (which total 0.6 acres) are vacant, and so their acquisition and use as
4 part of the proposed Project is evaluated in the RDEIR. Accordingly, the analysis in the
5 RDEIR is adequate and complies with CEQA, and no change to the RDEIR is necessary.

6 Response to Comment R89-16

7 Section 2.4.4.1 of the RDEIR is clear that use of the designated truck routes would be
8 monitored and enforced through the use of GPS devices installed in the trucks, in
9 accordance with BNSF's drayage contract requirements. This project feature is also
10 described as part of mitigation measure MM AQ-8, Low Emission Drayage Trucks. As
11 such the enforcement of designated truck routes through GPS devices will be described in
12 the MMRP.

13 Response to Comment R89-17

14 The commenter has omitted part of the statement in the RDEIR without indicating the
15 deletion. The RDEIR actually states, "Two parallel 4,000-foot-long storage tracks would
16 run *along the eastern edge of the railyard* (emphasis added), parallel to the existing ports-
17 owned San Pedro Branch tracks, from one of the south lead tracks to the north lead
18 tracks." (RDEIR, p.2-22, describing the storage tracks.) The eastern edge of the railyard
19 would be on the western edge of the SCE right of way. The storage tracks would
20 therefore be inside the railyard, and thus no less than 600 feet from any sensitive use (see
21 Table 3.8-1 of the RDEIR for distances from the railyard to sensitive uses). Accordingly,
22 this component of the proposed Project is accurately reflected in the analyses in the
23 RDEIR. The wording of the RDEIR will be revised to make it clear that the storage
24 tracks would be inside the railyard.

25 Response to Comment R89-18

26 The comment claims says that with the proposed Project there would be "a complete
27 blockage of the mountains" from Key Viewpoint 1 (i.e., the PCH travel lanes at the south
28 edge of the railyard site), and characterizes this blockage as a significant impact. It is
29 evident from a comparison of the existing condition (Figure 3.1-2 of the RDEIR) with a
30 simulation of the future condition (Figure 3.1-13 of the RDEIR) that the cranes and
31 container stacks would interfere with views of the mountains, and the RDEIR
32 acknowledges this interference (p. 3.1-32). It is important to note, however, that the
33 RDEIR (p. 3.1-7) pointed out that the overall nature of the view is of industrial facilities,
34 and characterized the view from Key Viewpoint 1 as being of low sensitivity and not
35 critical. That characterization was based upon the fact that viewers would be primarily
36 motorists, passengers in particular who have more time than drivers to turn and look in
37 the direction of Key Viewpoint 1, who would have only a brief glimpse of the view as
38 they travel along the highway (as Comment R89-20 implicitly acknowledges). Further,
39 at this location, PCH primarily serves heavy container truck routes and commuter traffic
40 and is not designated as a scenic route or highway. It is also the case that parking is not
41 allowed at Key Viewpoint 1, so that prolonged viewing could only be accomplished by
42 parking elsewhere and walking some distance along PCH. Additionally, it is important to
43 note the inherently dynamic nature of proposed site operations, wherein neither position
44 nor height of cranes and container stacks remain fixed. For example, the further north a
45 crane operates on site relative to the viewer, the lesser the perceived obstruction of

1 background views. Accordingly, it is not reasonable to consider interruption of the view
2 from Key Viewpoint 1, regardless of the elements in it, as a significant impact. An
3 additional factor to consider, although it was not mentioned in the RDEIR, is that the
4 view of site and mountains presented in Figure 3.1-2 is not the normal view from Key
5 Viewpoint 1, as it represents a worst-case scenario to show maximum potential impact. :
6 The angle of observation is rotated approximately 90-degrees from the direction of travel,
7 on a day when atmospheric conditions rendered the mountains visible from the Long
8 Beach area. The more common experience at this location is a viewshed parallel with
9 PCH, where background views are only available a few days a year. That fact further
10 reduces the quality of the view, since the normal viewscape consists of a flat
11 industrial/commercial landscape with haze as the backdrop. The Final EIR will be
12 modified to incorporate this information.

13 **Response to Comment R89-19**

14 The RDEIR acknowledges (Section 3.1.4.3 Impact AES-1) that the sound wall would
15 dominate the western view from Key Viewpoint 2, but points out that it would not
16 interrupt any unique or scenic views. Accordingly, the sound wall would not substantially
17 degrade the visual character or quality of the site or its surroundings, the RDEIR's
18 analysis complies with CEQA, and the finding of a less-than-significant impact is
19 appropriate. The commenter's characterization of the sound wall as creating "a sense of a
20 walled-in, confined, and limited play area...[that] becomes much less inviting" is
21 acknowledged as the commenter's opinion. An equally valid opinion would be that the
22 sound wall would create a sense of protection from the nearby freeway and industrial
23 uses, thereby making the space feel safer and more inviting. Both opinions are subjective,
24 however, and do not constitute impact findings under CEQA.

25 **Response to Comment R89-20**

26 The visual simulation presented in Figure 3.1-15 of the RDEIR depicts a worst-case
27 visual condition, showing the wall shortly after installation. For the reasons discussed in
28 the RDEIR (Section 3.1.4.3 Impact AES-1) and in Response to Comment R89-19, those
29 conditions would not constitute a significant visual impact under CEQA, notwithstanding
30 the commenter's opinion to the contrary, and no mitigation is required.

31 Nevertheless, the LAHD agrees that the visual bulk and scale of the sound wall would be
32 reduced with landscape buffering, specifically plants that would cover and screen the
33 wall. For that reason, MM NOI-1, which requires BNSF to build the 12-foot-high
34 soundwall from W. 20th Street to Sepulveda Boulevard (see Section 3.9.4.3, Impact NOI-
35 6, of the RDEIR), includes a provision that BNSF install landscaping along the
36 completed soundwall. Contrary to the comment's assumption, the requirement does not
37 restrict the landscaping to the freeway side of the wall; accordingly, the commenter's
38 desire for landscaping has already been incorporated into the EIR and there are no "new
39 significant impacts." The details of that landscaping would be developed during the
40 permitting process with the City. Accordingly, the analysis in the EIR complies with
41 CEQA

42 **Response to Comment R89-21**

43 Key views selected for analysis were chosen to represent the visual experience from
44 sensitive public vantage points. The level of sensitivity was established with
45 consideration for type of viewer, and was weighted by type and duration of exposure, and

1 expectation of views. In this way, views from public schools/parks/gathering places were
2 considered most sensitive; views from public roadways less so, based on duration,
3 activity, and expectations. The baseline visual conditions at Mary Bethune School on San
4 Gabriel Avenue, whose direct adjacency to the Terminal Island Freeway affords users
5 unobstructed foreground views through a chain-link fence, include direct views to a
6 heavily traveled roadway facility lacking adequate decorative or buffer landscape and to a
7 perpetually illuminated gas refinery immediately north of the Dominguez Channel. Given
8 that these conditions constitute an existing visual environment heavily influenced by
9 surrounding industrial character and land uses, the RDEIR's analysis found that the
10 project would be visually congruent with existing visual character and viewer
11 expectations, and as illustrated in the visual simulation, may possess elements that buffer
12 current views from existing impacts through installation of a soundwall (a solid-core
13 soundwall would replace an open-core chain-link fence). Based on these findings and the
14 impact methodology outlined in the DEIR, this aspect of the project as proposed would
15 not constitute an additional impact to baseline visual conditions. Accordingly, the
16 analysis in the RDEIR complies with CEQA.

17 The commenter presents no evidence that impacts on those particular residences would
18 be significant – the mere statement to that effect does not constitute new evidence, as
19 required by CEQA. It is not reasonable to assume greater impacts on those particular
20 residences than would be experienced by residences and schools closer to the sound wall.
21 Further, under CEQA the question is whether a project will affect the environment of
22 persons in general, not whether a project will affect particular persons. (*Porterville*
23 *Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157
24 Cal.App.4th 885, 900) Those impacts were determined to be less than significant, and in
25 the absence of new evidence to the contrary, the RDEIR's analysis complies with CEQA
26 and recirculation is not required.

27 **Response to Comment R89-22**

28 See the response to comment R89-18. The commenter correctly points out that Key
29 Viewpoint 1 does include mountains and that Section 3.1.2 of the RDEIR omitted that
30 feature from its description of the existing setting. However, the RDEIR does consider
31 the potential impact of the proposed Project on that feature, as the commenter points out,
32 in Section 3.1.4.3. Accordingly, the omission of the mountains from the description of the
33 existing views did not result in the omission of a potential impact, and the analysis in the
34 RDEIR is consistent with CEQA. It is also important to note that while background views
35 to mountains are possible when allowed by atmospheric conditions, foreground and
36 middleground views are characterized by low visual unity and intactness. That is to say
37 views in the project area, including those of the mountains in the distance are rarely
38 uninterrupted by existing operations, heavy truck traffic, and the visual dominance of
39 adjacent development. Visual continuity is interrupted specifically by varying vertical
40 scales and inconsistent right-of-way treatments, and more generally with the bisection of
41 northerly view corridors at Sepulveda Boulevard. The existence of mountains that are
42 occasionally visible to passing motorists at Key Viewpoint 1 will be added to Section
43 3.1.2.3.1 in the FEIR.

44 **Response to Comment R89-23**

45 See responses to comments R89-18 and R89-22.

1 Response to Comment R89-24

2 The RDEIR points (Section 3.1.4.3 Impact AES-2) out that any night lighting that was
3 necessary for construction on the PCH bridge would be consistent with the bright
4 industrial lighting that currently exists (e.g., at California Cartage and Vopak), and would
5 be directed to illuminate specific project elements such as temporary bridge falsework or
6 uneven surface grades rather than broadcasted illumination as other nighttime lighting
7 seeks to achieve on adjacent parcels. As such, the analysis considered it as a potential
8 source of light, but found due to its temporary and directed use, it was reasonable to
9 conclude that residences several hundred feet from the construction site would not
10 experience a significant impact from construction lighting. Accordingly, the RDEIR
11 concluded that there would be no significant impact from construction lighting and no
12 mitigation is required. The RDEIR's analysis complies with CEQA requirements. The
13 comment offers no evidence to the contrary.

14 Response to Comment R89-25

15 The comment expresses disagreement with the analysis in Section 3.1.4.3 (Impact AES-
16 2) of the RDEIR evaluating the effects of lighting associated with nighttime construction
17 activities at the PCH bridge. The RDEIR did not identify significant impacts that would
18 result from these activities and need to be mitigated with incorporation of landscape
19 buffering or the Terminal Lighting Guidelines. Accordingly, the analysis in the RDEIR is
20 consistent with CEQA, and as such, no additional mitigation measures are required of the
21 RDEIR. Please note that in Section 3.1.5 of the RDEIR LAHD staff is recommending to
22 the Board of Harbor Commissioners that two project conditions, PC AES-1 and PC AES-
23 2, be included in the lease between the LAHD and BNSF for the SCIG facility. These
24 project conditions are not required as CEQA mitigation measures but they would address
25 aesthetic issues that are important to the community and the Port. The Board may not
26 elect to adopt one or both of those conditions, but any that are adopted will be
27 enforceable and will be incorporated into the MMRP, in a table that is separate and
28 distinct from CEQA mitigation measures, for tracking and reporting purposes.

29 While these Project Conditions are anticipated to reduce the level of proposed change to
30 the visual setting, a distinction is drawn between mitigation required by CEQA and
31 project design features recommended for incorporation in the lease terms for the
32 proposed Project. As such, these Project Conditions do not materially affect the project as
33 proposed or analyzed, and remain beyond the scope of this RDEIR.

34 Response to Comment R89-26

35 The referenced project conditions (PC AES-1 – Intensive Landscaping on West Side of
36 Terminal Island Freeway and PC AES-2 – Compliance with Terminal Lighting Design
37 Guidelines) are not required to reduce any significant aesthetic impact identified in the
38 RDEIR and are not proportional in nature and extent to those impacts to be appropriately
39 applied as mitigation. See Pub. Resources Code § 21002; CEQA Guidelines §15370; see
40 generally *Nollan v. California Coastal Commission*, 483 U.S. 825, 834-37 (1987)
41 (condition requiring a dedication of property *along* a beach rather than *to* the beach did
42 not address the harm at issue and was therefore invalid); *Dolan v. City of Tigard*, 512
43 U.S. 374, 391 (1994) (mitigation must be related in “rough proportion” both “in nature
44 and extent” to the impact of the proposed development).

45 Indeed, the sole significant, unavoidable aesthetic impact identified in the RDEIR relates
46 to the replacement of the existing Sepulveda Boulevard bridge, identified as a historically

1 significant structure, and mitigation measures MM CR-2 and MM CR-3 are already
2 included to address that impact. Neither PC AES-1 nor PC AES-2 which recommend
3 landscaping and compliance with Terminal Lighting Design Guidelines, respectively,
4 would mitigate the impact of replacing the Sepulveda Boulevard bridge with a more
5 modern railroad bridge structure. As such, these project conditions are not identified as
6 mitigation measures.

7 **Response to Comment R89-27**

8 Contrary to the commenter's assertion, the new USEPA 1-hour NO₂ standard was treated
9 as a significance threshold in the RDEIR. Examples of how it was treated as a
10 significance threshold are listed below:

11 In RDEIR Appendix C2, Tables C2.4-1 and C2.4-2, which contain the SCAQMD
12 thresholds for ambient air quality concentration associated with Project construction and
13 operation, respectively, both include this standard.

14 In figures such as Figure C2.5-5, the area over which the 1-hour NO₂ ground-level
15 concentration for each project alternative plus background is compared with the new 1-
16 hour NO₂ significance threshold of 189 micrograms per cubic meter (µg/m³).

17 In tables such as Table 3.2-17, maximum offsite NO₂ concentrations associated with each
18 project alternative are compared against the new 1-hour NO₂ threshold.

19 Therefore, the RDEIR compares the Project Alternatives with the new USEPA 1-hour
20 NO₂ standard as if it were a threshold of significance, though SCAQMD, the lead agency,
21 has not yet adopted this standard as a threshold of significance. As can be seen in RDEIR
22 Table 3.2-36, the proposed Project has a significant and unavoidable impact for AQ-4
23 related to the 1-hour NO₂ standard.

24 **Response to Comment R89-28**

25 The trip distances for construction trucks were provided by the applicant based on the
26 construction activities for the Project, and the number of trips for each construction
27 activity was determined based on the rough quantities of material to be hauled as
28 provided by the applicant in a detailed construction plan used to develop construction
29 emissions impacts in Section 3.2 of the RDEIR. (See RDEIR Section 3.4.2.1) The
30 construction truck trip distances used in the analysis (13 miles for water trucks, 15 miles
31 for concrete and haul trucks, and 40 miles for other supply truck trips) are appropriate
32 and superior to the URBEMIS default assumptions as they best represent the Project
33 construction activities as planned by the applicant. It is noted that these assumptions are
34 more conservative than the default assumptions from URBEMIS/CalEEMod, because the
35 majority of the construction trucks are other supply trucks with an assumed truck trip
36 distance of 40 miles, greater than the default URBEMIS/CalEEMod values.

37 The following response applies to this and all other comments below asserting that the
38 RDEIR air quality analysis should have used different technical methodologies. In
39 determining the contents of an EIR, a lead agency is entitled to rely on its own experts'
40 opinions as to what studies and analysis are appropriate to evaluate impacts. (*Association
41 of Irrigated Residents v. County of Madera*, 107 Cal.App.4th 1383,1396-1398.) CEQA
42 does not require a lead agency to conduct every recommended test and perform all
43 recommended research to evaluate the impacts of a proposed project. (*Id.*) An EIR is not
44 required to perform every analysis requested by concerned persons. (*Clower Valley*

1 *Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 245.) Disagreement among
2 experts does not make an EIR inadequate. (CEQA Guidelines Section 15151.)

3 **Response to Comment R89-29**

4 The paved and unpaved road dust emissions associated with the Project were calculated
5 in the RDEIR using methods consistent with EPA AP-42 Chapters 13.2.1 and 13.2.2,
6 respectively (EPA, 2006; EPA, 2011). Road dust emissions factors presented in Tables
7 C1.1-7 and C1.1-8 of Appendix C1 of the RDIER are combined PM10 and PM2.5
8 emissions factors including exhaust, tire wear, brake wear, and paved or unpaved road
9 dust. (Table C1.1-5 does not show road dust emissions.)

10 For paved road dust on-site at the proposed SCIG facility, silt loading was obtained from
11 EPA AP-42 Chapter 13.2.1 assuming a ubiquitous baseline and for ADT between 5,000
12 and 10,000 and vehicle weight of 18.9 tons for mostly heavy-duty trucks visiting the
13 facility. Off-site paved road dust estimates assumed the average vehicle weight of 3.2
14 tons on public roads. The silt loading was a weighted average of the ubiquitous baseline
15 for two road types by travel fractions: 53% on surface roads at ADT 500-5,000 and 47%
16 on freeway at ADT >10,000 with limited access. The travel fractions were estimated
17 based on SCAQMD four-county fleet driving statistics. A control efficiency for weekly
18 or twice-weekly street sweeping was also applied, assuming a 26% reduction in emission
19 (Countess, 2006).

20 Onsite unpaved road dust was estimated for the construction period of the proposed
21 Project. The silt content was obtained from Chapter 13.2.2 for construction sites; all
22 other coefficients were also obtained from the same chapter for industrial roads.
23 Different vehicle weights for different classes of vehicles traveling on-site during the
24 construction period were used, and they are as follows: 2.5 tons for light duty cars, 5.5
25 tons for medium duty trucks, 15 tons for heavy duty trucks, and 18 tons for heavy-heavy
26 duty trucks. A dust control efficiency of 69% was applied.

27 **References**

28 Countess Environmental. 2006. WRAP Fugitive Dust Handbook. Website:
29 http://www.nmenv.state.nm.us/aqb/documents/FDHandbook_Rev_06.pdf. September 7,
30 2006.

31 U.S. Environmental Protection Agency, 2011. "AP 42, Fifth Edition, Volume I, Chapter
32 13: Miscellaneous Sources, Section 13.2.1, Paved Roads." U.S. Environmental Protection
33 Agency, Research Triangle Park, NC. Accessed online at:
34 <http://www.epa.gov/ttn/chief/ap42/ch13/final/c13s0201.pdf>. January

35 U.S. Environmental Protection Agency, 2006. "AP 42, Fifth Edition, Volume I, Chapter
36 13: Miscellaneous Sources, Section 13.2.2, Unpaved Roads." U.S. Environmental
37 Protection Agency, Research Triangle Park, NC. Accessed online at:
38 <http://www.epa.gov/ttn/chief/ap42/ch13/final/c13s0202.pdf>. November

39 **Response to Comment R89-30**

40 Appendix C1.1 presents the RDEIR's methodology for estimating construction fugitive
41 dust emissions. The commenter has stated that fugitive PM₁₀ and PM_{2.5} emissions from
42 construction at the project site are underestimated. The commenter notes two issues:

- 43 1. The emission factor being used for construction fugitive emissions, which comes from
44 AP-42, is lower than the value SCAQMD suggests in the documentation of the

1 URBEMIS model. AP-42 TSP emission factor = 80 lb/acre/day uncontrolled; URBEMIS
2 PM₁₀ emission factor = 20.0 lb/acre/day uncontrolled;

- 3 2. The commenter also noted that controls have been applied to this factor based on 69%
4 control for watering in order to comply with SCAQMD construction guidelines, and then
5 a further 90% control on top of that based on Port construction guidelines, for a total
6 control level of 97%. The commenter states that this level of control is unreasonable to
7 achieve.

8 The commenter is correct that the construction fugitive dust emissions factor was
9 underestimated, and that the control level was overestimated at 97% rather than the 90%
10 required as part of the Port of Los Angeles Sustainable Construction Guidelines.
11 However, the fugitive dust emissions were ultimately overestimated in the RDEIR
12 because fugitive dust emissions from on-site truck activities were conservatively added to
13 the area-wide construction fugitive dust emissions.

14 The AP-42 factor used and the URBEMIS factor cited are intended to represent all
15 fugitive PM emissions from construction activities. These activities include grading,
16 demolition, excavation and truck travel on unpaved construction site roads. AP-42 notes
17 that “A large portion of the emissions result from equipment traffic over temporary roads
18 at the construction site.” (EPA, 1995).

19 The emissions calculated in the RDEIR, however, go further and explicitly calculate dust
20 emissions from unpaved roads. These emissions are then added onto the bulk AP-42
21 factor. Hence, though there may be some variation in published values for bulk fugitive
22 construction emissions, the RDEIR is over-estimating the uncontrolled emission levels,
23 due to construction road dust being counted twice: once as part of the bulk AP-42 factor
24 and a second time as part of an explicit unpaved road calculation.

25 An analysis was conducted to correct for the over-control of mitigated fugitive dust
26 emissions reduction from 97% to 90%. The incorrect factor of 13.45 lb/ac/day, which
27 already accounted for some controls, was replaced with the correct PM₁₀ emission factor,
28 which was calculated as the uncontrolled AP-42 factor of 80 lb/ac/day of TSP multiplied
29 by CARB’s published speciation factor of 0.4893 of PM₁₀/TSP. Furthermore, the double-
30 counted control factor of 69% reflecting site watering in compliance with SCAQMD
31 Rule 403 was also removed, and the only control applied was the 90% reduction as per
32 the Port’s Sustainable Construction Guidelines. A similar analysis was also performed
33 for PM_{2.5} as well as using Urbemis emission factors as suggested by the commenter.

34 As a result of removing the double-count of unpaved road fugitive dust emissions from
35 construction trucks travelling on-site and correcting the over-control of fugitive dust
36 reductions, on-site fugitive dust emissions were still overestimated in the RDEIR by 15%
37 for PM₁₀ and 24% for PM_{2.5} when using AP-42 emission factors and by 56% for PM₁₀
38 and 57% for PM_{2.5} when using Urbemis emission factors. Additionally, it is noted that
39 SCAQMD’s currently preferred CalEEMod model estimates significantly lower PM
40 emissions than its older counterpart, Urbermis. Thus, fugitive PM₁₀ and PM_{2.5} emissions
41 from construction at the project site were not underestimated, and no revisions to the
42 dispersion modeling of PM₁₀ and PM_{2.5} are warranted.

43 References

44 U.S. Environmental Protection Agency, 1995. “AP 42, Fifth Edition, Volume I, Chapter
45 13: Miscellaneous Sources, Section 13.2.3, Heavy Construction Operations.” U.S.

1 Environmental Protection Agency, Research Triangle Park, NC. Accessed online at:
2 <http://www.epa.gov/ttn/chief/ap42/ch13/final/c13s02-3.pdf>. January

3 **Response to Comment R89-31**

4 The results have been presented in tabular format, which is sufficient to describe the
5 impact under CEQA, and for decision-makers and the public to understand and evaluate
6 the impact. CEQA does not require the presentation of isopleths, and the commenter's
7 claim that isopleths are required for an understanding of results is totally unsubstantiated.
8 Accordingly, the EIR's analysis complies with CEQA.

9 **Response to Comment R89-32**

10 The mitigation measure for off-road diesel construction equipment used during
11 construction (MM AQ-1) already requires a minimum of Level 3 VDECS on all diesel-
12 powered construction equipment greater than 50hp beginning January 1, 2012.

13 **Response to Comment R89-33**

14 The mitigation measure for on-road trucks used during construction (MM AQ-2) has
15 been modified to require all construction trucks to meet 2010 EPA on-road emissions
16 standards for heavy-duty diesel trucks. The Final EIR has been modified to incorporate
17 this change, and qualitatively describes the additional emissions reductions anticipated
18 for PM10, PM2.5 and NOx.

19 **Response to Comment R89-34**

20 See response to Comment 89-30.

21 **Response to Comment R89-35**

22 The commenter requests that isopleths of PM concentrations resulting from Project
23 construction activities be used to define a "zone of impact" and that sensitive receptors
24 within this zone be provided with MERV 10 filters to mitigate these impacts. Please see
25 the response to comment R89-31 which describes why isopleths are not required to
26 evaluate impact AQ-2. Furthermore, installation of filters for all air intakes of buildings
27 at sensitive receptors is not proportional in nature and extent to those temporary
28 construction impacts. These filter installations would represent permanent modifications
29 to existing buildings to address temporary construction impacts which would occur only
30 during the first two years of construction, and not at peak emission levels throughout that
31 period of time. The mitigation measures for construction emissions follow the Port of
32 Los Angeles Sustainable Construction Guidelines, which were developed in consultation
33 with the SCAQMD. These are also consistent with the SCAQMD's recommended
34 mitigation measures for fugitive dust from construction activities as part of the SCAQMD
35 Rule 403.

36 See Pub. Resources Code § 21002; CEQA Guidelines 15370; see generally *Nollan v.*
37 *California Coastal Commission*, 483 U.S. 825, 834-37 (1987) (unconstitutional taking of
38 property for a government entity to require a development exaction unless substantial
39 relationship exists between the proposed construction and the exaction); *Dolan v. City of*
40 *Tigard*, 512 U.S. 374, 391 (1994) (mitigation must be related in "rough proportion" both
41 "in nature and extent" to the impact of the proposed development).

1 Response to Comment R89-36

2 Emissions of DPM were evaluated as part of AQ-7 (RDEIR Section 3.2.4), and the
3 RDEIR also evaluated health risks from DPM emission during construction. As noted in
4 the RDEIR:

5 “The HRA was used to evaluate potential health impacts to the public from [Toxic Air
6 Contaminants] TACs generated by construction and operation of the Project
7 Methodologies as specified in the Air Toxics Hot Spots Program Risk Assessment
8 guidelines were used to perform health risk calculations based on output from the
9 AERMOD dispersion model (OEHHA, 2003).” (Section 3.2.4.3)

10 Residential receptor impacts assumed 70 years of impacts due to the Project which
11 includes the full three year period of construction. Student impacts were calculated
12 assuming 6 years of peak construction emissions happening concurrently with 6 years of
13 peak operational emissions. All of these evaluations demonstrate less than significant
14 impacts. Accordingly, mitigation measures for health risks caused by DPM emissions
15 during construction are not necessary.

16 References

17 California Office of Environmental Health Hazard Assessment (OEHHA). 2003. The Air
18 Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments.
19 August 2003.

20 Response to Comment R89-37

21 The commenter is not correct. The RDEIR presents the requested “interim year analysis”
22 (RDEIR Section 3.2.4.3, Impact AQ-1, Table 3.2-14). It evaluates the impacts of the
23 combined operations of businesses at alternate business sites with the construction period
24 impacts. These are evaluated for mass emissions, criteria pollutant concentrations and for
25 human health risk. The emissions and pollutant concentrations of the combined business
26 operations at alternate sites and the Project construction are used to determine CEQA
27 impacts by comparison against SCAQMD significance thresholds. See the response to
28 comment R89-36, the HRA evaluated all emissions sources from construction and
29 operation beginning in 2013, which includes both the emissions from Project construction
30 (2013-2015) as well as business operations at alternate locations in the period 2013-2015.
31 (See RDEIR Section 3.2.4.3)

32 Response to Comment R89-38

33 The commenter assumption that existing facilities will only be subject to future
34 regulation if they relocate is incorrect. The analysis for mass emissions and criteria air
35 pollutants compares future year emissions to baseline 2010 emissions. (see RDEIR
36 Section 3.2.4.3) Future year emissions appropriately applied existing, on-the-books
37 regulations that require emissions reductions in compliance with CEQA. See Master
38 Response 2, Adopted Regulations and the Master Response 1, Baseline. The effects of
39 these regulations on future-year emissions from existing businesses are appropriately
40 included in the No Project Alternative analysis. (See RDEIR Section 5.4.2)

41 Response to Comment R89-39

42 The commenter suggests that the use of a 50-year lease term horizon for evaluating
43 emissions exacerbates the differences between existing and future emission factors. This

1 is not correct. As stated in Section 3.2 of the RDEIR, emissions in 2066 are assumed to
2 be identical to emissions in 2046 as no additional information is available to estimate
3 emissions in 2066.

4 **Response to Comment R89-40**

5 Please see Master Response 1, Baseline and Master Response 2, Adopted Regulations.
6 Master Response 1 explains why the RDEIR's choices of baseline meet CEQA
7 requirements. The RDEIR does present a "realistic analysis of the Project's actual
8 impact," because, as explained in Master Response 2, it is reasonably foreseeable that
9 adopted regulations reducing air emissions will be implemented in the future when the
10 Project's impacts actually occur, and CEQA permits the incorporation of adopted
11 regulations into the analyses.

12 **Response to Comment R89-41**

13 Please see Master Response 3, Hobart and Master Response 1, Baseline. See the revised
14 Traffic analysis in Section 3.10 of the FEIR for clarification of the number of truck trips
15 to Hobart Yard.

16 Also, the comment requests that the "real impact of the Project" is represented by
17 comparing "future without Project" with "future with Project" conditions. However, such
18 use of the No Project Alternative as a baseline is not allowed under CEQA. (See CEQA
19 Guidelines § 15126.6(e)(10).)

20 **Response to Comment R89-42**

21 With regard to baseline and future regulations reducing TACs, please see Master
22 Response 1, Baseline, and Master Response 2, Adopted Regulations. For the HRA, future
23 emission reductions were evaluated in the RDEIR using the floating baseline (see Impact
24 AQ-7), and a comparison to the No Project Alternative is also provided (see RDEIR
25 Section 5.4.2). Therefore, the conclusions made in the RDEIR under Impact AQ-7 are not
26 "erroneous".

27 With regard to comments on UFPs, see Master Response 12, UFPs.

28 Under CEQA, the calculated health effects of air toxics are evaluated by comparing a
29 quantitatively-determined cancer risk or non-cancer hazard to a threshold level of risk or
30 hazard identified as acceptable by the lead agency. Substances known as criteria
31 pollutants, such as NO₂, PM_{2.5}, and PM₁₀, are evaluated by comparing predicted
32 project-specific and time-specific concentrations to Ambient Concentration Thresholds
33 established by the State Air Resources Board or the local air district. For SCIG, the
34 relevant Ambient Concentration Thresholds for criteria pollutants are those established
35 by the SCAQMD. As the commenter correctly notes, these concentration thresholds for
36 NO₂, PM_{2.5}, and PM₁₀ were developed to be protective of public health (see Table 3.2-
37 1). The RDEIR (and DEIR) addressed the potential for these pollutants to cause adverse
38 health effects by comparing predicted concentrations of each criteria pollutant to the
39 appropriate SCAQMD Ambient Concentration Threshold. For the Project, that
40 comparison established that project emissions of NO₂, PM_{2.5}, and PM₁₀ would result in
41 exceedances of certain Ambient Concentration Thresholds. These results contributed to
42 the finding (Cumulative Impact AQ-4) that the Project would result in a significant
43 cumulative air quality impact related to exceedances of the significance thresholds for
44 NO_x, PM₁₀, and PM_{2.5}.

1 With respect to the assessment of localized health effects, the RDEIR and DEIR analyzed
2 the potential health effects from criteria pollutants using an approach consistent with
3 SCAQMD requirements. That agency's Final Localized Significance Threshold
4 Methodology document (SCAQMD, 2008) applies localized significance threshold (LST)
5 methodology only to projects that are less than or equal to five acres. The SCIG site is
6 substantially larger than five acres, and therefore, as per SCAQMD methods, site-specific
7 dispersion modeling was conducted to support the assessment of health impacts from
8 TACs and criteria pollutants instead of applying the LST methodology to evaluate
9 localized health effects.

10 **References**

11 South Coast Air Quality Management District (SCAQMD). 2008. "Localized
12 Significance Threshold Methodology." Final. Revised July 2008.

13 **Response to Comment R89-43**

14 With regard to comments on UFPs, see Master Response 12, UFPs. This Master
15 Response explains that the proposed Project's UFP emissions and their health impacts are
16 speculative; therefore, mitigation measures specific to UFPs, such as the ones proposed in
17 the comment, are not required. Accordingly, the EIR complies with CEQA.

18 Nevertheless, with regard to the four UFP-related measures cited in the comment, please
19 note the following facts.

20 First, the trucks serving the Project and the alternative business sites, by complying with
21 the CAAP and meeting 2007 emissions standards would have the after-treatment
22 technologies (oxidation catalysts or catalyzed diesel particulate filters) cited in the
23 comment, since those technologies are widely applied to meet the emissions standards.

24 Second, the Port cannot influence equipment and vehicle manufacturers to any
25 meaningful extent: federal pre-emption, the limited sphere of the LAHD's authority, and
26 the fact that the LAHD is not a regulatory agency preclude any implementation of such
27 an approach.

28 Third, the Port is already working with CARB, the US EPA, and other stakeholders,
29 within the limits of its authority, on developing emissions control strategies and
30 technologies. The Technology Advancement Program specifically targets emissions
31 control measures, and the specific focus on zero emissions technologies will, of course,
32 yield benefits in the area of UFP reductions. This is described in more detail in Master
33 Response 7, ZECMS. In addition, the SCAQMD has implemented installation of high-
34 efficiency air filtration in numerous schools, conducts outreach and education on near-
35 roadway health impacts, and is planning on evaluating exposures to UFPs as part of the
36 MATES IV air toxics study (SCAQMD, 2012). SCAQMD is currently conducting
37 studies to evaluate potential roadside UFP mitigation measures such as sound walls and
38 vegetated barriers but results are not yet available

39 Fourth, there is still significant scientific uncertainty about emissions of UFPs and the
40 effects of after-treatment control technologies on these emissions. As additional
41 technical research and information is made available, it may be possible to assess the
42 impacts of these technologies on UFPs but at this time such an assessment is speculative.

43

1 **References:**

2 South Coast Air Quality Management District (SCAQMD). 2012. "Final EIR. Air
3 Quality Chapter. 2012 Air Quality Management Plan." Accessed online at:
4 http://www.aqmd.gov/ceqa/documents/2012/aqmd/finalEA/2012AQMP/Chapter3/CH_3_2_Air_Quality.pdf
5

6 **Response to Comment R89-44**

7 Please see Master Response 4, Feasibility of Mitigation Measures and Master Response
8 7, ZECMS. The commenter has provided no evidence that the lease measures cited in the
9 comment are, in fact, feasible. The infeasibility analysis is accurate and complies with
10 CEQA.

11 **Response to Comment R89-45**

12 See response to Comment R89-44. Regarding Measure 4, the RDEIR presents several
13 technical reasons why zero emissions and hybrid trucks are considered infeasible as a
14 mitigation measure; lack of performance data is only one of them. Measures 1 and 3 were
15 similarly considered infeasible for several specific reasons supported by evidence, and
16 not "just because they may have constraints." (See RDEIR Section 3.2.4.3 Impact AQ-5
17 and Section 5.2.2.; Master Response 7, ZECMS.)

18 **Response to Comment R89-46**

19 PC AQ-11, the zero emission demonstration program, is recommended as a project
20 condition because zero emission trucks are not currently feasible as a mitigation measure.
21 See Master Response 7, ZECMS. Similarly, with respect to the use of Tier 4 locomotives,
22 Project Condition PC AQ-12 is clear that "[i]mplementation of the RL-3 goal for
23 introduction of the locomotives calling at SCIG while on port properties would be based
24 on the commercial availability of operationally proven Tier 4 locomotives in 2015 and
25 any adjustment in that date will require equivalent adjustment in the goal achievement
26 date." RDEIR, Section 3.2.5. PC AQ-12 takes into account the necessity to adjust the
27 goal achievement date if certain key assumptions, such as the commercial availability of
28 operationally proven Tier 4 locomotives by 2015, are not met. Without such flexibility, it
29 would be infeasible to meet the goal in the project condition. Tier 4 locomotives are
30 expected to utilize a new, untested technology that simply does not currently exist at an
31 adequate size for large-bore locomotive engines. Under even the most optimistic
32 scenario, there will only be a limited number of prototype high horsepower Tier 4
33 locomotives operating in California for field testing in 2013. It is not feasible to require
34 the applicant to commit in advance to purchase and deploy locomotives by a specific date
35 when those locomotives have not yet been designed, tested, or deployed. Therefore PC
36 AQ-12 is appropriate as a Project Condition and not a mitigation measure under CEQA.

37 **Response to Comment R89-47**

38 The RDEIR analysis identified significant and unavoidable impacts from GHG emissions
39 relative to comparing the Project using a conservative threshold of zero emissions
40 increase above baseline levels. It should be noted, however, that the majority of GHG
41 emissions are associated with the movement of cargo through the Ports of Los Angeles
42 and Long Beach and through the Southern California region generally.

1 As described in Section 3.6.4.5 of the RDEIR, the SCIG project already includes a
2 number of project features to reduce GHG emissions, including the use of wide-span
3 electric RMG cranes, idle reduction devices for locomotives, and LEED certified
4 buildings. LEED certified buildings would also be required for structures greater than
5 7,500 square feet in size at the alternate sites for businesses. The RDEIR analysis
6 identifies nine mitigation measures (MM GHG-1 through MM GHG-9) to reduce GHG
7 emissions. These measures include, among other requirements, installing solar panels and
8 a solar canopy at SCIG. The effects MM GHG-1 through MM GHG-9 were not
9 quantified because of the difficulty in determining quantitative future year GHG emission
10 reductions from these measures. funding solar panels on local schools, as suggested by
11 the commenter, would also not be quantifiable because of the difficulty in determining
12 quantitative future year GHG emission reductions. The suggested mitigation is also
13 consistent with MM GHG-2 and MM GHG-9 which require installation of solar panels
14 and a solar canopy at the SCIG facility, as well as at the alternate business sites subject to
15 a feasibility review for solar panel installation.

16 The commenter suggests the purchase of carbon offsets to reduce GHG impacts to a level
17 of less than significant. Any carbon offsets must be proportional in nature and extent to
18 the project's impacts. (See Pub. Resource Code § 21002; CEQA Guidelines § 15370; see
19 generally *Nollan v. California Coastal Commission*, 483 U.S. 825, 834-37 (1987)
20 (condition requiring a dedication of property *along* a beach rather than *to* the beach did
21 not address the harm at issue and was therefore invalid); *Dolan v. City of Tigard*, 512
22 U.S. 374, 391 (1994) (mitigation must be related in "rough proportion" both "in nature
23 and extent" to the impact of the proposed development).

24 Accordingly, an additional mitigation measure has been added to the FEIR requiring that
25 GHG emissions be further reduced through the purchase of carbon offsets for electricity
26 usage by on-site sources (e.g., the wide-span cranes). The new mitigation measure, MM
27 GHG-10 would require that BNSF offset 100 percent of projected on-site electricity
28 consumption over the 50-year term of the lease, from 2016 to 2066, and thus reduce
29 GHG emissions by 117,918 metric tons CO₂e through the purchase of carbon offsets
30 such as those available from the California Climate Action Registry's Climate Action
31 Reserve (see Section 3.6). In addition, when new GHG emission reduction technology
32 becomes available, it will be reviewed under the same process as MM AQ-9 which
33 requires periodic reviews of emissions-reduction technology and implementation into
34 SCIG operations once the technology is determined to be feasible.

35 **Response to Comment R89-48**

36 As described in Section 3.8.2.2.1 of the RDEIR, a small portion of the proposed Project,
37 specifically the North Lead Tracks as they exit onto the SCE right of way, is within the
38 City of Long Beach. Construction of the North Lead Tracks and Sepulveda Boulevard
39 railroad bridge would, therefore, be subject to oversight by the City of Long Beach,
40 including the CUPA and the Lbfd, and would need to comply with the provisions of the
41 Long Beach Municipal Code cited by the commenter. Operation of the proposed Project
42 would be subject to those provisions and oversight in the event a hazardous material spill
43 occurred on the North Lead Tracks. The FEIR will include this information, but because
44 compliance with regulatory requirements was considered in the impact assessments
45 (RISK 1a, p. 3.7-18, and RISK 1b, p. 3.7-29), the RDEIR's conclusions regarding the
46 significance of impacts is not changed and the analysis complies with CEQA.

1 Response to Comment R89-49

2 See response to Comment R89-6.

3 The RDEIR specifically invokes compliance with federal, state, and local regulations
4 regarding the management of hazardous wastes such as asbestos during demolition and
5 construction (p. 3.7-19). These measures are designed to minimize the release of such
6 substances into the general environment, in addition to protecting worker health and
7 safety. The lease measure (LM-RISK-1 and LM RISK-2, see Section 3.7.4.3.1 of the
8 RDEIR) that would be applied to the proposed Project would provide an additional
9 safeguard, despite the commenter's stated, but unsubstantiated, distrust. Accordingly,
10 there is no reason to assume a significant health risk to individuals several hundred feet
11 from the construction site. Since the commenter has provided no evidence to the contrary,
12 the analysis in the RDEIR is consistent with CEQA.

13 Response to Comment R89-50

14 As described in Section 3.7.4.3.1 of the RDEIR under Impact RISK-7a, there would be
15 no measurable increase in the probability of a terrorist attack occurring during
16 construction of the proposed Project, given the limited quantities of hazardous substances
17 that would be present onsite during the 3-year construction period and security measures
18 and regulations that are already in place for preventing and responding to emergencies
19 and potential threats. Further, as discussed under Impact RISK-7a, very few containers
20 are expected to be present in the Project site during demolition and construction
21 activities. As such, impacts would be less than significant. There is no reason to assume a
22 significant risk impact to sensitive uses in close proximity would occur from the project
23 construction site. The commenter has not provided evidence to the contrary. The analysis
24 in the RDEIR is consistent with CEQA.

25 Response to Comment R89-51

26 See response to comment 89-7.

27 Response to Comment R89-52

28 The RDEIR considers the businesses that would be displaced by the proposed Project in a
29 manner consistent with the requirements of CEQA. As described Master Response 8,
30 Displaced Businesses, the LAHD has no legal obligation to provide relocation assistance
31 to the businesses that would be displaced, and economic effects without any
32 demonstrated significant physical effect on the environment are not environmental
33 impacts and need not be discussed in an EIR (Pub. Res. Code §21080(e)(2); CEQA
34 Guidelines §§15064(e), 15064(f)(6), 15358(b), and 15382). The comment's statement
35 that the RDEIR's analysis of business displacements is "[t]he single most important
36 deficiency" of the document is thus not relevant to the adequacy of the document under
37 CEQA. The analysis in the RDEIR is adequate to show that there are no significant
38 environmental impacts related to the relocation assistance issue, there is no requirement
39 of relocation assistance as mitigation under CEQA, and the RDEIR fully complies with
40 CEQA.

41 Response to Comment R89-53

42 As described in sections 3.8.2.2.1 and 3.8.3.5 of the RDEIR, those portions of the
43 proposed Project site lying within the City of Long Beach consist largely of

1 transportation infrastructure (an existing UP rail line and railroad bridge, the Terminal
2 Island Freeway, and the SCE right of way, where outdoor industrial activities such as
3 trucking and container storage and handling already occur) located in a 500-foot wide
4 strip of land along the eastern edge of the Project site. This area is in the City of Long
5 Beach LUD 9R which, as the commenter points out, is intended to accommodate “clean,
6 non-nuisance industries”. However, that LUD also, as pointed out in RDEIR Section
7 3.8.3.5, includes the SCE corridor and the UP rail line, so those uses are already
8 contemplated by the General Plan. The proposed Project would not introduce new uses:
9 the area currently contains a sound wall, the North Lead Tracks would be used in the
10 same way as the existing UP rail line, and the SCE right of way would continue to be
11 used for light industrial activities. It is also likely that the intensity of use of the SCE right
12 of way would decrease once existing businesses vacated their premises, given SCE’s
13 policy of not allowing new facilities to be built (see RDEIR Section 2.4.2.1).
14 Accordingly, the analysis of land use issues in the RDEIR is appropriate and complies
15 with CEQA.

16 **Response to Comment R89-54**

17 The commenter is correct regarding the fact that the RCP is advisory. It was, however,
18 adopted by the Regional Council on October 2, 2008. In addition, the adopting resolution
19 states that the information in it may be used “in developing local plans and addressing
20 local issues of regional significance.” (SCAG, 2008) For purposes of public disclosure,
21 the LAHD, as lead agency, concluded that a consistency determination with the RCP is
22 relevant.

23 The Compass Plan is not relevant for this project. The population and growth numbers
24 are outdated and it deals only peripherally with goods movement. SCAG’s 2012 Regional
25 Transportation Plan/Sustainable Communities Strategy (RTP/SCS), adopted April 4,
26 2012, contains the region’s updated population data and goods movement strategies.
27 (SCAG, 2012) It also includes specific references to the SCIG project. RDEIR Section
28 3.8.3.7.7 discusses its consistency with the RTP/SCS.

29 **References**

30 Southern California Association of Governments (SCAG). 2008. “Regional
31 Comprehensive Plan (RCP)” Final. p. vii. Accessed online at:
32 http://www.scag.ca.gov/rcp/pdf/finalrcp/f2008RCP_Complete.pdf.

33 Southern California Association of Governments (SCAG). 2012. Regional Transportation
34 Plan Goods Movement Report. Website:
35 http://rtpscs.scag.ca.gov/Documents/2012/final/SR/2012fRTP_GoodsMovement.pdf.

36 **Response to Comment R89-55**

37 The RDEIR Noise Section and Technical Study employ a conservative methodology
38 consistent with industry practice. All noise impacts are disclosed and noise mitigation
39 has been identified where determined appropriate. Please see Response to Comments
40 R89-56 through R89-67 for further details.

41 **Response to Comment R89-56**

42 The commenter suggests that insufficient information was included in the RDEIR
43 regarding the location of noise and vibration measurements. While Figure 3.9-2 provided
44 general information on the location of the noise measurements, the EIR noted that

1 “details of the various monitoring stations are presented in Table 3.9-4 and Appendix
2 F1.” (RDEIR Section 3.9.2.3.2) Appendix F1 (pages F1-205 through F1-245) provide
3 the precise location of these noise measurements, including graphical displays of these
4 locations. Noise monitoring locations were properly selected to represent the nearest
5 noise sensitive receivers in the vicinity of the Project Site and the measurements were
6 conducted in accordance with industry standards. All noise measurements were
7 conducted consistent with ASTM standards for receiver height, location selection,
8 avoidance of shielding and reflections. The level of detail provided in the DEIR is
9 consistent with the requirements of CEQA, which note that “The description of the
10 environmental setting shall be no longer than is necessary to an understanding of the
11 significant effects of the proposed project and its alternatives.” (CEQA Guidelines §
12 15125(a).)

13 The comment also suggests that unspecified noise measurements “were only conducted
14 during peak noise hours (rush hour).” Ambient noise measurements were conducted at 38
15 receiver locations (Table 3.9-4). Of the 38 receiver locations, long-term 24-hour noise
16 measurements were conducted at 17 locations while short-term noise measurements were
17 conducted at 21 locations. The long term noise measurements were conducted at the
18 receivers located nearest to the project site and the short term noise measurements were
19 conducted at the receivers located further away from the project site. Locations closest to
20 the project site were prioritized for 24 hour measurements (i.e. “CNEL”), although CNEL
21 measurements were also provided at more distance locations as well (e.g. locations
22 N16A, N19, N20, N21, N29, N32, N33). This approach is consistent with the CEQA,
23 which notes that “reviewer should be aware that the adequacy of an EIR is determined in
24 terms of what is reasonably feasible, in light of factors such as the magnitude of the
25 project at issue, the severity of its likely environmental impacts, and the geographic scope
26 of the project. CEQA does not require a lead agency to conduct every test or perform all
27 research, study, and experimentation recommended or demanded by commenters.”
28 (CEQA Guidelines § 15204(a); see also *San Joaquin Raptor Rescue Center v. County of*
29 *Merced* (2007) 149 Cal.App.4th 645 [“[Plaintiffs’] argument is essentially that greater
30 specificity was needed [for the traffic analysis] --i.e., that the EIR should have specified
31 whether trucks sometimes enter and leave the site "unevenly" over time. We hold that
32 such minute detail was not required in the analysis in question.”]In this instance, noise
33 from the project would be greatly diminished due to distance attenuation and the barrier
34 effects of intervening topography and structures. The study area for the noise analysis
35 covers a broad geographic scope, as demonstrated in Figure 3.9-2. The approach taken in
36 the EIR is consistent with the requirements of CEQA Guidelines § 15204(a).
37 Furthermore, the Port does not believe this has resulted in an underestimation of impacts.

38 The comment also suggests that “no short-term nighttime noise measurements were
39 conducted even though nighttime operations would occur as part of the Project.” It is
40 unclear what portion of the noise analysis the commenter is referencing. As described in
41 Section 3.9.4.1 several different methodologies were utilized in the noise analysis.
42 Traffic and rail noise outside of the Project Site was evaluated and assessed with the 24-
43 hour CNEL/Ldn residential guidelines. As described in RDEIR Section 3.9.2.1, the
44 CNEL metric is considered conservative because it penalizes nighttime noise (“The noise
45 level during the evening hours from 7:00 PM to 10:00 PM are increased by 5 dB and the
46 nighttime hours from 10:00 PM to 7:00 AM are increased by 10 dB.”) The impact
47 assessment of existing and future conditions was performed using computer modeled
48 CNEL/Ldn calculations to ensure an “apples-to-apples” comparison with existing
49 conditions. The EIR also provided a noise sleep disturbance analysis based upon the

1 “SEL” metric. The SEL metric is defined on page 3.9-2 as “...a measure of cumulative
2 noise exposure for a noise event expressed as the sum of the sound energy over the
3 duration of a noise event, normalized to a one-second duration.” (Emphasis added.) The
4 noise analysis accounts for short-term nighttime noise events.

5 **Response to Comment R89-57**

6 The comment suggests that the RDEIR Noise analysis should use a “hard-site” noise
7 attenuation rate instead of a “soft-site” attenuation rate.

8 Section 3.9.4.1 has been revised to clarify the ground absorption assumptions and
9 methodology. The traffic noise analysis used the FHWA’s TNM model methodology
10 which is also approved by Caltrans. This model provides several ground absorption
11 settings (pavement, water, hard soil, loose soil, lawn [default], field grass, granular snow,
12 powder snow). The FHWA’s TNM default ground setting is “Lawn,” which was the
13 setting used in the SCIG EIR’s traffic noise analysis. Based on field observations around
14 the Project Site and the City of Long Beach, the TNM default ground absorption setting
15 best represents the overall acoustical field conditions for the traffic noise analysis. The
16 use of a “hard site” ground absorption setting for the traffic noise analysis would be
17 overly conservative and result in predicted traffic noise levels and noise contour distances
18 that are unrealistically high and over predicted potential noise impacts.

19 FHWA’s TNM model guidance suggests that consultants “only enter ground zones for
20 relatively large patches of ground. For example, if several local streets intervene between
21 source and receiver, enter them as ground zones if they cover a sizable fraction (20 to 30
22 percent or more) of the intervening ground, especially if they lie midway between source
23 and receiver.” (FHWA, 2004)

24 As shown in Figure ES-8, the sensitive receptors located to the east of the project site are
25 generally separated by a large amount of grass covered land, such as baseball fields, and
26 other recreational space (as discussed under Impact NOI-1 there are no sensitive noise
27 receptors associated with construction to the west of the project site). While some of the
28 areas surrounding the project site do not contain lawn cover, the traffic noise analysis is
29 still considered conservative. This is because the traffic noise analysis does not account
30 for noise attenuation from intervening structures surrounding the project site, such as the
31 commercial and residential structures, topography, and taller ground cover such as trees.
32 In general, a barrier that breaks the line of sight between a source and a receiver will
33 typically result in at least 5 dB of noise reduction. A higher barrier may provide as much
34 as 20 dB of noise reduction.

35 The construction and operations analyses used industry standard algorithms and
36 attenuation rates contained in the CadnaA model (e.g., ISO 9613, FTA/FRA, etc.). The
37 ground attenuation rates in the model are appropriate based on field observations at the
38 SCIG site and City of Long Beach.

39 **References**

40 Federal Highway Administration (FHWA). 2004. “Traffic Noise Model: Frequently
41 Asked Questions.” Accessed online at:
42 http://www.fhwa.dot.gov/environment/noise/traffic_noise_model/tnm_faqs/.

1 Response to Comment R89-58

2 Please see Response to Comment R89-57 for discussion of noise ground absorption and
3 attenuation. The RDEIR discussed the type of construction activities that would occur in
4 Section 2.4.3 and Section 3.9.4.3 NOI-2. Nevertheless, Appendix F1 of the RDEIR has
5 been revised to incorporate (1) a list of construction equipment noise assumptions, and
6 (2) the input and output files associated with the construction noise analysis. Please see
7 Final EIR Appendix F1. Inclusion of this information does not trigger recirculation under
8 CEQA Guidelines Section 15088.5 and did not preclude public comments on the
9 adequacy of the environmental analysis. (See *Blue v. City of Los Angeles* (2006) 137
10 Cal.App.4th 1131, 1143-1144.)

11 The commenter's use of "industry standard construction noise level of 86 dBA at 50 feet"
12 and the absence of intervening topography to calculate construction noise levels at R3
13 (Hudson Elementary School), R7 (Bethune School), and R30 (Stephens Middle School
14 playground) assumes a simple point source analysis and is grossly inaccurate for a
15 construction operation as large and complex as the SCIG Project. The distances presented
16 in Table 3.9-22 are to the nearest construction area and do not describe the entire
17 construction area. The predicted construction noise levels summarized in RDEIR Table
18 3.9-22 were accurately analyzed by considering the distances to the entire construction
19 site area and the barrier effects provided by intervening topography and structures.

20 The comment states that "The Recirculated Draft EIR only evaluates construction noise
21 related to nighttime construction activities associated with the PCH grade separation.
22 The RDEIR is not clear whether any additional construction activities...would require
23 nighttime construction." Per the Project Description (see RDEIR Section 2.4.3),
24 nighttime construction would not occur at the SCIG Project Site. The only nighttime
25 construction is expected to occur off site at the PCH grade separation. A mitigation
26 measure prohibiting nighttime construction activity, except at the PCH Grade Separation,
27 is therefore not required as suggested by the commenter.

28 The comment suggests that "it is impossible to verify the validity of the results in Table
29 3.9-23. The table does not even provide the distance used for determining the noise
30 levels". As discussed in the response to Comment R89-56, the locations of the sensitive
31 receptors were clearly disclosed. The distances from Receivers R1, R2 and R7A to the
32 nearest PCH Grade Separation Construction Area are approximately 6,500 ft, 5,000 ft,
33 and 700 ft, respectively. The predicted nighttime construction noise levels summarized in
34 RDEIR Table 3.9-23 were accurately analyzed by using the nighttime construction
35 equipment assumptions, distances to the entire construction site area, and the barrier
36 attenuation provided by intervening topography and structures. Nighttime construction
37 noise would not result in a significant noise impact at R1, R2 and R7A. The commenter's
38 (1) use of "industry standard construction noise level of 86 dBA at 50 feet" to represent
39 the nighttime construction operation and (2) use of a source-to-receiver distance of 600
40 feet, are completely inappropriate. As discussed above, the predicted construction noise
41 levels within classrooms summarized in RDEIR Table 3.9-24 have been accurately
42 analyzed using industry accepted attenuation rates for sound propagation. The assessment
43 of noise impacts at the Cabrillo Child Development Center and Bethune School have
44 been properly evaluated in the RDEIR.

1 Response to Comment R89-59

2 The comment states that “Figure 2-4 SCIG designated Truck Routes is so vague that it
3 can be considered deceptive.” The commenter provides no explanation as to why the
4 level of detail provided in this figure was considered to be inadequate. As discussed
5 under CEQA Guidelines § 15124 the project description “should not supply extensive
6 detail beyond that needed for evaluation and review of the environmental impact.”

7 The commenter suggests that the PCH off-ramp to San Gabriel Avenue should have been
8 analyzed as an intersection; it was in fact correctly analyzed as a ramp. As shown in
9 RDEIR Figure 3.10-5 SCIG Designated Truck Routes, the inbound truck route for the
10 proposed Project utilizes the northbound SR-103 to westbound Pacific Coast Highway
11 ramps. The project traffic utilizing the northbound SR-103 to westbound Pacific Coast
12 Highway ramps was analyzed utilizing Highway Capacity Manual ramp weaving
13 analysis, which is standard practice for highway ramp analysis. The westbound and
14 southbound intersection approaches at the intersection of San Gabriel Avenue at the SR-
15 103 ramp are stop controlled and have clear visibility of vehicles performing the free-
16 flow northbound SR-103 to westbound Pacific Coast Highway transition. Overall ramp
17 volumes are low for a freeway to state highway connection, and additional project-related
18 traffic would not cause significant congestion conditions at the location as described in
19 Section 3.10. Baseline Conditions at this ramp were provided in RDEIR Table 3.10-8,
20 which shows that the AM Peak Hour Density will be at 10.9 (LOS B), and that the PM
21 Peak Hour Density will be at 12.9 (LOS B) under existing conditions. Conditions with
22 implementation of the proposed project (RDEIR Table 3.10-29) are anticipated to
23 improve slightly in the AM Peak Hour (Density of 10.2 and LOS B), and are not
24 significantly impacted during the PM Peak Hour (Density of 16.8, LOS B).

25 Response to Comment R89-60

26 The traffic analysis not only includes project-related trips generated by the proposed
27 Project, but the removal of existing site traffic due to the construction of the project.
28 These existing trip generation rates, which will not occur under the proposed project, are
29 provided in RDEIR Table 3.10-12. Since the proposed project has specified truck routes,
30 its trips are limited to a subset of potential roadways in the study area unlike existing site
31 trips. This removing of existing site trips, adding of proposed Project trips and shifting of
32 trips to define truck routes causes an increase in traffic on some study roadways and a
33 decrease in traffic along other roadways.

34 For the Terminal Island Freeway segment south of the PCH off-ramp the Future with
35 Project Noise Increase Above Existing is 1.6 dB and the Project Incremental Contribution
36 (Future with Project minus Future without Project) is 0.1 dB. For the W Pacific Coast
37 Highway segment between Terminal Island Freeway SB and NB ramps, the Future with
38 Project Noise Increase Above Existing is 1.4 dB and the Project Incremental Contribution
39 (Future with Project minus Future without Project) is 0.3 dB. The table summarizes the
40 traffic data for each of these segments. These revisions have been incorporated into the

1

Roadway	Segment	Existing Noise Level, CNEL, dBA	Future without Project Noise Level, CNEL, dBA	Future with Project Noise Level, CNEL, dBA	Future (without Project) Increase Above Existing, dB	Future (with Project) Increase Above Existing, dB	Project Incremental Contribution, dB
Terminal Island Fwy	South of PCH off-ramp	78.0	79.5	79.6	1.5	1.6	0.1
Pacific Coast Highway	Between Terminal Island Fwy SB and NB ramp	72.6	73.7	74.0	1.1	1.4	0.3

2

3

4 Predicted traffic noise levels are a direct function of the traffic data in the Transportation
5 Section (3.10) and supporting transportation studies. Future truck movements from the
6 SCIG Project along the subject segments of the Terminal Island Freeway and Pacific
7 Coast Highway would result in fractional noise increases of 0.1 and 0.3 dB, respectively
8 above the Future without Project Condition. Future traffic noise levels without the Future
9 Project, would result in a fractional increase of 1.5 dB on the Terminal Island Freeway
10 segment and a 1.1 dB increase on the Pacific Coast Highway segment when compared to
11 the Existing Condition. In some instances, the predicted future traffic noise level changes
12 (without the Future Project) reflect a forecasted decrease in vehicle volume (e.g.,
13 Terminal Island Freeway Between Off and loop On ramp at PCH) and a forecasted
14 increase in vehicle volume (e.g., W Pacific Coast Highway Between Terminal Island
15 Fwy SB and NB ramp). According to Section 3.10 (Transportation):

16 “Between Terminal Island Fwy SB and NB ramp” section and the “Between Off
17 and loop On ramp at PCH” contains different amounts of project-related traffic—
18 the proposed project would add some traffic and remove some existing tenant
19 traffic. Whereas the project is adding trips to the TI freeway ramps, it is
20 removing former site tenant traffic from PCH west of the project site (going to I-
21 710) as the project truck routes do not utilize Pacific Coast Highway west of the
22 TI Freeway.”

23 Response to Comment R89-61

24 The Traffic Noise Analysis employed an appropriate and correct methodology. The
25 FHWA-RD-77-108 model was used in the DEIR noise analysis and is still an accepted
26 model for CEQA analysis. However, for the RDEIR the TNM protocol was employed in
27 the traffic noise analysis. Traffic noise levels were predicted using traffic data in the
28 Transportation Section of the RDEIR and posted vehicle speeds.

29 The comment also states that “it is unknown what relationship was used between the
30 estimated peak hour Leq and the CNEL.” Based on the results of the noise measurements

1 and field observations, a factor of 1 dBA was used to calculate the CNEL from predicted
2 peak hour Leq noise levels.

3 **Response to Comment R89-62**

4 Section 2.4.4.2 and 2.4.4.3 in the RDEIR discuss on-site operational activities.
5 Additionally, operational noise activities and assumptions are described in RDEIR
6 Impact NOI-3 and Table 3.9-16 (RDEIR page 3.9-41), and RDEIR Appendix F1 pages
7 F1-77 through F1-78. As indicated in the Methodology Section of Appendix F1, rail
8 operations were calculated using the FRA's computational procedures for railroad
9 operations, FTA-VA-90-1003-06. This information is available at the offices of the lead
10 agency. Please see Response to Comment R89-58 for discussion of input and output files.

11 **Response to Comment R89-63**

12 The use of noise contour maps for the DEIR was discussed with the Port prior to
13 performing the noise analysis portion of the project. Noise contour maps in CEQA
14 documents can be inaccurate and misleading because they often fail to consider all
15 contributing noise sources and attenuation factors throughout the entire map area. Such
16 maps can lead to unrealistic expectations from the lay person. It was ultimately
17 concluded that noise contour maps not be included in the SCIG CEQA noise analysis
18 because of the project's scale.

19 Furthermore, as discussed under CEQA Guidelines Section 15204(a), "...reviewers
20 should be aware that the adequacy of an EIR is determined in terms of what is reasonably
21 feasible, in light of factors such as the magnitude of the project at issue, the severity of its
22 likely environmental impacts, and the geographic scope of the project. CEQA does not
23 require a lead agency to conduct every test or perform all research, study, and
24 experimentation recommended or demanded by commentors." The roadway noise
25 analysis under NOI-3 (RDEIR page 3.9-49) and NOI-6 (RDEIR page 3.9-58) concludes
26 impacts would be less than significant, therefore given the lack of severity of the
27 project's impacts, further more detailed analysis is not warranted.

28 Nevertheless, distance to traffic noise contours are provided in Appendix F1, Table F1-9,
29 and Table F1-18.

30 **Response to Comment R89-64**

31 The comment suggests that the RDEIR does not provide "methodology or data behind the
32 calculation of noise levels from on-site equipment and rail activities.

33 For discussion or methodology and data associated with rail activity, please see Response
34 to Comment R89-62. For discussion of on-site construction equipment activity, please
35 see Response to Comment R89-58. Section 2.4.4.2 and 2.4.4.3 in the RDEIR also discuss
36 on-site operational activities.

37 **Response to Comment R89-65**

38 The predicted operational noise levels within the nearby classrooms summarized in Table
39 3.9-26 have been accurately analyzed using industry accepted modeling algorithms and
40 attenuation rates for sound propagation and not a simple soft-site analysis. See the
41 response to comment R89-57 regarding attenuation and R89-58 regarding classroom
42 noise analysis. The assessment of noise impacts at the Cabrillo Child Development
43 Center has been properly evaluated in the RDEIR.

1 Response to Comment R89-66

2 The recommended 12-foot high sound wall in MM NOI-1 has been accurately analyzed
3 using industry accepted barrier insertion loss algorithms from the CadnaA noise model,
4 which show that the wall would reduce both construction and operational noise. The
5 ICTF rail yard located to the north uses a 24-foot high soundwall because the relative
6 distances/elevations between the noise sources (trucks, trains, and operations), soundwall
7 and receivers are considerably different than at the Receivers proposed east of the SCIG
8 Project Site. The soundwall analyzed and recommended in MM NOI-3 is 24-feet high
9 (given its proximity to and elevation above residential areas as shown in Figure 3.9-6)
10 and is consistent with the existing 24-foot high soundwall used at the ICTF rail yard.

11 The comment also states that "...even with mitigation, construction noise increases
12 would exceed significance threshold NOI-6."

13 MM NOI-2 includes a number of noise control measures for construction equipment and
14 practices which could not be quantitatively evaluated, but which in practice will result in
15 substantial noise reductions. (See *Watsonville Pilots Association v. City of Watsonville*
16 (2010) 183 Cal.App.4th 1059 [an EIR did not need to "predict with precision exactly how
17 much each water conservation measure would reduce water usage."].) The noise control
18 measures include temporary noise barriers, muffling of construction equipment, locating
19 equipment away from sensitive receivers, selection of quiet equipment, noise complaints,
20 and the preparation of a noise monitoring and management plan (among others). These
21 are expected to result in substantial noise reduction (FTA, 2006), with individual
22 measures or combinations of these measures achieving reductions of up to 20dB, based
23 on industry standard practices for modeling these measures. With full implementation of
24 MM NOI-1, MM NOI-2, and MM NOI-3, construction equipment noise would be
25 reduced to the point that impacts would be less than significant after mitigation.

26 References

27 Federal Transit Administration (FTA). 2006. "Transit Noise and Vibration Impact
28 Assessment." May 2006.

29 Response to Comment R89-67

30 Please see the response to Comment R89-66 regarding construction noise mitigation.
31 Please see the response to Comment R89-58 regarding nighttime construction activities.

32 Response to Comment R89-68

33 The net change in the number of peak hour trips is provided in RDEIR Table 3.10-22.
34 The traffic analysis is an analysis of off-site traffic. The adequacy of on-site traffic
35 queuing space is related to site design and not the environmental impact analysis
36 associated with off-site traffic impacts. As stated in section 2.4.2.2, the truck gate
37 complex would consist of inbound and outbound gates at the northwest end of the facility
38 near Sepulveda Boulevard. Trucks and other traffic would enter and leave the facility via
39 paved 3,500-foot access lanes along the west boundary of the railyard. The checkpoint
40 would consist of approximately twelve gate booths with an average dwell time of 30
41 seconds, processing 24 trucks per minute (well above the 17 trucks per minute referenced
42 in the comment). The gate processing time and the 3,500-foot access road would be able
43 to accommodate onsite queuing without spillover to public roadways and would therefore
44 not affect the offsite roadway analysis. For additional details regarding truck entry into
45 the proposed SCIG facility please see RDEIR Section 2.4.4.1.

1 Response to Comment R89-69

2 The northbound SR-103 off-ramp to westbound Pacific Coast highway includes a free-
3 flow right-turn movement from the off-ramp to San Gabriel Avenue and a free-flow
4 right-turn lane from San Gabriel Avenue to westbound Pacific Coast Highway. The
5 traffic projections do not indicate congested conditions that would cause a major
6 congestion point at the intersection of San Gabriel Avenue and West 20th Street. Please
7 see the response to Comment R89-59 for further details.

8 Response to Comment R89-70

9 As discussed in response to Comment R89-16, designated truck routes and GPS
10 enforcement are already part of the Project as set forth in Section 2.4.4.1 of the RDEIR.
11 The commenter's suggestion is not required from a CEQA mitigation perspective as the
12 lead agency can make reasonable assumptions, such as the designated truck routes. (See
13 *City of Long Beach v. Los Angeles Unified School District* (2010) 176 Cal.App.4th 889;
14 *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th
15 1018 ["A public agency can make reasonable assumptions based on substantial evidence
16 about future conditions without guaranteeing that those assumptions will remain true
17 (Pub. Resources Code, § 21080, subd. (e); *City of Del Mar v. City of San Diego* (1982)
18 133 Cal.App.3d 401, 412, 183 Cal.Rptr. 898."]). Nevertheless, please note that GPS and
19 dedicated truck routes are provisions of MM AQ-8 (see Section 3.2) and will therefore be
20 monitored through the MMRP.

21 Based on the types of GPS tracking systems available today, enforcement could be
22 accomplished through either coordinate tracking or geo-fence systems. The exact nature
23 of the tracking system will be determined prior to the SCIG facility opening as it is
24 reasonable to assume that technology will continue to improve, perhaps making 2012
25 systems obsolete or less effective. The commenter suggests fines should be imposed in
26 the event of non-compliance of the SCIG designated truck routes. BNSF has agreed to
27 include the following language in their drayage contracts for truck compliance:

28 "Truck travel to and from port terminals to the SCIG railyard shall occur along
29 designated truck routes. Use of these truck routes shall be monitored and enforced
30 through the use of GPS devices installed in the trucks. Failure to comply with the truck
31 route requirement could result in penalties such as fines, suspension, or termination of the
32 driver or motor carrier."

33 Response to Comment R89-71

34 The tool for long-range traffic forecasting is the Southern California Association of
35 Governments' regional travel demand model created for the federally mandated regional
36 transportation plan. The regional transportation plan (RTP) is a plan for 20 to 25 years in
37 the future, identifying regionally significant transportation improvements. The generator
38 of traffic in the RTP is socioeconomic data (employment and population data) based on
39 regional and individual local city and county projections of future growth. The
40 socioeconomic data is split into five-year cohorts until the furthest out projected future
41 year of 2035. There is no available source of legitimate population and employment
42 projections beyond 2035 for regional travel demand modeling in Southern California. In
43 order to develop a socioeconomic projection for 2046, the growth of the final five-year
44 socioeconomic data cohort of 2030-2035 was extrapolated an additional 11 years to yield
45 a projection for 2046. Since the projections for 2035 represent near buildout conditions
46 for the project area, this growth was very little as compared to earlier projected growth

1 cohorts. Therefore the socioeconomic projections for 2046 were also used for 2066
2 conditions. This information is stated in section 4.2.10.2 of the RDEIR: “Regional
3 background traffic growth for year 2046 and 2066 was estimated using socioeconomic
4 estimates extrapolated to reflect growth between years 2030 and 2035, the two final years
5 of demographic projections available from SCAG. The traffic volumes for 2046 represent
6 the saturation of land use, socioeconomic factors, and roadway capacity, and are also
7 used to represent 2066 conditions”

8 Furthermore, the commenter does not provide any citation to the legal authority
9 referenced in the comment. CEQA requires analysis of reasonably foreseeable
10 impacts (see CEQA Guidelines § 15064(d)). As a corollary to this rule, CEQA
11 does not require analysis of impacts that are too remote or speculative. As also
12 discussed by the Supreme Court in *In re Bay-Delta Programmatic Environmental Impact*
13 *Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1173, over a 30-year period, it
14 is “impracticable to foresee with certainty specific source of water and their
15 impacts...” A number of factors make project specific and cumulative environmental
16 evaluation difficult 43 years in the future (2066), for example, changing modes of
17 transportation (passage of SB375 promoting transit and pedestrian oriented
18 development), changing vehicle efficiency standards,⁴ increases in the California
19 Renewable Portfolio requirements (SB2 (1X) (Simitian, 2011)), etc...and most of all,
20 ever changing economic forecasts.” As discussed above, some general assumptions have
21 been made for the year 2066, however, providing additional analysis beyond what has
22 already been provided is considered speculative and therefore beyond the requirements of
23 CEQA. Nor does the commenter present an evidence to suggest that the project related
24 impacts in the year 2066 would differ substantially from the year 2046.

25 **References**

26 NHTSA, 2012. “Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency
27 Standards.” August, 28. Website:
28 [http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Obama+Administration+Fin
29 alizes+Historic+54.5+mpg+Fuel+Efficiency+Standards](http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Obama+Administration+Finalizes+Historic+54.5+mpg+Fuel+Efficiency+Standards)

30 **Response to Comment R89-72**

31 The RDEIR does make the statement that the proposed project would result in a reduction
32 of volume/capacity ratio at a number of locations due to several factors including “The
33 proposed SCIG project would operate more efficiently than the existing intermodal
34 facilities, thus producing fewer total truck trips than would have been generated without
35 the project”. This statement is not a conclusion nor is it intended to mean that the
36 proposed project would result in fewer site-related truck trips. The statement, in
37 conjunction with a statement of changes in alternate site traffic and designated truck
38 routes, was intended to communicate that some analysis locations (intersections) may
39 result in lower volume to capacity ratio with the proposed Project than without the
40 proposed Project due to these shifts in traffic patterns. However the statement has been
41 removed from Section 3.10.3.5.1 of the RDEIR.

⁴Fuelefficiency standards are changing regularly; see (NHTSA, 2012) (compare to fuel efficiency standards for just a couple of years ago in 75 Fed. Reg. 25324 et seq. (May, 7, 2010)).

1 The commenter also states that “for the CMP analysis to remain valid a condition of
2 approval must be imposed that requires a limitation on truck trips to Hobart to the level
3 specific in the Recirculated Draft EIR.”

4 CEQA allows the lead agency to make reasonable assumptions, such as those associated
5 with designated truck routes. (See *City of Long Beach v. Los Angeles Unified School*
6 *District* (2010) 176 Cal.App.4th 889; *Environmental Council of Sacramento v. City of*
7 *Sacramento* (2006) 142 Cal.App.4th 1018 [“A public agency can make reasonable
8 assumptions based on substantial evidence about future conditions without guaranteeing
9 that those assumptions will remain true (Pub. Resources Code, § 21080, subd. (e); *City of*
10 *Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 412, 183 Cal.Rptr. 898.”])
11 Furthermore, cumulative traffic north of the designated truck routes shown in Figure
12 3.10-5 on the I-710 would be reduced by the proposed project. As discussed on RDEIR
13 page 3.10-26 “the proposed Project would eliminate a portion (estimated at 95 percent) of
14 existing and future intermodal truck trips between the Port and the BNSF’s
15 Hobart/Commerce Yard...”CEQA does not require mitigation for existing problems
16 (CEQA Guidelines § 15125(a), 15126.2(a)), and CEQA does not require a project to
17 mitigate problems not caused by the project, as suggested in the comment (see Master
18 Response 3, Hobart, for a discussion of CEQA’s causation requirements).

19 **Response to Comment R89-73**

20 See Master Response 3, Hobart. The RDEIR does not assume that there will be no
21 growth at Hobart between 2010 and 2035, nor does it assume that Hobart would operate
22 at only 5 percent of capacity. The comment ignores the fact that half of Hobart’s current
23 cargo volume is unrelated to the Project, consisting of transloaded and domestic cargo.
24 As described in Section 2.4, whether or not SCIG is built, domestic traffic (i.e., traffic
25 from non-Port sources) and transloaded cargos to Hobart will likely continue to grow at a
26 rate related to market demand in the United States economy. Accordingly, under the
27 proposed Project scenario Hobart would still operate at over 50 percent capacity
28 beginning in 2016.

29 The RDEIR does assume some growth between 2010 and 2016, when SCIG is assumed
30 to be constructed (e.g. Appendix G4). Once the diversion of the direct international cargo
31 occurs as a result of SCIG, it would take until 2035 for growth of domestic and
32 transloaded cargo to reach the volume of combined international and domestic/transload
33 business currently being handled at Hobart. The commenter may be suggesting that the
34 RDEIR should have accounted for the growth in traffic associated with
35 domestic/transload cargo but, as explained in Master Response 3, Hobart, that would be
36 inconsistent with the requirements of CEQA, as such growth is not caused by the
37 proposed project.

38 **Response to Comment R89-74**

39 As discussed in Section 3.10.3.5.1 of the RDEIR, the analysis includes an assessment of
40 traffic hazards due to design features and emergency access at the alternate site locations
41 under Impact TRANS-6 and Impact TRANS-7, respectively. The proposed
42 improvements at the alternate sites do not include any new public roadways that would
43 increase hazards. All construction related activity would follow requirements identified
44 in a Traffic Management Plan which would be required at the time construction permits
45 are obtained (see page 3.10-44). With regard to access for the alternate sites, access
46 would likely be provided across an at-grade crossing at the proposed South Lead Track

1 for SCIG to E. Opp Street with another at-grade crossing and then to East “I” Street
2 leading to Anaheim Street, which was analyzed in the RDEIR (see Section 3.10.3.3.2).
3 Emergency access was also identified for the alternate sites from Farragut Ave (E. “I”
4 Street). Alternative access to the north via the Dominguez Channel access road that
5 connects to PCH would not occur. The FEIR will be modified to include this correction.
6 BNSF would be the responsible entity to implement any crossing improvements in
7 accordance with PUC requirements as noted in response to Comment 56-2.

8 As discussed in RDEIR Section 2.4.2.1 “The final selection of businesses that would
9 ultimately occupy the alternate sites would be subject to real estate negotiations that are
10 beyond the scope of this EIR...Potential future locations identified would be subject to
11 separate environmental review by the lead agency with jurisdiction over a particular site.”
12 While the RDEIR provides as much analysis as possible given these uncertainties, the
13 project level details recommended for further analysis by the commenter would of
14 necessity be considered in those subsequent environmental analyses.

15 **Response to Comment R89-75**

16 The commenter states that “...the traffic analysis presented in the RDEIR fails to identify
17 multiple traffic issues set forth in the City of Los Angeles CEQA Thresholds Guide.”
18 Specifically the commenter references, street segments (L.2), neighborhood intrusion
19 (L.4), project access (L.5), and parking (L.7). CEQA gives the lead agency discretion to
20 select its own significance thresholds tailored to the proposed project. (See CEQA
21 Guidelines § 15064.5(b); *Mira Mar Mobile Community v. City of Oceanside (2004) 119*
22 *Cal.App.4th 477.*)

23 With regard to the first comment on L.2 (street segments), the RDEIR provided an
24 analysis of intersection V/C ratios included in Section 3.10. This is also consistent with
25 the LA Thresholds Guide, which explicitly notes:

26 “Street segment capacity impacts are generally evaluated in program-level
27 analyses (such as specific plans or long-range development projects) for which
28 details regarding specific land use types, sizes, project access points, etc., are
29 not known. If such details are known, see L.1. INTERSECTION CAPACITY
30 for applicability.”

31 With regard to the first comment on L.4 (Neighborhood Intrusion Impacts), the LA
32 Thresholds Guide notes that:

33 “This issue involves impacts of traffic generated by the project, and/or traffic
34 diverted or shifted due to the project, on local streets in residential
35 neighborhoods... Evaluation of potential neighborhood intrusion impacts
36 requires details regarding site access. Impacts are related to traffic volume,
37 location of site access points in relation to neighborhood streets, traffic controls,
38 and capacity of area streets. ”

39 The RDEIR clearly defined the designated truck routes in RDEIR Figure 3.10-5. As
40 described in Section 3.10.3.1 of the RDEIR, regional models were used to calculate
41 forecast trip generation. As discussed in this section, the model was validated against
42 existing conditions. The modeled traffic scenarios account for the designated truck routes
43 and account for any diverted trips to the extent congested conditions occur in the modeled
44 intersections. However, as shown in Table 3.10-25, diverted trips should not have played
45 a big role in the modeled scenarios given that the majority of the intersections operate at
46 LOS A or B.

1 In regard to emergency access (L.5) please see the response to Comment R89-74 and
2 RDEIR Impact TRANS-7. In regard to on-site parking (L.7), RDEIR page 3.10-42 notes
3 that “Sites for equipment laydown, material storage, construction management, and
4 [construction] worker parking and staging would be located on the proposed Project site”
5 and RDEIR page 3.10-47 notes that “parking at the proposed Project would be readily
6 available and free for employees, which would encourage workers to drive to work.”
7 Additional details regarding parking were included in the Project Description. In
8 summary, the commenter provides no evidence that the RDEIR is insufficient to analyze
9 all of the project’s environmental impacts.

10 **Response to Comment R89-76**

11 The comment appears to assert that the cumulative impact analysis for Aesthetic
12 Resources should specifically identify the project’s effects on Key Viewpoint 1 as part of
13 the project’s cumulatively considerable contribution to Cumulative Impact AES-1 in
14 RDEIR Section 4.2.1.2. However, the cumulative impact analysis appropriately analyzes
15 this significant cumulative impact as resulting from an overall increase in the number of
16 structures and demolition of the historic Sepulveda Bridge. The commenter’s specific
17 assertions regarding Key Viewpoint 1 are addressed in responses to comments R89-18
18 and R89-22.

19 **Response to Comment R89-77**

20 The RDEIR’s analysis of cumulative biological impacts is a reasoned consideration of the
21 potential for the impacts of the proposed Project, in concert with the impacts of other
22 projects in the vicinity, to result in, or contribute substantially to, a cumulatively
23 significant impact. The comment appears to suggest that in order to do a cumulative
24 analysis the lead agency must undertake a quantitative survey of the biological resources
25 of the entire vicinity and attempt to assess the impacts of each and every related project.
26 CEQA does not require any such undertaking; CEQA §15130(b) states that the discussion
27 of cumulative impacts “should be guided by standards of practicality and reasonableness”
28 and that “the discussion need not provide as great detail as is provided for the effects
29 attributable to the project alone.” It is not clear what sort of “technical studies or
30 evidence” the commenter would expect to see, but please note that the cumulative
31 analysis under BIO-4 is consistent in its level of detail with standard Port practice (see,
32 for example, (LAHD 2011) and (LAHD 2008)). As disclosed in the analysis, the project
33 site does not contain wildlife migration corridors or nursery sites. The analysis also
34 adequately addresses cumulative effects on migrating birds, which may be affected by
35 bright lights, however, because the project would include modern lighting compliant with
36 the Port’s terminal lighting guidelines, the project’s contribution to night lighting in the
37 BSA, where night light is already prevalent, would be insubstantial. Terminal lighting
38 guidelines are discussed in Section 3.1.3.1.1 of the RDEIR; light levels for container yard
39 facilities as specifically addressed, as are other design guidelines. Accordingly, the
40 analysis of cumulative impacts under BIO-4 in the RDEIR complies with CEQA.

41 **References**

42 Los Angeles Harbor District. 2008. “Wilmington Waterfront Development Project Draft
43 Environmental Impact Report.” December. Website:
44 http://www.portoflosangeles.org/EIR/WilmWaterfront/DEIR/deir_wilmwaterfront.asp

1 Los Angeles Harbor District. 2011. "Berths 302 to 306 [APL] Container Terminal Project
2 Draft Environmental Impact Statement/Environmental Impact Report." December.
3 Website: http://www.portoflosangeles.org/EIR/APL/DEIR/deir_apl.asp

4 **Response to Comment R89-78**

5 The comment's first point assumes that the RDEIR's air quality analysis incorporates
6 inappropriate assumptions concerning trucks and trains in the baseline. However, as
7 explained in Master Response 1, Baseline and in Master Response 3, Hobart, trucks and
8 trains were incorporated into the baseline appropriately. Accordingly, the air quality
9 analysis appropriately estimates the Project's emissions as less than significant, and those
10 estimates support the RDEIR's conclusions concerning cumulative impacts.

11 It is possible that the second point of the comment is based upon the DEIR, not the
12 RDEIR. The RDEIR actually found that the Project would make a cumulatively
13 considerable contribution to a significant health risk (see Section 4.2.2.8).

14 **Response to Comment R89-79**

15 The RDEIR's cumulative assessment of rail traffic used all future rail traffic, not just
16 SCIG and ICTF traffic; please refer to Section 4.2.10.7 of the RDEIR, which lists the rail
17 traffic data and its sources. The cumulative noise analysis appropriately considered the
18 proposed Project's contribution to effects on the sensitive receptors in the vicinity of
19 Project site (i.e., in proximity to construction and operation noise that would result from
20 the proposed Project), to evaluate the proposed Project's contribution to the noise
21 environment. As is appropriate for a cumulative impact analysis, the analysis accounted
22 for the effects of past, present, and future projects in determining whether cumulative
23 impacts would be significant. As discussed in RDEIR Section 4.2.9.5, construction and
24 operation of the related projects would contribute noise from traffic and trains (as well as
25 recreational activities); the cumulative impact (i.e. effects of the project in combination
26 with the effects of other projects) was determined to be significant, and the analysis went
27 on to evaluate whether the proposed Project's contribution would be cumulatively
28 considerable. As explained in the analysis, the proposed Project's contribution to noise
29 effects was determined to be cumulatively considerable at specific locations. The analysis
30 complies with CEQA requirements for cumulative impact analyses. (CEQA Guidelines
31 §15130. See also CEQA Guidelines §15355)

32 **Response to Comment R89-80**

33 See Master Response 5, Alternatives.

34 **Response to Comment R89-81**

35 The RDEIR included a thorough analysis of alternate sites, including alternatives and
36 concepts that were not carried forward for detailed analysis (RDEIR Section 5.1.3.) The
37 RDEIR analysis references and summarizes relevant information from technical reports
38 (Parsons, 2004; Parsons, 2006) supporting the analysis, and conclusions based on that
39 analysis, consistent with CEQA. (See CEQA Guidelines §§ 15147, 15148, 15151,
40 15384.) EIRs should be prepared with a sufficient degree of analysis to provide decision-
41 makers with information which enables them to make a decision which intelligently takes
42 account of environmental consequences." (CEQA Guidelines §15151.) A detailed
43 regurgitation of the contents of those reports is not required. With regard to sites inside
44 the Ports, (such as the POLA LAXT site which the commenter urges should be

1 considered a viable alternative site) the RDEIR appropriately acknowledges their
2 advantages (e.g., fewer community issues for all but POLB Pier B site), but also points
3 out the factors that make those sites either unavailable or unsuitable for a modern near-
4 dock railyard (e.g., commitment for other projects, unsuitable configuration, insufficient
5 rail infrastructure). Accordingly, the RDEIR did conduct a comprehensive consideration
6 of the potential alternate sites, and the analysis complies with CEQA. Please see Master
7 Response 5, Alternatives, for additional discussion.

8 **References**

9 Parsons Transportation Group. 2004. San Pedro Bay Ports Rail Market Study, Parts 1 and
10 2. Draft report prepared for the Los Angeles Harbor Department.

11 Parsons Transportation Group. 2006. San Pedro Bay Ports Rail Study Update: December

12 **Response to Comment R89-82**

13 If the Project is not approved, cargo demand would be met by the use of existing
14 facilities, but these facilities would require expansion, including significant new
15 infrastructure and potential operational efficiency improvements in order to meet the
16 cargo demand as described in Section 5.4.1 for the No Project. Furthermore the No
17 Project Alternative would not meet other objectives of the Project, including reducing
18 truck miles traveled associated with moving containerized cargo, increasing the use of the
19 Alameda Corridor for the efficient and environmentally sound transportation of cargo,
20 and providing shippers, carriers, and terminal operators with comparable options for
21 Class 1 railroad near-dock intermodal rail facilities. See Master Response 5, Alternatives,
22 for additional discussion.

23 **Response to Comment R89-83**

24 The EIR analyzed all feasible alternative site layouts, in full compliance with CEQA, see
25 Master Response 5, Alternatives. The Project already uses the best site design possible
26 considering the Project site, geographic boundary considerations, and the requirements of
27 a modern intermodal rail yard. This includes wide span electric rail mounted gantry
28 cranes, a stacked container operation to eliminate many truck trips associated with
29 conventional wheeled container operations, an entrance lane to the facility running nearly
30 the north-south length of the site to minimize truck queuing backup onto roadways,
31 dedicated on- and off-ramps to the facility to minimize traffic disruptions on adjacent
32 roadways, and rail operations designed to minimize emissions associated with building
33 and breaking trains on-site. The alternative site layouts described in EDEIR Section
34 5.1.3.3 represent site layouts that were screened out of the design of the Project precisely
35 because they did not lead to any additional environmental benefits.

36 **Response to Comment R89-84**

37 See the Master Response for On-Dock Rail.

38 **Response to Comment R89-85**

39 The concept of an inland port/remote railyard is considered in the RDEIR (see RDEIR
40 Section 5.2.1.2) to the extent appropriate under CEQA. As the RDEIR points out, there
41 are a number of constraints, including physical factors (e.g., the questionable capacity of
42 mainlines to handle the volume of traffic and the enormous expense of converting the
43 existing port facilities to all-rail) and institutional challenges (jurisdictional limitations,

1 increased shipping costs, and the inability of the ports to dictate goods handling
2 technology on a regional basis). These challenges make implementation of a regional
3 goods movement system based on the inland port/remote railyard concept infeasible as an
4 alternative to the proposed Project at this time. However, as described in the RDEIR (p.
5 5-14), however, the concept is being actively pursued by ACTA. A pilot program of one
6 train per day to an intermodal facility in Colton is in the planning stages, and ACTA is
7 looking ahead to find a location, and funding, for a dedicated inland port and for
8 additional trackage in order to handle more trains. Please see the Master Response 5, –
9 Alternatives, for more detail.

10 **Response to Comment R89-86**

11 See the Master Response 7, for discussion of ZECMS.

12 **Response to Comment R89-87**

13 The commenter requests a comparison of the project with the no project. CEQA requires
14 an analysis of the project's impacts compared to baseline, not compared to the No Project
15 alternative. The purpose of a discussion of the no project alternative is to allow a
16 comparison of the environmental impacts of approving the proposed projects with the
17 effects of not approving it. (CEQA Guidelines §15126.6(e).) The RDEIR does, however,
18 provide, for informational purposes only a comparison between the expected future
19 conditions with the proposed SCIG facility and the expected future conditions for air
20 quality and health risk (RDEIR Section 5.4.2.2). These comparisons are provided for
21 informational purposes. Section 5.3 explains why similar comparisons for other resource
22 areas, including Noise, are not meaningful. (See RDEIR p. 5-19.) Please also see Master
23 Response 1, Baseline

24 **Response to Comment R89-88**

25 Please see Master Response 3, Hobart. The No Project Alternative considers what would
26 reasonably be expected to occur if the proposed Project is not approved. (CEQA
27 Guidelines §15126.6(e)(1). Analysis in RDEIR Section 5.4.1 makes reasonable
28 assumptions about what would occur if the proposed Project were not approved. These
29 reasonable assumptions include assumptions regarding future growth in activity levels,
30 and where future growth in activity would be accommodated. The analysis assumes ten
31 percent growth in activity levels of the existing uses at the Project site by 2016. (RDEIR,
32 Section 5.4.1., p. 5-20.) This response explains revised assumptions for the No Project
33 Alternative. The modified No Project Alternative is included in FEIR Section 1.5.

34 Under the No Project Alternative, all current BNSF cargo, both international and
35 domestic, including projected growth, would need to be accommodated at Hobart,
36 although some domestic cargo might be diverted to other BNSF regional intermodal
37 facilities (RDEIR Section 5.4.1). If SCIG is not built, BNSF's share of the international
38 intermodal cargo that would have been handled by SCIG will continue to travel 24 miles
39 north of the Ports to Hobart instead of 4 miles to SCIG; the remaining cargo demand
40 would go to other facilities such as the UP ICTF. This assumption is not "bold" but rather
41 based upon the fact that Hobart is already BNSF's primary southern California
42 intermodal facility, meaning that it is reasonable that BNSF would continue to utilize it to
43 the maximum extent.

44 To accommodate this demand, BNSF would undertake physical and operational
45 improvements at Hobart, as described in RDEIR Section 5.4.1. Improvements at Hobart

1 would be driven by market demand, which is not related to SCIG. As stated in Section
2 5.4.1 of the RDEIR and confirmed by BNSF (BNSF 2012), implementation of the
3 potential improvements at Hobart described in the No Project Alternative may be
4 accomplished without discretionary permitting. Contrary to the commenter’s assertion,
5 that assumption is not “aggressive” but instead is reasonable based upon communications
6 from BNSF stating that it can undertake those actions without seeking discretionary
7 permits from local, state, or federal agencies, (BNSF, 2012). The commenter suggests
8 that the RDEIR should “account for the other facilities and new technologies that will be
9 available through 2035 to accommodate future cargo”. The comment does not offer any
10 specifics as to what these “other facilities and new technologies” might be; however, it is
11 noted that the analysis of projected future throughput at Hobart Yard accounts for both
12 the projected on-dock utilization and the market share of off-dock cargo that is assumed
13 to be handled by BNSF (50%, with the other 50% handled by UP). It is therefore unclear
14 what “other facilities” the commenter is referring to or how the analysis was deficient in
15 not accounting for this cargo. Indeed, as explained in Master Response 3 and RDEIR
16 Section 5.4.1, some new technology is likely and is assumed to be implemented at Hobart
17 Yard in the future in order for Hobart to handle the projected throughput.

18 As modified in FEIR Section 1.5, conclusions regarding impacts that would result from
19 the No Project Alternative are valid and the commenter offers no evidence to the
20 contrary.

21 **References**

22 BNSF. 2012. *BNSF Hobart Yard Memorandum*. November 28.

23 **Response to Comment R89-89**

24 The No Project Alternative analyzes impacts to all resource areas, including those
25 identified by the commenter, for the Project site (see RDEIR Section 5.4.2). In
26 accordance with CEQA Guidelines § (15126.6 (d)), alternatives do not have to be
27 analyzed at the same level of detail as the project. For activity within the fence line of
28 Hobart Yard in the No Project, see Master Response 3, Hobart. However, with regard to
29 off-site truck trips and train trips to and from the Hobart Yard, the No Project Alternative
30 analyzes air quality, hazards, and traffic impacts associated with these trips because these
31 are the resource areas likely to experience impacts from this activity. Noise impacts were
32 analyzed at and near the Project site, and along I-710 approximately as far north as the
33 intersection with I-105. No additional noise analysis was warranted further north on I-
34 710 as the truck trips to Hobart Yard constitute a very small percentage of the total traffic
35 on this segment of I-710. The methodology used for evaluating environmental impacts
36 for each resource area is described in RDEIR Section 5.4.2. Therefore the RDEIR
37 appropriately analyzed the impacts of the No Project Alternative.

38 As CEQA case law demonstrates, the geographic analysis of the Project and Alternatives
39 need not be exhaustive: “This does not mean, however, that an agency is required to
40 conduct an exhaustive analysis of all conceivable impacts a project may have in areas
41 outside its geographical boundaries. ‘[T]hat the effects will be felt outside of the project
42 area ... is one of the factors that determines the amount of detail required in any
43 discussion. Less detail, for example, would be required where those effects are more
44 indirect than effects felt within the project area, or where it [would] be difficult to predict
45 them with any accuracy.’ ” *Save The Plastic Bag Coalition v. City Of Manhattan Beach*

1 (2011) 52 Cal. 4th 155, 173-174, 2011 Cal. LEXIS 7456, citing *Muzzy Ranch Co. v.*
2 *Solano County Airport Land Use Com.*, (2007) 41 Cal.4th 372, 388.

3 **Response to Comment R89-90**

4 The commenter is correct in stating that CEQA baseline traffic levels were not updated
5 from the DEIR levels in the RDEIR in Tables 5-14, 5-30, and 5-33, which include the
6 project-related traffic from the proposed project site driveways at Pacific Coast Highway
7 and Sepulveda Boulevard and the alternate business sites. These have been revised in the
8 FEIR.

9 **Response to Comment R89-91**

10 See response to Comment R89-88.

11 **Response to Comment R89-92**

12 In order to meet the Project objectives described in Section 2.3 of the RDEIR, the Project
13 must meet certain size, configuration, and layout requirements, limiting BNSF's options
14 with regard to the design and construction of a Reduced Project Alternative. For example,
15 the Project requires strip tracks of at least 4,000 feet in length to minimize the number of
16 switching moves. Since a typical intermodal train is 8,000 feet long, switching leads on
17 both ends of the yard are required to properly arrive or depart a train. The site needs to
18 be served by a major road with adequate space for on-site truck queuing to assure that
19 queuing does not occur on public streets. There also needs to be adequate space on site
20 for stacking or parking containers to allow for train load blocking and to accommodate
21 the containers destined for marine terminals. These size, configuration, and layout
22 requirements, all of which are necessary to meet project objectives, require the
23 construction activity specified in the RDEIR. It should be emphasized that, despite these
24 constraints, SCIG would be significantly smaller than a traditional intermodal facility, yet
25 at the maximum capacity of 2.8 million TEUs, SCIG would handle more cargo than
26 many larger intermodal facilities, due to state of the art technologies and the associated
27 operational efficiencies. In addition, state of the art construction methods would be
28 employed in the construction of SCIG. Further, mitigation identified in the RDEIR would
29 reduce air quality impacts associated with construction. (see, e.g., RDEIR mitigation
30 measures MM AQ-1 and MM AQ-5 in RDEIR Section 3.2.4.3.) Because of the
31 constraints described above, no additional, feasible alternative methods have been
32 identified that would to reduce construction impacts or design options for the Reduced
33 Project Alternative.

34 **Response to Comment R89-93**

35 Please see the response to Comment R89-88 and Master Response 3, Hobart. The same
36 reasoning that applies to cargo not handled by SCIG under the No Project scenario
37 applies to the Reduced Project Alternative, since BNSF would need to accommodate
38 domestic, transloaded, and a portion of its direct international cargo at Hobart. This
39 assumption is not "bold" for the same reasons described in the response to Comment
40 R89-88.

41 **Response to Comment R89-94**

42 See the response to comment R89-90.

1 **Response to Comment R89-95**

2 See response to comment R89-19.

3 **Response to Comment R89-96**

4 As noted in PC AES-1 (RDEIR Section 3.1.5), intensive landscaping is planned for the
5 soundwall on the west side of the Terminal Island Freeway. The final landscaping design
6 will be reviewed and approved by the LAHD, City of Long Beach, and other entities if
7 necessary.

8 **Response to Comment R89-97**

9 Please see Master Response 8, Displaced Businesses and Master Response 10,
10 Environmental Justice for more detail on the analyses and assumptions in the RDEIR's
11 consideration of environmental justice. The comment's statement that the displacement
12 of existing businesses on the Project site would constitute an impact on environmental
13 justice communities is wholly speculative because it is unknown, as explained in RDEIR
14 Section 2.4.2, where those businesses might move to. Since CEQA does not require an
15 EIR to indulge in speculation EIR (State Water Resources Control Bd. Cases (2006) 136
16 Cal. App. 4th 674, 797), the RDEIR's analysis complies with CEQA.

17 **Response to Comment R89-98**

18 See the Master Response 8, Displaced Businesses.

19 **Response to Comment R89-99**

20 The SCIG DEIR and RDEIR considered all feasible alternatives and fully complied with
21 CEQA. See RDEIR Chapter 5. The commenter did not propose any specific alternative
22 design. The FEIR includes responses to all City of Long Beach DEIR and RDEIR
23 comments.

24



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November 9, 2012

Via email: ceqacomment@portla.org

Mr. Chris Cannon
 Director of Environmental Management
 Port of Los Angeles
 425 South Palos Verdes Street
 San Pedro, CA 90731

Re: Comments on the Recirculated Draft EIR for the Southern California International Gateway (SCIG) Project, California

Dear Mr. Cannon,

The Long Beach Unified School District (District) appreciates the opportunity to comment on the Southern California International Gateway (SCIG) Project (Project) Recirculated Draft Environmental Impact Report (RDEIR) released in September 2012 by the Los Angeles Harbor Department (LAHD; also referred to as the Port of Los Angeles (POLA) or the Port). The District previously submitted written comments on the SCIG EIR Notice of Preparation (NOP) (comment letter dated December 14, 2005) and on the SCIG DEIR (comment letter dated January 31, 2012). The Port is the state lead agency for California Environmental Quality Act (CEQA) compliance and the EIR for the Project. The Burlington Northern Santa Fe Railroad Company (BNSF or Applicant) is the project applicant for the SCIG Project.

R90-1

The District is committed to providing a safe learning environment and school facilities for its students and employees. The District agrees that recirculation was appropriate, but is disappointed that the RDEIR fails to correct many of the flaws in the impact analysis, and the analysis remains deficient in several critical respects. Because most of the District's concerns expressed in previous comment letters were not addressed by the RDEIR, the District reiterates its comments on the NOP and DEIR.

The District is not necessarily in disagreement with the Port's project objectives to increase container throughput capacity. It is imperative, however, that the Port first identify, adequately evaluate, and mitigate the environmental impacts that will occur with this expansion of capacity. The RDEIR fails to do this. In addition to the deficiencies identified in the District's prior comments and those detailed in the comments attached as Exhibit A, the primary flaws in the RDEIR are set forth below:

R90-2

- **Hobart Should Not Be Part of Baseline.** The inclusion of trucks going to BNSF's Hobart Railyard (Hobart) in the baseline conditions violates CEQA and masks the true incremental impact of the proposed SCIG Project. The RDEIR's analysis and conclusions are dependent on the Port's unrealistic and unsubstantiated assumption that most of the traffic currently going to Hobart will go to SCIG instead and, most importantly, the trucks diverted from Hobart to SCIG will not be replaced by other traffic taking advantage of the unchanged Hobart capacity. There is simply no basis to assume that trucks and trains at Hobart will be drastically and permanently reduced with Project operation. This is a fundamental flaw in the environmental impact analysis that affects the

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District 1	District 2	District 3	District 4	District 5
Member	Member	Vice President	President	Member

R90-2



entire RDEIR and leads to a significant understatement of Project impacts, particularly with respect to air quality, traffic, and health impacts.

R90-3

• **Insufficient Analysis Hides the Need for Mitigation.** In large part due to the misguided and misleading inclusion of Hobart trucks in the baseline conditions, the analysis in the RDEIR is incomplete and insufficient for the proper identification of impacts and effective mitigation measures. Without accurate and straight-forward analysis of Project impacts, it is virtually impossible for the District and other interested parties to identify impacts and request adequate mitigation.

R90-4

• **Unjustified Exclusion of Feasible Alternative(s).** The RDEIR improperly rejects and fails to adequately analyze a reasonable range of alternatives to the Project. Most significantly, the RDEIR does not provide sufficient justification for its rejection of environmentally superior on-dock alternatives, such as the Terminal Island Joint Intermodal Terminal (TIJIT). The alternatives analysis in the RDEIR fails to satisfy even the most basic of CEQA requirements and must be revised.

R90-5

• **Misleading and Incomplete Health Risk Assessment Masks Impacts.** Due to misconceptions about Hobart trips and scientifically unsound analysis, the RDEIR lacks an adequate analysis of the health risks associated with the Project, particularly with respect to school aged children. The cancer risk and air quality analyses appear designed and manipulated to reach unsubstantiated conclusions, which are then relied upon to avoid mitigating true Project impacts. Additionally, there is little excuse for the Port’s failure to consider ultrafine particulate (UFP) emissions in the RDEIR’s analysis. The District understands there is no single consensus on how to evaluate UFP impacts, but there is no question that UFPs have associated health impacts, especially on children. The RDEIR should reflect the Port’s best efforts to quantify UFPs so impacts can be mitigated; the failure to do so contradicts the letter and spirit of CEQA.

R90-6

The District is not alone in identifying these significant deficiencies. These deficiencies have been identified by authoritative reviewers such as the South Coast Air Quality Management District (SCAQMD), but the Port has failed to correct the inadequacies of the environmental impact and alternatives analysis. As a result, the RDEIR fails as an informational document and does not provide the full and proper disclosure required under CEQA. The RDEIR must be substantially revised to address *all* Project impacts and to propose sufficient mitigation measures to ensure the Port’s expansion efforts do not impose undue hardship on District students.

R90-7

The following is the District’s elaboration on the comments above. In addition, Attachment A to this letter includes the District’s detailed Specific Comments on the SCIG RDEIR.

I. GENERAL COMMENTS

A. The Baseline Violates CEQA: The RDEIR Is Fundamentally Flawed Because It Fails to Recognize that the Project Will Not Reduce Capacity at Hobart

R90-8

The District acknowledges and appreciates that the Port updated the baseline from 2005 to 2010 for this RDEIR to more accurately represent existing conditions. However, the RDEIR perpetuates the significant flaw that the District identified with the DEIR—the baseline conditions improperly *include* trucks and trains currently attributed to Hobart and Project conditions *take out* those same trucks and trains. This is unsupported by the Port’s own data, and the use of this skewed baseline and project assessment method improperly masks the true impacts of the proposed Project.

R90-9

The RDEIR (Section 3.10.3.3.2) states that because the Project is only four miles from the Ports, it would eliminate 95% of the existing and future intermodal truck trips between the Port and Hobart, which is further away from the Ports than the Project. This is an overly optimistic and opportunistic assumption that hides Project impacts. First, there is nothing in the SCIG Project approval that would limit capacity at Hobart, and BNSF has stated it has no intention of reducing operations at Hobart. Instead, it is probable that a much larger portion of intermodal truck trips would continue to use Hobart to avoid container staging and operational constraints at the Project, or to take advantage of capacity for intermodal cargo immediately available on an outbound train from Hobart.

R90-10

Moreover, the Port's own data and SCAQMD's analysis reveal the absurdity of the RDEIR's assumption. Appendix G4 and SCAQMD's February 1, 2012 comment letter indicate that any decrease in intermodal truck traffic between the Ports and Hobart would likely be supplanted by an increase in domestic and trans-loaded cargo truck traffic on those same roadways. The RDEIR's Hobart assumptions result in an estimated—but unsubstantiated—net decrease in traffic on roadway and freeway segments to the north, west, and east of the Project site, including in the vicinity of District schools. This leads to a gross underestimation of Project impacts, particularly with respect to traffic, air quality, and health risk impacts to District students and staff.

R90-11

The District requests that the unsubstantiated, unrealistic, and misleading Hobart trip reduction scenario be removed from the RDEIR and the traffic and related air quality and health risk analyses in the RDEIR be revised accordingly.

B. The Project and Cumulative Impact Analyses Are Inadequate and Lead to Insufficient Consideration of Mitigation Measures

R90-12

The RDEIR does not adequately address noise, traffic, air quality, and human health risk impacts to schools and other sensitive receptors. Moreover, the RDEIR fails to adequately and accurately assess the cumulative environmental impacts of the Project in conjunction with other substantial development projects, such as the I-710 Corridor Expansion and the planned Intermodal Container Transfer Facility (ICTF) Expansion. Both of these projects, as well as other identifiable nearby projects, will generate additional emissions that will affect the District's schools, students, and staff.

Without accurate information regarding Project impacts on District schools, the District cannot determine the scope of those impacts and whether there is a need for mitigation. This is insufficient under CEQA.

R90-13

Further, the mitigation measures that are proposed are lacking, as previously commented by the District and others. For example, proposed mitigation for the Project's significant impacts from particulate matter is insufficient according to the SCAQMD (SCIG DEIR comment letter, dated February 1, 2012): "*the only mitigation for PM is street sweeping—which is not sufficient to fully mitigate this significant impact. Additional measures clearly are feasible. For example, zero-emission technologies such as electric trucks to transport containers between the ports and the railyard could be deployed early in the operational life of the railyard, and deployment of Tier 4 locomotives could be accelerated.*" Additionally, the mitigation measures proposed to reduce noise impacts are insufficient and rely largely on the construction of noise barriers on land that is not under the control of the Project applicant and would require a height variance from the City of Long Beach. If the proposed soundwalls cannot be fully implemented, the RDEIR should acknowledge that noise impacts may remain significant and unavoidable. The RDEIR must be revised to confirm that each of the identified mitigation measures are effective and feasible, and to provide a reasoned explanation for this determination.

C. Alternative On-Dock Railyard Sites Should Not Have Been Rejected at the Screening Phase

R90-14

The RDEIR fails to adequately consider Project alternatives that would lessen environmental impacts. As the District has previously commented, public health impacts to schools and residents would be significantly reduced if the proposed SCIG near-dock rail activity was located at (on-dock) or closer to the port terminals in lieu of the proposed Project site. Despite this fact, the RDEIR gives only minimal consideration to specifically identified, feasible, environmentally superior alternatives to the Project location (e.g., the Terminal Island Joint Intermodal Terminal (TIJIT)). The RDEIR should be revised to adequately evaluate a reasonable range of alternatives and address in detail the grounds for any conclusions that environmentally superior alternatives are infeasible.

D. Elevated Health Risks to Schools Remain Unaddressed

R90-15

Despite the District's and other comments on the inadequate DEIR, the health risk assessment remains inadequate. The RDEIR fails to address the District's reasonable concerns about cancer and non-cancer health impacts to children and staff at schools near the Project.

First, the RDEIR does not use established cancer risk factors that account for the greater sensitivity of students to toxic air contaminants (TAC), including diesel particulate matter (PM), so the cancer risk to students is understated. Given that the SCAQMD has identified the Port area, including the Project vicinity, as having the highest cancer risk in the South Coast Air Basin (SCAB)—over 1,400 in a million on an average population-weighted basis—the lack of adequate analysis in the RDEIR is troubling.

Second, the RDEIR does not adequately evaluate non-cancer health risks such as asthma, heart and lung disease, and cancer risks known to occur from exposure to diesel PM, ultrafine particulates (UFP), and criteria pollutants. The adverse health effects of UFPs, especially on children, are well documented and the body of scientific evidence continues to grow.^{1,2} The RDEIR is not a model of clarity, but it appears that more than 11,084 truck trips and 16 trains *per day* will be routed to the Project. There is no question that each of these new pollution sources will emit significant quantities of UFPs and other harmful PM emissions in the vicinity of District schools. Unfortunately, without sufficient analysis in the RDEIR, the District lacks the information necessary to evaluate the Project's impacts associated with UFPs and to assist in the design and implementation of effective mitigation measures to reduce those impacts. The RDEIR must be revised to fully disclose the significant threat that the Project poses to the health of District students and staff, and to provide the Port with sufficient data for informed decision-making.

The RDEIR and health risk assessment (HRA) should be revised so that the cancer and non-cancer health effects of diesel PM emissions, UFPs, and criteria pollutants associated with Port activities are identified and accurately disclosed so the true impacts of the Project may be mitigated.

E. The RDEIR Does Not Address the Numerous Problems the District Previously Identified in its Comment Letters Regarding the NOP and the DEIR

R90-16

The District is troubled that the Port would make the effort to recirculate the flawed DEIR, yet completely fail to address the principal points raised in the District's comments. Like the DEIR, the RDEIR gives only superficial consideration to Project impacts on District schools, students, and staff. The District

¹ SCAQMD. 2012 AQMD Draft Program EIR, September 2012.

² University of Southern California. *Final Report: Fine-Scale Spatial and Temporal Variability of Particle Number Concentrations Within Communities and in the Vicinity of Freeway Soundwalls*. Prepared for CARB and CalEPA. April 26, 2011.

submitted lengthy, substantive comment letters on the NOP and the DEIR but, unfortunately, the Port continues to fail to address the District's reasonable concerns about the Project and the Port's inadequate analysis.

R90-16 While recirculation was appropriate following revisions to the DEIR, the District fears that the decision to recirculate a RDEIR that does not address the District's concerns is a purely procedural attempt to thwart possible CEQA challenges to the Project. Thus, the District strongly reiterates that unless the points outlined above and the District's other comments are addressed, the RDEIR remains inadequate under CEQA and must be substantially revised.

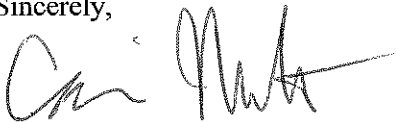
II. CONCLUSION

R90-17 The District appreciates that the Port revised and recirculated the DEIR. However, the RDEIR perpetuates the same fatal flaws identified in the DEIR and fundamentally fails to comply with the requirements of CEQA. The RDEIR must be substantially revised to fully evaluate Project impacts on District schools, students, and staff so that the Board of Harbor Commissioners has sufficient data to make an informed decision regarding the proposed Project. The revisions to the RDEIR must, at a minimum, (1) correct the unrealistic Hobart assumptions and baseline conditions because the identified inadequacies cause a domino effect that calls into question the veracity of the impact analyses, especially regarding traffic, air quality, and health risk impacts; (2) correct and expand the impact analyses so that the need for mitigation is properly identified and effective mitigation measures can be implemented; (3) adequately evaluate a range of reasonable alternatives to the proposed Project; and (4) appropriately evaluate and mitigate health impacts to District students and staff, especially adverse impacts relating to ultrafine particulate emissions and cancer risks to school aged children.

The District trusts that the Port will rectify the deficiencies in the document and recirculate the RDEIR. The District will continue to actively participate in the environmental review process for this Project, and looks forward to working with the Port to ensure each of its concerns are sufficiently addressed in the revised RDEIR.

If you have any questions, please feel free to contact me at (562) 997-7550.

Sincerely,



Carri M. Matsumoto
Executive Director
Facilities Development & Planning Branch
Long Beach Unified School District

cc: Chris Steinhauser – LBUSD Superintendent of Schools
Jim Novak – LBUSD Chief Business & Financial Officer
The Planning Center

Enclosures:
Exhibit A – The District's Specific Comments on the RDEIR

EXHIBIT A

Specific Comments on the SCIG RDEIR

A. **Baseline Data and Assumptions—Hobart Capacity Is Not Reduced with SCIG**

The analysis in the RDEIR continues to hinge on the unsubstantiated assumption that the Project will lead to a dramatic and permanent reduction in truck and train trips to/from the off-dock Hobart Railyard. This fundamental flaw has a domino effect rendering much of the analyses in the RDEIR inadequate, particularly the analyses and evaluation of mitigation measures regarding air quality, traffic, and health risk impacts.

R90-18

CEQA requires an analysis of the incremental impact of the proposed Project, which can be measured by comparing existing or baseline conditions with projected conditions including the Project. Here, rather than using existing operations on the site as the baseline, the RDEIR improperly includes current Hobart impacts in baseline conditions, artificially inflating the baseline. Those same Hobart impacts are then excluded from the analysis of impacts with Project operation, which leads to a drastic underestimation of Project impacts. This masks the true incremental impact of the Project and the RDEIR fails to adequately disclose Project impacts as required by CEQA.

In order to justify the argument that the Project would reduce truck and train trips—and therefore result in a reduction of harmful emissions—the RDEIR incorrectly assumes that significant portions of traffic to Hobart would cease to occur with operation of the Project. Appendix G4 to the RDEIR clearly contradicts this assumption. Appendix G4 demonstrates that by 2023, Hobart will experience an increase in total cargo from current (2010) conditions either with or without the Project. This is consistent with the statements in the RDEIR that BNSF intends to expand capacity at Hobart without obtaining any new discretionary permits. (See RDEIR p. 5-20, “BNSF would implement additional physical changes to the Hobart and Commerce facilities that would increase their capacity; BNSF represents that those changes could be implemented without discretionary permits (BNSF, 2012)...The operational and the approved expansions would allow Hobart/Commerce to handle approximately 3 million lifts (5.4 million TEUs) per year by 2035, which is approximately 1 million lifts more than its existing capacity.”)

R90-19

Hobart and Commerce Lift Capacity – As shown in Appendix G4, the anticipated lifts at Hobart and Commerce railyards (Commerce) are predicted to increase compared to 2010 conditions (with the sole exception of 2016 conditions). For example, at Commerce, activity will increase by 165,303 lifts by 2023 over 2010 baseline conditions (2023 with Project = 1,131,777 lifts versus baseline 2010 = 966,474 lifts.) Further, assuming an equal share of international cargo will go between Union Pacific (UP) and BNSF to off-dock facilities, Commerce will see an increase of 829,184 lifts by 2035 compared to 2010 conditions (2035 with Project = 1,795,658 lifts versus baseline 2010 = 966,474 lifts). Accordingly, the Project will not result in a decrease in container and lift capacity at Hobart or Commerce.

R90-20

Hobart and Air Quality Impacts – As a result of the misleading Hobart capacity baseline, Table 3.2-25 (Average Daily Operational Emissions Without Mitigation—Proposed Project) and Table 3.2-26 (Peak Daily Operational Emissions Without Mitigation—Proposed Project) do not accurately reflect the true net increase in air pollutant emissions in the SCAB associated with the Project. The criteria air pollutant and TAC analysis should not have subtracted out Hobart truck and train trips. Rather than a decrease in train and truck trips as indicated in the RDEIR analysis, the SCAB will experience an increase in truck and train traffic by 2023 as a result of the increased throughput capacity at the proposed SCIG facility. Therefore, despite the fact that SCAQMD’s CEQA regional significance thresholds are used, the RDEIR does not adequately disclose how the Project will affect regional criteria air pollutants emissions and their associated impacts.

R90-21

Hobart Trips – Contrary to the assertions in the RDEIR, the Project would not replace truck trips that would otherwise go to Hobart. With the Project, Hobart will accommodate the same number of trucks from the San Pedro Bay Ports or from other domestic locations. These trucks would continue to travel along the existing routes to and from the Ports or other domestic locations, and therefore, the number of vehicle miles traveled in Southern California will be unchanged. Thus, because the Project will increase capacity at the Ports and avoid diverting cargo through the Pacific Northwest, Oakland, Mexico, or the East Coast Ports through the Panama Canal Expansion (*i.e.*, the true No Project alternative), the EIR should evaluate the increase in container capacity and corresponding new truck trips generated by the Project, rather than a decrease in trip length from Hobart to the SCIG Project.

Hobart and Traffic Impacts – The analysis of cumulative traffic impacts is directly contradicted by Appendix G4. Moreover, because the Project will not decrease capacity at Hobart and other off-dock and near-dock railyards, the RDEIR should be revised to reflect the impact of the Project as a capacity-increasing improvement.

R90-22

The RDEIR states that the “estimated demand for off-dock/near-dock port and non-port lifts can be accommodated throughout the entire region via the existing UP and BNSF railyards (whether modified or not to provide additional lift capacity) and/or via the proposed SCIG facility” through 2035. (RDEIR, p. 4-108). However, Appendix G4 clearly shows that an expansion of Southern California rail facilities would be required for existing facilities to accommodate growth past 2035 conditions. According to Appendix G4, if the Project is not constructed, by 2035, Hobart will be at 94.6% capacity, BNSF San Bernardino railyard will be at 100% capacity, UP East LA dock will be at 100% capacity, the UP Industry yard will be over capacity (at 131.7%), and the UP LATC railyard will be at 100% capacity.

If other BNSF facilities could easily accommodate the growing demand for international and domestic cargo with or without SCIG, as asserted in the RDEIR, there would be no need for SCIG. If there is no need/purpose for the SCIG project, then the No Project Alternative should be chosen. The assertion in the RDEIR that estimated demand can be accommodated by existing rail yards contradicts Project Objective 1a: Help meet the demands of current and anticipated containerized cargo from the various San Pedro Bay port marine terminals. Furthermore, Section 2.3, Project Objectives, states that “the need for additional rail facilities to support current and expected cargo volumes, particularly intermodal container cargo, was identified in several recent studies.” Therefore, the RDEIR is internally inconsistent with respect to how it characterizes the Project purpose and need.

R90-23

“Whole of the Project” – By improperly including Hobart-related impacts in the baseline—and excluding them from impact analysis—the RDEIR fails to consider the “whole of the project” and its potential impacts on the environment.

Here, the “whole of the action” is to increase throughput (cargo/lift) capacity at BNSF facilities at the Port by 1.5 million lifts (approximately 2.8 million TEUs). Based on the analysis in Appendix G4, the Project will increase the cumulative throughput capacity at the Port (UP and BNSF facilities) from 7.5 million lifts (approximately 13.9 million TEUs) without the Project to approximately 9 million lifts (16.7 million TEUs) with the Project. Shifting international (IPI) cargo from Hobart to the Project allows Hobart to accommodate the growth in trans-loaded and domestic cargo that BNSF has anticipated (see Appendix G4), and will not decrease impacts from Hobart.

Clearly, by 2035, conditions at the off-dock rail facilities will be nearing capacity. Thus, the assertion in the RDEIR that Port growth is not dependent on construction of the Project is incorrect. BNSF may have no plans to “move” intermodal business elsewhere, but it is important to recognize the inherent background growth that each facility will experience in trans-loaded and domestic cargo as BNSF manages throughput system-wide. Hobart will certainly experience this growth and, therefore, the RDEIR’s impact assessment methodology whereby Hobart trips and emissions are netted out appears to

R90-23 ↑ be a blatant manipulation of the baseline and data in order to achieve a desired result. This is unacceptable under CEQA and the RDEIR's baseline and impact assessment should be revised.

B. The RDEIR Fails to Evaluate a Reasonable Range of Alternatives

R90-24 CEQA requires a thoughtful analysis of a reasonable range of potentially feasible alternatives to the Project to ensure informed decision-making and public participation. An EIR must consider those alternatives that will “attain most of the basic objectives” while avoiding or substantially lessening environmental impacts. (14 Cal. Code Regs (CEQA Guidelines) § 15126.6(a).) “The purpose of an EIR is *not* to identify alleged alternatives that meet few if any of the project’s objectives so that these alleged alternatives may be readily eliminated. Since the purpose of an alternatives analysis is to allow the decision-maker to determine whether there is an environmentally superior alternative that will meet most of the project’s objectives, the key to the selection of the range of alternatives is to identify alternatives that meet most of the project’s objectives but have a reduced level of environmental impacts” (*Watsonville Pilots Ass’n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089 [EIR legally inadequate if it contains an overly narrow range of alternatives in light of the nature of the project and its environmental impacts]; see also *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336.)

The alternatives analysis in the RDEIR fundamentally fails to meet the requirements of CEQA. A number of alternatives to constructing a near-dock railyard at the proposed SCIG site were “screened” and briefly discussed in the RDEIR, but none were carried forward for detailed analysis as a potential feasible alternative. Due to the need to mitigate the public health impacts of the Project on residents and schools in west Long Beach, alternative sites—particularly on-dock sites—should be carried forward for detailed analysis in the RDEIR.

1. The TIJIT Alternative Should Be Evaluated in Detail

R90-25 CEQA requires more than just a cursory examination of alternatives to the project (*Laurel Heights Improv. Ass’n v. Regents of Univ. of Cal. [Laurel Heights II]* (1988) 47 Cal.3d 376 [rejecting alternatives analysis as “cursory at best”]; *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713 [same].) Here, the RDEIR rejects the Terminal Island Joint Intermodal Terminal (TIJIT) alternative without sufficient justification. The RDEIR includes a cursory, two-paragraph explanation of the TIJIT alternative that acknowledges that the site would lead to fewer impacts on the community because of its distance from residences and sensitive land uses, such as schools. The RDEIR also acknowledges that the biological impacts of the TIJIT alternative “could be mitigated to less than significant by the application of mitigation fill credits”. (p. 5-9.) However, the RDEIR summarily concludes that detailed analysis of TIJIT is unnecessary “on the basis of its incompatibility with the Clean Water Act and the unavailability, to the LAHD, of mitigation credits for the necessary fill. (*Id.*)

These are not credible grounds for rejecting the TIJIT alternative. The conclusions in the RDEIR are inconsistent with the Port’s current proposal for a new container terminal (Pier 500) in the same area. The Port Board recently directed its staff to initiate a comprehensive review and update of the Port Master Plan—for the first time since 1980—and to use as a framework the Terminal Island Land Use Study, which includes the proposed new Pier 500 terminal. In its January 2012 Terminal Island Land Use Plan, Summary Report, the Port formally considers Pier 500 for detailed planning and evaluation. Compared to the TIJIT alternative, Pier 500 would require more landfill area, necessitate more mitigation credits, and lead to greater incompatibility with the Clean Water Act. Given the Port’s active consideration of proposed development that raises the same problems that the Port cites as the basis for not considering TIJIT, there is no substantial evidence to support the RDEIR’s determination that detailed review of the TIJIT alternative is not required because it is infeasible. If biological mitigation credits and Clean Water Act compatibility can be addressed for the Pier 500 proposal, they can be addressed for the TIJIT.

R90-25 ↑ The District requests that the RDEIR be revised to fully analyze the TIJT alternative. The TIJT alternative and other on-dock railyards should also be evaluated as part of the Port’s Master Plan.

2. The No Project Alternative Improperly Assumes Increased Capacity

The analysis of the No Project alternative is insufficient under CEQA. The No Project alternative should identify what would happen if the Project is not built, the Port does not issue any permits or discretionary approvals, and current uses and operations continue under existing conditions. (CEQA Guidelines § 15126.6(e).) The description of the No Project alternative “must be straightforward and intelligible, assisting the decision maker and the public in ascertaining the environmental consequences of doing nothing; requiring the reader to painstakingly ferret out the information from the reports is not enough”. (*Planning & Conserv. League v. Dept. of Water Resources* (2000) 83 Cal.App.4th 892, 911.)

R90-26 The RDEIR alternatives analysis fails to meet these standards. The No Project alternative is improperly defined—in reality, the so-called No Project alternative is more accurately described as an off-dock project alternative. As evidenced in the 2004 summer “meltdown,” the Ports and existing on-dock, near-dock, and off-dock railyards have a defined capacity. However, the No Project alternative unrealistically assumes that throughput exceeding capacity—as is projected to occur at the San Pedro Bay Ports—will be accommodated by existing near-dock and off-dock railyards (e.g., Hobart, UP Intermodal Container Transfer Facility (ICTF)). A more realistic scenario is that existing infrastructure at these near-/off-dock facilities will be unable to handle this influx of containers and international cargo, so that cargo will instead be diverted through the Pacific Northwest, Oakland, Mexico, or to the east coast ports through the Panama Canal Expansion, or handled by on-road trucks (which may be economically infeasible, since shipping costs for retailers would likely rise).

The No Project alternative should not assume uncertain infrastructure improvements at Hobart and Commerce will increase capacity by 2.8 million TEU, because this cannot be accomplished without permits or discretionary approvals. Moreover, because the No Project alternative incorrectly assumes that Port throughput will exceed capacity—and therefore assumes an unrealistic baseline increase in off-site emissions from trucks, trains, and railyard equipment—the No Project alternative does not accurately reflect true expected conditions if the Project does not proceed.

The District requests that the RDEIR be revised to include a “true” No Project alternative.

3. The Reduced Project Alternative Is Inadequate

Given that the RDEIR only considers a flawed “No Project” alternative and a reduced project alternative that is virtually identical to the Project, the alternatives analysis is plainly inadequate under CEQA. (*Preservation Action Council, supra*, 141 Cal.App.4th at 1355 [The “ambiguity in the FEIR’s analysis of the reduced-size alternative meant that the public and the City Council were not properly informed of the requisite facts that would permit them to evaluate the feasibility of this alternative. The FEIR was inadequate because it lacked detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the reduced-size alternative.” [internal quotation marks omitted]].)

R90-27 The RDEIR acknowledges that the sole difference between the Project and the Reduced Project alternative is that truck trips would be limited through lease agreements under the Reduced Project. Otherwise, construction of the facility will be exactly the same, along with all of the harmful construction impacts.

The District requests that the RDEIR be revised to include an effective Reduced Project alternative so there is sufficient information to analyze the impacts of the Project.

C. The Air Quality Analysis Does Not Address the District's Previously Identified Concerns

R90-28

The RDEIR fails to provide sufficient information to allow the District to fully evaluate the Project-level and cumulative air quality impacts on schools and students. Accordingly, the District is unable to determine whether and what mitigation measures may be required to adequately mitigate Project impacts on students and staff. The following modifications should be incorporated in the analysis and mitigation measures currently included in the RDEIR.

1. The RDEIR Fails to Comprehensively Evaluate Cumulative versus Project Emissions and Health Risks

The cumulative emissions and health risk impacts of the Project are not sufficiently analyzed in the RDEIR. As previously noted, the San Pedro Bay Ports have reached or are near current capacity. Therefore, the RDEIR should evaluate trucks, passenger vehicles, container handling/equipment, and locomotive emissions as new emissions generated by an *increase* in allowable port capacity, rather than as a *decrease* in emissions and emission rates as a result of mandatory emissions reductions and emission reductions programs applicable to current operations.

The RDEIR repeatedly references the Ports' projects and emissions reductions programs. However, the Ports have not yet undertaken a comprehensive, program-level EIR analysis that details proposed Port improvements. This analysis would address the infrastructure required to accommodate projected goods movement, while balancing the potential increase in Port activity with the actual decrease in existing emissions from reductions programs.

R90-29

Port infrastructure needs include, for example, proposed on-dock, off-dock, near-dock, roadway improvements, and regional rail improvements along major UP and BNSF railroad main lines in order to ensure that goods can be transported by rail and freeway without compromising the health and safety of local communities, especially schoolchildren. Therefore, a comprehensive program-level EIR is warranted and should be prepared to evaluate the effect of these cumulative Port projects on existing and future health risk levels. This comprehensive program-level EIR should include the SCIG Project and the various other projects currently underway at the Ports. Total capacities (domestic and international) at each on-dock, off-dock, and near-dock railyards for existing and future years should be concisely identified in a table. Without this program-level EIR, it is impossible to fully evaluate the risk associated with the Project now under review.

Moreover, despite the stated goals of the Port's 2005 *No Net Increase Report*, the Port has not yet conducted a comprehensive evaluation of cumulative projects to ensure a zero net increase in emission from all cumulative future projects needed to accommodate the projected growth at the San Pedro Bay Ports. Here, rather than evaluating the Project's incremental impact on health risks and criteria air pollutants, the EIR analysis incorrectly subtracts existing emissions from non-Project port activities. As a result, this and other projects are inadequately evaluated in isolation from cumulative projects, in direct contravention of CEQA.

The District requests a comprehensive evaluation of cumulative impacts from all port-related projects *and* evaluation of the SCIG Project's incremental impact on health risk in the region, local community, and local schools.

2. The Existing Baseline and Project Emissions Analysis Is Flawed

R90-30

The impact analysis presented in Section 3.2 (Air Quality and Meteorology) is fundamentally flawed because it does not disclose the true magnitude of air pollutant emissions generated by the Project, and

↑ therefore additional mitigation measures to prevent or reduce environmental impacts are improperly excluded from consideration.

R90-30 As described throughout this and the District’s prior comment letter, it is completely illogical that the Project would reduce truck trips/trip lengths or trains at Hobart, because there will be no net decrease in allowable capacity (e.g., lifts or containers) at Hobart. The only scenario in which this would make sense would be if the Project included a formal agreement to cap container throughput at Hobart. However, such a cap on throughput would directly contradict the objective of this and other Port projects to expand capacity, and the Project by itself is insufficient to meet the entire projected increase in demand for goods movement throughout the Ports and the region (See Appendix G4).

The baseline emissions scenario improperly includes emissions from off-site trains and trucks traveling to Hobart and throughout the SCAB (See Table 3.2-5). The existing baseline analysis is based on 4,522 trucks traveling 19.15 miles one-way (31,176,200 VMT annually)³ and 10 train trips (5 trains) per day (81.9 miles one-way).⁴ The proposed Project would generate 5,542 truck trips traveling approximately 5 miles (10,272,242 VMT annually in 2025) and 16 train trips (one-way or roundtrip length in the SCAB not identified). Excluding the relatively small amount of emissions attributable to existing and future operations of the Project site, the RDEIR effectively analyzes a decrease of 58,067 daily VMT and an increase of 6 train trips. This method of subtracting emissions from trains and trucks destined for Hobart (domestic or international cargo) is not permissible and subverts the intent of CEQA. The RDEIR should clearly reflect the fact that the purpose—and effect—of the proposed Project is to increase overall capacity at the ports and intermodal facilities to handle the projected increase in cargo throughput.

The District requests that the RDEIR be revised to eliminate the fatally flawed baseline analysis, including revisions to Tables 3.2-4, 3.2-5, 3.2-25, and 3.2-26 to exclude emissions from offsite locomotives and offsite trucks that travel to Hobart.

3. Baseline Emission Rates Are Inconsistent with CEQA

The RDEIR relies on baseline emission rates that are inconsistent with CEQA. Tables 3.2-25 and 3.2-26 show an inconceivable substantial net *reduction* in air pollutant emissions due to the Project. This is because the RDEIR relies on a scenario whereby (1) 2010 emission rates are subtracted from future year emission rates, and (2) the existing baseline includes trains and trucks to Hobart. The RDEIR’s rationale and analysis of environmental impacts hides the actual impacts of the Project and are therefore inadequate under CEQA.

R90-31 The intent of CEQA is to disclose potentially significant effects of the Project so “that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” (Pub. Res. Code, § 21000(g).) The rationale used in the RDEIR to determine air quality impacts is inconsistent with the intent of the CEQA and SCAQMD methodology. A project that increases the intensity of land uses onsite by generating 5,542 truck trips, 16 train trips, and onsite emissions from yard equipment and idling—and increases the capacity (cargo throughput) of the San Pedro Bay Ports by adding capacity at SCIG for 2.8 million TEUs per year —is highly unlikely to result in a net *decrease* in emissions.

↓ The RDEIR should be revised so that the impact of the Project is based on a comparison of the uses and emissions currently occurring at the site with the proposed level of uses and emissions at the site. The

³ 814,000 round trips annually (360 days per year) and 38.3 miles round-trip.

⁴ 1,800 trains annually (360 days per year).

following tables in the RDEIR should be revised to compare Existing Land Uses with Future Emission Rates v. Proposed Land Uses with Future Emission Rates by calculating “existing emissions” with emission rates and reductions from existing regulations and programs for years 2016, 2023, 2035, 2046, and 2066:

- Table 3.2-25. Average Daily Operational Emissions without Mitigation – Proposed Project
- Table 3.2-26. Peak Daily Operational Emissions without Mitigation – Proposed Project

R90-31

If Tables 3.2-25 and 3.2-26 had not excluded existing offsite truck and train emissions, the Project would correctly be shown to cause a substantial increase in criteria air pollutants, that is, the Project would exceed SCAQMD’s regional significance threshold. Additionally, the RDEIR would reflect the fact that the Project could cumulatively contribute to SCAB’s nonattainment designation for all scenarios analyzed (*i.e.*, 2016, 2023, 2035, 2046, and 2066).

Given that the RDEIR fails to provide sufficient information, the District requests that the RDEIR be revised as described above, including changes to the referenced tables, so that potential impacts on the local schools from Project air emissions can be properly analyzed and mitigated.

D. The Health Risk Evaluation Fails to Adequately Address Impacts to Children

The RDEIR’s health risk assessment (HRA) is inadequate due to its methodology and reliance on the improper baseline. The proposed Project, in combination with other Port projects, has the potential to cause adverse health effects to District students and staff. In order to mitigate the Project-level and cumulative health effects from port activities, particularly the potential impacts on schoolchildren, the following modifications should be incorporated to the analysis and current mitigation measures included in the RDEIR.

R90-32

1. The Misleading Baseline Improperly Skews the Health Risk Assessment

The HRA uses a project-specific protocol that calculates a CEQA floating increment for comparison with the significance threshold of 10 in a million. The fundamental problem with the RDEIR protocol is that the floating baseline includes emissions from Hobart trucks and trains, while it is assumed—without justification—that Project emissions do *not* include Hobart emissions. The unsupported and unrealistic assumption that Hobart truck emissions should be subtracted from Project impacts improperly masks actual Project health-related impacts and undermines the intent of CEQA.

R90-33

Additionally, the HRA looks only at the operational impact of the Project on school receptors and fails to properly evaluate the health risk to any receptors due to construction impacts, even though construction activities would result in off-site air pollutant concentrations that exceed SCAQMD significance thresholds (Impact AQ-2). The RDEIR’s significance determination protocol is impermissibly skewed to favor the Project applicant because of unrealistically elevated and/or misleading baseline emissions compared with Project emissions.

The District requests the RDEIR be revised to correct the deficiencies noted above so that a true CEQA floating increment (Project minus floating baseline) is the basis for significance determination.

2. The Cancer Risk to Students and Children Is Underestimated Due to Reliance on Unsupported Risk Factors and Exposure Duration

The cancer risk factor for diesel PM used in the HRA fails to adequately account for the greater sensitivity of children to TACs and cancer risks. Scientific research data from humans and animals suggest that exposure to a variety of carcinogens early in life may result in a greater lifetime risk of cancer than exposures later in life. Because of this, the State’s Office of Environmental Health Hazard

R90-34

↑ Assessment (OEHHA, 2012) guidance now recommends that cancer risk factors be *weighted by a factor of three* for exposure of children ages two to sixteen (Air Toxics Hot Spots Program Risk Assessment Guidelines, Technical Support Document for Exposure Assessment and Stochastic Analysis; OEHHA, August 2012). OEHHA has recommended the use of age-specific cancer risk factors since at least 2009, and there is no basis for the RDEIR's refusal to utilize the proper risk factors. (OEHHA, Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures, May 2009.)

R90-34

It is difficult to comment with certainty about the cancer risk methodology employed in the RDEIR because the Port has not provided modeling files. However, the available information indicates that the RDEIR uses exposure parameters of 6 hours/day, 180 days/year for 6 years. The RDEIR cites the OEHHA risk assessment document from 2003 as the basis for the analysis—published before OEHHA recommend the use of age-specific factors—but does not utilize the weighted risk exposure values and 9-year exposure period recommended in that document.

OEHHA updated the guidelines in August 2012 and earlier drafts have been available since January 2012, long before the release of the RDEIR. These guidelines recommend that exposures from projects lasting more than six months be evaluated for the duration of the project. Given that LBUSD elementary schools, middle schools, and high schools are within the risk contours of the Project, the RDEIR should be revised to use an exposure period of at least up to 13 years in order to fully assess the risks to students.

Moreover, the Port has correctly relied on age-specific cancer risk factors in prior CEQA documents for other port-area development projects. For example, the Port of Long Beach used OEHHA's recommended age-specific risk factors to estimate cancer risk to children in the final EIR prepared for the Gerald Desmond Bridge Replacement Project in 2010. The District requests that the HRA and RDEIR similarly include an analysis of health risks to schools using realistic baseline conditions, appropriate exposure durations, and agency-recommended age-specific risk factors.

3. The Cancer Burden Calculation Is Unclear

The cancer burden was calculated in the RDEIR at 0.045 in the area of impact for the unmitigated project (14,451 individuals exposed), and 0.0014 (1,404 individuals exposed) for the mitigated project, both below the significance threshold of 0.5. Although the calculations are provided in Attachment C3, the receptor locations are coded so it is difficult to determine if LBUSD school sites are within the census blocks.

The District requests clarification regarding which schools, if any, fall within the cancer burden area.

4. Extending the Analysis Years Artificially Lowers Estimated Cancer Risk

The RDEIR's extension of the analysis years artificially lowers the estimated cancer risk. The RDEIR proposes a 50-year analysis term, compared to a 30-year lease term in the original DEIR. The analysis years were changed from 2005–2046 (41 years) to 2010–2066 (56 years) in the RDEIR. By moving forward and extending the overall analysis period, the RDEIR reduces the overall emissions rates and calculated cancer risk for the Project, because cancer risk calculations depend on an average 70-year emission rate (averaged over the period from 2013 to 2082). Therefore, the emissions calculations and resultant cancer risk calculations in the RDEIR take advantage of an extra 16 years (to 2082) of emissions at the estimated year 2066 rates. In contrast, the original DEIR used the year 2046 rate for the final 36 years of the 70-year exposure period. This manipulation of the analysis results in a lower average emission rate and lower estimated cancer risk from the Project, even though the only change to the Project is an extension of the lease period from 30 to 50 years. This masks the true impacts of the Project and is inconsistent with CEQA.

R90-35

R90-36

5. The Non-Cancer Health Effects on Children Are Not Quantified

R90-37

The HRA does not account for the greater sensitivity of children to non-cancer health effects caused by diesel PM and UFP. Scientific studies have shown associations between traffic-related pollution and effects in children—including chronic bronchitis, allergic rhinitis, asthma induction, upper and lower respiratory tract infections, and impaired lung function growth (CARB, 2006). The District requests that the RDEIR be revised to include additional efforts to adequately characterize—and mitigate—the unquantified non-cancer health risks of diesel and ultra-fine PM on school-age children.

6. The TACs Significance Finding Is Not Supported by Substantial Evidence

R90-38

The RDEIR does not adequately support its conclusion that the mitigated Project would not expose residential, sensitive, student, and recreational receptors to significant levels of TACs (Impact AQ-7, Table 3.2-35). This conclusion is the result of the improper evaluation of impacts in the HRA. As a result, the RDEIR fails to evaluate adequate mitigation to reduce the impacts of TACs on schoolchildren. The District therefore requests that the TAC significance finding be reevaluated using a realistic baseline and an accurate depiction of Project conditions.

Additionally, the RDEIR fails to adequately describe or support the identified mitigation measures because it does not describe how the mitigation measures (MM) were quantified in the modeling, whether the proposed measures are feasible, and how the measures will be enforced. For example,

- The RDEIR states that MM AQ-1 through AQ-3 would be used, as well as MM AQ-8 through AQ-10. However, MM AQ-1 through AQ-3 are for the construction phase of the Project, and it is unclear how this was applied to the operational model runs (model output was not provided).
- MM AQ-9 and MM AQ-10 rely on the periodic review of new technologies, but it is unclear whether or how these MMs were applied to reduce expected emission rates since it is not documented in the text of the RDEIR.
- MM AQ-8 assumes a 95% reduction in diesel particulate matter (Note: Table 3.2-24 only assumes up to a 90% reduction) by phasing in low emission drayage trucks, which were modeled as LNG trucks. The RDEIR does not describe how this will be enforced or how it will be determined that at least 10% LNG trucks will go to the SCIG facility by the year 2016.

The District requests that the RDEIR be revised to adequately disclose the effect, feasibility, and enforceability of each of the proposed mitigation measures.

7. Additional Health Risks Relating to Diesel PM Are Not Quantified

R90-39

Although the RDEIR quantifies the cancer and non-cancer risks of diesel exhaust PM, additional health effects from diesel PM are not quantified in the RDEIR's methodology. The list of health effects for diesel PM not captured in the HRA in the RDEIR is long (see CARB, 2006), and is rapidly evolving, with new scientific findings being published regularly.

The District requests that the RDEIR be revised to include additional efforts to adequately characterize—and mitigate—non-cancer health risks associated with diesel PM.

8. The PM_{2.5} and PM₁₀ Analysis Is Incomplete and Unsubstantiated

R90-40

The RDEIR does not adequately identify or analyze the impacts of PM_{2.5} and PM₁₀ concentrations and improperly omits an analysis of PM-related morbidity and mortality.

↑ The methodology set forth in HRA Section 7.1.1 improperly minimizes the potential impacts of PM_{2.5} emissions. (See, e.g., p. C3.62, stating that because all of the off-site impacts will occur in industrial census tracts, the “project increment is not expected to have an impact on PM-attributable morbidity or mortality”.) The HRA only presents the contour for the 24-hour PM_{2.5}, which is smaller than for PM₁₀ and only encompasses industrial areas. Thus the RDEIR improperly dismisses further analysis of PM-related morbidity and mortality.

The revised HRA uses the EMFAC 20111 model output, which differentiates PM₁₀ and PM_{2.5}, in order to determine PM_{2.5} impacts. This analysis reveals that PM_{2.5} concentrations from the Project will exceed the SCAQMD significance thresholds. Therefore, the RDEIR should have included mortality and morbidity calculations. Instead, HRA Sections 7.1.1 and 7.2.1 state that because all census blocks within the Project increment are in industrialized areas and contain no residential structures, the required calculations on mortality and morbidity were not necessary.

The facts do not support this conclusion. Appendix C-2 of the RDEIR (Dispersion Modeling) shows contours of ground-level PM₁₀ concentrations that exceed both annual and 24-hour SCAQMD threshold concentrations. The contours extend to the east and appear to encompass the boundaries of LBUSD school sites and other West Long Beach neighborhoods. The unmitigated PM₁₀ Project concentrations are estimated to be 9.1 µg/m³ for a 24-hour period and 6.2 µg/m³ for an annual average, compared to the SCAQMD criterion of 2.5 µg/m³ and 1.0 µg/m³, respectively. The mitigated PM₁₀ Project concentrations at 7.3 µg/m³ and 5.2 µg/m³ are also well above the SCAQMD thresholds. Moreover, the figures presented in the RDEIR do not justify the Port’s failure to include morbidity and mortality calculations for PM₁₀ and PM_{2.5}. They are of a scale and resolution that boundaries and current land uses are difficult to discern with certainty. Despite this limitation, the figures clearly show contour areas of PM impacts in excess of SCAQMD thresholds that encompass development other than industrial uses, including the boundaries of school sites. Additionally, the off-site PM₁₀ concentrations in excess of SCAQMD thresholds will extend well beyond the PM_{2.5} contours (compare Figures 3.2-4 and 3.2-5 to 3.2-6, and Figures 3.2-7 and 3.2-8 to 3.2-9). Even with the clear inadequacies of these figures, it is apparent that 24-hour and annual PM₁₀ concentrations from Project operations (mitigated and unmitigated) will cause adverse non-cancer impacts to receptors within these contour limits.

In addition to the inadequacies with respect to morbidity and mortality calculations, certain data tables and figures show perplexing and inexplicable results. For example, comparing Figures C.3.7-33 and C.3.7-34 for the unmitigated and mitigated Project, the morbidity and mortality calculations are identical. The RDEIR does not explain why these figures indicate that the proposed mitigation measures will not reduce morbidity or mortality isopleths within the affected areas. Similarly, Tables 3.2-29 and 3.2-31 have the same PM_{2.5} concentration for the Project whether it is mitigated or not.

Based on a review of available data, the District believes that it is reasonable to expect that the morbidity and mortality attributed to Project PM will affect schools to the east of the SCIG site. These impacts must be appropriately analyzed. Recent studies indicate that there is a 0.5% increase in mortality per 10 µg/m³ increase in PM₁₀ concentrations. Numerous other studies show a definitive link between proximity to traffic and PM emissions and morbidity. In addition, ultrafine particulate emissions from the Project will have significant impacts that have not been analyzed in the RDEIR. The RDEIR’s failure to adequately analyze PM morbidity and mortality impacts is unreasonable and leads to the unsubstantiated conclusion that the Project is not expected to have an impact on morbidity or mortality attributable to PM emissions.

The District requests that the RDEIR be revised to fully evaluate morbidity and mortality attributed to PM₁₀ and PM_{2.5}, especially with regard to impacts to schools. In addition the District requests that the RDEIR be revised to clearly explain the basis for the calculations in the aforementioned data tables and the grounds for the conclusions derived from those tables.

9. The Measures to Mitigate PM₁₀ and PM_{2.5} Emissions Are Unsubstantiated

R90-41

There is no basis for the RDEIR's conclusion that on-site sweeping (MM AQ-7) will reduce off-site PM₁₀ and PM_{2.5} concentrations by 26% (see Table 3.2-31, p. 3.2-74). On-site sweeping is a SCAQMD PM₁₀ emissions control technique typically applied to arterial or collector streets. Thus, it is not clear how MM AQ-7 would be implemented at the Project, especially given that the proposed facility will be bisected by rail lines. The District requests that the RDEIR be revised to explain, in sufficient detail, the feasibility and enforceability of this mitigation measure at a railyard such as the proposed Project.

10. The Health Risks of the Project Are Grossly Underestimated Due to the Failure to Adequately Assess Impacts from Ultrafine Particulates

R90-42

The RDEIR fails to adequately disclose and analyze ultrafine particulate (UFP) emissions from the Project and the corresponding adverse health impacts to District schools, students and staff. Each year, the Project will bring millions of sources of UFP emissions (*e.g.*, trucks, trains, on-site equipment, construction equipment, *etc.*) into close proximity to District schools. However, the HRA does not mention UFPs, and the minimal discussion in the RDEIR fails to accurately describe the potential adverse health impacts of UFPs that will result from construction and operation of the Project.

A large and growing body of scientific research points to a range of significant and adverse health effects from UFPs, especially on children. The research suggests UFPs have a disproportionate impact on human health greater than and independent of the larger PM₁₀ and PM_{2.5} particles. Because of the smaller size, UFPs are able to penetrate more rapidly and deeper into the lung, and more readily translocate to other organs in the body than larger particles. Scientific studies also demonstrate that UFPs elicit a greater toxicological response than larger particles (PM_{2.5} and PM₁₀) at comparable mass doses.

UFPs have the potential to impact a much larger area than was modeled and reported in the RDEIR for PM_{2.5} and PM₁₀. The figures in the RDEIR depicting PM₁₀ and PM_{2.5} impacts do not account for the wider dispersion zone of UFPs, which are 0.1 micron or less in size and will travel farther from the Project than larger particulates. According to one study of the I-10 freeway in Los Angeles, UFPs travel up to 8,500 feet downwind and 1,970 feet upwind from the emission site. (Hu et al., 2009; A wide area of air pollutant impact downwind from a freeway during pre-sunrise hours.) Because the RDEIR fails to account for the wider impact and significant health hazards of UFPs (both downwind and upwind), the RDEIR improperly masks some of the most significant impacts of the Project.

The District requests that the RDEIR adequately disclose and analyze ultrafine particulate emissions from the Project and the corresponding adverse health impacts to District students and staff.

11. The Combined SCIG and ICTF Health Risk Assessment Results Substantially Understate the Actual Risk

R90-43

The RDEIR does not reflect the actual risks associated with the cumulative projects in the port area, including the Project and the ICTF project. The cumulative impacts analysis indicates that even with mitigation, the Project's impacts would result in a cumulatively considerable contribution to a significant cumulative health impact (p. 4-31). However, the HRA risk assessment still understates the cumulative impact of the SCIG and ICTF projects.

The District requests that the cumulative analysis in the RDEIR be based on representative conditions, appropriate mitigation, and credible assumptions so that the true magnitude of risk is presented and the final results are meaningful.

E. Noise and Vibration Analysis Is Unsupported and Inadequate

1. Inaccuracies in the Traffic Noise Data and Analysis Lead to Erroneous Conclusions

The revisions to the RDEIR do not facilitate the District's analysis of noise impacts. Table 3.9-20 (Project Roadway Traffic Noise Level Increase) appears to have been updated with revised projected noise levels. However, noted in the following comment, some fifteen segments were inexplicably dropped from analysis in the recirculated document, and the analysis in the RDEIR remains insufficient.

Even more problematic, though, are the changes in predicted traffic noise levels. For example, the future (with Project) noise on West Harry Bridges Boulevard between Mar Vista Avenue and Hawaiian Avenue (the last line of the table) is given as 72.6 dBA CNEL, a 3.8 dB reduction from the original DEIR. However, such a reduction in traffic noise would generally indicate traffic volumes had been cut by more than half. This is inconsistent with DEIR F1 data tables, which show a peak-hour traffic volume of 2,941, and the RDEIR F1 data tables, which show a volume of 2,916. This difference is consistent with the relatively minor changes noted in the Traffic and Circulation section of the RDEIR and, all else held equal, would result in an associated change in sound levels of less than 0.1 dB, significantly less than the 3.8 dB reduction stated in the RDEIR. Similarly, the future (with project) noise level on the segment along San Gabriel Avenue, north of PCH, was previously reported at 74.1 dBA CNEL. However, the RDEIR now lists a 64.5 dBA noise level, a reduction of 9.6 dB. There is simply no basis for why the Project's contribution to noise levels will vary so drastically. Such wildly different results cannot result from the relatively minor changes in both the traffic flow volumes and the ambient background measurements. These results, in conjunction with the RDEIR's deficient presentation of noise modeling parameters, suggest serious and fundamental errors in the traffic noise data processing. Therefore, the results in the RDEIR cannot be trusted regarding accuracy, and the conclusions based on those results are suspect.

Finally, in both the DEIR and the RDEIR, it is difficult to follow which jurisdiction is being discussed at any given time, or in any given table, and, by extension, what is the applicable significance threshold. The table titles and column headings should clearly state which thresholds are applicable, so that true Project impacts may be evaluated.

The District requests that the noise analysis be corrected and quality-checked in accordance with the above comments. The District also requests that the presentation of the noise analysis and results be clearly partitioned and labeled as to the jurisdiction and pertinent thresholds that are being discussed on any given page of RDEIR Section 3.9.4.

2. The Traffic Noise Analysis Does Not Adequately Address the I-710 Freeway

The RDEIR did not address the District's original comment requesting analysis of segments of the I-710 freeway in Table 3.9-20. In fact, *fifteen* line items have been dropped in the RDEIR version of this table. For example, the original Table 3.9-20 had twelve segments under the Terminal Island Freeway, but the RDEIR version of the same table only has four. It is unclear why such a substantial number of segments were dropped in the RDEIR.

The District again requests the noise analysis be revised to include the assessment of traffic noise changes on the 710 freeway near the Chavez and Edison Elementary Schools.

3. The Noise Analysis Does Not Provide Sufficient Technical Detail

The lack of sufficient technical details supporting the noise analysis renders the RDEIR wholly inadequate. Neither the main text of the RDEIR nor Appendix F1 include, for example, analysis inputs,

R90-44

R90-45

R90-46

↑ calculation datasheets, a detailed description of the methodology(s) utilized, any information about the field instrumentation, ambient survey measurement methodologies, or any example calculations to verify the assumptions and support the results regarding:

- groundborne vibration impacts
- construction noise impacts
- stationary source impacts
- train operations impacts
- train horn impacts
- barrier wall calculations
- barrier mitigation incremental improvements

R90-46 For example, Table 3.9-36 provides predicted train horn noise levels from Project operations and makes an assessment based on speech intelligibility (see also comment 8 below regarding the associated significance thresholds) without including an explanation of how noise levels outside of the classrooms were calculated in the main RDEIR text or the F1 technical appendix. A reduction in train horn noise from 107 dBA at 100 feet (Table 3.9-16) to 50.1 dBA at the Hudson School classroom #52 would require 56.9 dB of attenuation, but simple geometric spreading loss alone (*i.e.*, 6 dB per doubling of distance) would not seem to account for such a large attenuation result.

The District requests that the RDEIR be revised to address these deficiencies, including provision of detailed methodology descriptions, noise calculation data sheets, example calculations, instrumentation details (including calibration records), field measurement methodologies, and analysis presentations in the appendices as part of the technical report.

4. The Information Supporting the Noise Analysis is Missing

The RDEIR is still deficient in supporting the methodologies, assumptions, and calculations that are behind the RDEIR noise section results. As a result, the public and decision makers are limited to accepting with blind faith the unsupported results presented in the RDEIR. The most troubling omission remains with the statements in Section 11 of the F1 technical appendix, such as, “Operational and rail noise modeling input and output files are maintained at AGI offices.” With such a complicated, high-profile, and multi-jurisdictional project as this, providing zero insights into either the operations or rail noise modeling and analysis details is a fundamental disservice to the spirit and intent of the CEQA.

As previously commented, the lack of technical details precludes a thorough review of the analyses and makes a check of the reasonableness of the results impossible. Without the ability to perform any confirmation tests on the results, an informed decision cannot be made.

The District reiterates its requests that the RDEIR be revised to provide the missing information noted above.

5. Construction Noise Would Significantly Impact Outdoor Activity at Schools

R90-47 The RDEIR does not adequately consider the impact of construction noise on outdoor educational and recreational activity at District schools. The RDEIR includes an updated Table 3.9-22 with corrected and additional receptor numbers, as well as with updated ambient noise levels measurement data. However, the RDEIR does not acknowledge a significant noise impact—even with respect to schools where existing conditions are already well above levels permitted by the City of Long Beach noise ordinance and, thus, significant impacts to schools are ignored. Additional noise associated with Project construction—

potentially as much as +14 dB over the ambient background—would make a bad situation even worse, but this is not addressed in the RDEIR.⁵

The District again requests that the RDEIR be revised to clearly indicate how construction noise would interfere with outdoor school activities.

6. Construction Noise Would Significantly Impact School Classrooms

The revisions to the RDEIR regarding noise impacts inside classrooms fail to adequately consider and mitigate the District's concerns.

The American National Standards Institute (ANSI) standard for establishing prudent classroom acoustical environments (ANSI S12.60 "Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools" (2010)) sets a maximum limit for one-hour-averaged, steady noise at 35 dBA (with no more than 0.6 seconds of reverberation time in each of the 500, 1,000, and 2,000 Hz octave bands). The RDEIR shows that Project construction would cause readily perceptible noise increases of 5.4 dBA in classrooms at the Bethune School (Transitional Center). Additionally, Project construction would cause interior noise levels in classrooms at the Cabrillo Child Development Center to increase from the current 43.7 dBA to 46.1 dBA, exceeding the 45 dBA Leq Building Code noise standard. The RDEIR does not sufficiently discuss and propose mitigation for these impacts.

Additionally, the RDEIR's interior construction noise analysis is flawed in the following respects:

1. Fails to describe or detail how industry-standard emissions levels for construction equipment, almost universally documented in terms of Leq or Lmax metrics, were converted into L50 levels;
2. Fails to describe how the predicted, future interior sound levels (in terms of the L50) were calculated
3. Fails to address the mismatch between the reported L50 and the above threshold levels, all of which are in terms of the Leq metric;
4. Fails to consider appropriate and contemporary standards, primarily ANSI S12.60; and
5. Fails to completely and fully divulge the classroom impacts or the mitigation measure(s) effectiveness, including whether each of the affected schools is equipped with sufficient HVAC and other systems to permit closure of windows, if necessary to lessen noise impacts. See also Comment 8, below.

The District again requests that the RDEIR be revised to clearly indicate how construction noise would interfere with school classrooms, and whether and how proposed mitigation would reduce the noise impacts during construction to less than significant noise levels.

7. There Is Insufficient Information Regarding the Selected Noise Thresholds

The District's original comment on the DEIR regarding this issue was not adequately addressed in the RDEIR. The only additional supporting information provided in the RDEIR is a citation for the equation relating Leq and SEL. However, the RDEIR does nothing to fully substantiate or discuss the reasoning behind the chosen significance thresholds.

It appears that both the DEIR and the RDEIR use the SEL (Sound Exposure Level) metric to allow the use of the FICAN curve for an assessment of sleep disturbance. However, there are serious flaws in using this threshold and in the indicated methodology. The research that generated the FICAN curve applies to

⁵ This was exactly the situation addressed in the 1993 court case of *LAUSD vs. City of Los Angeles* (58 Cal.App.4th 1019) regarding the Warner Center development and impacts at Canoga Park High School and Francis Parkman Middle School.

↑ sleep disturbance from *aircraft fly-over events*, not from traffic noise, not from rail pass-bys, and not from construction activities. Using the FICAN curve as a threshold for non-aircraft noise sources, as was done in the Project DEIR and RDEIR, is a misapplication of the data behind the curve. There is no discussion in the RDEIR as to why the FICAN curve should be applied to traffic, rail, and construction noise impact assessments. In addition, even if the FICAN curve was assumed to be applicable, there is no discussion in the RDEIR as to why a 10 percent awakening response is chosen for the threshold of significance.

In both the DEIR and the RDEIR, Impact Threshold NOI-9 (dealing with interior noise impacts to schools in Long Beach) utilizes a set of sentence intelligibility curves published by the US EPA in the landmark “Levels” document (published in 1974). What is not revealed in either the DEIR or the RDEIR is that these curves are (a) in terms of steady-state sound levels, (b) for *outdoor* sound levels, not interior sound levels wherein the confounding variable of wall reflections/reverberation is not accounted for, and (c) not specifically intended to be used for classroom intelligibility assessments. As a result, the impact assessment methodology in the RDEIR (and DEIR) is flawed.

R90-48

The curve used in the RDEIR is presented in the original EPA document with respect to “satisfactory conversation,” not with respect to a school teaching environment. Further, the RDEIR attempts to justify the selection of 95 percent intelligibility as the appropriate threshold by stating “95% intelligibility is acceptable for many conversations. This is because a few unheard words can be inferred when they occur in familiar context.” However, this statement neglects the fact that in a school environment, particularly with younger, elementary-age pupils, students are being taught new material that will not be familiar to them; in which case, they will not be able to infer unheard words, intelligibility will be compromised, and effective learning will suffer. Likewise, the statement in the RDEIR that “there is currently no conclusive data to establish a proven statistical relationship between noise and the ability of children to learn in the classroom” is nonsensical as there are dozens of such literature references cited in the bibliographies of ANSI S12.60 alone. Also, as the EPA document states, “The levels given in [the figure] for relaxed conversation permit 100% speech intelligibility when communicating in a normal voice. This situation represents an ideal environment for speech communication and is considered necessary for acceptable conversation in the indoor environment” (emphasis added). Thus, a threshold of 100% speech intelligibility using a relaxed voice is clearly more appropriate than the arbitrary choice in the DEIR and RDEIR of 95% speech intelligibility using a normal voice.

In summary, the technical analysis in the RDEIR should properly recalculate future classroom impacts with (a) the correct, single noise metric (Leq), and with (b) “relaxed conversation” with 100% intelligibility, which is more in keeping with the intent of the EPA “Levels” presentation and the pertinent industry standard(s). The District notes that this proper threshold equates to an interior sound level of 32 dBA Leq. Further, the District requests the RDEIR be revised to make an assessment for classroom impacts by using an industry standard that is specifically aimed at establishing prudent classroom acoustical environments; most notably, ANSI S12.60 “Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools” (2010), which is also consistent with EPA Levels recommendations.

8. The Port Must Ensure That Noise Mitigation Is Feasible and Enforceable, and the Mitigation Measures Are Actually Implemented

The mitigation measures to reduce noise impacts are insufficient. First, MMs NOI-1 and NOI-3 rely on the construction of noise barriers on land that is not under the control of the Project applicant. The statement that “right-of-way acquisition...shall be the responsibility of BNSF” completely ignores the fact that the sound walls are over 4,200 feet in total length and that it may not be feasible for BNSF to acquire the necessary right-of-way at several individual parcels. Additionally, though it is briefly noted and dismissed in the Land Use analysis (p. 3.8-21), the Noise analysis fails to mention that construction of a 24-foot soundwall pursuant to MM NOI-3 would require a height variance from the City of Long

R90-49

Beach. The RDEIR must be revised to confirm that each of the identified mitigation measures are feasible, and to provide a reasoned explanation for this determination. The RDEIR must acknowledge that if the proposed soundwalls cannot be fully implemented, noise impacts during construction may remain significant and unavoidable.

R90-49

The RDEIR does not fully inform the decision makers or the public about the expected benefits of the MM NOI-1 and NOI-3 sound walls. Specifically, Table 3.9-27 should have an additional column indicating the incremental improvement from the proposed mitigation walls. Such a column would show that of the 12 tabled receptor locations, 6 of them would have an expected benefit of 0 or 0.1 dB. In other words, the proposed soundwall(s) would do no good at half the impacted receptor locations. The arithmetic average of the benefits across all 12 receptor locations is only 2.9 dB and the maximum benefit is only 5.8 dB. If this were a roadway project involving Caltrans or FHWA, such a low benefit-to-cost ratio would never be approved. Even with a 24-foot-high wall ostensibly protecting Receptor R1, the noise reduction benefit is only 5.2 dB. This area would still be exposed to daytime operational noise level increases of 4.9 dB and nighttime increases of 12 dB. These increases would be considered a significant impact (by the RDEIR's own assessment elsewhere in the document).

The District requests that the EIR be revised to clearly define the feasibility of proposed mitigation measures and identify significant and unavoidable impacts that cannot be mitigated by feasible measures.

9. Summary of Inadequacies of Noise Analysis

R90-50

Despite the District's extensive comments pointing out serious flaws in the DEIR, little has changed in RDEIR. The new document still lacks fundamental presentations of noise-related analysis methodologies, processing techniques, and background/explanatory information. The formatting and partitioning of the noise chapter makes it extremely difficult to know which jurisdiction and which impact threshold(s) are being discussed at any given time. The DEIR and RDEIR analyses are inconsistent and non-rigorous with how noise metrics are presented and applied (e.g., inappropriately interchanging the Leq and L50 sound levels). The analyses also appear to misappropriate technical equations so that measurement data can be "force fit" into quantities that are then compared to inapplicable threshold standards. There are serious and fundamental calculation/processing errors that call into question the provided results, as well as the indicated conclusions regarding impacts and their significance. This lack of confidence in the results/conclusions is exacerbated by the dearth of calculation sheets or example computations. Last, the true impacts from construction noise, construction vibration, rail and roadway traffic, and on-site operations of the proposed Project on LBUSD schools does not appear to be fully or accurately developed in the RDEIR.

In summary, the District requests that the RDEIR noise analysis be completely redone, using applicable impact thresholds, accurate calculations, an established quality control process, and appropriate impact assessment techniques to realistically examine and report on the project's noise and vibration impacts to the surrounding community and to District school environments - both indoor and outdoor.

F. Recreation

R90-51

The 2005 notice of preparation (NOP) states that the Project would have no impact on recreational facilities and eliminates further analysis of recreational impacts from the EIR. However, as described throughout this letter, the Project would have a significant health impact on students at nearby schools. The District is concerned that it may have to restrict the use of playfields and hard courts at these schools due to the Project's significant health impacts. This concern was clearly explained in the District's 2005 NOP letter, which requested evaluation of hazardous air emissions and identified appropriate mitigation:

1. Construction of gymnasiums/multipurpose rooms at schools currently without such facilities so that District students and staff have indoor

facilities for exercise and other activities to avoid hazardous emissions or unhealthful air quality.

The RDEIR dismissed these potentially significant impacts without any evaluation or justification. The District requests that the RDEIR be expanded to include a review of potential impacts on recreational facilities. The review should also consider whether Project impacts necessitate similar restrictions on community use of these important recreational facilities.

G. Schools

The 2005 Notice of Preparation stated that school impacts did not need to be evaluated in the EIR. The District's NOP comment letter, however, made several requests that such impacts be thoroughly addressed. Under the heading of Specific Concerns beginning on page 3 of the District's NOP comment letter, the District identified a number of environmental and risk factors that are critical issues for schools. Some of these issues are addressed elsewhere in this letter, but the specific mitigation measures that the District requested for consideration included the following:

2. Construction of enclosed lunchroom facilities so that District students and staff have indoor facilities for lunch and other activities to avoid hazardous emissions or unhealthful air quality.
3. Improvements to District air conditioning/filtration units at schools, which do not currently have sufficiently modern or appropriate equipment necessary to ensure adequate indoor air quality.
4. Construction of sound barriers/installation of dual-paned windows to offset noise impacts to potentially impacted schools.
5. Construction or improvement of rail and/or traffic signals and crossings to ensure the safety of students en route to school facilities given the potential increased traffic associated with the project.

The District requests evaluation of the Project's impacts on all of these concerns. The District believes that, once the baseline is defined properly, impacts on schools will be determined to be significant and the mitigation measures suggested above thus would be required. The RDEIR must provide a thorough analysis of these issues.

H. The Transportation/Traffic Analysis Is Not Supported by Substantial Evidence

1. The Aggressive Lift Assumptions Yield Inexplicably Low Trip Generation Rates

The RDEIR fails to accurately estimate Project impacts because it assumes a very aggressive and perhaps unrealistically efficient scenario for "direct-to-railcar live lift," which reduces the estimated number of trips generated by bobtails (*i.e.*, trucks without cargo). This leads to unjustified conclusions regarding Project impacts.

The RDEIR estimates a trip generation of 1.32 truck trips per intermodal lift, compared to typical trip generation of over 2 truck trips per intermodal lift for similar facilities. The Off-Dock Intermodal Facility Trip Generation and ICTF Driveway Counts memorandum included in Appendix G of the RDEIR presents a table comparing various trip generation assumptions for intermodal facilities, including empirical data collected at the existing ICTF. According to counts taken in 2009 at the ICTF facility, an intermodal lift generates in average 1.9 to 2.01 truck trips. The QuickTrip Model, which is the trip generation model developed for the Ports to estimate terminal truck flows based on TEU throughput, estimates 2.85 trucks per lift. Section 3.10.3.1 states that the QuickTrip Model has been validated by

↑
comparing estimates of gate activity with actual gate counts conducted in the field, and that QuickTrip is able to estimate truck movements between 2% and 10% of actual counts for all terminals.

R90-53
Section 2.4.4.1 of the RDEIR Project description states that BNSF estimates that 90% of trucks would be directed to the track sides to load containers directly to the trains. This practice, called a “direct-to-railcar live lift,” reportedly is very efficient because the container is loaded immediately onto the railcar, not parked in a temporary location, which requires extra equipment activity to bring it to trackside later. However, the trip generation for the Project (Table 3.10-13) estimates 1.32 truck trips per intermodal lift, primarily due to the assumption that trips related to moving bobtails (tractors) in and out of the facility would be much lower than typical operations. This assumption is lower than counts taken at ICTF (which ranged from 1.9 to 2.01 trucks per intermodal lift) and much lower than QuickTrip’s estimate of 2.8 trips per lift. By utilizing these inexplicably low trip generation estimates, the number of truck trips associated with the Project is artificially low and Project impacts are potentially understated.

The District requests that the RDEIR substantiate the estimate of 1.32 truck trips per intermodal lift or revise the estimate to be in line with the estimates for QuickTrip Model (or empirical counts taken at ICTF) in order to help ensure that Project impacts are not underestimated.

I. CONTRIBUTORS

The District’s review of the RDEIR and preparation of these Specific Comments was performed with expert assistance from the individuals at The Planning Center, Inc:

- Mr. Dwayne Mears, AICP; Principal
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- Ms. Nicole Vermilion; Manager, Air Quality/Greenhouse Gas
- Mr. Fernando Sotelo, Senior Planner, Transportation Engineering

1 **Comment Letter R90: Long Beach Unified School District**

2 **Response to Comment R90-1**

3 The comment is introductory material that does not raise environmental issues under
4 CEQA requiring a response. (Public Resources Code § 21091(d)(2); CEQA Guidelines §
5 15088(a),(c).) Responses to subsequent comments addressing specific issues are provided
6 below.

7 **Response to Comment R90-2**

8 Please see Master Response 3, Hobart, which shows that the RDEIR's inclusion of trucks
9 to and from the Hobart railyard in the baseline is appropriate and complies with CEQA.

10 **Response to Comment R90-3**

11 Please see Master Response 3, Hobart.

12 **Response to Comment R90-4**

13 Sections 5.1 and 5.2 of the RDEIR fully explain the reasons for the identification and
14 selection or rejection of the alternatives that were considered. Please see Master
15 Response 5, Alternatives. The comment offers no evidence in support of its assertions
16 that the RDEIR failed to analyze a reasonable range of alternatives to the Project, or that
17 environmentally superior alternatives were improperly rejected.

18 **Response to Comment R90-5**

19 The RDEIR's health risk assessment was conducted in accordance with the Port's
20 standard science-based protocol, and complies with CEQA. See Master Response 9,
21 Health Impact Assessment, for an explanation of why the RDEIR's technical approach to
22 the HRA was adequate and met CEQA requirements. No further response is required
23 because the comment does not identify the specific ways in which the commenter
24 believes the health risk assessment in the RDEIR is deficient.

25 **Response to Comment R90-6**

26 Please see Master Response 12, UFPs.

27 **Response to Comment R90-7**

28 The comment is general and does not reference any specific section of the DEIR or
29 RDEIR alleged to be inadequate, therefore no further response is required (Public
30 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

31 **Response to Comment R90-8**

32 Please see Master Response 3, Hobart.

33 **Response to Comment R90-9**

34 The commenter provides no evidence in support of its assertion that a much larger
35 portion of intermodal truck trips would continue to use Hobart. Please see Master
36 Response 3, Hobart.

1 Response to Comment R90-10

2 Please see Master Response 3, Hobart. It is unclear how the commenter concludes from
3 the data in Appendix G4 (which has been revised in the FEIR) that any increase in truck
4 traffic at Hobart is “but for” the Project. Domestic and transload cargo at Hobart will
5 increase in the future, and that is reflected in the data in RDEIR Appendix G4. However,
6 those tables, which are summarized in Table 2-2 of Master Response 3, clearly show that
7 domestic and transload cargo volumes will increase whether or not SCIG is built, and that
8 the increases will be the same under either scenario. This is true because demand is
9 independent of capacity – the region’s economy will grow at a rate unrelated to capacity
10 at Hobart. As explained in Master Response 3, CEQA requires that effects that would not
11 occur but for the Project be considered in an EIR, but effects that would occur with or
12 without the Project need not be considered.

13 The net effect of the Project on truck traffic would, as the RDEIR shows (Section 3.10.3),
14 be a decrease in the number of truck trips on roadways between the SCIG site and
15 Hobart, notably I-710. The RDEIR does not claim that overall traffic will go down, just
16 that the Project would remove trips from I-710. Regional growth will cause traffic
17 volumes on I-710 to increase whether or not the Project is built. If it is built, the effect of
18 freed-up capacity in attracting traffic that would otherwise use other routes would also
19 cause an increase in traffic volumes. However, if the Project is built, future traffic
20 volumes, while greater than in the baseline year (2010), would be less than if the Project
21 were not built (i.e. the No Project Alternative).

22 Accordingly, the comment’s assertion that the RDEIR grossly underestimates Project
23 impacts because it treats Hobart truck traffic improperly is incorrect. The analyses in the
24 RDEIR, including those related to traffic, air quality, and health risk, were conducted in
25 accordance with the Port’s protocols, are based upon sound assumptions, and comply
26 with CEQA.

27 Response to Comment R90-11

28 Please see the response to Comment R90-10.

29 Response to Comment R90-12

30 Please see response to comment R90-16. Furthermore, the comment provides no
31 evidence in support of its assertion that the RDEIR’s cumulative analysis is inadequate.
32 Contrary to the commenter’s assertion, the cumulative analysis (see RDEIR Chapter 4)
33 specifically included the ICTF Project and I-710 Corridor Project as “past, present, or
34 reasonably foreseeable future projects” in Table 4-1 and in the subsequent analyses.
35 Accordingly, the RDEIR complies with CEQA’s requirements for cumulative analysis.

36 Response to Comment R90-13

37 See Master Response 4, Feasibility of Mitigation Measures, Master Response 7, ZECMS
38 for a discussion of the feasibility of zero-emission trucks and other technologies as
39 mitigation measures. See response to comment R156-12 for a discussion of the feasibility
40 of Tier 4 locomotives as a mitigation measure. See response to comment R90-49 below
41 for a discussion of the feasibility of the sound wall as a mitigation measure for noise
42 impacts.

1 Response to Comment R90-14

2 Please see Master Response 5, Alternatives, and Master Response 6, On-Dock Rail. The
3 RDEIR did consider an alternative that would reduce impacts (the Reduced Project
4 Alternative). The RDEIR's evaluation of other alternatives that proved to be infeasible
5 such as the TIJIT was conducted in accordance with CEQA. The comment offers no
6 evidence to the contrary.

7 Response to Comment R90-15

8 Note that this comment is a summary of several individual comments that are addressed
9 individually in the responses to comments R90-16, R90-32, and R90-34, and in Master
10 Response 12, UFPs. Please refer to the responses to these comments.

11 See Master Response 9, Health Impact Assessment, for an explanation of why the
12 RDEIR's technical approach to the HRA was adequate and met CEQA requirements. In
13 contrast to the commenter's statement, the RDEIR did in fact use "established" cancer
14 risk factors for toxic air contaminants and DPM. (see RDEIR Impact AQ-7 and
15 Appendix C3) The unit risk factors used in the RDEIR to calculate cancer risk were
16 developed by the State of California's OEHHA and applied in a manner consistent with
17 that agency's current guidance. Similarly, non-cancer health effects of toxic air
18 contaminants and DPM were assessed by applying reference exposure levels (RELs)
19 developed by OEHHA and used according to OEHHA's protocols. As discussed in
20 Comment R-90-34, when OEHHA develops unit risk factors and RELs they use methods
21 designed to be protective of the general population including children and other sensitive
22 individuals.

23 As discussed in more detail in response to comments 90-32 and R-34, the RDEIR
24 specifically evaluated potential cancer risk and non-cancer hazard to students, sensitive
25 receptors, and workers (i.e., school staff). In particular, the sensitive receptor analysis
26 calculated risks and non-cancer hazards for all schools, day-care facilities and other
27 locations where sensitive individuals might occur within a 1-mile radius of the project
28 site. Further, the RDEIR followed the POLA (2011) protocol for evaluating various
29 morbidity endpoints attributable to PM, including asthma, heart disease, and respiratory
30 disease. Consequently, the RDEIR contained a thorough analysis of the potential impacts
31 to populations who attend school, work, or reside in the vicinity of the project. Despite
32 the conservative exposure assumptions used in these analyses, no significant adverse
33 health effects are predicted for the Mitigated Project (other alternatives have lower
34 predicted impacts). The detailed and comprehensive nature of the health effects analyses
35 contained within the RDEIR demonstrates that the potential health effects of the project
36 have been fully and accurately disclosed.

37 Finally, the commenter appears to have miscalculated the truck trips associated with the
38 Project. As Table 2-2 of the RDEIR shows, at full buildout there would be 2 million one-
39 way truck trips per year, which equates to approximately 5,500 trips per day, not 11,000.

40 References

41 Port of Los Angeles (POLA), 2011. *Methodology for Addressing Mortality and*
42 *Morbidity in Port of Los Angeles CEQA Documents*. July 22, 2011.

1 Response to Comment R90-16

2 The commenter is not correct. The RDEIR fully discussed and analyzed impacts on 84
3 sensitive receptors, including 44 schools and child care facilities. See RDEIR Table 3.2.6
4 for a list of sensitive receptors, and the analyses of air quality (Section 3.2.2.4), health
5 risk (Section 3.2 Impact AQ-7), particulate emissions and odors (Section 3.2 Impact AQ-
6 6), and noise (Section 3.9.2.3.1, Tables 3.9-4 and 3.9-5 and 3.9-8). The RDEIR and Final
7 EIR address all environmental concerns raised by commenters on the DEIR, consistent
8 with CEQA's requirement.

9 Response to Comment R90-17

10 The points raised in this comment reiterate detailed comments made elsewhere in this
11 letter and are responded to in those comments.

12 Response to Comment R90-18

13 Please see Master Response 1, Baseline, and Master Response 3, Hobart.

14 Response to Comment R90-19

15 Please see Master Response 1, Baseline and Master Response 3, Hobart.

16 Response to Comment R90-20

17 Please see Master Response 1, Baseline and Master Response 3, Hobart.

18 Response to Comment R90-21

19 Please see Master Response 1, Baseline and Master Response 3, Hobart.

20 Response to Comment R90-22

21 The commenter accurately cites the RDEIR for the proposition that the existing facilities
22 can accommodate future demand, although less efficiently than with the proposed
23 Project. The commenter's assertion that the Project is not necessary because future
24 demand can "easily" be accommodated by other BNSF facilities is erroneous and
25 commenter provides no substantial evidence in support of its claims. Contrary to the
26 commenter's representation, the figures it cites (Appendix G4) demonstrate that all
27 facilities would be near or over 100% capacity without the Project, which means they
28 would be struggling to meet demand. As required by CEQA, the RDEIR's project
29 description sets forth the objectives sought by the proposed project, which include its
30 underlying purpose. (CEQA Guidelines § 15124(b).) The primary objective and
31 fundamental purpose of the proposed Project is not only to provide additional intermodal
32 capacity to handle future volumes of international cargo, but also to provide shippers with
33 comparable intermodal options, to incorporate advanced environmental controls, and to
34 provide air quality and traffic benefits by converting truck transport to rail transport
35 (RDEIR Section 2.3). The information provided in the RDEIR regarding capacity is
36 consistent with the Project objectives.

37 Response to Comment R90-23

38 Please see Master Response 1, Baseline and Master Response 3, Hobart.

1 CEQA requires an EIR to discuss and analyze the significant environmental effects of the
2 entire project. (CEQA Guidelines § 15126, § 15165.) An EIR must analyze future
3 expansion of a project or other action if it is “a reasonably foreseeable consequence of the
4 initial project” and the future expansion or other action “will likely change the scope or
5 nature of the initial project and its environmental effects.” (*Laurel Heights Improvement*
6 *Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396: As explained in Master
7 Response 3, growth that may occur at Hobart at some point in the future when demand
8 exceeds capacity is unrelated to the Project, i.e. it will occur as a result of regional and
9 national economic growth. Therefore, because changes to Hobart operations are not a
10 reasonably foreseeable consequence of the proposed Project, they are appropriately not
11 analyzed as part of the Project.

12 **Response to Comment R90-24**

13 Regarding the range of alternatives considered in the RDEIR, please see Response to
14 Comment R114-6 and Master Response 5, Alternatives. The feasibility of additional on-
15 dock facilities was considered in-depth in Section 5.2.1.1.

16 **Response to Comment R90-25**

17 Please see Master Response 5, Alternatives, regarding the infeasibility of the TIJIT
18 alternative.

19 **Response to Comment R90-26**

20 Contrary to the commenter’s assertion, the RDEIR (see Section 5.4) contains sufficient
21 analysis of the No Project Alternative to allow a comparison of the environmental
22 impacts of approving the proposed Project with the effects of not approving it. (CEQA
23 Guidelines § 15126.6(e)(1)). The commenter’s claim that any increased volume of cargo
24 would have to be handled at other West Coast ports is erroneous, and unrelated to the
25 Project. Any improvements at Hobart undertaken by BNSF to increase capacity would be
26 driven by market demand, which is not related to SCIG. The Port’s analysis confirms that
27 the potential expansions to Hobart are feasible and would provide the stated capacity
28 (AECOM, 2012). Furthermore, infrastructure improvements at Hobart are not subject to
29 discretionary approvals. Accordingly, the analyses in the RDEIR accurately show that
30 capacity exists or can be provided to accommodate future increases in cargo until 2035.

31 **References**

32 AECOM. 2012. UP and BNSF Downtown LA Capacity Analysis. September 20, 2012.

33 **Response to Comment R90-27**

34 The RDEIR considered all feasible alternatives, including a Reduced Project Alternative.
35 Please see Master Response 5, Alternatives and RDEIR Section 5.5.

36 **Response to Comment R90-28**

37 The comment is introductory material that does not raise issues under CEQA requiring a
38 response. Responses to specific issues raised by subsequent comments are provided
39 below.

1 Response to Comment R90-29

2 The RDEIR’s analysis of cumulative air emissions and health risks was adequate, and
3 meets CEQA requirements (See RDEIR Section 4.2.2). Regarding emissions reductions
4 included in adopted regulations, please see Master Response 2, Adopted Regulations.

5 The commenter’s statement that the ports “have reached or are near current capacity” is
6 not correct. Section 1.1.5.2 of the RDEIR clearly states that the ports will be able to
7 accommodate demand until 2035, meaning that they are certainly not operating at
8 capacity now. Note, too, that terminal capacity issues are not the driving force behind the
9 objectives of the Project. Instead, as laid out in Section 2.3 of the RDEIR and supported
10 by the discussions in Sections 1.1.5.3, 1.1.5.4, and 2.1, key objectives of the Project are
11 1) to provide an additional near-dock rail facility that would help meet demands of
12 current and anticipated containerized cargo and combine common destination cargo
13 blocks...to build trains for specific destinations; 2) to reduce truck miles traveled; and 3)
14 to provide shippers, carriers, and terminal operators with comparable options
15 for...intermodal rail facilities. The supporting discussions show that the driving forces
16 behind the proposed Project are the need to accommodate direct intermodal cargo that
17 cannot be handled on-dock and the need to handle cargo as efficiently as currently
18 feasible by reducing truck activity and providing a modern intermodal facility.

19 The cumulative analysis in the RDEIR (Chapter 4) considers the impacts of a wide
20 variety of regional projects, and specifically includes all past, present, and reasonably
21 foreseeable future projects associated with Port growth and modernization, as required by
22 CEQA. Those projects are listed in Table 4-1 of the RDEIR, and include over 60 cargo
23 terminal, channel dredging, infrastructure improvement, and community-related projects
24 undertaken by the two ports. The proposed Project’s contribution to the impacts of those
25 projects is evaluated, consistent with the requirements of CEQA.

26 The comment appears to be requesting that the LAHD, instead of evaluating the proposed
27 Project, undertake a programmatic EIR covering the entirety of Port operations, planning,
28 and development, under the pretense that without such an analysis “it is impossible to
29 fully evaluate the risk associated with the Project now under review.” That assertion is
30 not reasonable, and the Port has the discretion to decide whether and when a “Program”
31 exists that would require a Program EIR. The risks associated with the Project are, in fact,
32 fully disclosed in the RDEIR, particularly Section 3.2 (Air Quality) and Section 3.7
33 (Hazards). It is difficult to understand how the capacity and activity projections for
34 individual cargo terminals requested by the comment would add any information at all
35 regarding the risks of the proposed Project; those risks would be driven by the volume
36 and nature of cargo coming to SCIG, which are fully described in Section 2.1 of the
37 RDEIR, not by terminal capacities and activity.

38 Finally, the comment’s reference to the No Net Increase Report is obsolete. As the
39 RDEIR explains (Section 1.6.1), the Clean Air Action Plan is the governing air quality
40 policy document for the San Pedro Bay ports. The RDEIR appropriately does not
41 consider the No Net Increase Report because that document no longer guides Port
42 planning.

43 Response to Comment R90-30

44 The RDEIR properly analyzes the changes in train and truck trips attributable to the
45 proposed Project. Please see Master Response 1, Baseline and Master Response 3,
46 Hobart. The RDEIR’s projections of container activity at Hobart after the Project is

1 implemented are reasonable and supported by substantial evidence. An EIR is allowed to
2 “make reasonable assumptions based on substantial evidence about future conditions
3 without guaranteeing that those assumptions will remain true.” (*Environmental Council*
4 *of Sacramento v. City of Sacramento* (2006) 142 Cal App.4th 1018,1036) Thus CEQA
5 does not require an agreement to cap container throughput at Hobart to guarantee the
6 accuracy of EIR projections of container activity at Hobart.

7 **Response to Comment R90-31**

8 Please see Master Response 1, Baseline, Master Response 2, Adopted Regulations, and
9 Master Response 3, Hobart. These master responses discuss why the selection of the
10 baseline year was appropriate, why the RDEIR appropriately analyzed drayage truck trips
11 and train trips to and from the Hobart Yard in the baseline, and why the RDEIR
12 appropriately, and in full compliance with CEQA, incorporated the impacts of existing
13 regulations on predicted future year operational emissions.

14 **Response to Comment R90-32**

15 See Master Response 1, Baseline. The methods used in the health risk assessment (HRA)
16 of the RDEIR to evaluate the potential impacts to schoolchildren are discussed in detail in
17 the response to comment R90-34 (below). Potential health effects to District staff were
18 evaluated by assessing the health effects of worker exposures, and also by evaluating
19 sensitive receptor locations (i.e., schools where District staff work). Please note that the
20 calculations for sensitive receptor locations are especially health-conservative in that they
21 assume that an individual is present at a school or daycare facility (or other sensitive
22 location) 24 hours a day, 350 days per year for 70 years. Due to the conservative nature
23 of these exposure assumptions, the RDEIR represents the bounding case for estimating
24 adverse health effects for sensitive receptor locations and the individuals who may work
25 at or otherwise use these locations. Further, no unacceptable adverse health effects were
26 identified for either workers or sensitive receptor populations for the Mitigated Project
27 (see Table C-3-7-4).

28 The RDEIR also adequately evaluated cumulative health risks. See RDEIR
29 Section 4.2.2.2.

30 **Response to Comment R90-33**

31 Please see Master Response 1, Baseline, and Master Response 3, Hobart, which describes
32 why the treatment of truck and train trips to Hobart Yard in the baseline was handled
33 appropriately under CEQA. Potential health effects from construction emissions were
34 included in the HRA. Please see the discussion in Section 3.2.4.1 of the RDEIR. The
35 HRA was conducted in compliance with CEQA and the Port’s protocols, and indeed used
36 conservative assumptions to evaluate health risk impacts.

37 **Response to Comment R90-34**

38 Impact AQ-7 and Appendix C3 describe the RDEIR’s methodology for conducting the
39 Health Risk Assessment.

40 The unit risk factor (URF) for DPM used in the RDEIR was developed by California’s
41 OEHHA to yield an upper bound estimate of the risk of cancer to the population, where
42 the population includes children and other sensitive individuals.

1 All other URFs used in the RDEIR to calculate cancer risk from non-DPM TACs were
2 also obtained from OEHHA. As such, the RDEIR used an approach to estimate cancer
3 risks that is consistent with current state guidance. Similarly, the non-cancer reference
4 exposure levels used to evaluate the potential for non-cancer effects from exposure to
5 TACs were also developed by OEHHA using a method that is designed to be protective
6 of the general population, including those “who are likely to be especially susceptible to
7 developing adverse effects (e.g., the very young, the elderly, pregnant women and those
8 with acute or chronic illnesses).” Both acute and chronic RELs are intended to protect
9 individuals with low susceptibility for chemical injury as well as identifiable sensitive
10 subpopulations (high-risk individuals) from adverse health effects (OEHHA, 1999;
11 OEHHA, 2000).

12 The commenter is correct that OEHHA released two separate Technical Support
13 Documents (TSDs) in 2009 and 2012 that recommend an adjustment of cancer slope
14 factors to account for the greater sensitivity of children to carcinogens (OEHHA, 2009;
15 OEHHA 2012). The 2009 document identified age sensitivity factors (ASFs) for early
16 life exposures to carcinogens. The 2012 document took those ASFs and
17 developed/identified the various age-specific exposure parameters necessary to
18 implement the ASFs in a consistent manner. However, since OEHHA has not yet
19 released a companion Risk Assessment TSD that describes how the agency wants the
20 ASFs applied, there is no established methodology for applying ASFs to an HRA.
21 Pending the release of the Risk Assessment TSD, neither OEHHA nor the South Coast
22 Air Quality Management District (SCAQMD) requires the use of the ASF. Accordingly,
23 POLA’s approach to calculating cancer risk is consistent with current methods.

24 Regarding the question of which specific exposure factors the RDEIR used, Table C3-5-2
25 of the RDEIR lists the receptor populations and exposure factors used to evaluate risks
26 and non-cancer hazards in the RDEIR.

27 The Port evaluates potential health effects to students in two different ways: one by
28 evaluating health effects potentially incurred by a student, whose exposures are
29 characterized by exposure 6h/day, 180 days/year for 6 years while breathing 581 L/kg-d.
30 Exposures at all schools (and other sensitive receptor populations) were also
31 conservatively estimated based on the same set of exposure assumptions used to evaluate
32 residential exposures: 24hours/day, 7 days/week, for 70 years while breathing 302 L/kg-d.
33 No unacceptable adverse health effects were identified for either students or sensitive
34 receptor populations for the Mitigated Project. All other alternative have lower predicted
35 health impacts than those for the Mitigated Project, and thus are not expected to have
36 adverse effects on either of these populations.

37 The commenter is correct that the Gerald Desmond Bridge Project EIR did use the ASFs
38 in the health risk assessment. However the lead agency for that Project (Port of Long
39 Beach) chose to use this methodology prior to the finalization of guidelines from
40 OEHHA on the use of these ASFs, as described in more detail above. The following
41 response applies to this comment and all further comments suggesting that the RDEIR
42 should have used different technical methodologies to assess air quality or health
43 impacts. The RDEIR’s choice of methodology was reasonable and supported by
44 substantial evidence, as explained below. In determining the contents of an EIR, a lead
45 agency is entitled to rely on its own experts’ opinions as to what studies and analysis are
46 appropriate to evaluate impacts. (*Association of Irrigated Residents v. County of Madera*,
47 107 Cal.App.4th 1383,1396-1398.) CEQA does not require a lead agency to conduct
48 every recommended test and perform all recommended research to evaluate the impacts

1 of a proposed project. (*Id.*) An EIR is not required to perform every analysis requested by
2 concerned persons. (*Clower Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th
3 200, 245.)

4 **References:**

5 OEHHA. 1999. "The Determination of Acute Reference Exposure Levels for Airborne
6 Toxicants." Accessed online at: <http://oehha.ca.gov/air/pdf/acuterel.pdf>

7 OEHHA 2000. "Part III. Technical Support Document for the Determination of
8 Noncancer Chronic Reference Exposure Levels." Accessed online at:
9 http://www.oehha.org/air/chronic_rels/1201Crels.html

10 OEHHA 2009. "Technical Support Document for Cancer Potency Factors:
11 Methodologies for Derivation, Listing of Available values, and Adjustments to Allow for
12 Early Life Stage Exposures." May

13 OEHHA 2012. "Technical Support Document. Exposure Assessment and Stochastic
14 Analysis." August.

15 **Response to Comment R90-35**

16 The Office of Environmental Health Hazard Assessment defines cancer burden as "an
17 estimate of the number of cancer cases expected from a 70-year exposure for a resident"
18 to current estimated emissions (OEHHA, 2003). The RDEIR calculated cancer burden,
19 which is the estimated theoretical number of additional cancer cases for a population
20 exposed over a 70-year period to incremental project emissions. Consistent with
21 SCAQMD CEQA significance thresholds (SCAQMD, 2011), cancer burden is calculated
22 for areas impacted by project-related increased cancer risks greater than or equal to one in
23 a million. In accordance with OEHHA and SCAQMD's guidelines, cancer burden was
24 only evaluated for a 70-year exposure for a resident within the impact zone but not for
25 other sensitive receptors like a school child. No LBUSD school sites are within the
26 impact zone identified for the Mitigated Project scenario. Nonetheless, below is a list of
27 LBUSD school sites that are within the impact zone identified for the unmitigated Project
28 scenario:

- 29 1. Bethune School/Program for the Homeless
- 30 2. Cabrillo High School
- 31 3. Hudson K-8 School
- 32 4. Reid Continuation High School
- 33 5. Savannah Academy
- 34 6. St. Lucy Church and School

35 **References**

36 California Office of Environmental Health Hazard Assessment (OEHHA). 2003. The Air
37 Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments.
38 August 2003.

39 South Coast Air Quality Management District (SCAQMD). 2011. SCAQMD Air Quality
40 Significance Thresholds. Website: <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>.

1 Response to Comment R90-36

2 The commenter suggests that the extension of the lease term analyzed in the RDEIR from
3 30 years to 50 years artificially lowers the estimated cancer risk evaluated in the Air
4 Quality analysis. The commenter is not correct. In the DEIR the 30-year lease term
5 analyzed in the HRA extended through 2046, after which emissions were assumed to
6 continue at the annual emission rates in 2046 for all sources through the remainder of the
7 70-year averaging period used in the cancer risk calculations (see Impact AQ-7). In the
8 RDEIR, the 50-year lease term is analyzed through 2066, however it is noted that
9 emissions cannot be estimated for 2066 as emission factor models and other data sources
10 do not extend this far into the future. 066 emissions were therefore set equivalent to 2046
11 emissions, which results in the same 70-year average emissions for both the 30-year and
12 50-year lease analyses.

13 Response to Comment R90-37

14 Regarding UFPs, please see Master Response 12, UFPs.

15 Also see the discussion in response to comment R90-34 regarding how the sensitivity of
16 children is incorporated into the unit risk factors and reference exposure levels developed
17 by the OEHHA and used in the RDEIR to assess potential health impacts of DPM and
18 toxic air contaminants.

19 With respect to non-cancer health effects of particulate matter (PM), the Port developed
20 and applied a methodology (POLA, 2011) to address these impacts. That methodology
21 established a protocol for assessing the impacts of PM on morbidity and mortality when
22 the 24-hour concentration of $PM_{2.5}$ exceeds $2.5 \mu\text{g}/\text{m}^3$ within those census blocks
23 partially or fully within the $2.5 \mu\text{g}/\text{m}^3$ $PM_{2.5}$ peak daily concentration increment isopleth
24 for project operation (project minus baseline).

25 The POLA methodology includes a number of assessment endpoints that either solely
26 address impacts to children (acute bronchitis; lower respiratory symptoms), or which
27 include children in the populations evaluated (hospital admissions for asthma; emergency
28 room visits for asthma; asthma attack incidence). As explained in the RDEIR, the
29 threshold for assessing these non-cancer effects of PM was triggered by exceedance of
30 the incremental 24-hour concentration of $PM_{2.5}$ for all alternatives; however, analyses
31 showed that the area of impact was restricted to industrial zones and thus these impacts
32 were not expected to be incurred by residential populations, including children. See
33 Section 3.2.4.3 (Table 3.2-35).

34 References

35 Port of Los Angeles (POLA), 2011. Methodology for Addressing Mortality and
36 Morbidity in Port of Los Angeles CEQA Documents. July 22, 2011.

37 Response to Comment R90-38

38 The RDEIR has evaluated mitigation measures for health risk impacts adequately, and in
39 full compliance with CEQA. The mitigation measures for construction emissions, MM
40 AQ-1 through MM AQ-3 were evaluated as part of the Mitigated Project HRA since
41 construction was evaluated as part of the 70-year averaging period for cancer risk and for
42 other health endpoints. As is stated in Section 3.2.4.3, the effectiveness of mitigation
43 measures MM AQ-9 and MM AQ-10 were not quantified because they are not
44 quantifiable; therefore, these mitigation measures were not quantitatively evaluated for

1 the Mitigated Project HRA. The commenter is referred to the Final EIR MMRP for
2 details on the enforcement of mitigation measure MM AQ-8.

3 **Response to Comment R90-39**

4 The Port acknowledges that there are potential health effects from diesel PM that are not
5 addressed by the traditional calculation of cancer risks and non-cancer hazard indices
6 attributable to DPM. To quantify those health effects, the Port developed a methodology
7 (POLA, 2011) for assessing the impacts of particulate matter (PM) to be applied to all
8 Ports projects, including SCIG (see Section 3.2.4.3). The health effects addressed by the
9 Ports' methodology include mortality, hospital admissions for chronic obstructive
10 pulmonary disease, hospital admissions for pneumonia, hospital admissions for
11 cardiovascular disease, acute bronchitis, hospital admissions for asthma, emergency room
12 visits for asthma, asthma attacks, lower respiratory symptoms, work loss days, and minor
13 restricted activity days. The methodology addresses the same health endpoints and
14 utilizes the same quantitative methods to estimate health impacts that have been
15 recognized by the California Air Resources Board (CARB) in their recent analyses of
16 PM-related health effects (CARB, 2002; 2006; 2008). As noted in response to comment
17 R90-37, the POLA methodology established a protocol for assessing the impacts of PM
18 on morbidity and mortality. This methodology is consistent with the SCAQMD CEQA
19 significance criterion for PM_{2.5}, and establishes that an analysis of morbidity and
20 mortality would be triggered when the 24-hour concentration of PM_{2.5} exceeds 2.5 µg/m³
21 within those census blocks partially or fully within the 2.5 µg/m³ PM_{2.5} peak daily
22 concentration increment isopleth for project operation (project minus baseline).

23 As explained in the RDEIR, the morbidity and mortality threshold was triggered for all
24 alternatives; however, analyses showed that the area of impact was restricted to industrial
25 zones (without housing), and thus adverse effects are not expected to be incurred by
26 residential populations. (See Impact AQ-7 and Chapter 5 of the RDEIR)

27 **References**

28 Port of Los Angeles (POLA), 2011. Methodology for Addressing Mortality and
29 Morbidity in Port of Los Angeles CEQA Documents. July 22, 2011.

30 CARB, 2002. "Staff Report: Public Hearing to Consider Amendments to the Ambient Air
31 Quality Standards for Particulate Matter and Sulfates." Prepared by CARB and OEHHA.
32 May 3.

33 CARB, 2006. "Proposed Emission Reduction Plan for Ports and Goods Movement in
34 California. Appendix A: Quantification of the Health Impacts and Economic Valuation of
35 Air Pollution from Ports and Goods Movement in California." March 21.

36 CARB, 2010. "Estimate of Premature Deaths Associated with Fine Particle Pollution
37 (PM_{2.5}) in California Using a U.S. Environmental Protection Agency Methodology."
38 August 31.

39 **Response to Comment R90-40**

40 As noted in response to Comment R90-37 and R90-39, the Port established and applied a
41 methodology (POLA, 2011) for calculating morbidity and mortality attributable to
42 particulate matter (PM), which addresses a range of potential health effects from
43 exposure to PM_{2.5} and/or PM₁₀. The POLA methodology was developed in advance of
44 the SCIG DEIR and RDEIR analyses, and was designed to be applied consistently to all

1 Ports projects. The RDEIR followed the POLA (2011) methodology for assessing
2 potential impacts from PM exposure.

3 The preparers of the RDEIR acknowledge that the area impacted by the incremental 24-
4 hour PM_{2.5} concentration above 2.5 µg/m³ shown in Figures C2.5-9 (Appendix C2) and
5 C3.7-31 (Appendix C3) is smaller than the 24-hour contour for PM₁₀ shown in Figure
6 C2.5-7 (Appendix C2); however, the incremental 24-hour PM_{2.5} concentration contour
7 as utilized in the RDEIR followed POLA methodology and displays the zone of impact
8 on the basis of information contained in that document.

9 As described above and in the response to Comments R90-37 and R90-39, the
10 determination of the area of impact of PM_{2.5} was based on POLA's methodology for
11 quantifying morbidity and mortality from PM. According to that methodology (POLA,
12 2011) the calculation of morbidity and mortality is based on the population of the census
13 blocks that lie partially or fully within the zone of impact as delineated by incremental
14 24-hour PM_{2.5} concentrations above 2.5 µg/m³. While the figures in the RDEIR of 24-
15 hour and annual PM₁₀ concentrations in exceedance of SCAQMD significance thresholds
16 (Figures C2.5-7 and C2.5-8 [unmitigated project], C2.5-13 and C2.5-14 [mitigated
17 project], C2.5-24 and C2.5-25 [unmitigated reduced project], and C2.5-30 and C2.5-31
18 [mitigated reduced project]) may possibly encompass areas other than industrial zones,
19 the calculation of morbidity and mortality impacts is based on the areas impacted by 24-
20 hour PM_{2.5} concentrations in exceedance of the SCAQMD significance criterion of 2.5
21 µg/m³. Based on 2010 census data, the areas impacted by the incremental 24-hour PM_{2.5}
22 concentrations in excess of 2.5 µg/m³ were industrial areas. As stated in Section 7.1.1 of
23 Appendix C3 in the RDEIR, "[b]ecause no residential populations inhabit the impacted
24 census blocks, the project increment is not expected to have an impact on PM-attributable
25 morbidity or mortality." The same conclusion also applies to the other alternatives
26 evaluated.

27 However, POLA acknowledges that the zone of PM₁₀ impact extends beyond the zone of
28 PM_{2.5} impact predicted based on POLA's methodology (POLA, 2011), and that
29 incremental PM₁₀ concentrations from the mitigated project exceed the SCAQMD
30 significance threshold for 24-hour and annual PM₁₀ concentrations. As discussed in the
31 RDEIR in Chapter 3.2 on page 3.2-80, residual air quality impacts from PM would
32 remain significant and unavoidable as a result of the mitigated Project.

33 Direct comparison of the isopleths in Figures C.3.7-33 for the Unmitigated Reduced
34 Project Alternative and C.3.7-34 for the Mitigated Reduced Project Alternative shows a
35 slight reduction in the size of the zone of impact after mitigation measures are applied.
36 Although Tables 3.2-29 for the Unmitigated Project Alternative and Table 3.2-31 for the
37 Mitigated Project Alternative display the same concentration for both scenarios, the
38 limited number of significant figures used to display the results in the table does not
39 portray the decrease in concentration resulting from the application of mitigation
40 measures (i.e. the decrease is lost in the rounding error).

41 As discussed previously in the response to comments R90-37 and R90-39, the RDEIR
42 evaluated the zone of impact of PM_{2.5} emissions in accordance with POLA methodology
43 (2011), and determined that the impacted areas did not include any non-industrial uses
44 such as schools or residences. POLA acknowledges that there is a range of health effects
45 that may be attributable to traffic, and the discussion of the potential health effects of
46 traffic has been expanded (see Section 3.2 Table 3.2-1, and Section C3.5.2 of Appendix
47 C3 which discuss the health impacts of PM emissions). For additional discussion of the

1 potential health impacts of ultrafine particulate emissions, please refer to the Master
2 Response 12, UFPs.

3 **References**

4 Port of Los Angeles (POLA), 2011. Methodology for Addressing Mortality and
5 Morbidity in Port of Los Angeles CEQA Documents. July 22, 2011.

6 **Response to Comment R90-41**

7 The fugitive dust emissions control efficiency of 26% assumes bi-weekly street
8 sweeping, as described in the WRAP Fugitive Dust Handbook for paved roads (Countess,
9 2006). Because traffic volume at the SCIG site would be similar to those on heavily
10 travelled roads, it is reasonable to apply the same control efficiency for on-site sweeping
11 (MM AQ-7). The reduction was applied to fugitive dust PM₁₀ and PM_{2.5} emissions, and
12 the emissions results were subsequently used for modeling the ambient air
13 concentrations. (i.e. 26% reduction was not directly applied to PM₁₀ and PM_{2.5}
14 concentrations.) Trucks traveling on-site of the SCIG facility will operate mainly on
15 paved roads and only cross rail tracks for short stretches. Similar activities already occur
16 at the ICTF regarding paved road fugitive dust emissions and controls. As such, MM
17 AQ-7 was determined to be feasible and effective. Implementation and enforcement of
18 this mitigation are described in the FEIR MMRP.

19 **References**

20 Countess Environmental. 2006. WRAP Fugitive Dust Handbook. Website:
21 http://www.nmenv.state.nm.us/aqb/documents/FDHandbook_Rev_06.pdf. September 7,
22 2006.

23 **Response to Comment R90-42**

24 Please see Master Response 12, UFPs.

25 **Response to Comment R90-43**

26 The cumulative analysis in Chapter 4 does appropriately evaluate the Project's
27 contribution to cumulative health risk impacts from all past, present and reasonably
28 foreseeable future projects and appropriately concludes that the Project does make a
29 cumulatively considerable contribution to a significant cumulative health risk impact.
30 The cumulative impacts were evaluated appropriately under CEQA and the commenter
31 provides no evidence that the true magnitude of risk has not been accurately presented.
32 The commenter appears to be erroneously referencing the special combined SCIG-ICTF
33 analysis in the DEIR cumulative chapter, which is not a requirement under CEQA; the
34 RDEIR analysis does not include such an analysis.

35 **Response to Comment R90-44**

36 The traffic noise analysis results tables and discussions have been revised in the FEIR to
37 clarify results. The number of roadway segments analyzed and presented in the DEIR,
38 RDEIR and Noise Technical Study are a function of the processed traffic data in the
39 Transportation Section (Section 3.10). Additionally, some roadway segments with no
40 directly adjacent noise sensitive receivers were eliminated from the RDEIR. Some
41 roadway segments that would experience a reduction in vehicle trips as a result of the

1 Project were also excluded because these segments would not contribute to road traffic
2 noise impacts.

3 The comment suggests that a comparison between the Draft EIR and RDEIR values at
4 West Harry Bridge Boulevard between Mar Vista Avenue and Hawaiian Avenue shows a
5 3.8 dB reduction, which the commenter suggests must require “traffic volumes [to have]
6 been cut by more than half.” Similar comments are made for San Gabriel Avenue north
7 of PCH.

8 As discussed in Master Response 13, DEIR and RDEIR Comment Letters, the Port is not
9 required to respond to comments on the DEIR which were recirculated, such as the Noise
10 Chapter. However, POLA notes that the results of the RDEIR roadway noise analysis
11 (Table 3.9-20) are based in part upon the Transportation analysis (Section 3.10). As
12 discussed in the Notice of Availability for the RDEIR, the CEQA baseline was modified
13 (including revised baseline intersection counts) and cargo demand forecasts were also
14 modified, which also altered the cumulative transportation scenarios. The roadway noise
15 analysis was also updated to use FHWA’s TNM newer model in the RDEIR, as discussed
16 in Response to Comment R89-61. These revisions to baseline, the cumulative scenarios,
17 and the modeling software are therefore reflected in the revised roadway noise analysis
18 provided in RDEIR Table 3.9-20. The discussion of traffic noise impacts are organized
19 by municipality and are presented in Section 3.9.4.3 Impacts and Mitigation. Within this
20 section, traffic noise impacts are clearly assessed and discussed separately for sensitive
21 receivers located in the City of Los Angeles (NOI-3), City of Long Beach (NOI-6), and
22 City of Carson (NOI-10).

23 **Response to Comment R90-45**

24 As discussed under CEQA Guidelines § 15204(a), a “reviewer should be aware that the
25 adequacy of an EIR is determined in terms of what is reasonably feasible, in light of
26 factors such as the magnitude of the project at issue, *the severity of its likely*
27 *environmental impacts*, and the geographic scope of the project. CEQA does not require
28 a lead agency to conduct every test or perform all research, study, and experimentation
29 recommended or demanded by commenters.”

30 In this instances these schools are located over 1,500 feet away from the I-710.
31 Consistent with CEQA Guidelines § 15204(a), the traffic noise discussion in the RDEIR
32 eliminated some of the roadway segments of the I-710 Freeway that did not have noise
33 sensitive receivers directly adjacent to the freeway, were not used by the Project haul
34 routes, or would experience a reduction in vehicle trips as a result of the project.
35 However, all predicted traffic noise levels were included in the Noise Technical Study in
36 Appendix F1. The net effect of Project-related traffic noise levels from the I-710 Freeway
37 at Chavez and Edison Elementary Schools would be a reduction of freeway noise. These
38 beneficial changes were not quantified in the RDEIR as they would not contribute to a
39 significant impact.

40 **Response to Comment R90-46**

41 The comment suggests that the RDEIR is inadequate because it “lacks sufficient technical
42 details.”

43 Appendix F1 of the RDEIR has been revised to incorporate input and output files as
44 requested by the commenter and information on construction equipment noise
45 assumptions. Inclusion of this information does not trigger recirculation under CEQA

1 Guidelines § 15088.5 and did not preclude public comments on the adequacy of the
2 environmental analysis. (See *Blue v. City of Los Angeles* (2006) 137 Cal.App.4th 1131,
3 1143-1144.)

4 The RDEIR (Section 3.9) and Noise Technical Study (Appendix F1) employed
5 conservative, appropriate and correct methodologies per industry standards and therefore
6 fully comply with CEQA. The construction and operations details and assumptions used
7 in the analyses were obtained from the Project Description (Section 2.4). Industry-
8 approved modeling algorithms from the CadnaA, FRA/FTA and FHWA models and
9 protocols were used in the analyses. Noise monitoring locations were properly selected
10 to represent the nearest noise sensitive receivers in the vicinity of the Project Site and the
11 measurements were conducted in accordance with industry standards. All noise
12 measurements are representative of the receiver areas and were conducted consistent with
13 ASTM standards for receiver height, location selection, avoidance of shielding and
14 reflections. Vibration measurements were conducted in accordance with FRA/FTA
15 guidelines and vibration analysis utilized FRA/FTA protocols. The RDEIR has been
16 revised to provide clarification on the methodologies in both Section 3.9 and Appendix
17 F1. Please see Response to Comment R89-56 for discussion of “field instrumentation,
18 [and] ambient survey measurement methodologies.” Please see Response to Comment
19 R89-57 regarding additional noise assumptions, such as barriers and ground absorption.
20 Please see RDEIR Table 3.9-29 and Impact NOI-7 for discussion of vibration
21 assumptions and methodologies.

22 The 107 dBA value is provided for “offsite” train horns. Additionally, simple geometric
23 spreading loss along (i.e., 6 dB per doubling of distance) does not account for all of the
24 attenuation of train horn noise between the Project’s train horn sounding location and
25 Hudson Elementary School. However, consideration of specific site geometrics, distance
26 between source and receiver, elevations, intervening structures and topography resulted
27 in substantial attenuation of the train horn noise as predicted in the RDEIR. As noted in
28 the Project Description, train horns would not be used on the SCIG site, and would only
29 be used in the South Lead Tracks area as trains transition onto the Alameda Corridor, a
30 distance of several thousand feet.

31 **Response to Comment R90-47**

32 The RDEIR (Section 3.9) adequately addresses construction noise at the outdoor areas of
33 Hudson Elementary School, Cabrillo High School, Cabrillo Child Development Center,
34 Bethune School, Stephens Middle School and Webster School in the Noise Impact
35 Section NOI-6. The operational threshold (interior noise level of 52 dBA) used to
36 determine classroom speech interference was discussed in RDEIR Section 3.9.3.6.2 and
37 was based upon the USEPA Speech Intelligibility curve. The construction noise analysis
38 used an even more conservative threshold (NOI-6 – 45 dBA interior noise level). Future
39 construction noise levels were compared with ambient noise levels and significant noise
40 impacts were clearly identified in this section. The RDEIR acknowledged that there
41 would be significant construction impacts on some school prior to mitigation s.
42 Mitigation measures MM NOI-1, MM NOI-2, and MM NOI-3 were identified and
43 required (for clarification, MM NOI-2 would be applicable to schools) such that the
44 construction noise at the above school outdoor areas would be reduced to the point that
45 impacts would be less than significant.

46 The commenter references *Los Angeles Unified School District v. City of Los Angeles*
47 (1997) 58 Cal.App.4th 1019 (“LAUSD”). In that case the court noted that the

1 significance of an activity may vary with setting and that “the EIR did not establish an
2 increase in decibel level...would have the same effect on a hearer trying to study in a
3 classroom as a hearer waiting for a bus.” Unlike the *LAUSD* case referenced by the
4 commenter, this RDEIR did in fact provide a full analysis of construction impacts at
5 schools based upon speech interference. Furthermore, a number of the mitigation
6 measures included under MM- NOI-2 have not been quantitatively accounted for in the
7 analysis. This approach is however consistent with *Watsonville Pilots Association v. City*
8 *of Watsonville* (2010) 183 Cal.App.4th 1059 [an EIR did not need to “predict with
9 precision exactly how much each water conservation measure would reduce water
10 usage.”].) For clarification, MM NOI-2c, which includes temporary noise barriers, would
11 also be applicable to schools.

12 The RDEIR interior construction noise analysis is accurate and employed conservative,
13 appropriate and correct methodologies. The construction noise analysis conservatively
14 assumed a continuous level of activity for reference equipment noise sources such that
15 the average noise level L50 would be equivalent to the Leq. This was an extremely
16 conservative assumption that resulted in higher predicted noise levels than what would be
17 expected in actual field measurements because for construction and community noise, the
18 Leq is almost always higher than L50. Clarifications regarding the use of L50, Leq and
19 Lmax metrics are provided in the RDEIR.

20 ANSI S12.60 is not an adopted noise standard by the City of Long Beach and does not
21 apply to this project. Future construction noise levels within classrooms have been
22 appropriately discussed, any impacts have been identified, and mitigation measures have
23 been identified if warranted and required by CEQA. Air conditioning systems were
24 observed at all LBUSD classrooms during the field surveys.

25 Please see Response to Comment R90-46 for discussion of methodology. The commenter
26 suggests that the RDEIR does not provide information on how future interior sound
27 levels were calculated, however this information is provided in RDEIR Section
28 3.9.2.3.10.

29 **Response to Comment R90-48**

30 The RDEIR (Section 3.9) and Noise Technical Study (Appendix F1) employed
31 conservative, appropriate and correct methodologies per industry standards. As
32 previously stated, the RDEIR has been revised to provide clarification on the
33 methodologies.

34 The FICAN curve and SEL metric was used to analyzed sleep disturbance, but was not
35 used to analyze impacts to school facilities, which as described below was based upon the
36 speech intelligibility curve. The field surveys did not reveal any residential uses that
37 would necessitate a sleep disturbance evaluation and assessment on the evaluated
38 LBUSD campuses.

39 The commenter suggests that the FICAN curve (Figure 3.9-4 “Recommended Sleep
40 Disturbance Dose-Response Relationship”) is inappropriate to use in the analysis because
41 the commenter alleges it is based upon “aircraft flyover events, not from traffic noise, not
42 from rail pass-bys, and not from construction activities.”

43 Contrary to the comment, this sleep disturbance curve is appropriate and is considered
44 conservative. As discussed by FICAN, “The FICAN 1997 Curve represents the upper
45 limit of the observed field data, and should be interpreted as predicting the ‘maximum
46 percent of the exposed population expected to be behaviorally awakened’ or the

1 ‘maximum % awakened’ for a given residential population.” Other approaches, such as
2 ANSI S12.9-200/Part 6 (2008), have verified that the FICAN 1997 curve is considered
3 conservative and representative of other noise sources (i.e., not just aircraft noise). The
4 ANSI curve is less conservative (its dosage response curves show people are less likely to
5 be awakened at various SEL levels in comparison to the 1997 FICAN curve). The ANSI
6 curves were in fact based on 75 data points associated with awakening due to aircraft
7 noise intrusions in bedrooms, and 16 data points for other transportation noise sources.
8 Furthermore, in this instance, it is unclear why the commenter believes source of the
9 noise would affect the likelihood of awakening.

10 The comment also suggests “there is no discussion in the RDEIR as to why a 10 percent
11 awakening response is chosen for the threshold of significance.” The issue of sleep
12 disturbance has been addressed in this RDEIR consistent with the requirements of
13 CEQA, and was consistent with *Berkeley Keep Jets Over the Bay v. Board of Port*
14 *Commissioners* (2001) 91 Cal.App.4th 1344. Although the court in *Berkeley Keep Jets*
15 directed that the significance of single event noise effects be addressed in an EIR for an
16 airport, based upon “physiological response”, there was no established basis for defining
17 or assessing the significance of single-event aircraft noise on sleep disturbance. While the
18 FICAN 1997 curve can provide a probability of awakening, there is currently no clear
19 relationship between sleep disturbance and physiological response. As discussed by
20 FICAN, “FICAN cautions that the dose-response relationship presented here relies on
21 behavioral awakening as the indicator of sleep disturbance; relationships between aircraft
22 noise and other potential sleep disturbance or related health effects responses have not
23 been established by any of these newer studies.”

24 Health effects (physiological effects) associated with sleep disturbance, if they exist, are
25 associated with a wide variety of other environmental stressors. Isolating the effects of
26 noise alone as a source of long-term physiological change has proved to be nearly
27 impossible. In a review of 30 studies conducted worldwide between 1993 and 1998
28 (Lercher et al., 1998), a team of international researchers concluded that, while some
29 findings suggest that noise can affect health, improved research concepts and methods are
30 needed to verify or discredit such a relationship. The team of international researchers
31 called for more study of the numerous environmental and behavioral factors than can
32 confound, mediate, or moderate survey findings. Until science refines the research
33 process, a direct link between aircraft exposure and non-auditory health effects remains
34 to be demonstrated. In a 2010 journal article Fidell, et al. (2010) reviewed the current
35 science on predicting sleep disturbance and its effects and concluded:

36 “Epidemiological evidence does not yet support either reliable prediction of
37 noise-induced sleep disturbance, or well informed policy debate, much less a
38 plausible technical rationale for regulatory action. The practical, population level
39 implications of noise-induced sleep disturbance and its consequences remain
40 poorly understood due to design and other limitations of field studies of noise-
41 induced sleep disturbance already undertaken, and to limitations of the statistical
42 analyses performed to date. Published relationships used to assess the probability
43 or prevalence of noise-induced awakening remain highly uncertain and
44 unhelpfully imprecise. Considerable caution must be exercised in extrapolating
45 conclusions about sleep disturbance that have been inferred from the behavior of
46 relatively small and purposive samples of people living near a few airports to
47 wider populations.”

1 Given this scientific uncertainty, the Port relied upon its experts' opinion. This
2 information was used to assist the Port in selecting a threshold of significance related to
3 sleep disturbance.

4 The selection and use of the FICAN curve for 95% speech intelligibility for normal voice
5 satisfactory speech intelligibility at 20 feet between speaker and listener is a reasonable
6 threshold for classroom speech interference assessment. The classroom interior noise
7 analysis conservatively assumed steady-state sound levels and the influences of room
8 absorption and wall reflections/reverberation were accounted for in the field test data for
9 classroom noise reduction. The classroom interior noise analysis, impact assessment and
10 discussion presented in the RDEIR and Noise Technical Study are accurate and
11 appropriate. As previously indicated, ANSI S12.60 is not an adopted standard by the City
12 of Long Beach (see also Response to Comment R90-47).

13 **References**

14 City of Los Angeles, 2010. Wilshire Grand Redevelopment Project Draft Environmental
15 Impact Report, Case No. ENV-20091577-EIR-GB.

16 FICAN. 1997. "Effects of Aviation Noise on Awakenings from Sleep." Available at:
17 http://www.fican.org/pdf/Effects_AviationNoise_Sleep.pdf. p. 5. June.

18 Lercher P, Stansfield S. A., Thompson S.J. 1998. "Non Auditory Health Effects of
19 Noise." Review of the 1993-1998 Period, Noise Effects-98 Conference Proceedings, p.
20 213.

21 Fidell S, Tabachnick B, Peasons K. 2010. "The State of the Art of Predicting Noise-
22 Induced Sleep Disturbance In Field Settings, Noise and Health." Volume 12, Issue 47, p.
23 77-90.

24 **Response to Comment R90-49**

25 Implementation of the soundwall mitigation measures is considered reasonably
26 foreseeable at this time. All of the noise-related mitigation measures, MM NOI-1, MM
27 NOI-2 and MM NOI-3, are requirements of the SCIG Project. Further, the SCIG Project
28 is not a Caltrans nor FHWA roadway design project. The City of Long Beach variance
29 procedures are included under Municipal Code Section 21.25.301 et seq., and the Port
30 believes such a wall will be consistent with the necessary findings included in the
31 variance procedures. As discussed in the municipal code, the purpose of a variance is to
32 recognize that "certain properties, due to their unique size, shape, location, or other
33 physical condition cannot be developed in strict accord with the regulations of this title."
34 The comment also suggests that "the RDEIR must be reviewed to confirm that each of
35 the identified mitigation measures are feasible" relating to the height variance for the
36 soundwall. The 12-foot high soundwall required in MM NOI-1 and the 24-foot high
37 soundwall required in MM NOI-3 are consistent with existing soundwalls buffering
38 Receivers 2 and 1, respectively. Furthermore, the City of Long Beach has explicitly
39 requested a 24 foot-high wall (see comment R89-66) and the City and the School District
40 control the land on which the 12-foot wall would be built. Accordingly, as stated above,
41 the lead agency believes that this mitigation measure is reasonably foreseeable. The
42 soundwall mitigation measure will be monitored by the lead agency, see the FEIR
43 MMRP. The information provided in Table 3.9-27 sufficiently describes the predicted
44 noise levels as a result of MM NOI-1 and MM NOI-3. As clearly specified in the RDEIR,
45 upon implementation of MM NOI-1, MM NOI-2 and MM NOI-3, noise levels would be
46 reduced to the point that impacts would be less than significant after mitigation. Please

1 also see R90-47 and R89-66 for discussion of the effectiveness of the noise mitigation
2 measures.

3 **Response to Comment R90-50**

4 The RDEIR (Section 3.9) and Noise Technical Study (Appendix F1) employed
5 conservative, appropriate and correct methodologies. The analysis, impact assessment,
6 mitigation measures and discussion accurately and appropriately address the Project's
7 potential noise and vibration effects on LBUSD schools. Industry approved computer
8 models and protocols (CadnaA, FRA/FTA, and FHWA) were appropriately utilized for
9 the predictive analyses. Clarifications have been provided in the RDEIR regarding
10 project modeling assumptions, methodologies, and results. Input and output files are
11 included in the Appendix Noise Technical Study and electronic files are available from
12 the lead agency. The comments raised by the commenter on the noise analysis in the
13 RDEIR have been addressed in responses to comments R90-44 through R90-49.

14 **Response to Comment R90-51**

15 The 2005 Notice of Preparation and accompanying initial study checklist included
16 an assessment of potential impacts to Recreation as required under CEQA in
17 accordance with Appendix G of the State CEQA Guidelines and the 2006 Los
18 Angeles City CEQA Thresholds Guide. According to the assessment in the initial
19 study checklist, the proposed Project was found to have no impact to Recreation
20 on the basis that the project would not "increase the use of existing neighborhood
21 parks or other recreational facilities such that the substantial physical deterioration
22 of the facility would occur or be accelerated" or "include recreational facilities or
23 require the construction or expansion of recreational facilities that might have an
24 adverse physical effect on the environment". As such, further discussion of
25 impacts to Recreation was not required to be addressed in the EIR. With regard to
26 potential health impacts on students at nearby schools, the RDEIR included a
27 health risk assessment to evaluate potential health impacts to the public from
28 TACs generated by construction and operation of the Project. Health risk impacts
29 to students as a receptor type were found to be less than significant under CEQA
30 (RDEIR Section 3.2.4 Impact AQ-7). Accordingly, because there is no
31 significant environmental impact to recreational facilities, mitigation in the form
32 of constructing gymnasiums and multipurpose rooms at schools as suggested by
33 the commenter is not required under CEQA.

34 **Response to Comment R90-52**

35 The 2005 Notice of Preparation and accompanying initial study checklist included an
36 assessment of potential impacts to Public Services, including schools as required under
37 CEQA in accordance with Appendix G of the State CEQA Guidelines and the 2006 Los
38 Angeles City CEQA Thresholds Guide. According to the assessment in the initial study
39 checklist, the proposed Project was not found to have a substantial adverse impact
40 associated with the provision of new or physically altered schools because the proposed
41 Project would not increase population in nearby residential areas such that it would
42 impact schools. As such, no further analysis in the EIR was warranted. Accordingly,
43 because there is no significant environmental impact to public services, the mitigation
44 suggested by the commenter is not required under CEQA.

1 Response to Comment R90-53

2 The commenter states that the RDEIR estimates of 1.32 truck trips per lift is
3 “unrealistically efficient...[and] leads to unjustified conclusions regarding Project
4 impacts.” The commenter requests evidence regarding the number of truck trips per
5 intermodal lift.

6 As shown in Table 3.10-13, the value of 1.32 truck trips per lift cited in RDEIR Section
7 3.10.3.3.2 is based upon a reduction in bobtails (i.e. trucks without a loaded container)
8 compared to conventional facilities. This reduction in bobtails is due in part to: (1)
9 increased grounded/ stacked storage in comparison to other near-dock and off-dock rail
10 facilities, (2) increased efficiency in retrieving stacked containers for transport, (3)
11 increased “turn time” efficiency for trucks, and (4) reduced transport time between the
12 railyard and the cargo terminals and reduced timing variability for pickup and dropoff,
13 thereby increasing coordination and reducing the number of bobtails traveling to the
14 SCIG facility. These factors are described in more detail below.

15 SCIG is intentionally designed to achieve this reduction in truck trips per lift as one of its
16 environmental features. Unlike conventional intermodal facilities, which are largely
17 wheeled operations (see below), the SCIG facility is designed as a grounded operation
18 (i.e. the containers rest on the ground rather than on a wheeled chassis and are stacked up
19 to five high), with sufficient room for the ground stacking area and the truck unloading
20 area to be located adjacent to the tracks (See RDEIR Sections 2.4.1, 2.4.2.2 and 2.4.4).
21 The proximity of the tracks to such ground stacking and truck unloading areas allows lift
22 equipment (the wide-span cranes, see Section 2.4.2.2.) to execute more lifts directly from
23 the both the truck chassis arriving at trackside and from the ground stacking area to the
24 rail car and vice versa (BNSF, 2013). The wide-span cranes not only load and unload
25 trains and trucks but also manage the stacked containers, facilitating quick retrieval of
26 containers as needed. The efficiency of this design and operational ability maximizes the
27 opportunities for trucks to carry loaded containers on both legs of their trips to and from
28 the facility, minimizing bobtail moves (i.e. truck trips without a loaded container).
29 (BNSF, 2013)

30 This design and operational model differs from the traditional wheeled operations at
31 facilities such as the Hobart and the ICTF, which typically require parking a container on
32 its chassis somewhere in the facility prior to loading or unloading from a railcar which
33 then requires several moves before being loaded onto a train: from the gate, on a chassis,
34 to the storage area, and then from the storage area to trackside. BNSF represents (BNSF,
35 2012b) that modification of Hobart operations to a grounded operation is not consistent
36 with the business model for Hobart and is not currently feasible because it does not have
37 the electric wide span cranes and as it would represent a major shift in operations and
38 entail significant cost, without the benefits of near-dock. Hobart was designed as a
39 wheeled facility before wide span cranes were available and was configured with the
40 track centers close together without room to stack containers trackside (as would be
41 necessary for a grounded operation). Reconstruction of a significant portion of Hobart
42 would be required to convert it into a grounded operation.

43 In fact the SCIG facility would more closely resemble, and be an enhanced version of the
44 BNSF Seattle International Gateway Facility in Seattle, Washington, which is also a
45 totally ground stacked operation using side loaders for live lifts (BNSF, 2013). In order to
46 further increase the efficiency of SCIG, BNSF would work with intermodal marketing
47 companies (IMC), vessel carriers, and trucking companies to coordinate inbound and

1 outbound drayage to maximize dual transactions, such that bobtail trips will be
2 minimized. The BNSF services are typically arranged and contracted by IMC or ocean
3 carriers for store-door movements. Also, since SCIG is located only four miles from the
4 ports (as opposed to 24 miles for Hobart), coordination between the marine terminals and
5 SCIG for container deliveries would be more precise with less variability than the
6 movements to Hobart. This factor would allow BNSF to further reduce the overall
7 number of truck trips per lift.

8 The comment also states that “The QuickTrip Model, which is the trip generation model
9 developed for the Ports to estimate terminal truck flows based on TEU throughput,
10 estimates 2.85 trucks per lift...QuickTrip is able to estimate truck movements between 2
11 and 10% of actual counts for all terminals.” Because the QuickTrip Model is not based on
12 a grounded operation it does not fully reflect trip generation at SCIG. As SCIG may be
13 the first fully grounded operation in the country, it would not exhibit the same behaviors
14 as either the QuickTrip Model or empirical counts from ICTF, which is a standard non-
15 grounded operation, would suggest. As noted in Chapter 2 Section 2.4.4.1, based on
16 experience at the similar Memphis, TN facility, BNSF estimates that the amount of time a
17 truck spends in the proposed SCIG facility would be approximately half of the current
18 “turn time,” which would reduce the amount of emissions per container and increase the
19 number of containers each truck could dray in a shift.

20 **References**

21 BNSF. 2013. BNSF Trip to Lift Ratio Memorandum. February 8.

22 BNSF. 2012. BNSF Hobart Yard Memorandum. November 28.

23

November 12, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 Palos Verdes Street
Los Angeles, California 90731

**RE: SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY RECIRCULATED
DRAFT ENVIRONMENTAL IMPACT REPORT**

Dear Mr. Cannon:

I would like to take this opportunity to provide additional detail to my remarks at the Public Hearing held in Wilmington on October 25th, 2012, for the purpose of providing comment on the Recirculated Draft Environmental Impact Report (“RDEIR”) for the Southern California International Gateway Project (“SCIG”) or (“the Project”). This Project has an enormous impact on my business, Fast Lane Transportation, Inc. (“Fast Lane”), and three minutes was not adequate time to address all of these impacts.

While there is a demonstrated need for additional near dock rail capacity for the Ports of Los Angeles/Long Beach, the SCIG has the potential to fulfill the requirements for this demand. The SCIG also has the potential to improve certain environmental impacts such as air quality and traffic congestion. However, as I'm sure you're aware, no project of this magnitude could possibly be planned, certified, and constructed without the possibility of collateral damage. I'm sure other consequences exist as a result of this Project; however, the consequences with respect to the continuation of Fast Lane are significant and real unless they are mitigated and included in the Final Environmental Impact Report (“FEIR”).

Several businesses, including Fast Lane, will be dislocated as a result of the construction of the SCIG, yet there is little or no mitigation identified in the RDEIR. The environmental impact of the dislocation of these businesses is significant, yet avoidable if the Port of Los Angeles and BNSF choose to include mitigation in the FEIR.

R91-1

All of the businesses identified in the RDEIR that will be dislocated provide services and products for shipping lines, railroads, equipment leasing companies, trucking companies, and other port related businesses. The dislocation of these businesses without a viable relocation plan will be disruptive to the businesses subject to dislocation, their employees, and their customers, and even the communities in which they may eventually relocate unless there is a planned and well executed relocation plan.

↑ While most of the businesses subject to dislocation are tenants of private property owners or the Port of Los Angeles, only one, my business, Fast Lane Transportation, Inc., is the owner of the property subject to taking by either the Port or BNSF. In addition to the disruption that will occur if our property is taken for this project, I find it particularly troubling that, while this is a Port project, the Port, as lead agency for the project, has abandoned its responsibility to acquire our property and transferred that duty to BNSF Railway.

This transference of responsibility has occurred only since the issuance of the RDEIR in September, 2012. The Notice to Proceed was issued in October, 2005. In the intervening seven years, my business has suffered an unbelievable amount of distress and detrimental impacts as a result of the uncertainty associated with the delay in completing the Environmental Impact Report (“EIR”).

We have experienced difficulty with employee recruiting and retention because employees are reluctant to accept employment with a company with a cloud hanging over the viability of its Port adjacent location. Existing employees have demonstrated an increased interest in seeking employment with competitors taking valuable competitive information with them.

R91-1

We have experienced a loss of support from our customers, most of whom required long term contracts/relationships in order to conduct business in a competitive environment.

We have had difficulty negotiating lease agreements during the last seven years for property *not* associated with this project since the property we stand to lose as a result of the project is contiguous to, adjacent to, or proximate to the leased property critical to support our ongoing business operations. It has been difficult to determine whether we should have negotiated short term or long term leases, or whether or not to even enter into lease agreements since there has been doubt and uncertainty about our mere existence for the last seven years. Entering into long term lease agreements for unimproved land for storage purposes without the ability to support those services with office, maintenance, and warehouse facilities has been a significant risk. Negotiating short term lease agreements has proved to be expensive, disruptive, and inefficient.

Our competitors have been able to hyperbolize and market the uncertainty of our future. We have common customers with all of our competitors, and they have exploited the fact that our future is uncertain with these customers. This has resulted in a smaller market share for us than we would have otherwise expected and less stable relationships. We have been serving our customers from this location for over 25 years. It has been distressing that over the last seven years, we have seen reluctance, from our customers, to fully support our business activities coupled with the constant drum beat of questions about what are we going to do when SCIG finally happens.

Since 1988, Fast Lane has occupied the land that has been identified as necessary for the project and we have been able to expand to our present footprint *only* as a result of the occupancy of this land. We consider this to be the “heart” of our operation. The heart of our operation consists of our warehouse (25,000 square feet) in which we store materials and park equipment, process and handle freight, but more importantly, it is our only covered work area in which we are able to

↓

repair equipment.

In addition to our warehouse, the heart of our operation also includes our office, and our repair and maintenance area-several acres dedicated to the repair and maintenance of containers, chassis, and other related equipment, and the servicing and maintenance of our handling and associated yard equipment. Within our repair and maintenance area exists the infrastructure necessary for the repair and maintenance of containers, chassis, and related equipment including electrical, plumbing, and compressed air and other gas piping which are widely distributed, as well as drains and sumps. An important feature of our repair and maintenance area is that it is in very close proximity to our warehouse and administration offices, it is not obstructed by overhead utility distribution, and are there no at grade obstructions.

While a significant portion of our business operation consists of container and related marine equipment storage, our ability to store this equipment exists *only* because we support the storage of this equipment with the services and administration we are able to provide in the heart of our operation.

Simply put, our storage business would not exist without the support of our repair and maintenance area since most of our customers are not interested in just "storing" containers and chassis without the associated repair and maintenance services we provide. As a matter of fact, many of our customer contracts *require* our company to perform repair and maintenance services. Ours is a competitive industry, and our customers will find substitute vendors if we cannot perform the range of services necessary and required to support our business relationships.

The heart of our operation also consists of our administrative offices which support all the activities for all four of our facilities in California. Again, without adequate facilities to support the administration of our company, the continuation of Fast Lane would be in doubt. While we are able to support the activities of three of our locations remotely, it is critical that our staff is on hand and present at our Wilmington facility since that is where the vast majority of our administrative support functions are required.

As with many transportation related businesses, we have a highly sophisticated communication network in which disruption of just a few hours could have devastating consequences for our customers *and* for Fast Lane as recovery from communication disruption is a very inefficient and time consuming process. Also, we have a highly trained and long term staff working in our administrative offices, some of which have been with our company for over 25 years. The loss of any of this staff would result in unimaginable loss of reputation and inefficiency to Fast Lane.

In summary, the relocation of the heart of our business operation must be handled in a very thoughtful, sensitive, careful, and organized manner in order to avoid a fatal disruption of service to our customers and it must be to a Port proximate location.

Fast Lane is already at a competitive and economic disadvantage and has been since 2005, as a result of the issuance of the Notice to Proceed for the SCIG. When the Notice to Proceed was issued, the public, including our customers, competitors, and most importantly, our employees

R91-1

↑ began asking me uncomfortable questions regarding the future viability of Fast Lane. They were all keenly aware that the construction of the SCIG would result in the dislocation of a critical part of our business operation. Employees questioned their long term prospects for employment. Customers questioned the ability of Fast Lane to perform services in a long term relationship, particularly since many of our contracts are long term in nature and, with the project in mind, the ability to perform these contractual obligations was in jeopardy. It is likely that, to gain an advantage, our competitors used the Project to create doubt and uncertainty in the eyes of our customers. The doubt and uncertainty of our employees (who have regularly questioned me over the last seven years) has had a demoralizing affect on our staff and has resulted in a less than optimal work environment.

R91-1 Additionally, our property value has suffered as a result of the Project. The public knowledge of this project has cast a cloud on the market for this property. To be clear, we have no plans to sell the property, but if forced to do so for this project, we are concerned about the impacted market for our property given the project's influence. The impacted market affecting Fast Lane's property is certainly a consequence that has resulted from the issuance of the Notice to Proceed and the ongoing environmental analysis.

The loss of the heart of our business without adequate relocation will result in the following:

- Loss of jobs
- Migration of containers to other storage locations in Wilmington with impacts to the residential community
- Diminution of business value (or viability altogether)
- Loss of access to the overweight corridor

While a relocation site for our company has been identified in the RDEIR, it has been identified for the purpose of *analysis of environmental impacts only*, and there is no specific provision in the RDEIR for relocation. As a matter of fact, the RDEIR clearly states in Section ES.3.2.1

R91-2 Of the existing businesses within the proposed Project site, only three (portions of California Cartage and Fast Lane Transportation (Fast Lane), and the Alameda Corridor Transportation Authority (ACTA) maintenance yard) *are assumed, in order to ensure a conservative analysis*, to move to alternate sites on nearby properties, although it is possible that California Cartage and Fast Lane would *elect* to make other arrangements”

I can assure you that we have no intention to “elect” to make other arrangements as we do not have the resources to do so. In addition, in Section 2.4.2.1 the RDEIR states “However, the final selection of businesses that would ultimately occupy the alternate sites would be subject to real estate negotiations that are *beyond the scope of this EIR*” conceding that even if a relocation site exists, there is no provision in the EIR to consider it for the relocation from the property which we would be displaced!

↓ The omission in the RDEIR of specific provision for the relocation of Fast Lane is a deficiency. In the original DEIR, specific provision for relocation of Fast Lane was discussed. As I noted then, the proposed relocation sites were undersized, poorly configured and presented their own

R91-2

↑ problems, but at least the relocation of Fast Lane to nearby properties was addressed as a Project concern. That position has been gutted and replaced with only a vague assumption in the RDEIR. Moreover, now that the acquiring entity is not the Port, there would be no assurance that adequate relocation can or will be provided, since the real driver in a suitable relocation of Fast Lane would be the Port and/or the City of Los Angeles. In effect, the proposed acquisition of Fast Lane's property and assumed relocation of the business outlined in the RDEIR is ripe for discussion and assignment of reasons and blame, but, as now written, the potential for no real action taken toward relocating Fast Lane to workable properties is a clear and imminent possibility. This is a clear step backward and a deficiency that exists in the RDEIR.

Finally, also in Section 2.4.2.1, the RDEIR states "...the LAHD would not purchase any new properties and would *not be responsible for constructing any new improvements* at the alternate sites." Without the assistance of the Port in relocating Fast Lane onto an adequate site and the replacement of the infrastructure that would be lost as a result of our dislocation, the future of our business is in doubt as it has been for the last seven years.

R91-3

The geography and access of the Potential Relocation Sites is impractical for container storage and repair. One of the Potential Relocation Sites is shaped like a triangle with concave sides (a "witch's hat"), a shape totally inefficient for storing rectangularly shaped equipment. The other Potential Relocation Site, separated and divided from the first Site by an active rail line without a public crossing, is shaped like a lower case "f", so completely unusable that it is hardly worth consideration. Combined, their square footage, 4 ½ acres, is less than ¾ the square footage of the property that will be taken, but more importantly, neither site will support the infrastructure necessary for the continuation of our business, and access to and between the sites is severely impaired by an active rail line without a public crossing. The utility and reduction of usable square footage of these combined sites will surely result in the dislocation of thousands of containers from our facility to other container storage yards located in Wilmington, all of which are adjacent to residential areas.

I would like to address the limitation and deficiencies, specifically, of the Potential Relocation Sites identified in the RDEIR. The "f" shaped parcel consists of land already occupied by Fast Lane (the lower horizontal cross of the "f") for which Fast Lane has a Revocable Permit issued by the Bureau of Engineering of the City of Los Angeles. Thus, this portion of the parcel doesn't constitute relocation. Most of the remainder of this parcel consisting of the vertical portion and top horizontal angle of the "f" shape are dedicated and improved public roads (Farragut Avenue and Grant Street) which provide the *only* access to a number of property owners and businesses to the east of the Potential Relocation Site, some of whom have already raised concerns regarding the potential loss of access to their properties. Therefore, it is likely that most of the vertical portion and top horizontal cross of the "F" shaped Potential Site cannot actually be used for relocation purposes. Once the areas mentioned above are eliminated from the area of the "f" shaped parcel, the land diminishes from 1.8 acres to about 1/4 of an acre, its highest and best use probably being automobile parking.

↓ The "witches hat" section has problems associated with it as well. First, the site is referred to as "vacant" while it clearly is not. There is a substantial office building/warehouse on the site. Due to the configuration of the newly constructed railroad tracks represented in the DEIR which

R91-3

would overlay the office/warehouse, the building would presumably have to be demolished in order for this site to be utilized for Fast Lane relocation. More importantly, there is widespread distribution of high voltage electrical conductors which would have to be relocated because aerially distributed power lines are a serious safety concern and operational conflict with container storage and tall handling equipment activity. Additionally, there are several at grade ground water monitoring wells and protective barriers, and a major above ground pipeline system, both of which significantly reduce the useable space and diminish the utility of the parcel.

While access to the Potential Relocation Sites for our company would be constrained in and of itself, access to the Potential Relocation Site for California Cartage Company would exacerbate this situation. According to the RDEIR in Chapter 2, page 2-19,

This analysis assumes that California Cartage would move a portion of its operations to a 10-acre site where the current ACTA maintenance yard is located near the South Lead Track area. *Currently, access to this site is via roads through the 4.5 acre parcel described above {the Fast Lane Potential Relocation Sites}*. Once the South Lead Track is constructed, this site would be *entirely surrounded by active rail lines*; the current access would be modified to cross the South Lead Track. Accordingly, although the site would likely experience *some access constraints due to rail activity*, this analysis assumes that business operations could occur on the 10-acre site.

The analysis above is inadequate. Simply stating that “access to this site is via roads through the 4.5 acre parcel” and “some access constraints due to rail activity” satisfies any requirement or obligation of the Port to mitigate negative impacts is inadequate. It is also incorrect. The impacts to California Cartage and Fast Lane with regard to access are unknown and should be studied further and mitigated if necessary.

R91-4

There are also access issues for the portion of our business operation that is not even a part of the Project. According to Chapter 3.8, page 3.8-25,

Once the South Lead Track is constructed, access to Fast Lane’s operations on the SCE corridor between PCH and the San Pedro Branch rail line would no longer be available from E Road {Pacific Coast Highway access}, which currently serves as the primary access route. This parcel, within the SCE corridor, would also be *entirely surrounded by active rail lines* and PCH to the north. As a result, Fast Lane and SCE’s access to this parcel would be limited to using Southern Pacific Drive off of the Terminal Island Freeway, continuing to Farragut Avenue, to East Grant, and to Hobson Avenue where there is currently a private rail crossing that is already used as a secondary route to the site. Accordingly, although access would be less direct and could be *somewhat constrained* by the existing rail crossing and associated delays, business operations could occur on the site at they do today and would not be isolated.

Again, this is an incomplete and insufficient analysis of the impacts associated with the elimination of superior existing access and the restrictions and disruption of alternate access. I did not find anywhere in the RDEIR that the existing access to the SCE portion of our business

operation is currently from a direct, fully improved grade separated off ramp from Pacific Coast Highway. I also did not find any statement that the proposed substitute access would be a circuitous route on a series of constrained and unimproved narrow “paper” streets with no storm drainage subject to flooding. This subject needs to be carefully evaluated and studied for impacts and mitigated also. The lack of storm drain system and the proposed use of “paper streets” (currently unimproved) is a substantial impact that cannot be ignored.

R91-4

While, according to the RDEIR, air quality and traffic congestion would improve as a result of construction of the Project, further analysis *must* be performed as a result of the redirection of 107,000 annual truck trips currently accessing or facility from a grade separated entrance on Pacific Coast Highway, to alternate access routes, presumably from the Terminal Island Freeway (SR 103), Anaheim Street, and East “I” Street utilizing streets and intersections not designed to accommodate this level of traffic, especially truck traffic. This creates challenging circulation issues, not only at the Potential Relocation Sites, but the intersection of those routes leading to the Potential Relocation Sites such as the southbound Anaheim Street exit of the Terminal Island Freeway at Southern Pacific Drive, the intersection of Anaheim Street and East “I” Street, and the intersection of Farragut Avenue and Grant Street. It’s not clear these circulation issues have been adequately studied in Chapter 3.10, Traffic/Circulation.

Furthermore, it is imperative to evaluate the condition of East “I” Street north of Anaheim Street. This condition of this section of roadway is undoubtedly among the worst in the harbor area, to the extent that it is dangerous due to the tendency of many vehicle operators to zigzag throughout the street in order to avoid potholes and missing sections of pavement. The condition of this roadway is also damaging to vehicle tires and other vehicle components, and if East “I” Street is the designated access route to the Potential Relocation Sites, it will result in customer dissatisfaction and loss of reputation unless it is properly improved and maintained. Complicating matters is that the portion of East “I” Street just north of Anaheim Street and proceeding for a couple of hundred yards is actually within the city limits of Long Beach before approaching the City of Los Angeles boundary.

There are several references in the RDEIR to alterations of, access to, and continuing operations of our company in Section 3.8, Land Use, should we be relocated onto the Potential Relocation Sites. These considerations have not been studied adequately and do not accurately reflect the actual changes that would occur as a result of relocation. Significant disruption and inefficiency will occur as a result of relocation to these sites.

R91-5

Significantly, and contrary to the assertion in the RDEIR, the Potential Relocation Sites identified for Fast Lane are *not* on the Heavy Container Corridor (see Exhibit “A”, a document created by the Department of Public Works of the City of Los Angeles titled “OVERWEIGHT CONTAINER CORRIDOR” which clearly excludes East “I” Street and Southern Pacific Drive). This is a very important issue which must be resolved and, if not, will result in the inability of Fast Lane to operate on the properties suggested for use by Fast Lane.

R91-6

Importantly, on page 7-31 of Chapter 7, Socioeconomic and Environmental Quality, states “One of these businesses, Fast lane representing 225 jobs, would be unaffected by the proposed Project

R91-6

↑ since the majority of their operations would remain within their existing footprint and a portion of the operations would move to an alternate site as part of the proposed Project.” This begs the question: *Will* Fast Lane be relocated or not? Since, in the RDEIR, Fast Lane is only “*assumed* to move to alternate sites on nearby properties for the *purposes* of this *analysis*” (Chapter 2, page 2-18), is the retention of the jobs associated with our company theoretical as well? I find it disingenuous to refer to retention of jobs in such a clinical fashion. These are jobs held by community members, in some cases for many decades, and include families, multiple generations, and many who would have difficulty in finding new jobs if they were separated from employment from Fast Lane.

R91-7

If the Potential Alternative Sites (Figure 2.5, page 2-21) previously referred to in the RDEIR for the purpose of analysis only *were* considered for relocation, they would still have the following deficiencies which would have to be resolved because they:

- Would result in significantly less land area and diminished utility due to configuration and impaired access due to railroad crossings and public rights of way
- Are unable to support infrastructure and improvements sufficient to provide our current range of services
- Would include land already occupied by Fast Lane
- Would include a public road, Farragut Avenue (see Figure 3.1-7, page 3.1-18), which is the only public access to several businesses and land owners including Warren E & P, California Carbon Company, Southern California Edison Company, and the Port of Los Angeles (therefore, not suitable for relocation!)
- Would contain two separate parcels bisected by railroad tracks rather than one large efficient parcel with superior, grade separated access at Pacific Coast Highway which we now enjoy
- Would be particularly inefficient and awkwardly configured rendering them unproductive and inefficient for container storage and repair
- Are obstructed by overhead utility distribution as well as at grade utility structures
- Will be difficult sites to complete improvements on based on the Recirculated Draft EIR construction schedule
- Will result in containers being dislocated by this project being relocated to other Wilmington container storage yards close to residential neighborhoods
- Do not adequately address the rerouting of 107,000 annual round truck trips from Pacific Coast Highway to other Wilmington streets
- Are not on the overweight corridor despite assertions to the contrary in the RDEIR
- Are subject to future eminent domain taking as a result of a Port of Long Beach project (Pier B On Dock Rail Support project and possibly other projects)

R91-8

A recurring reference throughout the RDEIR is to California Carbon Company. California Carbon Company occupies a site proximate to the Project, but is not included in the footprint of the Project. Nevertheless, many of the access issues previously addressed in this letter apply to California Carbon Company. Significantly, California Carbon Company occupies a site owned by Fast Lane and is a **tenant** of Fast Lane. I have found several references in the RDEIR to California Carbon Company as a **subtenant** which is incorrect.

Although, as previously stated in this letter, Fast Lane does not have the resources to construct improvements and infrastructure necessary to continue our business operations in the event our existing improvements and infrastructure are taken from us, and irrespective of whom would be responsible for the construction of new facilities, this brings up another concern, and that is the construction schedule of the Project. The construction time line for the Project in the RDEIR is repeatedly referenced as the three years between 2013 and 2015. Apparently, the construction of our relocated facilities would take place during that same time frame (for the purpose of analysis). I have concerns that the construction of relocation improvements and infrastructure for Fast Lane could not be accomplished during that time line since all of the following would have to be accomplished:

R91-9

- Selection of an adequate relocation site (as addressed previously in this letter)
- Ensuring of proper zoning, entitlement, and permitting for container storage (particularly for six high stacking) and repair
- Hazardous contamination remediation (if any)
- Relocation of utilities and other obstructions
- Street vacation of existing roads
- Demolition of existing improvements
- Planning and Design of new facility
- Obtaining permits for new facility
- Construction of new facility
- Installation of utilities and communication support for new facility
- Testing of all systems
- Uninterrupted relocation to new facility

R91-10

I'm concerned about the comment "...fewer containers would be present in the Project site during demolition and construction activities..." in Chapter 3.7, page 26. This implies a loss of storage revenue. This is another factor that could jeopardize Fast Lane's viability.

R91-11

With regard to Chapter 3.8, Land Use, page 3.8-11, how will relocation be compatible (or not) with the Wilmington-Harbor City Community Plan regarding access, landscaping, height limitations, noise, and view mitigation?

R91-12

In the same chapter, page 25, what will be the economic impact of operating a non-contiguous parcel operation bisected by a public road *and* an active rail line? What about employee and visitor access and emergency access/evacuation? I have to say that the assessment the "degree of separation would be minor" (page 3.8-25) is disingenuous and uninformed with regard to the impact on our business. The impact on our business and our reputation will suffer and will continue to suffer as a result of poorly planned access including bisection by public roads and at grade rail crossing delays. It's ironic that with regard to the SCIG and the Alameda Corridor, both projects were designed, in part, to relieve highway congestion and could now be contributing to ongoing congestion and blockage for our company.

R91-13

There is also a question of proper zoning for these Potential Relocation Sites. There are specific requirements including a permitting process that would have to be completed long before relocation could be accomplished.

Other concerns with the RDEIR include the statement that the Project would be “consistent with existing zoning” in the Executive Summary, page 25. While the Potential Relocation Sites may be properly zoned for container storage and repair, the land will probably have to be further entitled for this land use due to recent changes in the Los Angeles Municipal Code 12.21 A.22 as included below:

Los Angeles Municipal Code 12.21 A

22. (Added by Ord. No. 177,244, Eff. 2/18/06.) Cargo Container Storage Yard. Cargo container storage yards may be permitted by right in the M3 Zone. The following standards shall apply to all cargo container storage yards, except those located in whole or in part within the boundaries of the Port of Los Angeles Community Plan Area.

(a) The following provisions apply to the stacking of cargo containers:

(1) The stacking of cargo containers more than 20 feet high shall only be permitted if a structural analysis done by a licensed engineer or architect in the State of California is submitted to and approved by the Los Angeles Department of Building and Safety (LADBS).

(2) Cargo container stacking within 300 feet or less of a residential zone shall be limited to a maximum height of 30 feet. There is no maximum container height limit beyond 300 feet of a residential zone, except as limited by any applicable height limitation and Paragraph (h)(1) below.

(b) Cargo container storage yards shall obtain a "use of land" permit from LADBS for one or more contiguous lots maintained as one site.

(c) The perimeter of each site with a separate "use of land" permit shall be enclosed by a minimum eight-foot high fence or wall.

(1) Fencing may be constructed of chain-link, however fencing adjacent to a Class I or II Major Highway shall also comply with Paragraph (h)(3) below; and

(2) Fencing shall be maintained in good condition and appearance. All walls, fences and other structures shall be maintained free of graffiti; and

(3) Sheet metal shall be prohibited as a fencing material; and

(4) There shall be no requirement to fence each individual lot where multiple lots are maintained as one site under a valid "use of land" permit, including individual lots that may be separated by a public right-of-way, easement or other land occupied by a revocable permit.

(d) The entire site shall be graded pursuant to Chapter IX of this Code.

R91-13

(e) All driveways, access ways and parking areas shall be covered with a decomposed granite, crushed gravel or similar material and be treated with dust control methods.

(f) An annual site inspection shall be conducted by LADBS pursuant to Section 12.26 F. of this Code.

(g) All containers must be empty and cleaned of any residue which may pose any kind of physical or health risk.

(h) In addition to the above specified requirements, the following conditions shall also apply to sites that are located adjacent to a Class I or II Major Highway. However, for those portions of the site that are separated from the roadway by a grade change of more than ten feet within five feet of the property line, Subparagraphs (2) and (3) of this paragraph shall not apply:

(1) Cargo container stacking shall be limited to a maximum height of 20 feet within 20 feet of the property line adjoining a Class I or II Major Highway. There is no maximum cargo container height limit beyond 20 feet of a Class I or II Major Highway, except as limited by Paragraph (a) above.

(2) A minimum five foot setback shall be provided along the street frontage adjacent to a Class I or II Major Highway. The setback shall be fully landscaped with drought resistant plants, ground cover and trees; with one minimum 15-gallon size tree planted for each 15 linear feet of street frontage and minimum three shrubs for each tree. The entire landscaped area shall be well maintained at all times.

(3) A solid wall or fence shall be required on the street frontage adjacent to a Class I or II Major Highway. The wall or fence shall be located within the required setback, and at the rear of the landscaped area between the landscaping and the use. A chain-link fence with slats and growing vines may be permitted in place of a solid wall or fence.

R91-13

Also, the statement on the same page (ES-25) that the Project “would not physically divide or isolate any communities” does not take into consideration that in the after condition, our access to Pacific Coast Highway, the main east/west thoroughfare in Wilmington and the primary truck route used by our drivers and the drivers of our customers-a highly desirable access point, would no longer be available to us.

R91-14

Another concern with regard to land use is the introduction of container stacks where none currently exist. Container storage is a sensitive issue in Wilmington, and I do not want to face community opposition simply because we were forced to relocate.

R91-15

R91-15

↑ In the Executive Summary, page 30, the statement “Although the Proposed Project... would result in some business displacement, those displacements are not expected to lead to urban blight” begs further evaluation due to the possibility that, due to the deficiency of the Potential Relocation Sites, we may have to expand into an area of the community in which containers, although permitted, may not be the most desirable land use.

R91-16

Fast Lane Transportation, Inc. has widespread community support for adequate relocation. The Port Community Advisory Committee has approved a motion to recommend to the Board of Harbor Commissioners for the following:

Board of Harbor Commissioners direct Port staff to make sufficient Port land available to Fast Lane Transportation to ensure Fast Lane can relocate and continue its operations within Wilmington.

Fast Lane also has strong support from the Wilmington Neighborhood Council and the Wilmington Chamber of Commerce. We also have the support of dozens of other elected officials, individuals, and local organizations for the Port to ensure that we have adequate relocation to continue our business operations.

R91-17

Finally, it is concerning that, while this is a Port project and the Port of Los Angeles is the lead agency with regard to the creation of the Environmental Impact Report, the Port has delegated the duty to acquire private property to BNSF Railway. This leaves me with a sense of apprehension since we will not be dealing with a public agency subject to the scrutiny of elected officials and the transparency required of a city agency. This apprehension is heightened because, as discussed earlier, the acquiring entity is not the entity that can facilitate the necessary components of relocation is discussed in this letter. Only after seven years since the issuance of the NOP has the designation of BNSF Railway as the acquirer of private property necessary for the Project been conclusive articulated. Could the acquiring entity be changed again? What then? How many changes can be made before substantial accountability is completely attenuated.

Similarly, I understand the Port may be relocating certain affected business owners onto sites which *are* owned by the Port, but will not be involved with relocation to areas outside of Port owned property. If the Potential Relocation Sites turn out not to be suitable for the relocation of Fast Lane, I have concerns that we will not be able to obtain the assistance necessary to make relocate onto an adequate site with a smooth transition.

Thank you for allowing me the opportunity to comment on the contents of the SCIG RDEIR. I look forward to your satisfactory responses to my questions and concerns.

Respectfully,



Patrick Wilson
President

Exhibit "A"



City of Los Angeles
Department of Public Works
OVERWEIGHT CONTAINER CORRIDOR

WILMINGTON DISTRICT

ALAMEDA STREET
ANAHEIM STREET east of Eubank Ave.
ANCHORAGE ROAD
AVALON BOULEVARD south of Harry Bridges Blvd.
BANNING BOULEVARD from G St. to E St.
BANNING BOULEVARD from D St. to C St.
BROAD AVENUE south of Harry Bridges Blvd.
C STREET from Broad Ave. to Lecouvreur Ave.
CANAL AVENUE
COIL AVENUE north of Hwy 1 (PCH)
COLON STREET from Sanford Ave. to
909 E. Colon St.
D STREET from Broad Ave. to McFarland Ave.
E STREET from Broad Ave. to Alameda St.
EUBANK AVENUE between Anaheim St. and
Harry Bridges Blvd.
F STREET from Quay Ave. to Banning Blvd.
F STREET from Eubank Ave. to Pioneer Ave.
FALCON STREET
FLINT AVENUE from Anaheim St. to end south of
F St.
FRIES AVENUE south of Harry Bridges Blvd.
G STREET from the Alley east of Broad Ave. to
Watson Ave.
HARRY BRIDGES BOULEVARD
HENRY FORD AVENUE
HERMOSA STREET
LA PALOMA STREET
LAKME AVENUE from D St. to Harry Bridges Blvd.
LECOUVREUR AVENUE from end north of E St. to
C St.
MCFARLAND AVENUE from G St. to end south of
F St.
NEPTUNE AVENUE south of Harry Bridges Blvd.
O STREET from Coil Ave. to Alameda St.
PENNISULA ROAD
PIER A STREET
PIER A PLACE
PIONEER AVENUE from Anaheim St. to G St.
QUAY AVENUE from G St. to Harry Bridges Blvd.
SAN CLEMENTE STREET
SANFORD AVENUE from Anaheim St. to E St.
SANFORD AVENUE from 130 south of Hwy 1 (PCH) to
Colon St.
SEPULVEDA BOULEVARD from the City of Long
Beach to the City of Carson
SHORE ROAD
WALTER STREET
WATSON AVENUE from Anaheim St. to G St.
YACHT STREET

SAN PEDRO DISTRICT

ADAMS DRIVE
ADMIRAL HIGBEE WAY
FERRY STREET
FRONT STREET
HARBOR BOULEVARD
JOHN S. GIBSON BOULEVARD
MINER STREET
OUTER STREET
PACIFIC AVENUE from Front St. to
John S. Gibson Blvd.
REGAN STREET
SIGNAL STREET

TERMINAL ISLAND DISTRICT

ALTOONA PLACE
BARRACUDA STREET
BASS STREET
CANNERY STREET
CARACK AVENUE
EARLE STREET
FERRY STREET
MORMON STREET
MORRIS STREET
NAVY WAY
NEW DOCK STREET
OCEAN AVENUE
PILCHARD STREET
SARDINE STREET
SEASIDE AVENUE
TERMINAL WAY
TUNA STREET
WAYS STREET
WHARF STREET

1 Comment Letter R91: Fast Lane Transportation, Inc.**2 Response to Comment R91-1**

3 Please see Master Response 8, Displaced Businesses, which explains why the disposition
4 of the displaced businesses is not a CEQA issue and therefore does not need to be
5 resolved in the EIR (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).
6 See also response to Comment R139-1. The commenter's assertion that containers would
7 migrate to other storage locations in Wilmington with impacts to the residential
8 community is speculative, as the commenter offers no evidence as a basis of knowing
9 that future locations of container storage would be near residential neighborhoods or
10 would have impacts on the residential community.

11 Response to Comment R91-2

12 Please see Master Response 8, Displaced Businesses and the response to Comments
13 R139-4.

14 Response to Comment R91-3

15 Please see Master Response 8, Displaced Businesses. Fast Lane's remaining acreage that
16 is not affected by the Project is approximately 26 acres, and it is up to Fast Lane's
17 business operation design to utilize the relocation sites offered in combination with the
18 unaffected footprint as best as possible. Although the alternate sites are irregularly-
19 shaped, and bisected by roads they are still available for some use. The RDEIR
20 environmental analysis did not specify exactly what activities would occur on what sub-
21 portions of Fast Lane's overall property, but rather modeled reasonable activity
22 assumptions across all of Fast Lane's overall property.

23 For the purposes of an analysis of the impacts of these businesses, the RDEIR assumed
24 that these businesses would move to the proposed locations. This does not mean that
25 they actually must or will move to such locations, but that for the purpose of analysis the
26 lead agency made such assumptions. Because it is difficult to precisely forecast future
27 actions, the DEIR and RDEIR have based the analysis on reasonable assumptions. (*State*
28 *Water Resources Control Bd. Cases* (2006) 136 Cal. App. 4th 674, 797.) An EIR is
29 allowed to "make reasonable assumptions based on substantial evidence about future
30 conditions without guaranteeing that those assumptions will remain true."
31 (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal App.4th
32 1018,1036).

33 Response to Comment R91-4

34 Please see Master Response 8, Displaced Businesses. Regarding issues of access to the
35 potential relocation sites, see responses to Comment R55-2, R55-3, and R56-2 and R56-
36 3. Regarding issues of air quality and traffic analyses Fast Lane is included as part of the
37 alternate business site analysis and its traffic is accounted for in all analysis scenarios
38 including air quality and traffic. The analysis does include all trips generated from the
39 proposed alternate business site for all scenarios. RDEIR Section 3.10.3.5.1 describes
40 both the baseline and proposed Project condition for the project site from the Pacific
41 Coast Highway entrance and Sepulveda Boulevard entrance as well as the Alternate
42 Business site. Specifically, the RDEIR traffic analysis (see RDEIR Section 3.10) did
43 account for Fast Lane trucks using the East "I" Street entrance to the property. The

1 condition of East “I” Street is not a CEQA issue and therefore was appropriately not
2 evaluated in the RDEIR. Maintenance of roadways is within the jurisdiction of Caltrans
3 and LADOT.

4 With respect to the commenter’s observations on the suitability of the alternate business
5 site analyzed, see the response to comment R91-3.

6 **Response to Comment R91-5**

7 Please see Master Response 8, Displaced Businesses. Regarding issues of access to the
8 relocation sites, please see response to comments R55-2 and R55-3. POLA Engineering
9 Division (POLA, 2012) has identified East “I” Street leading to Anaheim Street as a
10 heavy container corridor. Trucks are already using this route. In addition the alternate
11 business locations have direct access to the state highway 103 access ramps.

12 **References**

13 Port of Los Angeles (POLA). 2012. “Port of Los Angeles Heavy Container Corridor.”
14 Engineering Division. Accessed online at:
15 http://www.portoflosangeles.org/maritime/heavy_container.asp

16 **Response to Comment R91-6**

17 Please see Master Response 8, Displaced Businesses.

18 **Response to Comment R91-7**

19 See Master Response 8, Displaced Businesses. The points raised in this comment
20 reiterate comments R91-2 through R91-6 and are responded to in those comments. In
21 addition, for the first five bulleted items on the commenter’s list of concerns regarding
22 the alternate sites, including reduced land area, land already occupied by Fast Lane, a
23 public road access used by others as not suitable for relocation, and the configuration of
24 the parcels, the commenter is referred to responses to comment R139-4 and R139-5.

25 In response to the comment regarding access to the alternate site shared by various
26 businesses, see response to comment R55-2.

27 Regarding the suitability of the alternate business site due to obstruction by overhead
28 utility distribution as well as at grade utility structures, see the response to comment R91-
29 3.

30 The comment that containers dislocated by the proposed project would go to other
31 Wilmington container storage yards close to residential neighborhoods, is speculative as
32 the commenter offers no evidence as a basis of knowing future locations near residential
33 neighborhoods.

34 In response to the comment regarding traffic analysis of Fast Lane’s business, the
35 proposed Project site tenant Fast Lane is included as part of the alternate business site
36 analysis and its traffic is accounted for in all analysis scenarios. The analysis does include
37 all trips generated from the proposed alternate business site for all scenarios. Section
38 3.10.3.5.1 describes both the baseline and proposed Project condition for the project site
39 from the Pacific Coast Highway entrance and Sepulveda Boulevard entrance as well as
40 the Alternative Business site.

41 In response to the comment that the alternate site is not on the overweight corridor, see
42 response to comment R91-5.

1 Regarding future eminent domain for the Pier B On-Dock Rail Support project, the
2 alternate site property is owned by the LAHD, a public agency, and the project sponsor of
3 the Pier B project is the Long Beach Harbor Department, also a public agency. The Pier
4 B project has had a Notice of Preparation and Initial Study published in August, 2009
5 (POLB, 2009) but there is not yet a draft environmental impact report (EIR) released for
6 public review, EIR certification or project approval by the Long Beach Harbor
7 Department. Therefore, it is premature for the commenter to conclude what, if any,
8 impact the proposed Pier B project will have on the SCIG Project including the alternate
9 site parcels, such as proposed land acquisition by condemnation or otherwise. If an
10 agency seeks to condemn land already appropriated to a public use by another agency
11 (either actually being used for a public purpose or set aside in anticipation of a specified
12 use in the near future) it is often protected from further appropriation under the doctrine
13 of prior public use. The California Supreme Court has described this doctrine as a
14 “general exemption from condemnation given to property previously put to a public use.”
15 *County of Marin v. Superior Court* 53 Cal.3d 633, 642 (1960); California Code of Civil
16 Procedure Section 1240.610-1230.700. The Long Beach Harbor Department could pursue
17 a transaction to acquire the property from LAHD or seek a court determination that its
18 public use was a more necessary public use under California Code of Civil Procedure
19 Section 1240.610, however it is beyond the scope of the RDEIR to discuss such potential
20 contingent future events. The RDEIR complies with CEQA by properly assessing the
21 impacts of the proposed project including the alternate site property that is already owned
22 by LAHD.

23 References

24 Port of Long Beach (POLB). 2009. “Notice of Preparation/Initial Study.” Environmental
25 Documents. Accessed online at: <http://www.polb.com/environment/docs.asp>.

26 Response to Comment R91-8

27 In response to the comment regarding access to the alternate site shared by various
28 businesses, see response to Comment R55-2.

29 Response to Comment R91-9

30 The RDEIR assumes three years of construction activities necessary to fully construct the
31 SCIG facility, including site preparation, demolition, grading, paving, construction of
32 buildings, installation of rail lines, and many other activities. The construction plan for
33 the SCIG site was based on preliminary engineering design of the site and detailed
34 construction planning provided by BNSF. It is therefore reasonable to assume, for
35 purposes of the analysis, that construction of a much smaller alternate business site for
36 Fast Lane could occur within the same time period as the SCIG facility since much less
37 activity would be needed to construct the alternate business site.

38 Response to Comment R91-10

39 Please see Master Response 8, Displaced Businesses.

40 Response to Comment R91-11

41 Please see response to comment R91-13.

1 Response to Comment R91-12

2 Please see Master Response 8, Displaced Businesses. In response to the comments
3 regarding access including emergency access to the alternate business sites, please see
4 responses to comments R55-2 and R55-3.

5 Response to Comment R91-13

6 Section 3.8.4.3, Impact LU-1, of the RDEIR specifically discusses the land uses and
7 zoning of the alternate sites for businesses. No incompatibility with existing zoning or
8 use designations was identified. Although not specifically described in the RDEIR, it is
9 the case that the nearest residential zone is well over 1,000 feet from the alternate
10 business sites, meaning that incompatibility of Fast Lane's operations with the zoning
11 language quoted in the comment is extremely unlikely.

12 Response to Comment R91-14

13 The analysis under impact LU-3 followed the City of Los Angeles CEQA thresholds and
14 the commenter's assertion regarding the loss of access to the PCH driveway is not an
15 appropriate criterion under this threshold. Accordingly the analysis complies with CEQA.

16 Response to Comment R91-15

17 Please see the response to Comment R91-13.

18 Response to Comment R91-16

19 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
20 and is therefore before the decision-makers for their consideration prior to taking any
21 action on the SCIG project. The comment is general and does not reference any specific
22 section of the DEIR or RDEIR, therefore no further response is required (Public
23 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

24 Response to Comment R91-17

25 Please see Master Response 8, Displaced Businesses.

26
27

**NATURAL RESOURCES DEFENSE COUNCIL
EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE
COALITION FOR CLEAN AIR
SAN PEDRO AND PENINSULA HOMEOWNERS COALITION
LONG BEACH ALLIANCE FOR CHILDREN WITH ASTHMA
COMMUNITY DREAMS
COALITION FOR A SAFE ENVIRONMENT
CALIFORNIA KIDS IAQ
COMMUNITIES FOR A BETTER ENVIRONMENT
ENDOIL/COMMUNITIES FOR CLEAN PORTS
WEST LONG BEACH ASSOCIATION
URBAN AND ENVIRONMENTAL POLICY INSTITUTE, OCCIDENTAL
COLLEGE
SAN PEDRO DEMOCRATIC CLUB
GREATER LONG BEACH INTERFAITH COMMUNITY
ORGANIZATION**

VIA EMAIL AND HAND DELIVERY

November 12, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Revised Draft Environmental Impact Report: Southern California International Gateway (SCIG)

Dear Mr. Cannon:

This letter is written on behalf of the Natural Resources Defense Council, East Yard Communities for Environmental Justice, Coalition for Clean Air, San Pedro and Peninsula Homeowners Coalition, Long Beach Alliance for Children with Asthma, Community Dreams, Coalition For A Safe Environment, California Kids IAQ, Communities for a Better Environment, EndOil/Communities for Clean Ports, West Long Beach Association, Urban and Environmental Policy Institute, Occidental College, San Pedro Democratic Club, and the Greater Long Beach Interfaith Community Organization. We appreciate the opportunity to present our concerns about the SCIG project and the current revised SCIG draft environmental impact report (RDEIR). In our view, the RDEIR shows that the project is not needed until 2046 at the earliest and will violate the civil rights of the environmental justice communities that surround the project site. Our detailed comments follow.

I. CONSTRUCTION AND OPERATION OF SCIG WILL VIOLATE THE CIVIL RIGHTS OF THE ENVIRONMENTAL JUSTICE COMMUNITIES NEAR THE PROJECT

A. *Approval Of SCIG Will Be An Intentional Decision To Disproportionately Harm The Low Income, Minority Communities Near The Project*

The RDEIR frankly admits that the construction and operation of SCIG will violate the civil rights of nearby minority and low-income residents.

The proposed Project's individual impacts are described for each resource in Chapter 3, and contributions to cumulative impacts in Chapter 4. The proposed Project would have significant impacts related to aesthetics (AES-1), air quality (AQ-1, AQ-2, AQ-4, AQ-7), cultural resources (CR-2), land use (LU-4), and noise (NOI-6) that would remain significant after mitigation. With these unavoidable impacts, the Proposed Project would have new, significant effects with respect to minority and low-income populations. *Those impacts would fall disproportionately on minority and low-income populations because the census block groups adjacent to the point of impact (the eastern edge of the Project site) constitute minority populations, and some (i.e., all or parts of census tracts 5727, 5728, 5729, and 5755) constitute low-income populations.*

RDIER 6-11-6-12 (emphasis added).

With respect to air quality, the RDEIR admits that, even after the proposed mitigation measures, significant impacts will remain—impacts that are disproportionately high on nearby minority and low-income populations. RDEIR 6-12-6-13. In particular:

Construction of proposed Project will generate emissions that exceed SCAQMD significance thresholds for VOC, CO, NO_x, PM₁₀ and PM_{2.5}, representing a significant impact. In addition, these emissions combined with emissions from other concurrent construction projects in the area will represent a cumulatively considerable contribution to a significant cumulative impact. The mitigation measures proposed in the RDEIR (MM AQ-1 through MM AQ-6) will fail to keep construction emissions below the significance thresholds. These emissions will constitute a disproportionately high and adverse effect on minority and low-income populations.

Construction of proposed Project will also generate off-site ambient pollutant concentrations that exceed SCAQMD significance thresholds for 1-hour and annual NO₂, 24-hour and annual PM₁₀, and 24-hour PM_{2.5} representing a significant impact. In addition Project construction activities combined with other concurrent construction projects in the area would also represent a cumulatively considerable contribution to a significant cumulative impact for ambient pollutant concentrations. The mitigation measures proposed in the RDEIR (MM AQ-1 through MM AQ-3) will fail to keep construction-related emissions of NO₂ and

R92-1

PM10 below the one-hour and annual significance thresholds (for NO2) and the annual threshold for PM10. Again, these emissions will constitute a disproportionately high and adverse effect on minority and low-income populations.

Operation of the project – expected to last until 2066 or later – will generate local, off-site ambient pollutant concentrations that exceed SCAQMD significance thresholds for 1-hour and annual NO2, 24-hour and annual PM10, and 24-hour PM2.5, representing significant impacts. In addition, Project operations combined with other past, present and reasonably foreseeable future projects in the area (possibly including the ICTF enlargement and the I-710 widening) will represent a cumulatively considerable contribution to a significant cumulative impact for ambient pollutant concentrations. The mitigation measures proposed in the RDEIR will fail to keep the 1-hour and annual NO2, 24-hour and annual PM10, and 24-hour PM2.5 levels below significance levels. Again, these emissions will constitute a disproportionately high and adverse effect on minority and low-income populations.

Construction and operation of the proposed Project will also expose receptors to significant levels of toxic air contaminants resulting in increased cancer risk above the significance threshold for residential, occupational, sensitive, student and recreational receptors. In addition Project construction and operational activities combined with other concurrent projects in the area will represent a cumulatively considerable contribution to a significant cumulative health risk impact. Even after application of the proposed mitigation measures, considering the cancer risk from toxic air contaminants in the Port region, the Project will make a cumulatively considerable contribution to the significant health risk impact to the predominantly minority and low-income population in the Port region; this impact will constitute a disproportionately high and adverse effect on minority and low-income populations.

B. The Public Health Impact On The Neighboring Communities Will Be Severe

Most of the equipment that would be used to build SCIG and to transport freight to and from SCIG, including trucks, trains, ships, and cranes, are powered by diesel engines. These engines emit fine particulate matter (particles that are 2.5 microns or less in diameter or “PM2.5”), nitrogen oxides (NOx), and volatile organic compounds (VOCs) along with many other toxic chemicals.

Health effects of particulate matter: Numerous studies have documented a wide range of adverse health impacts from exposure to PM, including increased rates of respiratory illness and asthma, cardiovascular disease, heart attacks, strokes, emergency room visits, and premature

death.¹ Near-roadway exposure to particulate matter has also been linked to birth defects, low birth weights, and premature births.² Emerging studies have shown a potential connection between exposure to fine PM and diabetes, as well as cognitive decline and other serious impacts to the brain.³

¹ Kuenzli, N., M. Jerrett, W.J. Mack, B. Beckerman, L. LaBree, F. Gilliland, D. Thomas, and H.N. Hodis. "Ambient Air Pollution and Atherosclerosis in Los Angeles," *Environmental Health Perspective* 113 (February 2005):201-6.

Miller, K.A., D.S. Siscovick, L. Sheppard, K. Shepherd, J.H. Sullivan, G.L. Anderson, and J.D. Kaufman. "Long-term Exposure to Air Pollution and Incidence of Cardiovascular Events in Women," *New England Journal of Medicine* 1:356 (February 2007):447-58.

Hoffman, B., S. Moebus, S. Mohlenkamp, A. Stang, N. Lehman, D. Dragano, A. Schmermund, M. Memmesheimer, K. Mann, R. Erbel, and K.-H. Jockel. "Residential Exposure to Traffic Is Associated With Coronary Atherosclerosis," *Circulation*, published online July 16, 2007, DOI:10.1161 / CIRCULATIONAHA.107693622.

Pope, C.A., J.B. Muhlestein, H.T. May, D.G. Renlund, J.L. Anderson, and B.D. Horne. "Ischemic Heart Disease Events Triggered by Short-term Exposure to Fine Particulate Air Pollution," *Circulation* 114 (December 5):20062443-8.

Schwartz, J., D. Slater, T.V. Larson, W.E. Person, and J.Q. Koenig. "Particulate Air Pollution and Hospital Emergency Room Visits for Asthma in Seattle," *American Review of Respiratory Disease* 147 (April 1993):826-31.

Jerrett, M., R.T. Burnett, R. Ma, C.A. Pope, D. Krewski, K.B. Newbold, G. Thurston, Y. Shi, N. Finkelstein, E.E. Calle, and M.J. Thun. "Spatial Analysis of Air Pollution and Mortality in Los Angeles," *Epidemiology* 16 (November 2005):727-36.

Mustafic, H., et al. "Main Air Pollutants and Myocardial Infarction: A Systematic Review and Meta-analysis," *JAMA*, February 15, 2012.

Wellenius, G.A., et al. "Ambient Air Pollution and the Risk of Acute Ischemic Stroke," *Archives of Internal Medicine*, Vol. 172, No. 3, February 13, 2012.

² Ritz, B., M. Wilhelm, and Y. Zhao. "Air Pollution and Infant Death in Southern California, 1989–2000," *Pediatrics* 118 (August 2000):493-502.

Ritz, B., and M. Wilhelm. "Residential Proximity to Traffic and Adverse Birth Outcomes in Los Angeles County, California, 1994–1996," *Environmental Health Perspectives* 111 (February 2003):207-16.

Wilhelm, M., and B. Ritz. "Local Variations in CO and Particulate Air Pollution and Adverse Birth Outcomes in Los Angeles County, California, USA," *Environmental Health Perspectives* 113 (September 2005):1212-21.

³ Volk, H. "Residential Proximity to Freeways and Autism in the CHARGE Study," *Environmental Health Perspectives*, 2010. Available online December 16, 2010, DOI: 10.1289/ehp.1002835, at <http://dx.doi.org>.

Anderson, Z.J., et al. "Diabetes Incidence and Long-Term Exposure to Air Pollution: A Cohort Study," *Diabetes Care*, November 10, 2011; 10.2337/dc11-1155. <http://care.diabetesjournals.org/content/early/2011/11/03/dc11-1155.abstract>.

Calderón-Garcidueñas, L., et al. "Neuroinflammation, Hyperphosphorylated Tau, Diffuse Amyloid Plaques, and Down-Regulation of the Cellular Prion Protein in Air Pollution Exposed Children and Young Adults," *Journal of Alzheimer's Disease*, Vol. 28, No. 1, 2012. Available at:

Health effects of nitrogen oxides: NO_x can have a toxic effect on the airways, leading to inflammation, asthmatic reactions, and worsening of allergies and asthma symptoms.⁴ In addition, NO_x reacts with VOCs in sunlight to form ozone—also known as smog. This layer of brown haze contributes to decreased lung function and increased respiratory symptoms, asthma, emergency room visits, hospital admissions, and premature deaths.⁵ Ozone can also cause irreversible changes in lung structure, eventually leading to chronic respiratory illnesses, such as emphysema and chronic bronchitis.⁶

Health effects of diesel exhaust: The soot in diesel exhaust—diesel PM—is especially toxic, not only because of the very small size of the soot particles (*see above*), but also because these particles contain roughly 40 different toxic air contaminants, 15 of which are recognized carcinogens.⁷ In fact, diesel PM itself has been identified as a carcinogen (cancer-causing agent) by the World Health Organization as well as the State of California,⁸ which lists it as a “Toxic Air Contaminant.” Dozens of studies have shown a high risk of lung cancer for those in occupations with high diesel exposures, including rail workers, truck drivers, and miners. Recent studies of miners indicate that the most heavily exposed workers have a risk of lung cancer

<http://iospress.metapress.com/content/vux3g01201610607/?p=2437bdf11554408d8cc9060c28d77f1c&pi=82>.

Weuve, J., et al. “Exposure to Particulate Air Pollution and Cognitive Decline in Older Women,” *Archives of Internal Medicine*, Vol. 172, No. 3, February 13, 2012.

⁴ Davies, R.J., C. Rusznak, M.A. Calderon, J.H. Wang, M.M. Abdelaziz, and J.L. Devalia. “Allergen-Irritant Interaction and the Role of Corticosteroids,” *Allergy* 52, (Suppl. 38) (1997):59–65.

Davies, R.J., C. Rusznak, and J.L. Devalia. “Why Is Allergy Increasing?—Environmental Factors,” *Clinical & Experimental Allergy* 28, (Suppl. 6) (1998):8–14.

⁵ U.S. Environmental Protection Agency. *Provisional Assessment of Recent Studies on Health and Ecological Effects of Ozone Exposure*, Washington, D.C., EPA/600/R-09/101, 2009.

⁶ Hodgkin, J.E., D.E. Abbey, G.L. Euler, and A.R. Magie. “COPD Prevalence in Nonsmokers in High and Low Photochemical Air Pollution Areas,” *Chest* 86 (1984):830-838.

Abbey, D.E., F. Petersen, P.K. Mills, and W.L. Beeson. “Long-term Ambient Concentrations of Total Suspended Particulates, Ozone, and Sulfur Dioxide and Respiratory Symptoms in a Nonsmoking Population,” *Archives of Environmental Health* 48 (1993):33–46.

⁷ Diesel exhaust contains the following toxic constituents: acetaldehyde, acrolein, aniline, antimony compounds, arsenic, benzene, beryllium compounds, biphenyl, bis[2-ethylhexyl]phthalate, 1,3-butadiene, cadmium, chlorine, chlorobenzene, chromium compounds, cobalt compounds, cresol isomers, cyanide compounds, dioxins and dibenzofurans, dibutylphthalate, ethyl benzene, formaldehyde, hexane, inorganic lead, manganese compounds, mercury compounds, methanol, methyl ethyl ketone, naphthalene, nickel, 4-nitrobiphenyl, phenol, phosphorus, POM including PAHs and their derivatives, propionaldehyde, selenium compounds, styrene, toluene, xylenes.

www.oehha.ca.gov/public_info/facts/dieselfacts.html;

www.oehha.ca.gov/air/toxic_contaminants/html/Diesel%20Exhaust.htm.

⁸ www.oehha.ca.gov/prop65/prop65_list/files/P65single021712.pdf;

http://press.iarc.fr/pr213_E.pdf.

approaching that of heavy smokers; studies also show that elevated risks of lung cancer apply not only to workers but to the general population in areas with high levels of diesel PM (e.g., near freeways and busy freight corridors).⁹ Moreover, diesel pollution is estimated to contribute to more than half of the 9,200 premature deaths attributable to outdoor air pollution in California.¹⁰

People who live or go to school near ports, rail yards, distribution centers, freight roadways and other diesel “hot spots” face disproportionate exposure to diesel exhaust and associated health impacts, including increased risks of asthma and other respiratory effects, cancer, adverse birth outcomes, adverse impacts to the brain (including potentially higher risk of autism), heart disease, and premature death.¹¹

⁹ Silverman, D.T., et al. “The Diesel Exhaust in Miners Study: A Nested Case-Control Study of Lung Cancer and Diesel Exhaust,” *Journal of the National Cancer Institute*, Vol. 104, No. 11, June 6, 2012,

www.oxfordjournals.org/our_journals/jnci/press_releases/silvermandjs034.pdf.

¹⁰ Personal communication, Alvaro Alvarado, California Air Resources Board, March 2012.

¹¹ Kim, J., et al. “Traffic-Related Air Pollution and Respiratory Health: East Bay Children’s Respiratory Health Study,” *American Journal of Respiratory and Critical Care Medicine* 2004;170:520-526.

McConnell, R., et al. “Childhood Incident Asthma and Traffic-Related Air Pollution at Home and School,” *Environmental Health Perspectives* 2010; 118(7):1021-1026.

Van Vliet, P., M. Knape, et al. “Motor Vehicle Exhaust and Chronic Respiratory Symptoms in Children Living Near Freeways,” *Environmental Research* 1997; 74(2):122-32.

Appatova, A.S., et al. “Proximal Exposure of Public Schools and Students to Major Roadways: A Nationwide U.S. Survey,” *Journal of Environmental Planning and Management* 2008; 51(5):631-646.

Nicolai, T., D. Carr, S.K. Weiland, H. Duhme, O. Von Ehrenstein, C. Wagner, and E. von Mutius. “Urban Traffic and Pollutant Exposure Related to Respiratory Outcomes and Atopy in a Large Sample of Children,” *European Respiratory Journal* 2003;21:956–963.

Brunekreef, B.; N.A. Janssen, J. de Hartog, H. Harssema, M. Knape, and P. van Vliet. “Air Pollution From Truck Traffic and Lung Function in Children Living Near Motorways,” *Epidemiology* 1997; 8(3):298-303.

Duhme, H., S.K. Weiland, et al. “The Association Between Self-Reported Symptoms of Asthma and Allergic Rhinitis and Self-reported Traffic Density on Street of Residence in Adolescents,” *Epidemiology* 1996; 7(6):578-582.

Edwards, J., S. Walters, et al. “Hospital Admissions for Asthma in Preschool Children: Relationship to Major Roads in Birmingham, United Kingdom,” *Archives of Environmental Health* 1994; 49(4):223-227.

Gauderman W.J., et al. “Childhood Asthma and Exposure to Traffic and Nitrogen Dioxide,” *Epidemiology* 2005; 16:737-743.

McConnell, R., Berhane K, Yao L, Jerrett M, Lurmann F, Gilliland F, et al. 2006. Traffic, susceptibility, and childhood. *Environ Health Perspect* 2006; 114(5):766-772.

Gauderman WJ et al. Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study. *Lancet* 2007; 369(9561): 571-7.

Moreover, in addition to the huge impacts on residents and workers closest to the sources of emissions, freight operations pose a particularly acute threat to regional air quality. The South Coast Air Basin (SCAB), where the project area is located, consistently ranks near the top of the lists for the nation's most polluted air. Freight transport, including the operations at the Ports, greatly contributes to the persistent failure of the SCAB to meet clean air standards established by EPA. In fact, the SCAQMD has determined that freight movement poses a seriously risk to attainment of air quality standards.

The ports of Los Angeles and Long Beach are the largest in the nation in terms of container throughput, and collectively are the *single largest fixed sources of air pollution* in Southern California. Emissions from port-related sources, such as marine vessels, locomotives, trucks, harbor craft and cargo handling equipment, adversely affect air quality in the local port area as well as regionally. Without substantial control of emissions from port-related sources, it will not be possible for this region to attain federal ambient air quality standards for ozone. Port sources also contribute to cancer risks.¹²

Wilhelm et al.. Environmental Public Health Tracking of Childhood Asthma Using California Health Interview Survey, Traffic, and Outdoor Air Pollution Data. *Environmental Health Perspectives* 2008;116(8):1254-1260.

Meng et al.. Are Frequent Asthma Symptoms Among Low-Income Individuals Related to Heavy Traffic Near Homes, Vulnerabilities, or Both? *AEP* 2008; 18(5):343-350.

Venn et al. Living Near A Main Road and the Risk of Wheezing Illness in Children. *American Journal of Respiratory and Critical Care Medicine* 2001; 164:2177-2180.

Lin, Munsie, Hwang, Fitzgerald, and Cayo.. Childhood Asthma Hospitalization and Residential Exposure to State Route Traffic. *Environmental Research, Section A* 2002; 88:73-81.

English P., Neutra R., Scalf R. Sullivan M. Waller L. Zhu L. Examining Associations Between Childhood Asthma and Traffic Flow Using a Geographic Information System. *Environmental Health Perspectives* 1999; 107(9):761-767.

van Vliet et al.. Motor exhaust and chronic respiratory symptoms in children living near freeways. *Environmental Research* 1997; 74:12-132.

Pearson et al.. Distance-weighted traffic density in proximity to a home is a risk factor for leukemia and other childhood cancers. *Journal of Air and Waste Management Association* 2000; 50:175-180.

Raaschou-Nielsen, O., Hertel, O., Thomsen, B.L., & Olsen, J.H. Air Pollution from traffic at the residence of children with cancer. *Am J Epidemiol* 2001; 153:433-443.

Knox and Gilman. Hazard proximities of childhood cancers in Great Britain from 1953-1980. *Journal of Epidemiology and Community Health* 1997; 51:151-159.

Hoek, Brunekreef, Goldbohn, Fischer, van den Brandt. Association between mortality and indicators of traffic-related air pollution in the Netherlands: a cohort study. *Lancet* 2002; 360(9341):1203-9.

Finkelstein et.al. Traffic Air Pollution and Mortality Rate Advancement Periods. *Am J Epidemiol* 2004; 160:173-177.

Gan, W. Q. Changes in Residential Proximity to Road Traffic and the Risk of Death from Coronary Heart Disease. *Epidemiology* 2010; 21(5):642-649.

¹² SCAQMD, Revised Draft 2012 Air Quality Management Plan, at IV-A-37, available at <http://www.aqmd.gov/aqmp/2012aqmp/RevisedDraft/appIV-A.pdf> (emphasis added).

C. *Approval Of SCIG Will Violate State Civil Rights Law*

The Port is rushing to build a project that will not be needed until 2046, by the Port's own analysis, and that can be built elsewhere with minimal air pollution—in full knowledge that the project will have a disparate and more devastating impact on neighboring minority, low income populations.

As we noted in our comment letter on the first DEIR, the State of California has defined “environmental justice” as:

For the purposes of this section, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

R92-3

Government Code Sec. 65040.12(e). California has addressed this problem in part by enacting Government Code 11135(a), which states that:

No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

Here, the Port receives bond proceeds and other funds from the State and proposed project will be on land that the Port was given by the State to hold in trust for the people of the state—thus triggering the provisions of Section 11135. The RDEIR, by its own words, shows a flat-out violation of this state civil rights law.

D. *Approval Of SCIG Will Violate Federal Civil Rights Law*

The Port of Los Angeles receives funding from the federal Department of Transportation (DOT), including TIGER funds, and the City of Los Angeles receives an enormous amount of funding from DOT. Future DOT funds for the Port and the City will be at risk under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7, if SCIG is approved.

R92-4

DOT Title VI implementing regulations prohibit any agency that receives DOT funding from taking actions that will have a discriminatorily disparate impact. *E.g.*, 49 C.F.R. 21.5(b)(3) (“In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of



↑ race, color, or national origin . . .”).¹³ Persons who believe they have been subjected to discrimination may file a written complaint with the Transportation Secretary no later than 180 days within the date of the alleged discrimination. *Id.* at 21.11(b).

R92-4

The Secretary must “make a prompt investigation.” *Id.* at 21.11(c). This investigation “will include, where appropriate, a review of the pertinent practice and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.” *Id.* The regulations encourage DOT to try to settle complaints informally but, failing that, to refuse or end funding or take certain other steps. 49 C.F.R. 21.13. If SCIG is approved as proposed, we intend to file an administrative complaint under Title VI against the Port and the City.

II. THE RDEIR ADMITS THAT THE SCIG PROJECT IS NOT NEEDED UNTIL 2046 OR LATER

The civil rights and environmental justice impacts of the proposed project are thrown into even sharper focus by the admission in Appendix G4 of the RDEIR that that no new capacity (beyond the “modified maximum” for the currently built facilities) will be needed to accommodate projected cargo demand, whether or not the SCIG project is constructed, through the year 2046 at the minimum.

R92-5

For example, on page G4-6, a projection using 2010 baseline conditions with projected 2035 cargo volume levels, the RDEIR shows “Additional BNSF Yard Capacity Needed” as zero (in red). Page G4-11, the 2035 “No Project” scenario, also shows zero for additional BNSF yard capacity needed. Indeed at page G4-14, the 2046 “No Project” scenario, the need for additional BNSF yard capacity is again zero.

Thus, by the Port’s own admission, there is no need to build this project for the next 34 years. If it is build, the low-income, minority neighbors of the project will be breathing dirty, polluted air for 34 years for nothing.

III. THE ALTERNATIVES ANALYSIS IS AGAIN FLAWED

The RDEIR has added text to the DEIR’s dismissal of the on-dock and zero emission container movement alternatives but has not altered the DEIR’s conclusions. This is an error, particularly since the SCIG project will not be needed until 2046, if then.

R92-6

↓ *On-dock rail.* The RDEIR does not discuss the alternative of building new on-dock intermodal capacity by creating new land by dredging and filling in the harbor, as the Port has done in the

¹³ See also federal Executive Order 12898, which provides in part that: “Pursuant to Title VI of the Civil Rights Act, agencies must ensure that programs or activities receiving federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.”

R92-6 ↑ past for Pier 300/400 and is doing now for the Pier 500 project.¹⁴ If the political will were there, the needed capacity, if any, could be built on new or extended land in the harbor. If the Port disputes this, it needs to show why in its CEQA review of SCIG.

R92-7 | *Zero emission container movement.* The RDEIR now recognizes the substantial work that the Ports of Los Angeles and Long Beach, the South Coast Air Quality Management District, and the Southern California Association of Governments have done to create a zero emission container movement system for imports and exports to and from the Los Angeles ports. But still the RDEIR does not analyze the possibility of requiring—not just hoping for—a progressive requirement for zero emission container movement to and from SCIG beginning when the project begins operation. A similar, graduated program worked to clean up the diesel truck fleet at the Port of Los Angeles¹⁵ and can work at SCIG also, especially given the long time-frame in which the facility is planned to operate.

IV. THE TRAFFIC PROJECTIONS IN THE RDEIR ARE SIGNIFICANTLY LOW BECAUSE THEY ARE BASED ON AN ARBITRARY AND UNSUPPORTED TRIP PER LIFT RATIO

The truck traffic projections in the RDEIR are skewed to be very low because the Port chose to use a fanciful and unsupported “trip per lift” ratio. This ratio measures how many truck trips are associated with each “lift,” or movement of a cargo container between a truck and a railcar. For example, a ratio of 2 means that there are two truck trips per every container lift—typically one to deliver the container, and a second to drive back to the Port or somewhere else off site.

R92-8 | The RDEIR states that truck trips per lift at the SCIG will be substantially less than they are currently at the Hobart-Commerce yard—1.3 vs. 2.1, or a 54% reduction from current conditions. RDEIR, p. 3.10-26.¹⁶ Simply put, if the RDEIR had used a realistic 2.1 ratio, the truck traffic projections would have been 61.5% higher, with accompanying increases in diesel pollution. But it did not.

The RDEIR justifies the reduced ratio on the basis that, under the proposed Project conditions, containers would be moved directly on and off bare chassis, and that these operations would minimize bobtail (tractors with no chassis) generation from the proposed Project site, which ostensibly accounts for 0.826 truck trips per lift at existing intermodal sites, and therefore result in fewer overall truck trips per intermodal lift. RDEIR, p. 3.10-25. Assuming a high TEU volume but relatively few trips per lift allows the RDEIR to simultaneously justify the facility as providing regional benefits in terms of trucks removed from I-710 while projecting no local traffic impacts—a clear logical and practical impossibility.

↓ The description of SCIG’s proposed operations seems to imply that a container on flatcar

¹⁴ See <http://articles.latimes.com/2012/jul/19/business/la-fi-ports-projects-20120720/2> re: Pier 500.

¹⁵ See http://www.portoflosangeles.org/ctp/idx_ctp.asp.

¹⁶ The original DEIR assumed a trip per lift ratio of 1.33, again with no substantiation. DEIR App. C, page 2-2.

(COFC) arrangement will be used. COFC typically involves dray drivers arriving empty with a truck and chassis, picking up a container transferred from rail and leaving the intermodal yard. Delivery of a container in a COFC arrangement would involve leaving the yard with an empty truck and chassis or a bobtail if the chassis was left at the yard. In a California Air Resources Board (CARB) report¹⁷ on Hobart-Commerce's diesel mitigation efforts, intermodal operations are described as follows:

BNSF gathers and delivers containers and some truck trailers on rail, and transfers containers and other freight from and onto rail cars with cargo handling equipment.

This description is consistent with COFC being the dominant freight handling method at Hobart-Commerce. It is possible that existing trailer on flatcar (TOFC) movements at Hobart-Commerce will be completely eliminated at SCIG. In a TOFC arrangement, a dray driver arrives with a bobtail, a container with chassis or a semi-trailer is unloaded from rail and attached to the driver's vehicle. Delivery of a container or a semi-trailer in a TOFC arrangement would involve dropping off a chassis with container or a semi-trailer and leaving the yard with a bobtail. The container with chassis or the semi-trailer would be loaded on rail for delivery.

Fundamentally, however, using a container on flatcar (COFC) as opposed to trailer on flatcar (TOFC) approach does not necessarily reduce trips per lift, and the RDEIR presents no evidence that it will. Instead, the RDEIR premises its analysis on the (unsupported) assumption that fewer bobtails will be generated; however, it does not allow for the possibility that additional chassis would be generated instead. If containers transferred to rail directly on and off chassis replace trailers that were previously transferred to rail on and off bobtails, empty chassis must replace bobtails that were previously generated. The RDEIR fails to recognize this.

The switch to COFC will only result in reduced trips per lift if deadhead (i.e. non-revenue or empty) movements to and from the SCIG or onsite at SCIG are minimized. Several authors have noted that reducing deadhead drayage movements would increase operating efficiency [4, 5]. However, most drayage trips are undertaken by independent owner-operators (IOOs) that have no incentive to balance container movements or to arrive precisely when a container is required to be loaded. Their rates are typically based on a trip that involves arriving empty and picking up a loaded container, or vice versa. Because IOOs rates are based on empty arrival, every intermodal lift translates to about one roundtrip, or two trips per lift, consistent with the 2.1 figure at the Hobart Commerce yard.¹⁸

Moreover, based on recent literature, typical values for trips per lift are approximately two. In a study¹⁹ of intermodal yards in the Chicago area, McGuckin and Christopher found average trips per lift at 10 sites to equal 2.4. Only one site experienced less than 2 trips per lift. A consultant

¹⁷ <http://www.arb.ca.gov/railyard/hra/drftmitplanbnsfhob.pdf>, page 1.

¹⁸ Average trips per lift in excess of two may be experienced through deadhead movements of chassis, containers, or bobtails.

¹⁹ McGuckin, N. and E. Christopher, *Intermodal Truck Traffic: Description and Results of a Survey in Chicago*. ITE Journal, 2000. 70(12): 38-41.

R92-8

for Environ has noted²⁰ that their experience was that rates range between 0.9 and 1.2 round trips per lift (i.e. 1.8 – 2.4 trips per lift), consistent with McGuckin and Christopher. A memorandum included in Appendix G1 from the original DEIR also discussed trip rates, reporting counts from the existing Intermodal Container Transfer Facility (ICTF) operated by Union Pacific Railroad. Trip rates per lift for ICTF range between 1.90 – 2.01.11. A traffic study for a proposed new BNSF intermodal railyard near Gardner, Kansas proposes a 2.4 trip per left ration for 2010, when that project was expected to commence operations.²¹

In sum, the RDEIR selected an unjustified and arbitrary trips per lift number, and thus the projection of future project-related truck trips is too low by a factor of 60% or more. Because the air quality and health risk analyses are each based on the RDEIR’s traffic projections, they are invalid as well.

V. THE RDEIR USES A CEQA BASELINE THAT IS FIVE YEARS LATER THAN THE BASELINE USED IN THE DEIR, BUT THE EFFECT OF THIS CHANGE IS NOT ANALYZED

CEQA Guidelines 15125(a) provides:

R92-9

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

The notice of preparation in this case was published in 2005, and the original DEIR, published in September, 2011, purported to describe traffic and other conditions on the proposed SCIG site as of that date.

However, the RDEIR, published roughly one year later, switched to a 2010 baseline on the theory that:

²⁰ Lindhjem, C. *Intermodal Yard Activity and Emissions Evaluation*. 2008; Available from: http://www.epa.gov/ttnchie1/conference/ei17/session11/lindhjem_pres.pdf.

²¹ See page 11 in Appendix A of the Traffic Technical Report (Attachment A to this comment letter) prepared in support of a NEPA environmental assessment for the proposed Gardner, Kansas project; see also <http://www.scribd.com/doc/17299099/NEPA-Review-Draft-Environmental-Assessment-for-the-BNSF-Inter-Modal-Facility-Proposed-by-BNSF-Railway-Company-Near-Gardner-In-Johnson-County-Kansas> for the entire EA including the Traffic Technical Report (Appendix C).

[T]he time that has elapsed between the release of the NOP and the release of the Draft EIR is long enough such that 2005 is no longer an appropriate baseline to use for the purpose of this analysis... The year 2010 was selected based on a complete data set that was readily available and accessible for the entire calendar year when this revised analysis was initiated in early 2012.

R92-9

RDEIR, Appendix H, p. H-2. Of course, one year of the elapsed time cited is due to the Port's decision to publish a legally indefensible DEIR in 2011 and then take a year to recirculate it. The RDEIR does not analyze what difference, if any, this change in baseline made to the traffic and air quality analyses—even though it stands to reason that truck traffic on the site was higher in 2010 than in 2005 as economic conditions improved after the 2008 recession. A too-high baseline combined with too-low future traffic projections (because of the trips per lift problem) distorts and reduces the environmental impacts of a project and lessens the need for possibly expensive mitigation. Because of this, the RDEIR is inadequate and should have analyzed the difference between using a 2005 and 2010 baseline as it affects air quality and public health.

VI. THE RDEIR INCORRECTLY STATES THAT AIR QUALITY AND HEALTH RISK WILL IMPROVE BECAUSE OF SCIG, WHEN IN FACT ANY IMPROVEMENTS WILL HAPPEN WHETHER SCIG IS BUILT OR NOT

R92-10

The South Coast Air Quality Management District commented on the original SCIG DEIR and said, in part, that CEQA requires a determination of significant impacts that does not inaccurately credit the project with unrelated improvements in air quality that will occur anyway, and that would be even greater without the project. For example, the California Air Resources Board has enacted a rule to make diesel powered trucks in the drayage industry near California ports and railyards cleaner, and so port-serving trucks will be less polluting whether SCIG is built or not. So if we look at a future year and say that, without the project, diesel particulate emissions in the area will be 1000 pounds per year, and then 1.5 million new truck trips are added, there is no way that these new truck trips will make particulate matter emissions less than 1000 pounds. In fact, they will make the number higher and make the air dirtier than it otherwise would have been.

The RDEIR repeats this error in its calculation of cancer risk associated with the project at Table C3-7-4 (page C3-65) which shows a negative cancer risk (i.e., lower risk) because of the project. Whatever the cancer risk will be without SCIG, it will be greater with SCIG—but the RDEIR does not recognize this. Instead, we are presented with spurious negative risk numbers.

VII. THE TRAFFIC AND CIRCULATION ANALYSES IN THE RDEIR ARE INVALID

R92-11

A. *The Project Year Analysis*

It is not clear what project year of analysis is used in the Transportation/Circulation section of the RDEIR (Section 3.10). The analysis in this section compares baseline traffic volumes to the baseline plus project traffic volumes, essentially focusing on the project's contribution to traffic volumes, or the incremental contribution. The project's estimated completion date is 2016, it is

estimated to reach capacity in 2035 (RDEIR, p. 3.10-31), and its estimated lifetime is through 2066 (RDEIR Appendix H). Appendix G1 provides an intersection level of service analysis in the baseline year, 2016, 2023, 2035, and 2046 (the project lifetime that was used in the DEIR), but not 2066. Appendix G4 provides intermodal rail analysis in 2010, 2016, 2020, 2023, 2030, 2035, and 2046.

In the few text mentions of a project year in Section 3.10 of the RDEIR, it seems as though the project impacts were analyzed assuming either that the project operates at capacity in an unspecified year, or that 2035 is the analysis year (which is also the year at which capacity is reached). For example, in a description of the analysis of rail activity, the proposed project is characterized by activities in 2035. RDEIR, pp. 3.10-32, 3.10-53.

Additionally, the RDEIR states that the proposed Project trip generation was determined by using the proposed Project lifts (container trips) from the average weekday of the peak month of port operation at port buildout, the QuickTrip outputs, and adjustments for bobtail and container trips based on the rates shown in Table 3.10-21. RDEIR, p. 3.10-40. Although ‘port buildout’ is not described in RDEIR Section 3.10, it may be that this description means that the project trip generation assumes 2035 operations²², (i.e. that the SCIG facility operates at capacity). Figure 3.10-6 contradicts this interpretation because the truck trip distribution percentages shown are described as being “determined by Baseline port intermodal demand” (RDEIR, p. 3.10-28); these values for trip distribution do not match any of the truck trip distribution percentages for years 2016, 2023, or 2035-2066 shown in Figures 4-2, 4-3, and 4-4 of the Cumulative Impacts Section of the RDEIR. It is therefore unclear and unsupported that the analysis in Section 3.10 seems to assume 2035 truck volumes traveling along the same routes they would in the baseline year, even though different trip distributions were estimated for 2035.

B. Treatment of Local Conditions In The Project Year

The Traffic/Circulation section does not appear to account for local background conditions in future years when assessing project impacts. The RDEIR states that: “Impacts were assessed by quantifying differences between CEQA Baseline conditions and CEQA Baseline conditions plus the proposed Project.” RDEIR, p. 3.10-20.

Similarly, values shown in the traffic data tables are for the baseline and ‘baseline plus proposed project.’ This analysis ignores changes in local conditions that will occur in the future by simply adding the project’s incremental effects to the 2010 baseline, rather than accounting for 2035 or 2066 background conditions.

²² Page 4.61 of the RDEIR states that “as described in Section 1.1.5, at port build out the total San Pedro Bay container capacity is estimated to be 39.4 million TEUs”, while page 1-21 of the RDEIR (in Section 1.1.5.2) states that “the results show cargo volumes increasing from approximately 34.6 million TEUs in 2030 to approximately 39.4 million TEUs by the year 2035, thereby reaching the capacity of the Port terminals. Accordingly, the 2009 forecast predicts that 2035 is the last year in which the Ports will accommodate the actual demand.” Thus, the quote from page 3.10-40 of the RDEIR also indicates a 2035 ‘at capacity’ analysis of the project increment.

Conversely, Section 4.0 of the RDEIR analyzes the cumulative effects of the project in the context of future changes in local conditions. RDEIR p. 4-61. The analyses of cumulative impacts at intersections and freeway monitoring stations each have two parts. In the first part of each analysis, the 2010 baseline is compared to future years with the project for 2016, 2023, 2035, 2046, and 2066, yielding estimates of significant impacts. In the second part of each section, the future year without the project is compared to the future year with the project for the same years, yielding no estimates of significant impacts. This is discussed in more detail below.

Part 1: Here, the 2010 baseline is compared to future years with the project. ‘Significant impacts’ are noted for several intersections and freeway locations (see Tables 4-7 through 4-11 for intersection analysis and Tables 4-22 through 4-26 for freeway analysis). Section 4.0 mentions the findings of significant impacts at several locations for intersections (TRANS-2): Cumulative impacts are shown to occur at two intersections in 2016, at two locations in 2023, at three locations in 2035, and at eight locations in 2046 and 2066. RDEIR, p. 4-70. And in reference to highway traffic (TRANS-4), the past, present, and reasonably foreseeable future projects would add traffic to the freeway system and at the CMP monitoring stations, resulting in significant cumulative impacts to monitoring stations operating at LOS F or worse. RDEIR, p. 4-82.

R92-13

Part 2: Here, the future year without the project is compared to the future year with the project for the same years, yielding no estimates of significant impacts for intersections or highway traffic. The closing discussion of both intersection and freeway project impacts appears to rely only on the latter analysis as it closes with a discussion of finding no significant impacts in reference to intersections (TRANS-2): “Accordingly, the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact at other locations.... there would be no residual cumulative impacts. (RDEIR, p. 4-81).”

And in reference to highway traffic (TRANS-4): “the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact.... there would be no residual cumulative impacts.” RDEIR, p. 4-83.

In addition, the RDEIR executive summary also does not indicate any transportation cumulative impacts for the proposed project alternative. RDEIR, p. ES-87. This is consistent with the idea that: “Cumulative impacts were assessed by quantifying differences between future Baseline conditions and future conditions with the proposed Project to determine the Project’s contribution to the cumulative impact.” RDEIR, p. 4-61.

Thus, it appears that the analysis makes a distinction between two different kinds of impacts: those impacts determined by comparing the baseline to the future with project, and those project impacts determined by comparing the future without the project to the future with project. It is unclear why neither Section 3.10 nor 4.0 rely on the 2010 baseline compared to the projections for future years to determine significant impacts. Failure to explain this and to analyze transportation impacts using different baselines is a CEQA violation.

C. *Traffic Count Data*

The analysis of traffic impacts relies on traffic counts collected for this study. Local jurisdictions provide guidelines for collecting traffic counts for traffic studies in the area. In the City of Los Angeles, the LA DOT Traffic Study Policies and Procedures²³ state that traffic counts should be collected in 15-minute intervals during the hours of 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m., unless LADOT specifies other hours. The study intersection counts should also include vehicle classifications, pedestrian (including school children) volume counts, and bicycle counts. The traffic study should not use any traffic counts (for intersections and roadway segments) that are more than two years old. Additionally, unless otherwise required, all traffic counts should generally be taken when local schools or colleges are in session, on days of good weather, on Tuesdays through Thursdays during non-Summer months, and should avoid being taken on weeks with a holiday.

For intersection analysis in the Cities of Long Beach and Carson, the RDEIR states that guidelines from the 2010 Los Angeles County Congestion Management Plan²⁴ are used to determine the LOS. This document also provides guidelines for collecting traffic count data, reflecting similar principles as the City of Los Angeles guidelines: Traffic counts included in the local jurisdiction's Highway Monitoring Report must be less than one year old as of May 31 of each monitored (odd-numbered) year. Traffic counts must be taken on Tuesdays, Wednesdays or Thursdays (these need not be consecutive days). Traffic counts must exclude holidays, and the first weekdays before and after the holiday. Traffic counts must be taken on days when local schools or colleges are in session. Traffic counts must be taken on days of good weather, and avoid atypical conditions (e.g., road construction, detours, or major traffic incidents). Traffic counts must be taken on two days and a third day of counts may be required (see Section A.7 Acceptable Variation of Results). Traffic counts must be taken for both the AM and PM peak period. Unless demonstrated otherwise by actual local conditions, peak period traffic counts will include the periods 7–9 AM and 4–6 PM. The local agency must contact MTA if current conditions prevent the collection of representative count data during the required period (for example, major construction lasting over a year).

The section on acceptable variation of results referred to above states that: “Compare the two AM period counts. Do the same for the PM data. The volume to capacity (V/C) computations resulting from the two days of traffic counts should not vary more than 0.08 for either peak hour period. Please note the following: Report the average V/C ratio for the two days of counts if the variation in V/C is less than 0.08, and the average V/C ratio is less than or equal to 0.90 (LOS A-E). If the V/C ratios vary more than 0.08 and the resulting V/C ratio is at LOS F, a third day of counts is required for the respective peak period. In reporting LOS using three days of counts, take either the average of the three counts, or exclude the most divergent V/C and take the average of the two remaining days' counts.

²³ LA DOT, *Traffic Study Policies and Procedures*, May 2012, City of Los Angeles Department of Transportation, Editor. 2012.

²⁴ Metro, *2010 Congestion Management Program*, Los Angeles County Metropolitan Transportation Authority, Editor.

R92-14

The City of Los Angeles traffic study guidelines apply to non-CMP intersections, but the document does not specifically note their application to CEQA analysis. The Los Angeles County traffic study guidelines apply to traffic studies evaluating CMP monitoring stations and the document notes that traffic studies are generally required of projects that prepare an EIR. However, both guidelines provide an indication of traffic count methods that are considered valid in the local jurisdictions.

The RDEIR analysis includes intersections, CMP freeway monitoring stations, freeway ramps, and existing uses.

Intersections

The RDEIR states that: “Existing truck and automobile traffic along study roadways and intersections, including automobiles, port trucks, and other truck and regional traffic not related to the Port, was determined by taking vehicle turning movement classification counts (classification by size of vehicle) at 25 study locations. For all analysis locations, A.M. (6:00 – 9:00 A.M.), Mid-day (1:00 – 4:00 P.M.) and P.M. (4:00 – 6:00 P.M.) period traffic volumes were counted in February 2012 and are presented in Appendix G.” (RDEIR page 3.10-7)

The only intersection traffic count information provided in Appendix G of the RDEIR are the peak passenger car equivalents and V/C ratios used to determine LOS in Appendix G1 (pp. G1-1 – G1-948). In other words, a count methodology is not provided, nor are raw data counts provided in the RDEIR, both of which are critical to review and understand the traffic analysis in the RDEIR.

Appendix G3 of the DEIR does provide raw traffic count data for intersections (pp. G3-111 – G3-155), but it was not revised with the RDEIR (it is only available with the DEIR) and does not include any 2012 data. An examination of the traffic counts in Appendix G3 indicates that counts were taken during times ranging from 2005 to 2010, with several occurring during the summer (there are dates in June, July and August), and at least one count occurring on a Saturday during a holiday week (July 10, 2010). Counts of bike/pedestrian traffic are not provided.

Updated intersection count data was obtained from the Port in October, 2012. While the SCIG RDEIR features 24 study intersections (p. 3.10-11), updated data for only 18 intersections was provided. Whether data for the additional six intersections was not updated or simply was not included is unclear. The six missing intersections, which are all located in the City of Los Angeles, are:

- Henry Ford Ave / Pier A Way / SR-47/103 Ramps
- Harry Bridges Blvd / Broad Ave
- Harry Bridges Blvd / Avalon Blvd
- Harry Bridges Blvd / Fries Ave
- Harry Bridges Blvd / King Ave
- Harry Bridges Blvd / Figueroa St

R92-14

R92-14

For the 18 updated data counts, the RDEIR used the same procedure in gathering data counts, regardless of whether the intersection was located in the City of Los Angeles, City of Long Beach, or City of Carson. Traffic counts for each intersection were taken on a single day in fifteen minute increments for the hours between 7–9 a.m., 1–3 p.m., and 4–6 p.m. They were taken within the last two days of February or the first day of March 2012 (Tuesday through Thursday) in sunny weather. Counts were broken down by vehicle classification based on size, with passenger vehicles, bobtail trucks, chassis only trucks, container trucks, and other trucks all accounted for separately.

R92-15

The traffic counts as described above thus do not conform with the City of Los Angeles methodology (specified in LA DOT Traffic Study Policies and Procedures) in two ways: 1) counts were not taken from 9–10 a.m. and 3–4 p.m., and 2) bicycle and pedestrian (including school children) volume counts were not included. It is unclear why there were no pedestrian or bicycle counts, especially given that at least six of the seven City of Los Angeles intersections have pedestrian crosswalks and sidewalks, and one intersection had a bike lane. Even if no pedestrians used any of these facilities during the duration of the vehicle count study, this should have been noted.

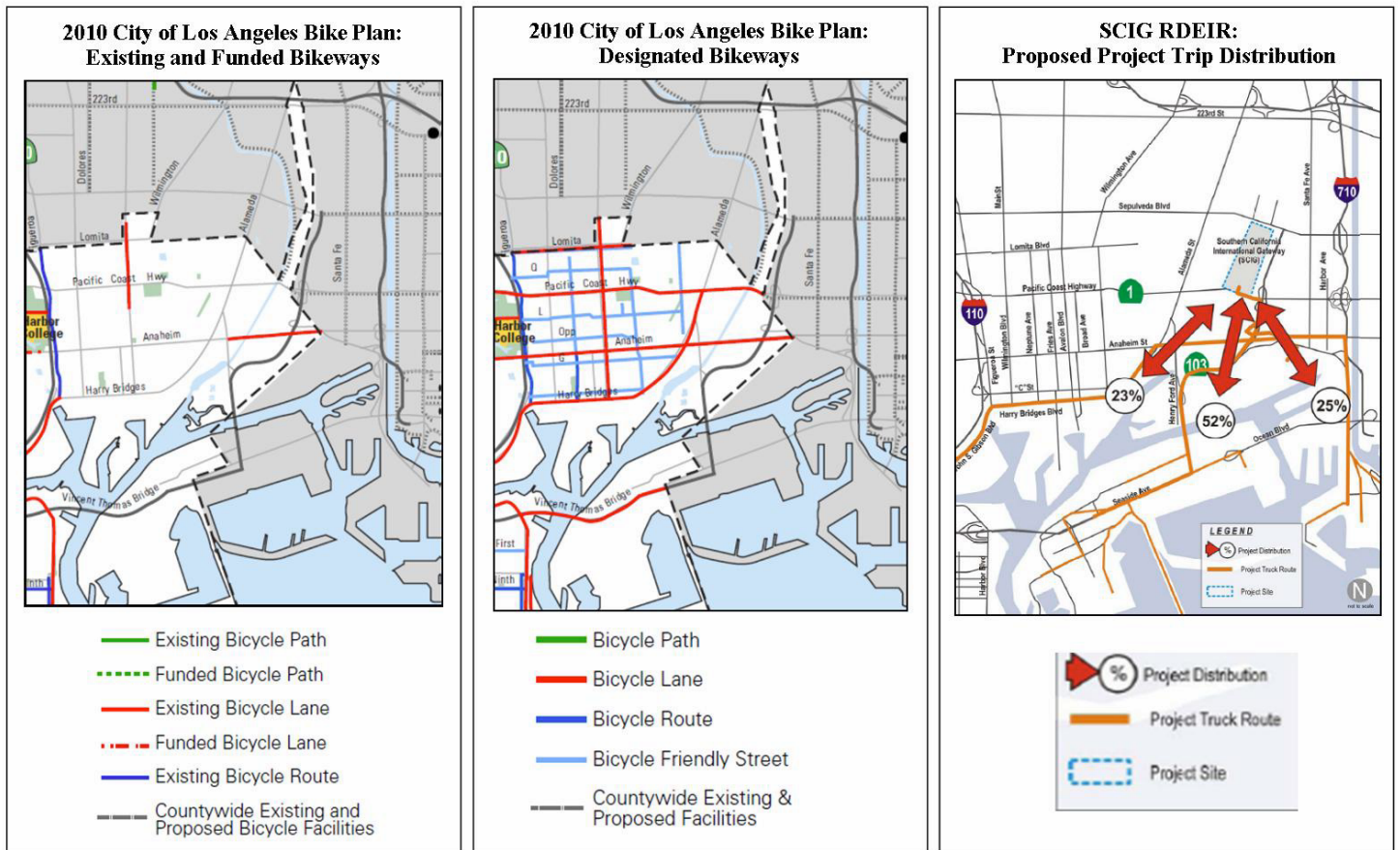


Figure 1: Bikeways and SCIG truck routes. The bike plan maps on the left and at center are from Appendix D of the Los Angeles 2010 Bike Plan. SCIG project truck routes on the right are from Figure 3.10-6 in the RDEIR.

R92-16

Additionally, for all intersections, including those within the City of Long Beach and City of Carson, the counts do not conform to Los Angeles County guidelines as they were not taken on multiple days for the same intersections. Because only a single day of counts were collected at each intersection, it is not possible to determine whether the values collected are representative of the traffic conditions onsite because the day to day variability of traffic levels is unknown. None of the traffic counts included the mid-day peak period; although mid-day counts are not generally required by either guideline, it would have provided a more comprehensive picture of traffic conditions at each of the intersections in light of the RDEIR statement that regional traffic occurring during the A.M. and P.M. peak hours is mainly due to commute trips, school trips and other background trips; while the peak hour for port related truck traffic generally occurs during the mid-day peak hour. RDEIR p. 3.10-7.

CMP Freeway Monitoring Stations

R92-17

The RDEIR states that the traffic counts used to analyze Congestion Monitoring Plan (CMP) monitoring stations (freeways and arterials) are based on 2009 Caltrans data. These data are within two years of the baseline year (2010) but are not within two years of the RDEIR analysis (2012).

Freeway Ramps

R92-18

The RDEIR uses an analysis of freeway ramps from “the Traffic Operations Report prepared for the Pacific Coast Highway Bridge Replacement (#53-399) and SCIG Site Driveway Alternatives Project (see Appendix G1)” (page 3.10-13 of the RDEIR). From pages G1-948 to G1-983 in the RDEIR Appendix G1, it appears that the analysis year referenced is 2008. The raw traffic count data are not provided in the RDEIR, but the analysis outputs in Appendix G1 list the “date” and “date performed” as Tuesday 1/29/2008, Wednesday 2/13/2008, Thursday 10/14/2010, and Monday 10/18/2010. If these dates are the date the traffic counts were collected, we note that while all of these dates are within two years of the baseline year (2010), the 2008 dates are not within two years of the RDEIR analysis (2012), and two issues arise in relation to the October 2010 dates.

R92-19

First, Monday the 10/18/2010 is not a Tuesday, Wednesday, or Thursday, as specified in both the City of Los Angeles guidelines and in the Los Angeles County CMP guidelines. The analyses that list 10/18/2010 as the “date” or “date performed” are described in Appendix G1 of the RDEIR as follows: The multilane highway analysis of PCH: e/o SR-103 NB Ramp, PCH: w/o E Rd Ramp, (all described as City of Long Beach & Wilmington); the basic freeway segments analysis of SR-103 NB: n/o NB PCH On Ramp, SR-103 NB: s/o NB PCH Off Ramp, SR-103 SB: n/o SB PCH Off Ramp, SR-103 SB: s/o SB PCH On Ramp, (all described as City of Long Beach & Wilmington).

R92-20

Second, Thursday 10/14/2010 is the Thursday following a Federal holiday (Columbus Day was on Monday October 11, 2010), which is not recommended by the City of Los Angeles guidelines. The analyses that list 10/18/2010 as the “date” or “date performed” are described in Appendix G1 of the RDEIR as follows: The freeway weaving analysis of SB-103:SB 103-

R92-20 ↑ EBSR-1&WBSR1-SB 103, NB 103: NB SR103-WBSR1&EBSR1-NBSR103 (all described as City of Long Beach and Wilmington).

Existing Uses

R92-21 The RDEIR states that trip generation count data for existing businesses are from 2012. However, raw traffic counts were not provided. The traffic counts obtained from the Port in October, 2012 did not include driveway counts, so it is not possible to evaluate the methodology used.

VIII. PROJECT EFFECTS ON BICYCLE AND PEDESTRIAN USES ARE NOT ANALYZED

R92-22 The RDIER's evaluation of impacts states that the project "will not conflict with policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities" RDEIR at 3.10-60. However the RDEIR also states that although there are "currently no on-street bicycle facilities" on designated truck routes, the "City of Los Angeles Master Bike Plan identifies Pacific Coast Highway as a Class II designated bikeway that will include bicycle lanes in the future." RDEIR at 3.10-16. The RDEIR also states that Lomita Blvd and Anaheim Street are also designated as Class II bikeways and are in the five-year implementation plan as second highest priority components, although the Pacific Coast Highway is not included in the 5-year implementation plan.

R92-23 An examination of the 2010 City of Los Angeles Bike Plan²⁵ indicates that existing and proposed bikeways coincide with several of the SCIG proposed truck routes. The proposed truck route includes portions of the Pacific Coast Highway, Seaside Avenue, Anaheim Blvd, and Harry Bridges Road that have existing or future bike lanes which are part of the City's planned "Backbone Bikeway Network." According to the City of Los Angeles Director of Planning, on July 1, 2010, 1.3 miles of bike lanes were installed along Anaheim Blvd from Henry Ford Ave to Long Beach City limit (coinciding with a SCIG truck route)²⁶, over two years before the RDEIR was completed.

R92-24 ↓ Moreover, the Transportation/Circulation section of the RDEIR does not provide a technical evaluation of the project's impacts on bicyclists and pedestrians. The RDEIR states only that pedestrian crosswalks are present at intersections. The Federal Highway Administration (FHWA) indicates that when heavy truck traffic increases, bicyclists are less comfortable riding on-street²⁷ When heavy truck traffic is present, the 2010 Los Angeles Bike Plan technical

²⁵ Los Angeles Department of City Planning, *2010 Bicycle Plan: A Component of the City of Los Angeles Transportation Element, Council File No. 10-2385-S2, CPC-2009-871-GPA*, Department of City Planning, Editor. 2011: City of Los Angeles.

²⁶ Logrande, M.J., *Bicycle Plan Implementation Team Quarterly Report, Letter to Los Angeles City Council, 8/3/2011*, Dity of Los Angeles Department of City Planning, Editor. 2011. A portion of this bike lane is clearly visible on Google Street View for the address 1760 E. Anaheim Street, Los Angeles, CA.

²⁷ FHWA, *The Bicycle Compatability Index: A Level of Service Concept, Implementation*

R92-24 ↑ guidelines recommend considering additional width for bike lanes next to parallel parking and bicycle routes with a wide outside lane²⁸ This is consistent with FHWA indices of bikeway facility performance: with heavy truck traffic, the FHWA’s Bicycle Compatibility Index (BCI) worsens, leading to a worsening of the FHWA’s bicycle level of service (LOS). Similarly, the 2010 Highway Capacity Manual (HCM)²⁹ includes a measure of bicycle LOS, which accounts for the proportion of heavy vehicle traffic, as well as overall motorized vehicle volumes. However, the RDEIR does not assess pedestrian or bicycle level of service.

R92-25 Furthermore, the intersection traffic count information described in the RDEIR (described in Section 3.10 and used in estimates shown in Appendix G1) and posted in the DEIR (raw traffic count data in Appendix G3) does not include information about bicyclists and pedestrians at any location despite the LA DOT Traffic Study Policies and Procedures requirement that “the study intersection counts should also include vehicle classifications, pedestrian (including schoolchildren) volume counts, and bicycle counts”³⁰ Bicycle counts on the intersection of E. Anaheim Blvd and N Henry Ford Ave would be especially relevant, given their location in the City of Los Angeles and the presence of bike lanes along E Anaheim Blvd.

R92-26 Finally, even if the GPS enforcement system noted in the RDEIR is effective at restricting SCIG truck traffic to designated routes, traffic may be affected on nearby roads, if non-SCIG cars and trucks change their route to avoid traffic from SCIG trucks. This may affect bicyclists and pedestrians along non-truck routes, but was not analyzed in the RDEIR.

IX. INCORPORATION OF FIRST LETTER

R92-27 We incorporate herein by reference the contents of the comment letters on the original DEIR submitted by NRDC and others on January 31, 2012 and February 1, 2012, as well as all the documents cited herein.

X. REQUEST FOR TIME TO REVIEW ADDITIONAL STUDIES

R92-28 Should the Port or Real Party produce any new studies or documents in response to this or other comments on the RDEIR, we request adequate time to review and respond to such studies or documents before the hearing on the final EIR.

Manual, FHWA-RD-98-095, Federal Highway Administration, Editor. 1998.

²⁸ Los Angeles Department of City Planning, *2010 Bicycle Plan: Technical Design Handbook*, Council File No. 10-2385-S2, CPC-2009-871-GPA, Department of City Planning, Editor. 2011: City of Los Angeles.

²⁹ Transportation Research Board, *Highway Capacity Manual 2010*. 2010: Washington, D.C.

³⁰ LA DOT, *Traffic Study Policies and Procedures, May 2012*, City of Los Angeles Department of Transportation, Editor. 2012, page 6.

XI. CONCLUSION

The fundamental question for the Harbor Commission, City Council and the Mayor is whether they want to participate in violating the civil rights of the residents of the predominantly Latino working class neighborhood near the Port by approving a project that will be not be needed, by the RDEIR's own account, until 2046 or later. The answer should be obvious to everyone.

Thank you for your attention to this letter.

David Pettit
Senior Attorney
Natural Resources Defense Council

Angelo Logan
Executive Director
East Yard Communities for Environmental Justice

Joe Lyou
Executive Director
Coalition for Clean Air

Dr. John Miller, MD, FACEP
President
San Pedro and Peninsula Homeowners Coalition

Jessica Tovar, MSW
Project Manager
Long Beach Alliance for Children with Asthma

Ricardo Pulido
Executive Director
Community Dreams

Jesse N. Marquez
Executive Director
Coalition For A Safe Environment

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Theral Golden
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West Long Beach Association

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Urban and Environmental Policy Institute, Occidental College

David Greene
President
San Pedro Democratic Club

Patrick Kennedy
Executive Director
Greater Long Beach Interfaith Community Organization

cc (via email):

The Honorable Antonio Villaraigosa
The Honorable Kamala Harris, California Attorney General
U.S. EPA Administrator Lisa Jackson
U.S. EPA Region IX Administrator Jared Blumenfeld
Members of the California Air Resources Board
Members of the Port of Los Angeles Board of Harbor Commissioners
Members of the California State Lands Commission
Members of the City of Long Beach City Council
Members of the South Coast Air Quality Management District Governing Board
Dr. Elaine Chang, South Coast Air Quality Management District
Susan Nakamura, South Coast Air Quality Management District
Peter Greenwald, South Coast Air Quality Management District

1 **Comment Letter R92: NRDC**

2 **Response to Comment R92-1**

3 Please see Master Response 10, Environmental Justice and response to comment R45C-
4 48-3. Allegations of civil rights violations are not relevant to the RDEIR's adequacy
5 under CEQA. Further, with respect to the claim made by the commenter that construction
6 and operation of the proposed Project would expose sensitive receptors to significant
7 levels of toxic air contaminants resulting in increased cancer risk above the significance
8 threshold, the commenter is incorrect. In fact the Mitigated Project is shown to result in
9 less than significant impacts related to cancer risk. The RDEIR acknowledges (Section
10 6.4.2.1) that the Project would result in impacts related to criteria air pollutants, and that
11 those impacts would fall disproportionately on minority and low-income families. The
12 commenter incorrectly asserts impacts related to health risk which are inconsistent with
13 the findings of the RDEIR. The commenter asserts that "[c]onstruction and operation of
14 the proposed Project will also expose receptors to significant levels of toxic air
15 contaminants resulting in increased cancer risk above the significance threshold for
16 residential, occupational, sensitive, student and recreational receptors." However the
17 impact analysis for impact AQ-7 (see RDEIR Section 3.2.4.3) clearly shows that health
18 risk impacts will be mitigated to less than significant after application of mitigation
19 measures MM AQ-1 through MM AQ-3 and MM AQ-8 through MM AQ-10.

20 **Response to Comment R92-2**

21 The lead agency thanks the NRDC for the additional references on public health issues.
22 Section 3.2.2.2 of the RDEIR discloses the types of air pollution health effects described
23 in the NRDC letter. The comment is introductory material that does not raise issues under
24 CEQA regarding the contents or adequacy of the RDEIR requiring further response.
25 Responses to specific issues raised by subsequent comments are provided below.

26 **Response to Comment R92-3**

27 Please see Master Response 10, Environmental Justice. Regarding the allegation about
28 timing of the Project, please see response to Comment 92-5. Please note that the Port is
29 not representing that the Project would not be needed until 2046; the need is expressed in
30 sections 2.2 and 2.3 of the RDEIR, supported by the analyses in Chapter 1, as being
31 based in part on the need for efficient containerized cargo transport, the desire to reduce
32 truck transport of cargo in favor of less polluting rail transport, and meet specific
33 intermodal cargo logistics requirements (see also the response to Comment 92-5). The
34 EIR never represented that the Project could be built in another location with "minimal
35 air pollution", a claim for which the commenter provides absolutely no basis and which is
36 frankly incredible.

37 **Response to Comment R92-4**

38 Please see Master Response 10, Environmental Justice.

39 **Response to Comment R92-5**

40 The primary objective of the proposed Project is not only to provide additional
41 intermodal capacity to handle future volumes of international cargo, but also to provide
42 shippers with comparable intermodal options, to incorporate advanced environmental

1 controls, and to help convert existing and future truck transport into rail transport, thereby
2 providing air quality and transportation benefits.” (RDEIR Section 2.3). This objective
3 reflects current needs as well as future needs. Over the past 25 years, numerous parties,
4 including the NRDC, have urged the Ports to increase the use of trains to move
5 international cargo in order to realize the air quality benefits of rail transport versus truck
6 transport. In response, the Ports have constructed on-dock railyards, and the ICTF and the
7 Alameda Corridor have been developed. The proposed Project, by converting truck trips
8 on I-710 to train trips on the Alameda Corridor, represents another step towards reducing
9 truck transport of cargo in Southern California. The commenter therefore appears to be
10 opposing an operational concept that they have supported in the past (e.g., NRDC Clean
11 Cargo Center (NRDC, 2013): “The use of more efficient modes, such as shipping goods
12 by train where possible (using locomotives meeting the cleanest standards) instead of by
13 truck...”). The Project has objectives that are consistent with local and regional plans
14 and with the stated wishes of the environmental community even if there is no need for
15 additional capacity, which, as the comment correctly points out, is the case in the near
16 term.

17 The commenter has misinterpreted RDEIR Appendix G4. When the chart says that
18 “Additional BNSF Yard Capacity Needed” is zero, it is referring to the capacity of yards
19 assumed in the analysis. The analysis in Appendix G4 assumes that BNSF will make
20 adjustments to Hobart’s capacity in order to meet demand. See response to comment
21 R90-10.

22 **References**

23 Natural Resources Defense Council. 2013. “Clean Cargo Center.” General Information.
24 Accessed online at: <http://www.nrdc.org/air/diesel-exhaust/community-resources.asp>:

25 **Response to Comment R92-6**

26 Please see Master Response 5, Alternatives, Master Response 6, On-Dock Rail, and the
27 response to comment R92-3. The commenter is incorrect in stating that the RDEIR does
28 not consider building new intermodal capacity by creating new land. That is precisely the
29 description of the TIJIT concept, which is evaluated in Section 5.1.3.2.5 of the RDEIR,
30 and rejected as an infeasible alternative for the reasons stated therein. Contrary to the
31 comment’s assertion, the Port is not currently creating new land for Pier 500 concept;
32 while the LAHD is studying the concept of possibly creating a future terminal there are
33 no plans at this time to develop such a concept into a project and it is certainly not
34 underway.

35 **Response to Comment R92-7**

36 Please see Master Response 7, ZECMS. The comment’s statement that the RDEIR “does
37 not analyze the possibility of requiring – not just hoping for – a progressive requirement
38 for zero emission container movement...” is incorrect. The RDEIR considers, and
39 imposes as mitigation (MM AQ-9) a requirement that BNSF participate in ongoing
40 technology reviews and that at least every five years new technology be incorporated as
41 deemed feasible. Furthermore, project condition PC AQ-11 requires BNSF to participate
42 in, including via funding, ongoing zero-emission technology development efforts. These
43 measures constitute a graduated program of the sort the comment is demanding; the
44 difference is that the EIR’s program recognizes that there is no currently feasible
45 technology to phase in on a schedule, and therefore it is necessary to use an adaptive

1 management strategy that requires incorporation of new technology as it is deemed
2 feasible.

3 **Response to Comment R92-8**

4 The comment suggests that the EIR should have used 2.1 truck trips per lift rather than
5 1.32 truck trips per lift. The comment supports this assertion by (1) suggesting that SCIG
6 will operate in a similar manner as Hobart, because SCIG will use a COFC [Container On
7 Flat-car arrangement] and that COFC is the “dominant freight handling method at
8 Hobart-Commerce”, and (2) citing to other non-project specific studies and examples at
9 other facilities. The comment also suggests that the 1.32 value is based upon an
10 elimination of Trailer On Flat-car operations.

11 Please see response to Comment R90-53 which describes the operational differences
12 between SCIG and Hobart (and other similar existing facilities) that supports the rationale
13 for the assumption of 1.32 truck trips per lift. The commenter’s rationale ignores the
14 project description in the RDEIR (Section 2.4), which describes an operational model
15 totally unlike the COFC or TOFC models described by the comment. The commenter has
16 also ignored the RDEIR’s description of the efficiency enhancement elements of the
17 Project (Section 2.4) in order to represent operations at SCIG as being essentially
18 identical to those at Hobart. Since that representation is incorrect, the comment’s
19 criticisms of the trip per lift ratio assumed in the EIR are not based in reality and the
20 analysis in the EIR, based on reasonable assumptions, complies with CEQA.

21 **Response to Comment R92-9**

22 Please see Master Response 1, Baseline. CEQA Guidelines Section 15125(a) provides
23 that “An EIR must include a description of the physical environmental conditions in the
24 vicinity of the project, as they exist at the time the notice of preparation is published, or if
25 no notice of preparation is published, at the time environmental analysis is commenced,
26 from both a local and regional perspective. This environmental setting will normally
27 constitute the baseline physical conditions by which a lead agency determines whether an
28 impact is significant. The description of the environmental setting shall be no longer than
29 is necessary to an understanding of the significant effects of the proposed project and its
30 alternatives.” A lead agency has discretion to determine exactly how the existing
31 conditions used as an EIR baseline can most realistically be measured, as long as this
32 determination is supported by substantial evidence. (*Communities for a Better*
33 *Environment v. South Coast Air Quality Management District* 92010) 48 Cal. 4th 310,
34 327-328.) See Section 1.5.5.]

35 The Notice of Preparation for the proposed SCIG Project was issued in 2005. The LAHD
36 determined that 2005 did not represent existing conditions for the purposes of the RDEIR
37 impact analysis. (See RDEIR Section 1.5.5) It, therefore, updated the baseline to 2010,
38 the latest date for which data were available, for the RDEIR. The September 27, 2012
39 Notice of Availability and RDEIR Appendix H described which RDEIR chapters
40 substituted for those in the Draft EIR. CEQA does not require that the impact analyses
41 in a Draft EIR be compared to a Recirculated EIR. The recirculated chapters are a
42 complete substitution for the original chapters.

43 **Response to Comment R92-10**

44 The comment is essentially requesting that the No Project Alternative be used an RDEIR
45 baseline. However, such use of the No Project Alternative as a baseline is not allowed

1 under CEQA. (See CEQA Guidelines Section 15126.6(e)(1).) CEQA in fact requires a
2 comparison of the Project's impacts to the CEQA baseline of existing conditions, in this
3 case, conditions as they existed in 2010. Please see Master Response 1, Baseline. In
4 such a comparison the Project may result in a decrease in emissions and risk, because the
5 Project would operate with improved emissions controls compared to baseline conditions.
6 The same would be true of the No Project condition.

7 With regard to the statement that the RDEIR inaccurately credits the Project with
8 unrelated air quality improvements that would happen anyway, please see Master
9 Response 2, Adopted Regulations. Including regulations that require emissions
10 reductions in air quality analyses is consistent with industry standards and with current
11 practice of the SCAQMD. For example, Section 3.2.1 of the South Coast Air Quality
12 Management District's Final EIR Air Quality Chapter includes the following statement:
13 "The 2008 base year emissions inventory reflects adopted air regulations with current
14 compliance dates as of 2008; whereas future baseline emissions inventories are based on
15 adopted air regulations with both current and future compliance dates."

16 Accordingly, the cancer risks presented in the RDEIR are not "spurious negative
17 numbers" but rather the result of complying with the requirements of CEQA and
18 following industry standards and current regulatory agency practices.

19 See also responses to comments R89-40 and R90-31.

20 **Response to Comment R92-11**

21 The commenter states that "[i]t is not clear what project year of analysis is used in the
22 Transportation/Circulation section of the RDEIR (Section 3.10)."

23 The transportation impact analysis provided in Section 3.10 is based upon the existing
24 baseline roadway network, including, among other things, the Total San Pedro Bay Ports
25 Cargo Volumes from 2010 of 14.1 million TEUs. As described on page 3.10-31 the
26 "Proposed Project Scenario" assumes that the full 2.8 million TEU (out of the 14.1
27 million TEUs in 2010) would occur at the SCIG site in the analysis in Section 3.10. This
28 approach is consistent with Section 2.1 of the Project Description, which notes the
29 proposed project is defined as including the 2.8 million at the SCIG site. While the
30 scenario presented in Section 3.10 is not anticipated to occur (i.e. it is unrealistic to
31 assume the project could be built instantaneously and operate at full capacity of 2.8
32 million TEUs), it has been provided to ensure compliance with CEQA. The analysis in
33 Section 3.10 therefore does not represent a specific year, but rather a condition of the
34 proposed Project. As the commenter may be aware, there is a split of authority related to
35 transportation impact analysis in the recent case law; see *Sunnyvale West Neighborhood*
36 *Association v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351 and
37 *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2012)
38 [Review Granted by Supreme Court, previously published at 205 Cal.App.4th 552].

39 While the Court in *Sunnyvale* suggests that an EIR must provide an impact analysis based
40 solely upon a comparison to existing baseline conditions prior to project approval, the
41 Court of Appeal in *Neighbors for Smart Rail* concluded the opposite, that "[a]s a major
42 transportation infrastructure project that will not even begin to operate until 2015 at the
43 earliest, its impact on *presently existing* traffic and air quality conditions will yield no
44 practical information." Therefore, the EIR has taken a conservative approach and
45 provided a 2010 baseline plus project analysis as provided in the *Sunnyvale* decision in
46 addition to the analysis provided in Section 4.2.10.3. The Cumulative analysis provided

1 in Section 4.2.10.3 calculates the project's contribution to cumulative impacts in the
2 future years 2016, 2023, 2035, 2046, and 2066. Additional details regarding the factors
3 considered in the cumulative transportation analysis are provided in Section 4.2.10.2.

4 The commenter also suggests that the truck trip distribution shown in Figure 3.10-6 is
5 inconsistent with truck trip distribution in the cumulative analysis in years 2016, 2023,
6 or 2035-2066 shown in Figures 4-2, 4-3, and 4-4.

7 As discussed in the previous paragraphs in this response, the impact analysis in Section
8 3.10 is not specific to an individual year. Consistent with the *Sunnyvale* decision, the
9 impact analysis in Section 3.10 did not include non-project related transportation
10 improvements nor did it include other cumulative projects which altered the trip
11 distribution under the cumulative analysis. Cumulative projects at the Port would alter
12 on-dock rail facilities which would in turn alter the distribution of off-dock intermodal
13 trips. These cumulative changes were fully described in Section 4.2.10.2 of the RDEIR.
14 It is therefore appropriate that the trip distribution in Section 3.10 does not match the trip
15 distribution in the cumulative analysis in Section 4.2.10.2.

16 **Response to Comment R92-12**

17 The commenter states that the transportation analysis in Section 3.10 does not account for
18 "local background conditions in future years when assessing project impacts." Please see
19 Response to Comment R92-11. As discussed therein, the analysis in Section 3.10
20 includes 2.8 million TEU's associated with the proposed project. However, non-project
21 related changes ("local background conditions in future years") are accounted for in the
22 cumulative analysis in Section 4.2.10.2.

23 **Response to Comment R92-13**

24 As discussed under CEQA Guidelines § 15130(a)(1) "...a cumulative impact consists of
25 an impact which is created as a result of the combination of the project evaluated in the
26 EIR together with other projects causing related impacts. An EIR should not discuss
27 impacts which do not result in part from the project evaluated in the EIR."

28 While a combination of projects may have a significant cumulative impact, CEQA is
29 clear that the project's *contribution* must be cumulatively considerable to be considered a
30 significant project related impact. (See CEQA Guidelines § 15065(a)(3) and 15130(a)
31 and (a)(3). This is also consistent with (1) the CEQA causation requirements discussed
32 in Master Response 3, Hobart, (2) *Neighbors for Smart Rail v. Exposition Metro Line
33 Construction Authority* (supra), which upheld a cumulative impact analysis based upon a
34 comparison between future with project versus future without project, (3) consistent with
35 *Pfeiffer v. City of Sunnyvale City Council* 200 Cal.App.4th 1552, 1573 [Cumulative
36 analysis based upon a comparison of 2020 with project versus without project], and (4)
37 consistent with the LADOT guidelines. Page 13 of the 2012 LADOT manual describes
38 project related impacts based upon a comparison of "(Buildout Year) **Project**" compared
39 to "(Buildout Year) **Cumulative Base**."

40 As discussed in Section 4.2.10.4, Cumulative Impact TRANS-2 was analyzed using a
41 two-step process. An initial comparison was made to compare the cumulative "With
42 Project" LOS condition against CEQA baseline conditions to determine if a cumulative
43 impact would occur relative to CEQA baseline conditions. A cumulative impact was
44 deemed to occur if it exceeded the allowable threshold of significance. This is a
45 comparison of CEQA Baseline conditions to all cumulative projects plus the proposed

1 Project. This first part of the impact analysis does not isolate impacts caused by the
2 Project. In order to isolate the contribution of the proposed Project to a cumulative
3 impact, a second comparison was conducted by calculating the difference in LOS for the
4 future conditions “With Project” and the future conditions “Without Project” levels of
5 service. The determination of significance occurs if the proposed Project results in a
6 cumulatively considerable contribution to a cumulative impact. The determination of a
7 cumulative impact simply demonstrates if the combination of cumulative projects (all
8 future background traffic growth) and the proposed project exceeds the threshold of
9 significance.

10 Please see Response to Comment R92-11 for discussion of methodology related to
11 Section 3.10.

12 **Response to Comment R92-14**

13 Raw intersection count data was added to Appendix G1 of the RDEIR. The FEIR
14 includes intersection traffic counts updated from the DEIR at 19 of the 24 study
15 intersections, including Henry Ford Avenue/Pier A Way/SR-47/103 Ramps. Five
16 intersections along Harry Bridges Boulevard which were closed for the reconstruction of
17 Harry Bridges Boulevard were not counted. The baseline intersection volumes for those
18 locations were determined by an east/west traffic count of Harry Bridges Boulevard at
19 Neptune Avenue (the midpoint of the construction area) and the turning movement
20 counts of the previous DEIR traffic counts for north/south turning movements. Henry
21 Ford Avenue at Pier A Way/SR-103 has been added to the intersection count sheets
22 included in Appendix G1. Please also see Response to Comment R92-15 regarding
23 LADOT Guidelines.

24 **Response to Comment R92-15**

25 The City of Los Angeles Department of Transportation (LADOT) is not the lead agency
26 for the RDEIR thus the Port has the discretion to select its own methodology and
27 significance criteria. (See CEQA Guidelines Section 15064(b); *Mira Mar Mobile*
28 *Community v. City of Oceanside* (2004) 119 Cal.App.4th 477.) The Los Angeles Harbor
29 department consults with and follows many LADOT guidelines, which are not mandatory
30 in this CEQA analysis. The LADOT document provides “guidance” and uses the term
31 “should” when discussing guidance related to traffic counts, which, in the context of
32 CEQA, does not constitute mandatory language. (See CEQA Guidelines Section
33 15005(b).) Furthermore, CEQA case law suggests that public agencies should not rely
34 exclusively upon Transportation Guidelines in a CEQA analysis. (See *Sunnyvale* (supra)
35 at 1380 [CEQA traffic analysis invalidated despite compliance with the local
36 transportation guidelines (“VTA” Guidelines)]; see also *Protect the Historic Amador*
37 *Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099 [A public agency may
38 have to consider impacts beyond those identified in a Public Agency’s Initial Study
39 checklist].)

40 The Port area traffic patterns are unique within the City of Los Angeles and POLA traffic
41 environmental analysis data is intended to reflect those unique travel patterns and hours.
42 Unlike, other areas of the metropolitan area which have somewhat common and
43 predictable peak hours (due to typical 9 to 5 work schedules), the Port area has unique
44 peaking characteristics. As described in Section 3.10.2.2.1, the “peak hour of a period is
45 determined by assessing the highest volume to total traffic occurring during one
46 consecutive hour during the period at each location...peak hour for port related truck

1 traffic generally occurs during the mid-day peak hour.” Using these peak periods is
2 considered conservative, because, as traffic congestion gets progressively higher, the
3 trigger for the significance thresholds gets lower. (See Section 3.10.3.4 of the RDEIR).
4 Furthermore, the commenter provides no evidence that the analysis provided in the
5 RDEIR was inadequate to disclose the impacts of the proposed project.

6 The comment also suggests that “bicycle and pedestrian (including school children)
7 volume counts were not included.” The Port area where the proposed Project is located is
8 not considered an area of high bicycle or pedestrian utilization given the industrial nature
9 of the area and lack of existing bike lanes on the designated truck routes (except for
10 Anaheim Blvd from Henry Ford to City of Long Beach border, which has been added to
11 the text in Section 3.10.2.3.1 of the FEIR). Residential and school facilities in close
12 walking or bicycling proximity to the project site (such as schools and residences) are
13 located to the east across the Terminal Island Freeway and are therefore not expected to
14 generate pedestrian and bicycle traffic that traverse the project site or the designated truck
15 often, since heavy industrial areas to the west of these residences and schools do not
16 provide likely destinations. The area is known to be sparsely utilized by bicycles. For
17 example, according to traffic counts conducted by LADOT in 2009, along the section of
18 Anaheim Street within the residential area of Wilmington at Avalon Street with no
19 bicycle facilities, there were 36 bicycle trips in the combined AM and PM peak hours,
20 however along the bicycle lanes in the industrialized area at Henry Ford Avenue there
21 were eight. Furthermore, existing sidewalks and marked pedestrian crossings at
22 intersections along the designated truck routes would not be altered as a result of the
23 proposed Project.

24 Nevertheless the EIR analyzed the impacts on bicycle and pedestrian facilities under
25 impact TRANS-8 in the RDEIR, applying City of Los Angeles CEQA Thresholds Guide
26 in the analysis. That guide suggests that the determination of significance for bicycle and
27 pedestrian safety impacts shall be made on a case by case basis and that the collection of
28 pedestrian or bicycle count data may be required in areas with high levels of pedestrian or
29 bicycle activity (see Section L.5, page L.5-3). While there are a very limited number of
30 individual utilizing the new bikeway under existing conditions, the project’s designation
31 of truck routes will not affect these facilities because (1) the area, including the new bike
32 path, is already currently subject to industrial uses and truck trips, therefore the limited
33 number of existing bike riders are already accustomed to these conditions, and (2) the
34 intersections along this bike path, including Intersections 11 and 12, would not be
35 significantly impacted and would operate under LOS A and B as provided in Table 3.10-
36 25 (similar to existing conditions). Per Caltrans Directive 09-06 all new and modified
37 signals, such as the proposed Project entrance at Pacific Coast Highway, will include
38 bicycle detection.

39 The level of detail provided in this analysis is consistent with CEQA Guidelines Section
40 15204(a), which notes that “reviewer should be aware that the adequacy of an EIR is
41 determined in terms of what is reasonably feasible, in light of factors such as the
42 magnitude of the project at issue, *the severity of its likely environmental impacts*, and the
43 geographic scope of the project. CEQA does not require a lead agency to conduct every
44 test or perform all research, study, and experimentation recommended or demanded by
45 commenters.” (CEQA Guidelines Section 15204(a).) In this instance, there is no
46 evidence to suggest that proposed project would impact pedestrian and bicycle access in
47 the area. As described above, pedestrian and bicycle traffic is not high in the area, so that
48 bicycle and pedestrian counts are not warranted consistent with the City of Los Angeles

1 CEQA Thresholds Guide. The proposed Project would not result in impacts related to
2 bicycle or pedestrian facilities under Impact TRANS-8.

3 **Response to Comment R92-16**

4 The guidelines cited are for the County of Los Angeles Congestion Management Program
5 (CMP) (LA County, 2010) biennial monitoring of CMP arterials, which are designated
6 stations for monitoring long-term congestion in the County. They are not intended as
7 guidelines for traffic studies or environmental documents. The guidelines cited are for the
8 County of Los Angeles Congestion Management Program biennial monitoring of CMP
9 arterials, which are designated stations for monitoring long-term congestion in the
10 County. They are not intended as guidelines for traffic studies or environmental
11 documents. Contrary to the suggestion in the comment, all intersection counts include
12 midday peak period traffic counts. Please also see Response to Comment R92-15 for
13 discussion of LADOT transportation guidelines and their relationship to CEQA.

14 **References**

15 Los Angeles County Metropolitan Transportation Authority. 2010. "Congestion
16 Management Program (CMP)." Accessed online at:
17 http://www.metro.net/projects_studies/cmp/images/CMP_Final_2010.pdf

18 **Response to Comment R92-17**

19 The best available information at CMP Freeway Stations was 2009 data at the time of the
20 preparation of the traffic analysis. Historical traffic data is not analyzed by the Caltrans
21 Traffic Data Branch until after the completion of the calendar year. Tabulation of this
22 data may take an additional one to two years. Therefore the 2009 data was the most
23 recently available data at the time of the preparation of the traffic analysis. Please also see
24 Response to Comment R92-15 for discussion of LADOT transportation guidelines and
25 their relationship to CEQA.

26 **Response to Comment R92-18**

27 Please see Response to Comment R92-15 for a discussion of LADOT transportation
28 guidelines and their relationship to CEQA. "As discussed under CEQA Guidelines
29 Section 15204(a), the level of detail in the impact analysis is based in part upon the
30 severity of the impact. In this instance, all ramp levels of service operated at LOS B or
31 better and there were no significant impacts. Since the ramps counts were conducted the
32 levels of service is not expected to have changed significantly and are still considered
33 representative of existing conditions. Accordingly, analyses based on 2008 data would
34 still be valid for a 2010 baseline even if performed in 2010.

35 A reasonableness check was performed comparing port throughput and area traffic count
36 data from 2008 and 2010. The below data demonstrates a reasonable similarity of area
37 ground transportation conditions during the 2008 to 2010 period:

1

Port	Port Throughput [Millions of Twenty Foot Equivalent Units – MTEUs]	
	Calendar Year 2008	Calendar Year 2010
POLA	7.8 MTEUs	7.8 MTEUs
POLB	6.5 MTEUs	6.3 MTEUs

2

Intersection	Area Regional Highway Vehicle Volumes in the Peak Hour and (Average Daily Traffic)	
	Calendar Year 2008	Calendar Year 2010
PCH at SR-103	3,250 (35,500)	3,250 (36,000)
I-710 at PCH	10,800 (136,000)	10,900 (140,000)
I-110 at C Street	7,500 (91,000)	7,500 (88,000)

3

4 The best information available was used for the traffic analysis and the analysis in the
5 EIR is adequate and complies with CEQA.

6 **Response to Comment R92-19**

7 Please see Response to Comment R92-15 for a discussion of LADOT transportation
8 guidelines and their relationship to CEQA.

9 **Response to Comment R92-20**

10 As pointed out, one of the traffic count dates is October 14, 2010. Monday October 11,
11 2010 was Columbus Day. While traffic count guidelines generally state that traffic counts
12 should avoid being taken on weeks with a holiday, any traffic pattern disruption due to
13 Columbus Day is not expected to have altered traffic counts. Whereas Columbus Day is
14 a federal holiday, it is not a California State holiday, nor is it a holiday for the Los
15 Angeles Unified School District or the Long Beach Unified School District. The purpose
16 of avoiding holiday week or summer month traffic counts is to minimize the number of
17 vacationing commuters. Given these factors, traffic counts from October 14, 2010 would
18 not have been affected by Columbus Day. Please see Response to Comment R92-15 for
19 discussion of LADOT transportation guidelines and their relationship to CEQA.

20 **Response to Comment R92-21**

21 The statement has been revised in the FEIR to state that the tenant trip generation is based
22 off of driveway counts and trip generation data provided by the tenants in Section
23 3.10.3.3.1. The driveway counts are included in Appendix G1.

24 **Response to Comment R92-22**

25 The comment is introductory material that does not raise issues under CEQA requiring a
26 response. Responses to specific issues raised by subsequent comments are provided
27 below.

28 **Response to Comment R92-23**

29 The text of the FEIR was revised in Section 3.10.2.3.1 to state that bicycle lanes are
30 installed along Anaheim Blvd (from Henry Ford to City of Long Beach border). Please
31 see Response to Comment R92-15 and R92-22.

1 Response to Comment R92-24

2 The RDEIR relied upon the City of Los Angeles CEQA Thresholds Guide for the
3 assessment of impacts associated with bicycle and pedestrian facilities under Impact
4 TRANS-8. Those thresholds do not include the FHWA index related to bicyclist comfort
5 levels or bicycle LOS, but rather are focused on whether a project would have physical
6 effects on bicycle and pedestrian facilities such as bike lanes, crosswalks, and access
7 points. The Port has the discretion to select its own methodology and significance criteria
8 (CEQA Guidelines § 15204(a)) and CEQA does not require a lead agency to conduct
9 every test or perform all research, study, and experimentation recommended or demanded
10 by commenters.”

11 The purpose of Impact TRANS-8 is to address potential inconsistency with adopted plans
12 related to pedestrian and bicycle facilities, consistent with CEQA Guidelines § 15125(d).
13 While there are a very limited number of individual utilizing the new bikeway under
14 existing conditions, the project’s designation of truck routes will not affect these facilities
15 because (1) the area, including the new bike path, is already currently subject to industrial
16 uses and truck trips, therefore the limited number of existing bike riders are already
17 accustomed to these conditions, and (2) the intersections along this bike path, including
18 Intersections 11 and 12, would not be significantly impacted and would operate under
19 LOS A and B as provided in Table 3.10-25 (similar to existing conditions). Per Caltrans
20 Directive 09-06 all new and modified signals, such as the proposed Project entrance at
21 Pacific Coast Highway, will include bicycle detection.

22 The proposed Project is not expected to be inconsistent with existing or proposed bicycle
23 and pedestrian facilities, but in any case an inconsistency with a proposed plan without
24 physical changes to the environment does not result in a significant impact under CEQA.
25 As discussed in a leading CEQA treatise “[a]n inconsistency between a proposed project
26 and an applicable plan is a legal determination, not a physical impact on the
27 environment. See *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131
28 Cal.App.4th 1170...” (Kostka & Zischke, Practice Under the California Environmental
29 Quality Act, (2d ed. Cal CEB, January 2011), p. 612, § 12.34.) To the extent there are
30 physical changes, this analysis is still made in comparison to existing conditions. (See
31 CEQA Guidelines § 15125(a) and 15126.2(a).) As discussed under Response to
32 Comment R92-15, no impacts to pedestrian or bicycle facilities are expected to occur and
33 the analysis complies with CEQA.

34 Response to Comment R92-25

35 Please see the response to Comment R92-15 for discussion of pedestrian and bicycle
36 counts. The study locations do not include large volumes of bicycles or pedestrians for
37 the reasons described in the response to Comment R92-15; furthermore, the significance
38 thresholds used by the LAHD do not depend upon volumes of users but rather on the
39 presence and nature of facilities. Accordingly, the lead agency determined that count data
40 for bicycles and pedestrians were unnecessary for the analysis. The proposed Project
41 would not physically alter any existing or proposed bicycle or pedestrian facilities. The
42 finding of significance (see RDEIR Section 3.10.3.4) is based on whether the “Proposed
43 Project would conflict with adopted policies, plans, or programs regarding public transit,
44 bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such
45 facilities.” The proposed project would not conflict with adopted policies, plans, or
46 programs, and would not modify any such facilities.

1 Response to Comment R92-26

2 The commenter suggests that “traffic may be affected on nearby roads, if non-SCIG cars
3 and trucks change their routes to avoid traffic from SCIG trucks.” As described in
4 Section 3.10.3.1 of the RDEIR, regional models were used to calculate forecast trip
5 generation. As discussed in this section, the model was validated against existing
6 conditions. Use of these transportation models was specifically upheld in *Rialto Citizens*
7 *for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 928-931, As
8 discussed in Section 4.2.10.2, non-project related changes (“local background conditions
9 in future years”) are accounted for in the cumulative analysis. However, as noted in
10 Section 4.2 of the RDEIR, the proposed Project was found to have no impact to bicycle
11 or pedestrian facilities under TRANS-8 and would therefore, not contribute to a
12 cumulative impact. Furthermore, there is a limited correlation between the level of traffic
13 generated by the proposed Project and the rerouting of cumulative traffic volume. It
14 would be speculative to determine a project-related impact due to the voluntary rerouting
15 of background traffic to other routes.

16 Response to Comment R92-27

17 As discussed in Master Response 13, Previous Comment Letters and the RDEIR, the Port
18 is not required to respond to comments on recirculated portions of the Draft EIR.
19 Nevertheless, responses to these comments have been provided and are included in
20 Response to Comment 113.

21 Response to Comment R92-28

22 There is no basis for additional time for review and response to the Final EIR. The lead
23 agency has not produced any new studies and none of the references to documents in
24 responses to comments meet the requirement for recirculation of an EIR under CEQA
25 Guidelines § 15088.5.

26 The commenter attached the Traffic Technical Report for the Gardner Intermodal
27 Facility, Johnson County Kansas, 2009. This document does not specifically address
28 sections of the RDEIR or its adequacy. Therefore, no responses were provided. A copy of
29 the commenter’s attachment is included in the electronic versions (CD and POLA
30 website) of the Final EIR.

31



November 8, 2012

Christopher Cannon
Director of Environmental Management
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, California 90731

Via Email: cegacomments@portla.org

RE: Comments on the Southern California International Gateway (SCIG) Re-circulated DEIR

Dear Mr. Cannon:

On behalf of the South Bay Association of Chambers of Commerce (SBACC), I am writing to express our support for the Southern California International Gateway proposed by the BNSF Railway.

R93-1

SBACC, which consists of 16 leading chambers of commerce throughout the South Bay region of Los Angeles County, is impressed with the breadth and comprehensive approach found in the draft environmental impact report. Clearly, Port of Los Angeles staff and consultants have expended great effort in determining and discussing the potential impacts associated with the project. Also impressive is the environmental features committed to by the BNSF Railway in the project design, specifically the wide-span electric crane, the 10-year commitment to LNG or equivalent trucks, the contribution of up to \$3 million to the Technology Advancement Project for Zero Emission Container Movement System research, and the BNSF's continued commitment to fund a sound wall/landscape buffer along the 103 Freeway. In addition, we believe that GPS monitoring of the truck route will be effective to ensure the quality-of-life in the adjacent West Long Beach neighborhood.

R93-2

During our discussion of the DEIR, two issues arose that are of concern to our members: the relocation of the existing tenants within the project area and the potential traffic impacts within the relocation area. We hope that the POLA will discuss the relocation plan in greater detail in the Final Environmental Impact Report and ensure the continued viability of the relocated businesses. SCIG is an important project to the South Bay region for both economic and environmental reasons. The project is a model of "green growth" at the POLA.

SBACC looks forward to the timely release of the final EIR and the approval of the project.

Sincerely,

Patricia Donaldson
2012 Board President

1 **Comment Letter R93: South Bay Association of Chambers of**
2 **Commerce (SBACC)**

3 **Response to Comment R93-1**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

9 **Response to Comment R93-2**

10 Please see Master Response 8, Displaced Businesses.

11

November 6, 2012

VIA EMAIL AND U.S. MAIL

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Draft Environmental Impact Report for Southern California International Gateway

Dear Mr. Cannon:

As the former Chief Executive Officer of the Alameda Corridor Transportation Authority (ACTA), I am pleased to reiterate the following comments in support of the updated Draft Environmental Impact Report (DEIR) for BNSF Railway Company's proposed Southern California International Gateway, or SCIG.

The Alameda Corridor, completed in 2002, was a cooperative effort between the Santa Fe Railroad, the Union Pacific Railroad and the ports of Los Angeles and Long Beach, which provided a rail connection between the two ports and the downtown railyards of the two Class 1 railroads. The purpose of the Alameda Corridor project was to facilitate access to the ports "while mitigating potentially adverse impacts of the ports' growth, including highway traffic congestion, air pollution, vehicle delays at grade crossings, and noise in residential areas." Alameda Corridor DEIR Summary, at S-1.

To accomplish this goal, the Alameda Corridor consolidated four low-speed branch rail lines, eliminated conflicts at more than 200 at-grade crossings, and provided a high-speed freight expressway, with mitigation to minimize the impact on local communities. *See*, Attachment A, Alameda Corridor Fact Sheet, http://www.acta.org/projects/projects_completed_alameda_factsheet.asp

In 2003, the Governing Board of ACTA unanimously adopted an expanded mission, consisting of several recommendations that would improve the flow of cargo from the ports of Los Angeles and Long Beach to the rest of the region, to further realize the potential benefits of the uninterrupted express railway provided by the newly completed Corridor. Among the projects which ACTA committed to support through its expanded mission was a new near-dock facility where containers could be loaded onto rail and be transported to the downtown railyards approximately 24 miles from the ports via the Alameda Corridor, thereby eliminating freeway truck trips destined for those yards. This new near-dock facility was recognized as part of an improved regional intermodal network, which was necessary to deliver local cargo to the region's major freight distribution centers in a more effective and efficient manner, to ease truck congestion, to improve air quality and to improve the safety of local and regional roads. *See*, Attachment B, ACTA Press Release, December 4, 2003.

R94-1



R94-1

↑ The Alameda Corridor was planned and constructed specifically for intermodal trains such as those serving SCIG. During the environmental review of the Corridor, an exhaustive analysis was conducted of the impacts that would result from the project on communities located along the Corridor. The rail traffic that will be generated by SCIG and will travel on the Alameda Corridor has been evaluated with respect to impacts to the communities located along the Corridor. The Alameda Corridor EIR evaluated noise, vibration, air quality, traffic, land use, population and housing, and safety and security, among other potential impacts. As required by CEQA, the ACTA Governing Board received and responded to public comments relating to these potential impacts, mitigated the impacts where feasible, and approved the project.

R94-2

The Alameda Corridor is currently utilized by an average of 43 trains per day, with capacity for 140 additional trains. Contrary to comments presented at the Long Beach City Council meeting of Tuesday, December 6, 2011, this fact does not indicate a lack of need for the SCIG project. Rather, the latent capacity of the Corridor is due to the limitations of existing intermodal infrastructure at and near the ports, which cannot accommodate all the cargo to maximize the use of the Corridor. It is precisely a project such as SCIG that will permit additional cargo to be moved from the port by rail rather than by truck, thereby helping realize the potential benefits of the Corridor.

In sum, the SCIG project will increase use of the Alameda Corridor, which provides for the efficient transportation of cargo between the San Pedro Bay Ports and the inland destinations in the most environmentally beneficial way, thereby helping realize the benefits of this \$2.4 billion public investment. It is clear that the SCIG project is the highest and best use of this Port of Los Angeles property, in that it will help achieve the long-term environmental benefits of the Alameda Corridor, while maintaining the competitiveness of the San Pedro Bay Ports.

Sincerely,

James Hankla

1 **Comment Letter R94: James Hankla**

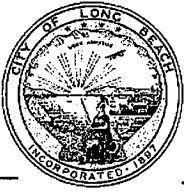
2 **Response to Comment R94-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

8 **Response to Comment R94-2**

9 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
10 and is therefore before the decision-makers for their consideration prior to taking any
11 action on the SCIG project. The comment is general and does not reference any specific
12 section of the DEIR or RDEIR, therefore no further response is required. (Public
13 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

14



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 Phone: 570.5237

November 8, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

**Re: Community Comments on Southern California International Gateway (SCIG)
Recirculated Draft Environmental Impact Report**

Dear Mr. Cannon:

On October 15, 2012, the City of Long Beach formally requested a community meeting to be held by the Los Angeles Harbor Department/Port of Los Angeles (PoLA) on the Recirculated Draft Environmental Impact Report (Recirculated DEIR) for the Southern California International Gateway Project (Project).

Despite hosting a community meeting in Long Beach during the original circulation of the DEIR, the PoLA would not agree to host another meeting in our community during the Recirculated DEIR comment period.

As such, the City of Long Beach made arrangements, at its own cost, for a community meeting to receive public and agency comments on the Recirculated DEIR. The meeting was held Wednesday, November 7, 2012, at Silverado Park, in Long Beach. The attached transcript of the public meeting reflects additional public comments related to the Recirculated DEIR submitted by the City of Long Beach.

Please do not hesitate to contact me at 562.570.6428 if you have any questions. Thank you in advance for your cooperation.

Sincerely,

AMY J. BODEK, AICP
Director of Development Services

R95-1-1

In re the Public Hearing for:)
)
SOUTHERN CALIFORNIA)
INTERMODAL GATEWAY.)
_____)

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

Long Beach, California

Wednesday, November 7, 2012

Reported by:
LISA E. GODANIS
CSR No. 4281
JOB No. 4064F



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In re the Public Hearing For)
)
SOUTHERN CALIFORNIA)
INTERMODAL GATEWAY.)
_____)

Transcript of Proceedings, taken at 1545
West 31st Street, Long Beach, California,
beginning at 6:43 p.m. and ending at 8:33
p.m. on Wednesday, November 7, 2012, before
LISA E. GODANIS, Certified Shorthand Reporter
No. 4281.

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APPEARANCES:

JAMES JOHNSON
City of Long Beach Councilmember
And
MICHAEL CLEMENTS
Chief of Staff
333 West Ocean Boulevard, 14th Floor
Long Beach, California 90802
(562) 570-7777

Interpreters:

SHANNON K. MURPHY
And
ALEX QUINTANA

1 Long Beach, California, Wednesday, November 7, 2012

2 6:43 p.m. - 8:33 p.m.

3

4 (Presentation made by Chris Cannon and Lisa
5 Ochsner from the Port of Los Angeles.)

6 COUNCILMAN JOHNSON: All right. Thank you very
7 much. I appreciate your presentation from the Port of Los
8 Angeles.

9 My name is James Johnson. I'm a council member
10 here in West Long Beach and I thank everyone for coming
11 out.

12 I do want to thank the Port of Los Angeles. Many
13 of you may have heard that there initially there was not
14 going to be a meeting with West Long Beach and I thought
15 it was very important for a project that has major impact,
16 whether positive or negative, major impact on West Long
17 Beach that we need to have a meeting right here in the
18 heart of the community, so thank you all for being a part
19 of that.

20 I do want to just note that for any who need
21 translators, they are in the front of the room.

22 So with that, I would like to go ahead and
23 welcome the first speaker, John Cross, president of the
24 West Long Beach Neighborhood Association, to come towards
25 the front and after that will be Felton Williams from the

R95-2-1

1 Long Beach School District.

2 Before you speak, John, you need to hold off
3 probably just one or two minutes. I would like to
4 recognize a couple of dignitaries.

5 Felton Williams, from the Long Beach Unified
6 School District, thank you for coming. Felton, you've
7 been a great partner in the community.

8 I want to thank two harbor commissioners, one
9 former and one current, former harbor commissioner Mario
10 Cordero, and current federal maritime commissioner, thank
11 you for being here. Give him a round of applause.

12 We also have Nick Sramek, west side's own harbor
13 commissioner, thank you for being here again.

14 Tim Patton is here representing assembly member
15 Bonnie Lowenthal and David Reich is here representing
16 Mayor Antonio Villarigosa. Thank you both for attending.

17 And finally, I'd just like to go ahead and offer
18 my own comments for the record just so you all know the
19 process.

20 Basically each person will be given three minutes
21 to speak after I give my initial comments. There will be
22 warnings given by my chief of staff here, Michael
23 Clements. If you would like to speak, please give us your
24 name in the back of the room and I'll stay here as long as
25 you'd like to speak.

1 What we're doing is we're formally transcribing
2 all of your comments so everything spoken tonight will be
3 written down and sent to the Port of Los Angeles as a
4 formal comment meaning that the Port of Los Angeles will
5 be responding to your comments in the final EIR.

6 With that, I would like to thank all of you who
7 came, once again, to comment tonight on the recirculated
8 environmental impact report.

9 Democracy works best when government sincerely
10 welcomes residents to provide input on products that
11 affect them. Ultimately, the final result will be better
12 because of all of you who took the time out of your
13 schedule to speak out for your vision of the best possible
14 Long Beach.

15 I do appreciate the Port of Los Angeles revising
16 the environmental impact report in order to adequately
17 assess the impact of this project on Long Beach and the
18 region. This is a major project and it is important that
19 we get this right and this report right given that the
20 impact of this project will last for decades.

21 I believe that the report is lacking in three
22 primary areas.

23 First, laying out a feasible road map towards a
24 zero emissions future for the trucks driving to and from
25 the proposed near-dock facility.

R95-2-1

R95-2-2

R95-2-3 1 Second, accommodating the existing businesses
2 which currently provide significant employment and
3 economic activity to the region.

R95-2-4 4 And third, most importantly, mitigating the
5 serious health impacts on the west Long Beach community
6 right here.

7 And I appreciate that. Now for the rest of the
8 night I'm going to ask you to hold your applause for the
9 end of the comments because we have 45 comments, though I
10 do appreciate it.

R95-2-5 11 First, while the previous environmental impact
12 report failed to significantly address zero emissions
13 goods movement, the revised report states that it is a
14 goal of the project that 100 percent of the trucks
15 servicing the facility be zero emissions by 2020. That's
16 a fine goal but there does not appear to be any serious
17 discussion by the port of how that goal will be achieved,
18 what incremental progress, for example, 20 percent of the
19 trucks by 2015 be zero emissions, 40 percent by 2017, et
20 cetera, will be achieved on the path towards 100 percent
21 zero emissions trucks, what package of incentives or
22 regulations will be required or necessary to achieve these
23 goals. What assurance can we in the community have that
24 the zero emissions goal that is so important for the
25 environment and the long-term sustainability including our

R95-2-5

1 economy and jobs will be achieved. These details need to
2 be explained to the community in a feasible, legally
3 enforceable transition for zero emission trucks be laid
4 out.

R95-2-6

5 Second, the report notes that there are several
6 businesses that are currently operating a property that is
7 proposed to be converted to a near-dock facility. These
8 businesses currently employ hundreds of people, well over
9 a thousand people, many of whom are Long Beach residents.
10 What efforts will be made by the Port of Los Angeles to
11 relocate these businesses so as to avoid the blow to our
12 local economy and our residents from losing these viable
13 jobs? More needs to be done to reasonably accommodate and
14 relocate these businesses. Jobs are critical for Long
15 Beach and the region and none of us want the permanent
16 loss of these good jobs that come from these long-standing
17 businesses.

R95-2-7

18 Finally, the report appears to lack the serious
19 mitigation necessary for the West Long Beach residents who
20 will be dramatically impacted by this heavy industrial
21 development next door to their residential neighborhoods.

22 When the Port of Los Angeles developed the trade
23 pack facility just next door, it spent \$55 million to
24 create the 30-acre park called the Wilmington Riverfront
25 Park to buffer the Wilmington residents to the nearby

1 goods movement activity. How much is the Port of Los
2 Angeles proposing to spend on a similar buffer for Long
3 Beach residents who will be impacted by this project? It
4 appears the number is a simple one, zero.

5 If this project is to move forward, the Port of
6 Los Angeles should propose to help vacate the Terminal
7 Island Freeway north of Pacific Coast Highway and build a
8 significant buffer park on that and surrounding parcels to
9 protect the veterans, school children and the residents
10 from this heavy industrial land use.

11 Land use planners are clear. Heavy industrial
12 developments are inappropriate next to residential
13 neighborhoods and if this must occur in a built-out
14 Southern California then a significant buffer needs to be
15 created to protect our residents.

16 I request that the Port of Los Angeles formally
17 respond to these comments and to all of those of the City
18 of Long Beach previously and that will be submitted. I
19 appreciate your attention towards resolving these
20 questions and making this EIR as complete as possible.

21 Now with that, I would like to welcome John Cross
22 from West Long Beach and welcome Felton Williams to be
23 next.

24 JOHN CROSS: Okay. I asked Mike for a couple
25 extra seconds.

1 My name is John Cross. I'm the current president
2 of the West Long Beach Neighborhood Association, a lot of
3 you here are my neighbors, I've known you for years, and I
4 would like to thank Councilman James Johnson for what he
5 did calling this meeting.

6 When I found out -- I attended the meeting in
7 Wilmington -- that we were not going to have a meeting in
8 Long Beach, I was really upset. And when I found out the
9 reason they weren't having that meeting, I became more
10 upset. And the reason we did not have a meeting, the Port
11 of L.A. was willing to have a meeting in West Long Beach
12 but that meeting didn't occur because powers to be in
13 downtown L.A. from the top down said no meeting in West
14 Long Beach, and I've been told that by three reliable
15 resources.

16 So the mayor of L.A. did not want to have a
17 meeting in West Long Beach who is the most heavily
18 impacted community in this whole project. So it was the
19 mayor of L.A. vetoed a meeting here, ladies and gentlemen,
20 and that is a fact.

21 Now comments. Like I said, I'd like to thank
22 Councilman Johnson. When I approached him about this, he
23 was upset, said we need to have a meeting over here. So
24 this man needs a round of applause because he did bring
25 the meeting to us on his own and thank you, Councilman

R95-3-1

1 Johnson.

2 Okay. Start the clock, Mike.

3 Okay. A couple of flaws with this EIR. They
4 went from a 30-year EIR to a 50-year EIR, 50 years.
5 They're not going to have clean trucks until 2022 or
6 something like that. Well, what happens in 2022 when
7 nobody's around, all the politicians are gone, the port
8 officials are gone. The railroads come under federal
9 jurisdiction. If they don't have clean trucks, no one's
10 going to shut them down, no one's going to make them close
11 up the doors and go out of business. The Port of L.A.
12 won't have no control over of them and the Port of Long
13 Beach definitely won't have control over them, neither is
14 the City of Long Beach, so that's a flaw. They won't have
15 to have clean trucks because nobody's going to enforce the
16 laws once they're up in operation. They come under
17 federal guidelines for the railroad, so that's one flaw in
18 the EIR.

19 Two, how are you going to mediate a kid that goes
20 to bed at night with a breathing apparatus because he has
21 asthma. We have the highest asthma rate in the city over
22 here on the west side and Hudson School which is at ground
23 zero, has a 15 percent asthma rate.

24 Now you put in a green wall. You put in a park.
25 The diesel pollution from the trains and trucks still

1 flows over into our community. The only place to put this
2 rail yard is south of Anaheim Street on port property, not
3 near dock rails. You cannot build a school next to that
4 facility but how in the hell can you build a facility next
5 to a school? That's not right.

6 Now the Port of L.A. told me that the Port of
7 Long Beach is going to use 60 percent of the cargo going
8 out of that yard, 60 percent. Well, hey, the Port of Long
9 Beach and the Port of L.A. can come together south of
10 Anaheim and build a rail yard there which is away from
11 residential areas and shorter trips.

12 Now the air they can't mediate and they have
13 already admitted it's going to be dirty but they're going
14 to clean up the air along the 710 Freeway and put 1.5
15 million to two million trucks right in our backyard, right
16 in our backyard, and that means we're going to have a lot
17 more pollution coming into our community. And these kids
18 here who are from Village Cabrillo --

19 That's three minutes? You've got a fast watch.

20 These kids live in Village Cabrillo. The trucks
21 get off at Village Cabrillo, right by their gate. We
22 don't need it next to our schools, next to our homes. The
23 Port of L.A. and the Port of Long Beach need to get
24 together and put it south of Anaheim.

25 Thank you.

R95-3-3

1 COUNCILMAN JOHNSON: Felton Williams and then
2 next will be Taaj Zeigler.

3 FELTON WILLIAMS: Councilman Johnson, I want to
4 thank you from the bottom of my heart for pulling this
5 meeting together, this very important meeting. I do
6 represent the schools on the west side of Long Beach and I
7 also represent the issues that are qualified, some of the
8 current problems that we're having with the facilities.
9 We, as a district, did comment on the first EIR, and I
10 have our director of facilities, Carrie Masimoto, with me
11 who will give a little background on the first EIR. And
12 we're also preparing comments on the second EIR, which
13 will be released shortly but I do have Carrie here and I
14 want Carrie to talk about what transpired with the first
15 EIR.

16 CARRIE MATSIMOTO: Thank you.

17 Again, I'm Carrie Matsimoto. I'm the director of
18 facilities for the school district. And I just wanted to
19 reiterate that the district has officially submitted
20 previously a comment letter to the port expressing some
21 serious concerns relative to the draft EIR.

22 Since we're in the middle of reviewing the
23 recirculated EIR, we withhold commenting on that but I can
24 tell you that the concerns we expressed in our first
25 letter relative to the draft EIR were around what we

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1 considered to be a serious flaw and fundamental flaw with
2 that EIR relative to some of the assumptions made relative
3 to the use of the Hobart facility which then would
4 underscore some of the impacts that we believe would
5 outcome out of that particular flaw with that analysis.
6 And so we did express serious concerns of impacts for
7 traffic, the additional truck trips that could happen on a
8 yearly basis as well as the impacts both in terms of air
9 quality and health impact to our students and our schools.
10 And so therefore, we are hoping that the port has
11 addressed these concerns and issues and takes them
12 seriously.

13 If they are not adequately addressed in the
14 recirculated EIR then the district's comments would remain
15 the same and we would have some serious concerns about the
16 impacts to our schools.

17 FELTON WILLIAMS: Just in -- in closing, the
18 health and welfare of our children and the health and
19 welfare of the community is vitally important to the
20 school district. The kids really can't speak up for
21 themselves, so it's important that we understand and
22 recognize that and -- and to mitigate some of the health
23 impacts that are occurring for our children.

24 We need to get this right and we need to make
25 sure we get this right, so whatever we need to do at the

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1 school district to protect our kids we're going to do
2 that. Thank you all very much.

3 COUNCILMAN JOHNSON: Taaj Ziegler, and next will
4 be Rico Blevins.

R95-6-1

5 TAAJ ZIEGLER: Hello. My name is Taaj Ziegler
6 and I live in the Village Cabrillo, and I'm 13 years old.
7 And we made this magazine to represent our community about
8 how this project is going to affect us and we'd like to
9 share it with you.

R95-7-1

10 RICO BLEVINS: Good evening, Councilman James
11 Johnson. My name is Rico Blevins, and I'm representing
12 Long Beach Community Action Partnerships committed to
13 making a change by our youth advocacy group, and we
14 brought a group of our young students from -- well, not
15 just students, just all of our children from the Villages
16 of Cabrillo out here to show you guys who is being harmed
17 by this -- this railroad initiative or project, and it's
18 right in front of our villages and -- it comes right in
19 front of the villages and there's so many youth that live
20 in that village and it's just, like, very harmful and here
21 are just some of them. If one of you guys can raise your
22 hands, like, who has asthma right here. And these are
23 just the ones that have asthma right now at this moment
24 and it can just get worse and worse.

25 And this is Kieran Kelleher.

1 KIERAN KELLEHER: How are you guys? I'm Kieran
2 Kelleher.

3 I'm currently affected by the pollution in Long
4 Beach. I have asthma and this is just going to get just
5 worse and worse if we don't -- if we don't stop -- if we
6 don't stop this railroad and I'm just so grateful for all
7 the support in our community and I just don't want the
8 pollution to get already worse than it is now so thank you
9 so much for coming out now and supporting us.

10 COUNCILMAN JOHNSON: The next speaker will be
11 Brett Gallo, and Tommy Faavaz will be after that.

12 BRETT GALLO: Hello. I want to thank you, James
13 Johnson, for having the meeting tonight. And I'm Brett
14 Gallo, I'm a seventh district resident and I'm here in
15 support of the SCIG project and the draft EIR. But the
16 EIR states that the air quality will improve if this
17 project is done. I'm looking at the map over there. I'm
18 looking at it's green compared to orange and red. I want
19 the air quality to be better in my neighborhood for my
20 children and my children's children and without the
21 project we need to -- it just needs cleaning up. So let's
22 support, you know, progress. I know it's not 100 percent
23 progress, not 100 percent green but it's a step in the
24 right direction, SCIG is a step in the right direction.

25 Thank you.

1 COUNCILMAN JOHNSON: Tommy Faavaya and then
2 Eunice Langford will be next.

3 TOMMY FAAVAYA: Good evening. My name is Tommy
4 Faavaya. I represent IBEW, International Brotherhood of
5 Electrical Workers, Local 11, in the Los Angeles area. I
6 work around this area and the surrounding ports.

7 I'm here in support of the recirculated EIR,
8 draft EIR for the SCIG project. I feel that this project
9 is going to bring green growth to the City of Long Beach,
10 I mean Port of Los Angeles area where it's located. I
11 feel that this project is meeting the mission of what the
12 Port of Los Angeles is providing under their strategic
13 plan for the Los Angeles Harbor Department 2012. The BNSF
14 SCIG project meets and exceeds the objectives of the Port
15 of Los Angeles' mission of promoting green growth. The
16 Los Angeles Harbor Department has expressed its intent to
17 promote increased use of rail in general and near-dock
18 rail facilities in particular as indicated in the rail
19 policy.

20 The following specific project objectives
21 accomplishes the primary objective and fundamental
22 purpose. It provides an additional near-dock intermodal
23 rail facilities that will help meet the demands of current
24 and anticipated continuing cargo from the various San
25 Pedro terminals and so forth, reduce truck miles, travel

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1 associated with moving containerized cargo by providing a
2 near-dock intermodal that would increase use of the
3 Alameda corridor with efficient and environmentally sound
4 transportation of cargo between the San Pedro Bay ports
5 and destinations both inland and out of the region and
6 maximize the direct transfer of cargo from port to rail
7 with minimal surface transportation congestion and delay.
8 Construction of a near-dock intermodal rail facility that
9 is designed and configured to provide maximum efficiency
10 of transfer of marine containers between truck and rail in
11 a most efficient manner, provide infrastructure
12 improvements consistent with the California goods
13 movement. This facility will be the greenest facility in
14 the whole United States, truck to transfer facility,
15 electric cranes, you'll have 2010 new trucks coming in and
16 out of this facility. That's what we want to bring to
17 this particular project. Thank you.

18 COUNCILMAN JOHNSON: We do have some seats in the
19 front so if you'd like to come up and sit, please do so.
20 I would ask everyone to be respectful to all the speakers
21 regardless of your viewpoint.

22 EUNICE LANGFORD: Hi. My name's Eunice Langford
23 and I'm a resident of Long Beach. I live at 2345 Poppy,
24 Long Beach, California, and I am in support of the SCIG
25 because it will create more jobs, 1,500 jobs per year over

1 a three-year span of construction, and the port's analysis
2 concludes that proceeding with the project, instead of
3 continuing with the air quality now, it's going to be a
4 greener facility so change is good, scary but good.

5 Other BNSF commitments is that the operating
6 contractor will be required to give qualified local
7 residents like myself priority for all new job offers at
8 SCIG, so they are -- they are committing to giving us
9 work. BNSF would fund workforce training programs in
10 partnership with local institutions to assist area
11 residents in obtaining these jobs.

12 I am a mother of three, there's one on the way,
13 and as a Long Beach resident, that would create a good job
14 opportunity for myself along with the training. And I
15 currently am working with IBEW to be a part of their
16 apprenticeship program and this project labor agreement
17 would open up a opportunity for myself and other Long
18 Beach residents, so thank you.

19 COUNCILMAN JOHNSON: Next up we have Mark Lopez
20 and Mark will be followed by Erica Olvera, so Mark Lopez
21 then Erica Olvera.

22 MARK LOPEZ: Hi. My name is Mark Lopez and first
23 I wanted to acknowledge all the union brothers and sisters
24 in here who got a very big victory yesterday on Prop 32.
25 I felt it was big for all of us here in California.

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R95-12-1

1 And I also want to recognize, though, that those
2 same forces that were trying to act against us yesterday
3 are the same ones asking you to stand with them here
4 today.

R95-12-1 5 I live up north by the Hobart yard and they're
6 telling us they need to expand up there to put more trucks
7 while down here they're telling us they need to put a yard
8 down here so that there be less trucks, so they're lying
9 to some of us. Either they're lying to us up here or
10 they're lying to us down there, so that's a big issue.
11 Ain't nobody here against jobs. I don't know anybody
12 against jobs except for large corporations because they
13 want to make as much money as possible and they'll do it
14 however they can including lying, right? So I think we
15 need to recognize that and have real conversation with
16 each other and have that real power that we can create
17 that unity. That's what we're here about, right? We're
18 trying to have the best situation, right? We don't have
19 to sacrifice, you know, our lungs for our stomachs.
20 That's what they want us to think. We don't have to do
21 that, right? We don't have to sacrifice our backs for our
22 stomachs. We stand up when we're fighting for our rights
23 as workers and for our rights as human beings, so I want
24 to make sure that's put in there on the record. Thank
25 you.

1 COUNCILMAN JOHNSON: This will be Erica followed
2 by Martha Sandoval.

3 ERICA OLIVERA: Good evening. My name is Erica
4 Olivera from district one.

5 Tonight I come representing my community and
6 especially my daughter who has asthma, and that is why I
7 oppose this project because I know there will only be more
8 illness and more pollution.

9 We want solutions. We want -- we don't want our
10 communities and our families to be exposed to more
11 illness, and that's why I say no to this project. And we
12 don't want growth at the expense of more death and
13 illness. Thank you.

14 COUNCILMAN JOHNSON: Martha Sandoval.

15 MARTHA SANDOVAL: Good evening. My name is
16 Martha Sandoval, and I'm also here representing the
17 community of Long Beach. I'm going to speak for myself
18 because I have a son with asthma and I think there's no
19 need to have more pollution in Long Beach. We don't need
20 it. My son has asthma and when he gets sick he misses
21 three or four days at school. He has to breathe with a
22 machine and I don't think it's fair. I do not agree with
23 the project. Thank you.

24 COUNCILMAN JOHNSON: Next up will be Silvia Reyes
25 followed by be Beatriz Guerens.

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R95-15-1

1 SILVIA REYES: Good evening. My name is Silvia
2 Reyes. I represent the ninth district in the City of Long
3 Beach. I ask you please do not bring any more pollution
4 to the city. It is already affected enough by the ports
5 the refineries and the trains. I am a mother. I have two
6 children that go to school. I am a volunteer in those
7 schools and it's very sad to see how many children remain
8 seated because they suffer with asthma and they can't
9 play. That's why I ask you please to save our children
10 and the future generations. Thank you.

R95-16-1

11 BEATRIZ GUERRERO: Good evening. My name is
12 Beatriz Guerrero. I have asthma and I firmly oppose this
13 project because of the parks and schools and the things
14 that so politely the lady from the port told us where she
15 explained to us all the measures taken for the
16 construction for the environment. It's surprising that
17 they can take but with the pollution already existing what
18 are they going to do. That's why I can't -- I can't agree
19 with this project and with the historic bridge that is
20 going to be demolished. Where is the historic department,
21 the cultural department? Thank you.

22 COUNCILMAN JOHNSON: Next we have Wally Baker who
23 will be followed by Jose Luis Garcia.

R95-17-1

24 WALLY BAKER: Thank you very much. I'm Wally
25 Baker. I'm president of Jobs First Alliance. We're an

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1 organization of labor, business and government and we
2 started an initiative called Beat the Panama Canal about
3 two years ago and I want to speak up tonight in favor of
4 the SCIG project. It certainly brings local jobs,
5 construction trades in particular, train people and --
6 train local people to create local jobs. That is very
7 important. There's also permanent jobs that come out of
8 this and of course it impacts the rest of the county
9 creating jobs throughout the county as well.

10 I also think it's a great project from an
11 environmental perspective. It makes the current location
12 less polluted than what it's doing now and of course we
13 all know trains are cleaner to move stuff than trucks are,
14 so that also is a big benefit.

15 I know that from my research that unemployment of
16 long-term duration of people who are under 50 have --
17 males have about a 70 percent increase in premature death
18 and women have about a 40 percent increase in premature
19 death due to unemployment, so certainly everything we can
20 do to create jobs and get this project going is super
21 important.

22 In terms of Cal Cartage, the jobs that are there
23 will not go away. The cargo will still be coming. They
24 could end up working for somebody else but of course that
25 isn't going to happen. And Cal Cartage will be fairly

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1 treated in a relocation but their facility now needs to
2 move and we need a cleaner facility in there. Thank you
3 very much.

4 COUNCILMAN JOHNSON: Jose Luis Garcia and then
5 Roger Rowe.

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6 JOSE LUIS GARCIA: Hi, good evening. My name --
7 thanks for allowing me to speak. My name is Jose Luis
8 Garcia. I work at Cal Cartage Company in Wilmington.

9 The BNSF is going to create jobs, my coworkers
10 and I respectfully disagree. There will be three times as
11 many jobs lost as will be created by BNSF. We have many
12 more people working at Cal Cartage than BNSF will ever
13 employ. If you allow this project to go through, the Cal
14 Cartage operation will cease because there is no other
15 place for it to go and 800 to 1,000 of us will be
16 unemployed. Unemployment rate in Wilmington and Long
17 Beach is the highest in the county. Again, if you allow
18 our jobs to be eliminated by this project, you will only
19 create more unemployment. Please put this new rail yard
20 closer to the harbor and not at this location. Thank you
21 for your time.

22 COUNCILMAN JOHNSON: Roger Rowe and then John
23 Taelifi will be next.

R95-19-1

24 ROGER ROWE: Thank you, James, for putting this
25 meeting together, it's really great.



1 It's too bad the City of Los Angeles didn't see
2 fit to do it but I'm glad you did. I'm glad to see such a
3 great turn-out here.

4 I've lived in West Long Beach for my whole life,
5 70 years, and I am not in favor of this project but I come
6 at it from a little different perspective. Something's
7 going to happen here maybe whether we like it or not. The
8 thing we need to do is to ensure that whatever is in this
9 EIR, whatever the City of Los Angeles does, whatever BNSF
10 does, we need to have a mitigation plan and with a lot of
11 money in it to do the best job we can to protect our
12 citizens. Now maybe that's a 35-foot block wall. Maybe
13 that's a half-a-mile-wide park that runs the entire
14 duration from Pacific Coast Highway to Wardlow, not
15 stopping at Willow.

16 There's five projects -- five major construction
17 projects that are going to surround the west side over the
18 next 15 years and we need to have, as a community, a
19 mitigation plan. If we can't win and move those
20 construction projects away from our city, we at least need
21 to have a mitigation plan with a lot of money that they
22 put in this pot to protect our community and protect our
23 kids and protect our environment.

24 As James said earlier today, there's zero
25 mitigation dollars in this plan right now. We need to at

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1 least insist on the terms of mitigation so that if we do
2 lose and this project does happen at least there's some
3 protection for our children and for our community. Thank
4 you.

5 COUNCILMAN JOHNSON: John Taelifi and then Extin
6 Lenord.

7 JOHN TAEIIFI: I want to thank the councilman for
8 calling this forum, much needed, obviously. My name is
9 John Taelifi. I'm a resident of West Long Beach with four
10 generations of my family members here. I have a vested
11 interest in this community. I'm a property homeowner and
12 want to maintain my property going forward with the
13 generations of my children.

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14 We don't have a crystal ball but I want to go on
15 record of what Roger Rowe has shared in that there must be
16 substantial, significant mitigation; in the eventuality
17 that this comes to pass, West Long Beach must be
18 protected.

19 Following the idea demonstrated by the urban
20 designer Brian Wilasemski, that placement of that green
21 space park running the gamut from PCH to Wardlow may be
22 just a minute project in order to protect the lives of
23 West Long Beach and its residents, especially the children
24 in the future. There are five projects surrounding and
25 shrinking West Long Beach and all those are human factor

1 impacts.

2 I'm appalled that the Port of Los Angeles cares
3 so little about the human factor of the lives here that
4 they have not presented any mitigation but yet what we've
5 heard tonight is that they have been able to provide open
6 space, green space in Wilmington. We would like to see
7 the same and more.

8 I want to also call out and thank Councilman
9 Johnson for his effort to secure funds to put up a mulch
10 wall along the TI freeway that is a wonderful idea but we
11 need much more. And so the placement of a green space
12 park, guys, for all those residents, we have the Cambodian
13 temple people that are here who are immediately adjacent
14 to the TI, so for us West Long Beach residents, for the
15 future of our children, I would call upon you to applaud
16 for something that we can gain going forward. Thank you.

17 COUNCILMAN JOHNSON: Next, Extin Lenord followed
18 by Elisabeth DeSchmidt. Is Extin here?

19 With that, why don't we have Elisabeth
20 DeSchmidt come up.

21 ELISABETH DESCHMIDT: Hi. My name's Elizabeth
22 Deschmidt and I'm a Long Beach resident. I live in West
23 Long Beach. Our city is the victim of tremendous amounts
24 of pollution in combination with traffic along the 405 and
25 710 freeways. When you combine these activities of the

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1 refineries, the problem just seems much worse. I would
2 love to see zero emissions technology being used in all
3 the port projects. However, zero emissions technology is
4 not yet sophisticated enough or realistically available to
5 be used in the entire goods movement industry. I support
6 the SCIG project because BNSF has publically committed to
7 participate in zero emissions container movement system
8 research, they've committed to donate funding up to three
9 million for purposes of developing a zero emissions
10 container movement system. Thank you.

11 COUNCILMAN JOHNSON: Elena Rodriguez followed by
12 Beatriz Reyes. And if Extin Lenord is around, he can come
13 up as well.

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14 ELENA RODRIGUEZ: My name is Elena Rodriguez.
15 And I live two blocks away from the gigantic proposed
16 project and toxic project SCIG. The reason why I oppose
17 this project are is the wrong use of the land and the
18 place is situated close to a school and residential area.

19 Second, the majority of the residents, we are of
20 low income and people of color that's why the building of
21 this project is a toxic project in my community, would be
22 unfair for the environment and also racist.

23 Third and as important, the moving of 2700 trucks
24 with heavy loads every day and 20 to 30
25 locomotives operating daily around our families, our

1 families will be at high risk of getting any of these
2 illnesses like asthma, heart problems and worse, cancer.

3 I don't want to see any -- any other member of my
4 family suffering with cancer and I don't want to see any
5 other member of this community with cancer for the
6 construction of this project with this toxic train. And I
7 want to prevent the pain and suffering of our children,
8 our families, and that is our right. Thank you for
9 allowing me to speak.

10 COUNCILMAN JOHNSON: Beatriz Reyes followed by
11 Jesse Marquez?

12 BEATRIZ REYES: Good evening. My name is Beatriz
13 Reyes. I am a Long Beach resident and I belong to the
14 seventh district. My sister is currently attending
15 Cabrillo High School. She's a tenth grader. She is a
16 cross country, very bright, smart student. She wrote
17 Untitled by Elizabeth Reyes.

18 Cancer is something that just shows you from the
19 inside out living every day in pain knowing that you can
20 not do anything about it. There's no cure, affecting
21 every living thing on this earth, wishing for blue skies
22 but all I see are gray clouds of smoke. Hearing the
23 sirens of ambulance raging through the streets. Getting
24 young children with closed airways to emergency rooms. As
25 I walk in, the elderly people and children with oxygen

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1 tanks in there sights. The construction of new houses
2 with sound proof windows. The environment slowly being
3 destroyed. The broken dreams of many people wanting to do
4 something with their lives. The angry mothers and
5 community leaders wanting the best for their children and
6 their community members. Families attending funerals of
7 loved ones because they die constantly of cancer and
8 asthma attacks as the many tears are slowly falling down
9 their faces.

10 My sister is only ten, is currently
11 attending Cabrillo High School. She doesn't have asthma
12 but she's having symptoms. This is something that I
13 wouldn't want to wish for any -- any of my family members
14 to have.

15 I currently work with asthmatics and it is very
16 difficult to see these people suffer because they can't
17 afford their medication because they can't afford the
18 clinic visits, and I strongly oppose this project because
19 it's not good for my community and I completely stand
20 strong with my community and I do not want a toxic rail
21 yard as my neighbor because I already have enough with the
22 refineries and the port, and again, I oppose this and
23 thank you, Counselmember James Johnson, for your time.

24 COUNCILMAN JOHNSON: Jesse Marquez and Weston
25 LaBar.

1 JESSE MARQUEZ: My name is Jesse Marquez. I'm
2 executive director of the Coalition for a Safe Environment
3 in Wilmington, and I'll also be speaking as a Carson
4 resident just living a mile away from this project.

5 I did review at least the noise section of the
6 recirculated EIR but the port tries to give the impression
7 that they have made a lot of revisions. Well, they've
8 totally ignored all of our comments that we've submitted
9 regarding the noise. The number one thing that we've
10 pointed out that all of the City of L.A., the City of
11 Carson, City of Long Beach, California state and even the
12 federal standards and ordinances they reference are all
13 outdated. Not a single one is more -- is as current as 25
14 years. That's how far back they go.

15 If you want to know what is the most current,
16 updated and international standard, it is the World Health
17 Organization. They developed noise guidelines that are
18 now being used throughout the world. They have set the
19 best standards for noise.

20 In the document where it talks about 65, 60, 70,
21 75 DB as being acceptable, well, they state it without
22 really going into detail. But when you compare it to the
23 world health standard, there is a big difference because
24 it states during the daytime, outdoor should be 50 DB and
25 at night, 40 DB. School, indoors should be 35 DB and at

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1 night, 35 DB. But if you have a preschool and it's during
2 their sleep time, it should be 30 DB. Indoor residence
3 should be 35 during the day, 35 at night and resident
4 sleep time should be 30 DB. It also fails to even do any
5 study of the low frequency because at night that's when
6 you can hear that noise continuing and they recommend it
7 being as low as 25.

8 There is also another standard and that is the
9 American National Standards Institute which also has an
10 ANSI standard S12.60-2002 which is acoustical performance
11 for public schools that they totally ignored. Noise
12 studies that they do reference, we told them all of them
13 were outdated. There's not one study that's more current
14 than 2000.

15 There are thousands of studies that validate new
16 standard requirements that should be done. We have
17 proposed a better technology. We also stated that we're
18 not against creating an intermodal facility, if needed,
19 we are not against jobs. We are proposing that it be
20 built on port property, that they use the best technology,
21 the zero emissions, new noise technology. The port
22 had technology that American Maglev offered to build a
23 demonstration project of their maglev train with
24 containers at an intermodal facility absolutely free and
25 at no expense for the port and the public and the port

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1 refused to do it on port property or off port property.

2 So once again, I thank you, and I will be giving
3 you written comments that will give you the standard that
4 I quoted.

5 COUNCILMAN JOHNSON: Weston LaBar followed by
6 Morgan Wyenn.

7 WESTON LABAR: Counselman Johnson, thanks for
8 allowing me to speak here tonight and putting this on.
9 I'm Weston LaBar. I represent the Long Beach Chamber of
10 Commerce and our 1100 members who employ hundreds of
11 thousand of individuals in the greater Long Beach area
12 here again to reaffirm our commitment to the SCIG project.

13 With Long Beach having an unemployment rate --
14 the last figure I saw at 12.4, which is higher than the
15 state and federal averages, the approximately 1500 jobs a
16 year over the next ten years will certainly cut into that
17 figure. We also support the project because we feel like
18 it's a greener alternative to what we have already, taking
19 trucks off the 710 Freeway. Once again, I'm here to
20 reaffirm I appreciate your time listening to it. Thank
21 you.

22 COUNCILMAN JOHNSON: Morgan Wyenn and then Cate
23 Salera.

24 MORGAN WYENN: Good evening. My name is Morgan
25 Wyenn and I'm an attorney with the NRDC, the Natural

1 Resources Defense Counsel. My colleague, David Pettit,
2 gave public testimony at the last hearing so I won't
3 repeat what he said but I'll focus on some of our other
4 concerns with the project and the analysis.

5 First, the recirculated DEIR admits that the
R95-26-1 6 negative impacts of this project would disproportionately
7 impact minority and low income populations. It is
8 unacceptable for the court to move forward with this
9 project knowing that it will disproportionately harm low
10 income communities. The cycle of environmental injustice
11 needs to stop.

12 Second, the recirculated DEIR admits that the
13 project is not even needed until the year 2046 or later.
14 It says that new capacity to accommodate projected demands
15 will not be needed until 2046 at a minimum. The port is
R95-26-2 16 admitting that there is no need to build this for 34 more
17 years. It makes no sense for the port to move forward
18 with the project that they know will bring negative health
19 impacts to nearby communities that isn't even necessary
20 for another 30 years.

21 Third, the message from the port and BNSF has
22 been that everything in this project will be top of the
R95-26-3 23 line, the state of the art, the most eco-friendly
24 technology but that isn't exactly the truth.

25 On opening day of the SCIG the trucks going to

1 and from the rail yard will be at least 90 percent diesel
2 fuel, 90 percent. The recirculated DEIR imposes a
3 mitigation measure that would phase in low emission trucks
4 such as LNG or other technology but that phase in is very
5 slow. In 2016 90 percent of the trucks would still be
6 plain old diesel, the same trucks we have serving the port
7 today. In 2020, 75 percent of the trucks would still be
8 the same old trucks that we have today.

9 The recirculated DEIR contains a goal to have 100
10 percent zero emission trucks by 2020 but it is only a
11 goal, it isn't a requirement. The only requirement is for
12 the slow phase in approach. This isn't good enough.

13 There is the same problem with the trains that
14 will be going to and from the SCIG. The recirculated DEIR
15 contains a project condition to use cleaner line haul
16 locomotives but not until the year 2023. It would require
17 50 percent tier four and 40 percent tier three by 2023,
18 and it is not even clear from the way this is worded that
19 this is an actual requirement or whether this is just
20 another goal.

21 This is not enough. Promises are not enough. We
22 need real requirements for the quick phase in and
23 utilization of zero and near zero emission technologies.
24 These goals to slowly phase them in is not enough. Thank
25 you.

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1 COUNCILMAN JOHNSON: Cate Salera followed by Ben
2 Bassham.

3 Cate Salera, are you here? Then Ben Bassham.

4 BEN BASSHAM: Thank you. My name is Ben Bassham
5 and I am a Long Beach resident. I support the SCIG
6 because the draft version shows that this will create good
7 paying jobs for Long Beach residents. The BNSF is
8 actually funding a workforce training program if this
9 passes with local institutions to assist area residents in
10 obtaining these jobs. The operating contractors at these
11 jobs would be required to give these to local residents.
12 With the current state of our economy and the high
13 unemployment rate in our city, I say why would we not jump
14 at the chance for these sort of projects. Thank you.

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15 COUNCILMAN JOHNSON: Ron Miller followed by
16 Nathan Edgecomb.

17 RON MILLER: Good evening. My name's Ron
18 Edgecomb I am the executive secretary of the Los Angeles -
19 Orange County Building and Construction Trades Council.
20 We represent 140,000 members with 52 affiliated local
21 unions for 14 trades.

22 Many of our members live here in Long Beach.
23 We've had local unions with their headquarters in Long
24 Beach for over 100 years. We are currently on-site
25 building a new Long Beach courthouse. Our members live

R95-28-1

1 and work here. They care very much about the quality of
2 life in Long Beach.

3 We are enthusiastic about building the SCIG yard
4 under the project labor agreement with BNSF. This will
5 provide 1500 jobs per year with good wages and benefits.
6 Here in the building trades we like to build and we are
7 good neighbors. BNSF shares this priority.

8 Most important, BNSF is taking 1.5 million truck
9 trips a year off the road at 24 miles per trip, that's 36
10 million miles a year, versus the shorter trips around
11 SCIG. The trucks will be new trucks, on guaranteed routes
12 away from homes. Overall the air quality will improve and
13 BNSF is contributing three million to the port program to
14 develop the zero emissions container movement. The port
15 is the livelihood for thousands of workers. It has to
16 grow and improve. It must stay competitive or we will not
17 have a thriving port. We need growth. We need quality of
18 life. BNSF, the port and the building trades are
19 committed to these goals. Thank you.

20 COUNCILMAN JOHNSON: Nathan Edgecomb followed by
21 Michael Andrews.

22 NATHAN EDGECOMB: Hi. My name is Nathan
23 Edgecomb. I'm a resident of Long Beach. Everybody in
24 here you already have bad air and the rail yard hasn't
25 been built yet. Where does it come from now, it's from

R95-28-1

R95-29-1

1 the port, from the trucks we see now, and that's what this
2 project is for, SCIG, it's here to take off one and a half
3 million trucks off the road every year. So let's just
4 look at that, folks, and realize this is for the better
5 and I support this the Southern California International
6 (sic) Gateway. Thank you.

7 COUNCILMAN JOHNSON: Michael Andrews followed by
8 Ivan Trevino.

9 MICHAEL ANDREWS: Hello. My name is Michael
10 Andrews. I'm a Long Beach resident. I support SCIG
11 because it gives us a chance to get diesel fuel trucks off
12 our main streets and freeways. The draft EIR will show
13 that it will eliminate 1.5 million truck trips per year
14 off the 710 Freeway. Also, the trucks serving SCIG will
15 not travel in residential neighborhoods, decreasing ing
16 noise pollution and will be monitored will GPS to assure
17 compliance with the truck routes.

18 COUNCILMAN JOHNSON: Ivan Trevino then Fernando
19 Moncada.

20 IVAN TREVINO: Hi. My name is Ivan Trevino. I'm
21 here to support the BNSF project. It looks to me that
22 it's going to help out the environment. The problems we
23 have now, they're already there. We're going to have more
24 problems. It's not -- it's not -- it's not a perfect --
25 it's not a perfect world but we're going to have problems.

1 Lower emissions -- I've lived in Long Beach my
2 whole life. I've never lived anywhere else and this is
3 where I want to live. Cleaner air, more jobs, things like
4 that, that's something that's very attractive to me.
5 Thank you very much.

R95-31-1

6 COUNCILMAN JOHNSON: Fernando Moncada then
7 Darrius Barrington.

8 FERNANDO MONCADA: Hello. My name is Fernando
9 Moncada and I'm a Long Beach resident, born and raised
10 here my whole life. I support SCIG because the draft EIR
11 shows moving forward with the construction of SCIG instead
12 of continuing with the existing pollution will improve and
13 reduce the associated health risks for the surrounding
14 communities. I just think that everybody needs to not
15 fear what we don't know and just move forward with the
16 project and get it going.

R95-32-1

17 COUNCILMAN JOHNSON: Darrius Barrington and then
18 Larry Kirkconnell.

19 DARRIUS BARRINGTON: Thanks so much for having
20 me. My name is Darrius Barrington. I've been a resident
21 here in Long Beach for over 20 years. I grew up
22 specifically in this area of West Long Beach. I went to
23 John Muir, Stevens Middle School, Long Beach Poly. I have
24 a personal investment in this community. I support this
25 project for a myriad of reasons, mostly because of the

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R95-33-1

1 emissions and the pollution that is attributed to many of
2 the trucks that are on the 710 Freeway mostly. It also
3 reduces traffic and really what I care about is obviously
4 the health concerns of my kids, future kids and the
5 prosperity of this community. Thank you.

6 COUNCILMAN JOHNSON: Larry Kirkconnell and Ron
7 Price.

8 LARRY KIRKCONNELL: Thank you.

9 My name is Larry Kirkconnell. I'm the business
10 rep for the plumbers and steamfitters Local 494 here in
11 Long Beach. We have almost 40 percent of our members
12 working and retired who live in Long Beach. I and all of
13 our members are in support of this project and see it as a
14 way to get many of the unemployed local residents to work.
15 It has already been proven that this project will improve
16 overall air quality and eliminate 1.5 million truck trips
17 from the 710 each year and provide many good paying
18 construction jobs along with many permanent jobs. We need
19 to create a modern project like this in Long Beach to put
20 us on the map and be an example for others to follow in
21 our footsteps.

R95-34-1

22 Mr. Johnson and others, I'm hoping you will see
23 this project as a benefit for Long Beach in the future.
24 This has been a long process and many meetings and I am
25 hoping that this will be our last meeting and the project

R95-34-1 ↑ 1 will go forward. Thank you for your time.

2 COUNCILMAN JOHNSON: Ron Price and then Jane
3 Brooks.

4 RON PRICE: Good evening. Organizer of
5 sheetmetal workers Local 105. I don't live in Long Beach
6 but I do live in the South Bay, in Inglewood and have
7 become quite familiar with the concerns over the
8 environment and jobs and the mix and would just like to
9 say that I encourage -- and I was hoping the children
10 would stay here a little longer. I think the schools
11 should take this information and take this project and
12 have the children do studies on it, read the real
13 proposals and then help them educate themselves about the
R95-35-1 14 benefits of the project because it is about doing the best
15 for both sides which is the environment and for the
16 community and I would encourage that the community that's
17 concerned get involved with the earth to make sure the
18 project labor agreement that's done for this project --
19 make sure that the community is represented on the job
20 site in terms of the output and input of the project. So
21 of course I support it but I think we should all have the
22 purpose for learning more so I think it's a better project
23 for the future. Thank you.

24 COUNCILMAN JOHNSON: Jane Brooks and Evangelina
25 Ramirez.

1 JANE BROOKS: Hello. I'm a teacher and librarian
2 at Cabrillo High School and have been there since the
3 beginning of 1996. Myself and our colleagues and our
4 students have a very high incident of asthma and sinus
5 infections, much higher than average, and of course all of
6 the students in this area, according to the school nurses,
7 have a very high incidence of asthma.

8 Our incidences are on the rise simply because
9 we're undergoing construction of a swimming pool, a
10 miniscule project compared to what you all are talking
11 about. Even if the green actually comes about, it's going
12 to be years down the road, and think about what we're
13 suffering while all of that is being built. Right down
14 the road on Willow at Red Heart Library, the librarian
15 there -- two of the librarians that were there endured a
16 long, long bout with cancer. Thankfully they survived.
17 But a year ago one of them died of lung cancer. In
18 September a library clerk died of lung cancer.

19 A state engineer told the librarian at Red Heart
20 that there's a high incidence of premature births in this
21 area and many things that we haven't even gone into, and I
22 am going to try and find out who that person is and talk
23 to them further. But as I say, what if this project is
24 wonderful in the future, the future is not that close for
25 it to be -- the project to be culminated. So think about

R95-36-1

1 all the health hazards we have to endure to get there. So
2 I really hope people will reconsider. This, of course, is
3 my personal opinion. Thank you.

4 COUNCILMAN JOHNSON: Evangelina Ramirez and then
5 Romeo on 31st Street.

6 EVANGELINA RAMIREZ: Good evening. My name is
7 Evangelina Ramirez. I'm a Long Beach resident and my
8 family goes to Cabrillo and Stevens Middle School, and I'm
9 really worried.

10 First of all, I'd like to say that I'm not
11 against jobs or economic benefit for this city but how
12 many projects do we have at this time that are coming to
13 Long Beach? It's not just this project. There's a
14 project that's expanding the 710. We have the downtown
15 plan in Long Beach. What are we going to do with all of
16 this? And the construction, the dust, all of that is
17 going to cause more illness. And we're not only talking
18 about cancer, asthma. Now studies are showing that our
19 children are being affected by autism due to this.

20 I have a daughter with asthma and I have a son
21 with AD/HD and I am really, really worried. Why do we
22 have to bring all of this here? It's a lot of projects
23 for Long Beach. Fine, that's perfect, but why, why so
24 much. But also there are a lot of jobs. But tell me
25 this: How many of those jobs are going to remain with the

1 people that live in Long Beach? I'd like to see at least
2 a certain percentage be for the people that live in Long
3 Beach. And I have family that's wanted to go and work at
4 the port but it's like a mafia, you can't get in,
5 everybody knows it. They apply but they never call, even
6 if they have the requirements. I'm not afraid to say it
7 and I'm not afraid to say that this is also causing more
8 problems, not just in my family but in the community.

9 I'm asking you to please study this, review it
10 and I'm telling you that I'm tired. It's been like 15
11 years that I've been following all these projects and even
12 until now there's no change in the environment. We
13 continue having pollution. We continue have having
14 problems. We continue with the same.

15 And also to finish up, I know that you all are
16 tired of listening also but I hope that everyone can sleep
17 because really I'd like to see you one night with a child
18 with asthma. Thank you.

19 COUNCILMAN JOHNSON: Is Romeo on 31st Street
20 here? All right. And next will be Martha Herrera.

21 ROMEO: Hi, good evening, everyone, and thank you
22 very much for bringing this issue here at West Long Beach.
23 I live at 31st Street. I have three kids, five, four and
24 three years old, all of them has asthma.

25 So first thing when I got home this afternoon, I

1 saw this note saying that everyone is invited to attend
2 this meeting. At first I didn't know what is going on and
3 then all of a sudden when I'm sitting here listening to
4 all of this scientific explanation, which most of the
5 people here don't have any idea about the significance of
6 scientific evidence whatsoever, I, myself, I don't
7 understand what is it, what is a significant number for a
8 person here at Long Beach, especially on this west side.
9 Tell you honestly, those three kids of mine, they have
10 been on and off having an asthma problem and are they
11 willing to help us in terms of bringing those kids to the
12 hospital? I don't think so, no. But most of the people
13 wants the job, absolutely. Nobody here going to disagree
14 with that creation of job but please, before you agree on
15 that, before you say yes, please do some more research,
16 make sure that all the people here will be informed, ask
17 them one by one, family by family, how many kids here
18 has -- have asthma, how many of you here at home has
19 asthma.

20 They didn't inform us. I did not receive any
21 notice or any -- or someone knock on our door ask do you
22 have kids who have asthma, no, and now here you are.
23 Maybe a lot of the people here are really concerned about
24 their health.

25 But on the second part of it is people are

R95-38-1

1 looking for development, yes, job, but how can you go to
2 the job if you can not breathe, right? Who wants me? I
3 want job but how can I go to the job if I cannot breathe?
4 Do I need to get my oxygen tank every time I go report for
5 work? Are they willing to bring that for me? No. I am
6 not in favor for this development at this time. Please do
7 some research, study more, inform us and come back and
8 explain it in layman terms. Thank you very much.

9 COUNCILMAN JOHNSON: Martha Herrera and then
10 Estela Lopez.

11 MARTHA HERRERA: Good evening. My name is Martha
12 herrera. I live in Long Beach. I've been living in Long
13 Beach for 22 years. I love Long Beach and that's why I'm
14 opposed to this project.

15 I think this is going to create more pollution,
16 more disease. I work with the community and I have seen
17 many diseases, especially asthma, heart disease and
18 cancer. Like somebody says right here and I know that
19 Long Beach has the highest rate of asthma in the United
20 States. And also one, she was saying insignificant. I
21 don't think that is right because someone who has a kid
22 that has asthma, somebody that's dealing with cancer is
23 not going to think it's less significant and somebody
24 that's dealing with a child with asthma is not going to
25 think it's less significant. That's why I'm opposed. So

R95-39-1

↑ 1

what do you guys think, is it insignificant? Thank you.

2

COUNCILMAN JOHNSON: Estela Lopez and then John

3

Morris.

4

ESTELA LOPEZ: My name is Estela Lopez. I live

5

in this area. We are very affected by the project that is

6

being organized, especially the children. They are

7

attending school close to the project that they are

R95-40-1

8

planning to do for the people that are already established

9

in their jobs close by and there are more than a thousand

10

people. We need for new, more solution, not so many

11

projects that is already affecting the community of

12

African-American and Hispanic community.

13

The people that are supporting this project are

14

either people that are working for the project or working

R95-40-2

15

for the port. For us, the Hispanic, it's very difficult

16

to get jobs in important areas for important projects and

17

I support the whole community and I ask them to say no to

18

this project. Thank you very much.

19

COUNCILMAN JOHNSON: John Morris and then Jeffrey

20

Bradley.

21

JOHN MORRIS: Hi. My name is John Morris. I'm a

22

business owner in Long Beach for the last 30 years. I

23

tell everybody I live in Long Beach but I sleep in

R95-41-1

24

Lakewood.

25

I have a daughter that taught on the west side

1 and still teaches in Long Beach, and she's taught at
2 Hudson. She's taught over here for ten years, so I'm very
3 familiar with what goes on on the west side of Long Beach.
4 I've spoken at many different events in Long Beach about
5 what I feel is the neglect of the west side of Long Beach.

6 I firmly believe this is one of the few
7 opportunities and one of the last opportunities that this
8 community is really going to have an opportunity to
9 finally -- I use the word extract or mitigate, whatever it
10 is that you need to do going forward. But I really
11 believe that for the past 30 years the L.A. port and the
12 Long Beach port have had their way. They have had their
13 way with no voice on the west side representing them in
14 any kinds of mitigation.

15 Most of these big companies have spread dollars
16 around the community, they've given a million bucks here,
17 a million bucks there, a hundred grand here, a hundred
18 grand there, and they've proceeded on.

19 What people don't understand is the growth is
20 already here. The infrastructure of the port is what's
21 going on as we speak. You have to have this rail yard to
22 accommodate what is going on at the port but everybody
23 forgets this does not alleviate the 710 Freeway. The 710
24 Freeway is only going to get worse.

25 I work with Cabrillo High School constantly

1 raising money for them for the needs that they have at
2 their school. My daughter's school is right next door.
3 We're always raising money.

4 The west side of Long Beach should never be
5 without. With the partnerships that are available to them
6 and all the entities that are in the Long Beach port and
7 L.A. port, this west side should be pristine.

8 I started my life until Long Beach when I came
9 here in 1973 I arrived in Belmont Shore. I lived a dream.
10 I moved to downtown Long Beach and spent 25 years. I've
11 seen the growth of what's gone on at the port. I also
12 know the positive impacts of the port. I'm a member of
13 the chamber of commerce but I didn't vote yes on moving
14 forward without mitigation.

15 So seeing what happens, I know what it feels like
16 and I see what the people are like on the west side of
17 Long Beach. They're great people. They're caring people.
18 They're a great part of this community and they deserve
19 nothing less than to bring the west side of Long Beach up
20 to the pristine shape that they've built within the walls
21 of the ports of L.A. and Long Beach.

22 Everything about the inside of the port is
23 pristine, it's first class, first cabin, it's everything.
24 They spent billions. It's time to make the west side a
25 partner with that and bring the west side of Long Beach up

R95-41-1

R95-41-1

1 to pristine. Thank you.

2 COUNCILMAN JOHNSON: Jeffrey Bradley and then
3 Gabrielle Weeks.

4 JEFFREY BRADLEY: Good evening. My name is
5 Jeffrey Bradley. I'm the chaplain/pastor for Village at
6 Cabrillo. And what this proposed, it hit us at ground
7 zero, right there at San Gabriel, over 5500 trucks will go
8 in and out of that area right there.

9 I deal with veterans on a daily basis. Veterans
10 that come back from war, they deal with the PTSD,
11 post-traumatic stress syndrome, and they need peace, they
12 need some area of relaxation when they come back from war
13 and at a time when these trucks and all the smells and
14 everything would trigger their PTSD.

R95-42-1

15 I really want you all to look into this. I'm
16 asking. I'm not here to demand. I'm just asking more to
17 look into it. Even in a church service when somebody want
18 a prayer or just take time to meditate they're going to be
19 hearing these trains connecting and the trucks going by.
20 This is really wrong right now in this area. So if you
21 all can, if you all really can, look into more. And look
22 into your own -- your own thing saying that it will affect
23 the minority and low income, you need to really look into
24 this as a way of spiritual. Because for one, when
25 somebody is affected their spiritual, it can affect the

R95-42-1 ↑ 1 whole community.

2 These kids I have seen come to church that was
3 here, come to my church service, and you would not look
4 into them and their eyes and how about if they do get
5 asthma. Right now it's at 15 percent. In the next five
6 years how about it goes up to 50 percent. Who going to
7 take care of their health care? Will this company will?
8 So if you can, can you make sure that you all do more
9 mitigation affecting Cabrillo Village, look at it more,
10 how can you be more of not having the pollution there,
11 what can you all do more instead of trying to demand. I
12 understand the people but I'm asking -- I'm really asking
13 if you all could just do more and try to help the
14 community in this area. Thank you so much.

R95-42-2
15 COUNCILMAN JOHNSON: Gabrielle Weeks and then
16 Susan Nakamura.

17 GABRIELLE WEEKS: Hi there. Thank you for
18 holding this great hearing. I sent emails to you earlier
19 this morning. Will those be part of the record or do I
20 need to read it all in real quick?

21 COUNCILMAN JOHNSON: You should either read it or
22 submit it to us.

R95-43-1 ↓ 23 GABRIELLE WEEKS: I'll resubmit it because it's
24 more than three minutes' worth and I don't even want to
25 talk about what I talked about in the emails. Everybody's

1 got a lot of great ideas but it seems to me we're talking
2 about no SCIG at all or accepting SCIG as they're offering
3 it with the mitigation they're offering, which is nothing.
4 And just those two things, SCIG or SCIG on their terms
5 doesn't seem like it's going to work for our community.
6 We do need growth. We need improvement. We need jobs.
7 We need clean air. We have to be able to get around.
8 Traffic's so bad you were even late. This is all
9 ridiculous and we're like that proverbial lobster in a
10 pot, we just learn to tolerate it more and more and more,
11 and I think we've got some real solutions to these things.

12 There's a lot of green clean technologies. These
13 have been successful in other parts of the U.S. and
14 Scandinavia and Japan. Our port has just gotten really
15 comfortable with their business model. I'm sorry, not our
16 port, port of L.A.. Our port is doing a really good job
17 port. Port of Long Beach has worked hard to really
18 improve the air, and I didn't want that to happen so that
19 we can get more pollution from our neighbor in L.A. I'm
20 wanting no net injuries from the pollution, not for when
21 Long Beach does a great job for somebody to come in and
22 say well, we'll make up for that pollution you're no
23 longer manufacturing.

24 We -- I think we can do it without using so much
25 land. There are a lot of really clean green on-dock

R95-43-1

1 technologies. I would love to talk to the Port of L.A.
2 about these. I'm an -- I'm a field engineer and I
3 volunteer for the Sierra Club. My husband is an
4 environmental engineer. So a lot of the studies people
5 were citing, that's the first place I read of that called
6 us the diesel death zone. Those things are talking about
7 what was federally determined to be safe exposure levels
8 of toxins. My training for my job warned us that what's
9 determined to be safe was figured for a man 180 pounds, 25
10 years of age. So if I'm a short person who's very small,
11 I can't handle all that pollution. If I'm maybe obese,
12 and yeah, I know I do need to lose a few pounds, but it's
13 not safe for the children that are here that have
14 developing lungs, you know. So, you know, even these
15 federal guidelines for what's safe isn't uniformly safe
16 for all of us in the room here but I know you're working
17 to try to get a safe community where we've got good air
18 and we all want jobs. And I don't want the Port of L.A.
19 to go bankrupt doing any of this but other ports have done
20 it, other goods movement facilities have done, you know,
21 on-dock rail and electrified things and they're not going
22 bankrupt.

23 So I think they really need to rethink. It's not
24 one or the other, it's not SCIG on their terms or no SCIG,
25 and we can do -- we can really look at a lot of good clean

1 technology that are going to make us a strong community
2 financially as well as a strong community health wise.
3 And if they've got \$55 million mitigation for L.A., why
4 are they offering us nothing because what we're asking for
5 is zero emissions, not zero mitigation.

6 COUNCILMAN JOHNSON: You go ahead and email the
7 Port of Los Angeles directly and Mike will give you that
8 email.

9 Susan Nakamura and Glenn Amaya.

10 SUSAN NAKAMURA: Good evening. My name is Susan
11 Nakamura. I'm a planning manager at the South Coast Air
12 Quality Management District. Our comments tonight are
13 focused primarily on the use of Hobart with the baseline
14 project, no project and zero emissions technologies that
15 are on the recirculated draft DEIR. The draft DEIR is a
16 disclosure document to inform the public of the potential
17 of adverse environmental impacts. How the baseline is
18 calculated and what is included in the baseline is
19 critical to accurately communicate adverse impacts. SEACO
20 evaluates the incremental impacts, the difference between
21 the baseline and the project emissions. The AQMD staff
22 remains concerned about how trucks and locomotives are
23 associated with the Hobart rail yard and commerce and are
24 included in the baseline and the project. The
25 recirculated draft DEIR includes Hobart emissions in the

1 baseline and excludes Hobart emissions in the project by
2 omitting Hobart emissions in the project. It inaccurately
3 implies Hobart will go dormant if SCIG is built.

4 However, the recirculated draft DEIR acknowledges
5 that even with SCIG, domestic traffic and cargo will
6 likely to go Hobart. Hobart will not go dormant. The
7 result is a false sense of a proposed project with reduced
8 emissions.

9 The AQMD staff is also concerned how the no
10 project alternative is being portrayed. The no project
11 alternative assumes growth at Hobart that far exceeds the
12 capacity of the proposed SCIG site. The capacity of SCIG
13 is 2.8 million TEUs. The no project assumes that 5.4
14 million TEUs will go to Hobart. This is almost twice the
15 size of SCIG. This paints a picture that the no project
16 has essentially higher emissions than the proposed
17 project, thus making the no project alternative look much
18 worse than the proposed project.

19 The proposed project will have significant air
20 quality impacts, localized impacts of NO2, PM10, TM3.5 are
21 significant and far exceed the AQMD significant
22 thresholds. These pollutants are all associated with
23 asthma and other upper respiratory conditions.

24 NO2 impacts are broad and significant affecting
25 residential neighborhoods, schools and other sensitive

1 land uses. As a result, it is important that all feasible
2 mitigation measures be included in the proposed project.

3 The AQMD staff is concerned that the proposed
4 project does not include all feasible mitigation and would
5 like to focus on one project condition that is a feasible
6 mitigation that can mitigate NO2, PM10 in the
7 environmental impact. Zero emission technology for trucks
8 and cargo handling equipment should be included as a
9 mitigation measure and/or an alternative to the proposed
10 project. A demonstration for zero emission technology is
11 not a strong enough commitment. Zero emission
12 technologies are feasible within the early life of the
13 project and would mitigate significant impacts. The draft
14 DEIR for the project add alternatives for a zero emission
15 great corridor that would span 18 miles. Let's be clear,
16 we're talking about training containers less than four
17 miles. This is an ideal situation to deploy zero
18 emission technology. The AQMD staff recommends that a
19 milestone of 2016 be established to begin deployment of
20 zero emission technology. Zero emission technologies are
21 needed too mitigate significant air quality impact. The
22 Port of L.A. must get it right for the environment and
23 health of the residents and school children that live,
24 work and play near the proposed SCIG site.

25 COUNCILMAN JOHNSON: Glenn Amaya and then Joan

1 Greenwood.

2 GLENN AMMAYA: Good evening. My name is Glenn
3 Amaya. I live in Long Beach. I'm a trucker here in Long
4 Beach and L.A., and one of the questions is pollution is
5 already here, the problems are already here. With the
6 programs we made it worse and you, sir, you know, sir, you
7 brought the doctor from UCLA, he talked about that last
8 September, I believe September before last he was here.
9 So now are we going to do it, will we make it worse or
10 make it better.

11 The other question I have is I drive to PCH, I
12 drive to Sepulveda, I see the school kids and that's a big
13 concern for me as a trucker on the road.

14 Now the other question -- the other thing I feel
15 bad is that you guys didn't take into consideration the
16 AD/HD kids. I raised one so I know how they cannot be
17 disturbed by anything. I have one with AD/HD with a
18 learning disability. Starts with another problem,
19 learning disability, nobody has talked about it. I feel
20 the asthma, I had one, I know how it feels. So what do we
21 do from here.

22 The other problem I have is they're going to be
23 storing hazardous materials but with the kids right next
24 door, explosives, God knows what's going to happen, trains
25 hooking up and unhooking the big bang. Right now I got

1 one truck that because sometimes the way the ports work we
2 get stuck and the truck comes out at 10:00, I'm being
3 threatened right now by L.A. County to be shut down
4 because for that reason and now we're doing it by schools.
5 We feel like we're being bullied here by the ports, by the
6 unions and some of you are part of it, the politicians,
7 because as Dr. Freun said, this has nothing to do with the
8 emission, has nothing to do with pollution, it's so
9 political.

10 So my question to you as the politicians, do you
11 endorse these problems with the unions who endorse you or
12 you endorse the people, our neighborhoods, that is my
13 question to you. That's what I have to say. Thank you.

14 COUNCILMAN JOHNSON: Joan Greenwood and then
15 Chris Covington.

16 JOAN GREENWOOD: Good evening, Councilman
17 Johnson, representatives of the Port of Los Angeles. My
18 name is Joan Greenwood. I'm a resident of the Wrigley
19 district of Long Beach and I am here speaking on behalf of
20 the Wrigley area neighborhood alliance. We represent many
21 of the residents of the Wrigley district and we are one of
22 the highly impacted communities along with West Long
23 Beach. We submitted formal comments to the draft EIR and
24 we will probably reinforce those comments with the
25 recirculated EIR.

R95-46-1

1 By training, I'm an analytical chemist and I have
2 special licensed training in conducting health assessments
3 for environmental site assessments and mitigation. Now
4 when I listened to the people from South Coast Air Quality
5 Management District and professor Fruen who have far more
6 expertise than I in this area, when I read one of many
7 reference books I keep in my office at work and consult
8 with my colleagues, again, who have far more expertise
9 than I, I find that I understand that what they're saying
10 about health risk assessments and their impacts makes
11 sense, I can follow their logic but, you know, I can't
12 follow the health risk assessment in the draft EIR. Why?
13 Because there was too many word-smithing, fancy graphics,
14 shifting things, and especially around this concept of ten
15 in a million. We can't get away with that with the poor
16 dry cleaner operation or the guy who used to have an
17 underground storage tank to store gasoline for his trucks.
18 Ten in a million is not an acceptable cleanup level risk.
19 But even more so what's important is when you study the
20 true scientific derivation of these health risk equations,
21 they're set up, they have no dimensions, there is no such
22 thing as ten in a million. I can't trace through
23 scientific peer review literature where these numbers came
24 from, and who cares about ten in a million for cancer when
V25 there are far more serious health and environmental

1 consequences and the damage has been done.

2 The studies done by the rail yards for their
3 workers at Hobart showed that the length of time of
4 exposure was not the determining factor. It is the
5 concentration and the exposure pathway and the general
6 health and genetic makeup of the individual, your
7 susceptible population. So a single exposure can trigger
8 but ten in a million, the one in a million, these are all
9 public relations concepts. They are not scientific. They
10 are a way of communicating some complex scientific ideas
11 and determining relative risk among alternatives.

12 So it's time to stop the word-smithing and to get
13 back to science. And the reason we don't see good science
14 in EIRs is we do not see qualified professionals putting
15 their license at risk and signing these documents because
16 they are public relations documents produced by planners,
17 not scientists. Thank you.

18 COUNCILMAN JOHNSON: Chris Covington and then
19 Tony Rivera.

20 CHRISTOPHER COVINGTON: Thank you, Councilman
21 James Johnson, for holding this hearing. My name is
22 Christopher Covington. I am the vice chair of the
23 Building Health and Community Initiative of the City of
24 Long Beach. We represent 90 plus thousand community
25 members in the central west Long Beach area. And we are

R95-46-1

R95-47-1

1 against the SCIG project because of the health aspects and
2 because it's not great for our youth and our community
3 members who are having to deal with the pollution in the
4 area.

5 Personally, I was born in San Bernardino. I came
6 to Long Beach when I was one. I was not diagnosed with
7 asthma. Now being a 21-year-old in the City of long
8 Beach, living in central Long Beach I am asthmatic because
9 the pollution flows over to central through the air waves.

10 My grandmother lives on Anaheim and Magnolia.
11 That area is highly industrial. She just recently
12 suffered a stroke because she has diabetes. And I asked
13 one of the doctors what are some other ways that she could
14 have -- she could have received the stroke and they said
15 multiple reasons, from fumes, from pollution, from -- it
16 could just happen on a switch. She does live in areas
17 that high traffic of trucks and diesel does go through her
18 neighborhood and that's one of the reasons why she
19 incurred the actual stroke.

20 Other than that, I want to be honest here with
21 everybody. This plan is a bait and switch plan. They are
22 making multiple, multiple promises of we're going to have
23 green technology, we're going to have the best of the best
24 for this particular area. But we all know with promising
V25 so much things, the resources aren't there to actually

1 enforce them, the regulations are not there to enforce
2 them. We all know through multiple projects that have
3 come through the city all the planners offer so much,
4 they're saying we're going to do this, we're going to do
5 that but at the end of the day the developers and the
6 people who are leading the projects are the ones who are
7 going to do what they want in the long run and the City of
8 Long Beach and the community members who are living here
9 are going to be the ones with the end of the stick like
10 every single time.

11 The reason why these projects come to the west
12 and central Long Beach area is because our community
13 members don't have a voice at the top level and I with
14 multiple community organizers who are here tonight are
15 working to change that so that we as community members
16 have a voice at the top level with the help of Councilman
17 James Johnson. So thank you and we are against the SCIG
18 project.

19 COUNCILMAN JOHNSON: All right. Tony Rivera and
20 then Angelo Logan, and then the last commentator I have
21 the Lee White.

22 TONY RIVERA: My name's Tony Rivera from the west
23 side council business industrial which is going south of
24 PCH and Santa Fe.

25 I would like to express my concern as a

R95-48-1

1 representative of a business that around PCH it is very
2 dangerous the way it is being done. A truck would turn
3 over, there is a big mess for everybody in the community
4 as happens almost every day now on the freeways.

5 I'm very concerned on the storage or
6 transportation of the chemicals coming through by the
7 schools which comes in a different way. I suggested
8 before that we make a road if this project goes through to
9 go through 47th and Anaheim away from the neighborhood and
10 close down the exit to the 47 Freeway and make it as a
11 park like everybody else has been saying. That would make
12 it and assure to west side that we would not have more
13 traffic, more contamination and at least we will have some
14 greenbelt there, and also for future projects it will stop
15 the guessing work. It will route this project -- most of
16 the traffic would be routed through L.A. which that would
17 be the ideal. But the ideal project I think it would be
18 on Alameda and Anaheim, south of there. L.A. has plenty
19 of space away from homes in the ports where they could do
20 this much better and with no conflicts as far as the
21 schools and the neighborhood. But for some reason they
22 keep putting it here.

23 And I want to mention another thing. The Anaheim
24 and 47 Freeway, which would be west north, you already
25 have tracks over there, that -- they can use the line to

R95-48-1 1 put the rail in there. It's mainly options. And if we
2 have this problem at Cal Cartage right now, you cannot be
3 blaming anybody at Cal Cartage. You should be blaming the
4 Port of L.A. because they own the land and they should be
5 doing better job to maintain it and keep it a green
V6 facility. Thank you.

7 COUNCILMAN JOHNSON: Angelo Logan and then Lee
8 White.

R95-49-1 9 ANGELO LOGAN: Hello. My name is Angelo Logan.
10 I'm with the community for environmental justice and I'm
11 also a resident of Long Beach, and we've been looking at
12 this project and reviewing the EIR, the first draft, and
13 the second recirculation and the project for the last four
14 or so years. The project itself we believe is completely
15 and absolutely unacceptable in the way that it has been
16 proposed to date, on the grounds of the environmental
17 injustice impact this proposal should not go forward. If
18 they are not able to mitigate those impacts, they should
19 not build the project. So on the grounds of environmental
20 justice and environmental justice impacts, this project
21 should just be voided and look at the alternatives to
22 addressing the through put issues. I believe that there
23 are alternatives to addressing those through put issues.
24 Maximizing on-dock rail is one of those. In the last
V25 comment letter what we did we identified three strategies

1 for addressing that issue and maximizing on-dock rail.
2 That's increasing rail capacity at both the east and the
3 west side of the ports and addressing the Hind bridge
4 restraints. I think that particular issue in itself can
5 bring people together instead of dividing people.

6 Unfortunately, BNSF has used this opportunity to
7 divide the community and labor, which we can come together
8 to maximize these areas. Unfortunately, that would
9 eliminate BNSF from the equation but it would address the
10 issue at hand.

11 The other area that I believe the Port of L.A.
12 should be looking at is the decision making process on
13 this particular project. As you know, there are many
14 aspects of this project that bleed into
15 multi-jurisdictions, so I believe that Long Beach, Carson
16 and Los Angeles should have some process in which to make
17 a final decision. It should not be all in the hands of
18 the City of Los Angeles. Thank you.

19 LEE WHITE: Hi. My name is Lee White. I am a
20 seventh district resident and also a volunteer at Cabrillo
21 High School. And I wasn't going to comment but -- because
22 a lot of what I believe has already been said but sitting
23 here I recalled an incident just recently where I took a
24 walk from my home in the Wrigley area down Pacific Coast
25 Highway and to Cabrillo High School, and that walk was one

R95-49-1

R95-50-1

1 of the most difficult for such a short period that I've
2 had -- that I ever recall.

3 There is so much bad air, the odor, the vibration
4 and noise from the trucks and traffic, also the impact
5 that they have on the community and the filth that they
6 create. And I am for clean air, I am for the clean
7 emissions and all of the green and all of this great stuff
8 but I don't believe it's going to take away all of the
9 problems that we are being told it's going to take away.

10 My daughter, when she was in elementary school,
11 was at Webster Elementary School and at that point when
12 she was so young was diagnosed not with asthma but with
13 seasonal asthma, because of her being on the playground so
14 much she was affected.

15 We moved just a couple miles away and she is not
16 impacted by it anymore so much. And I can imagine the
17 reason this entire park isn't full of Long Beach residents
18 advocating for a better community and getting this rail
19 system right and to the right place is because most of
20 Long Beach don't feel they're directly impacted and if
21 they knew the problems they would be here.

22 Just I wanted to close this by saying I would
23 challenge any of these people making decisions about this
24 railroad and how great it is for us to have it, the jobs
25 and all, which I agree with if they would just take a walk

1 with us from Wrigley to the west side or spend the night
2 in some of our -- in some of our areas, they, too, will
3 understand what our citizens are complaining about and
4 they'll want to do something about it.

5 COUNCILMAN JOHNSON: Evelyn Knight is our last
6 speaker.

7 EVELYN KNIGHT: Yes, I gave you a card.

8 I didn't hear my name. All right. I'd just like
9 to issue a complaint.

10 I feel violated by the way the process was
11 handled by the City of Los Angeles of just totally
12 disrespecting people on the west side of Long Beach and
13 what happened at that hearing that they had in Wilmington
14 and so, you know, we really -- and I really do appreciate,
15 James, that you are providing the west side and the people
16 here and providing some respect.

17 I'd just like to say that this is a very terrible
18 project because even the port -- even the information the
19 people are talking about this project admit that it's
20 going to provide some additional pollutants into our
21 community, and the diesel is one of the most dangerous,
22 the most dangerous pollutants that we can experience. The
23 research that Dr. Freuns -- he has indicated that there is
24 no way that you can mitigate against the small
25 particulates in diesel without -- you know, there's just

1 no technology that will mitigate against that and it gets
2 into our lungs, it gets into our bodies, it affects our
3 heart and it kills you. And there is no job, no nothing
4 that should be substitute for our health and our deaths
5 that we're experiencing as people.

6 Also, I had just one other question. The 710 is
7 being increased for the -- to handle more goods movement,
8 and that's my understanding. Is that everybody's
9 understanding? That's the purpose of it. Also, I
10 understand that the purpose of the SCIG is to take traffic
11 off the freeway. I'd just like to know what the truth is.
12 If somebody can tell me why we have these conflicting
13 messages in our community with all this expansion, you
14 know, we need to -- you know, we need to have a better
15 understanding of what really is going on.

16 Thank you very much.

17 COUNCILMAN JOHNSON: Well, thank you to all of
18 you for your very thoughtful comments and being a
19 respectful audience.

20 Tonight was all about the democratic process and
21 I really do believe that part of that process is when when
22 you have everyone out, you have better results.

23 If you have one of those translation machines,
24 please turn it in. Thank you, all of you.

25 //

R95-51-1

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal case, before completion of the proceedings, review of the transcript [] was [] was not required.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 9, 2012



[Handwritten Signature]

LISA E. GODANIS
CSR No. 4281

C E R T I F I C A T E

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I, _____, an

interpreter, do hereby declare under penalty of

perjury that I have translated the foregoing

transcript, pages ____ through ____, from the

English language into the _____ language

to the deponent named herein to the best of my

ability.

INTERPRETER

ERRATA SHEET

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reasons Therefore
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Signature of Deponent

Name	Address
Exton Leonard	2384 San Francisco Ave
Phone	E-Mail
(562)612-5071	—

R95 52-1

Feedback - Please write in, below, your comments or questions.

In support of job creation, getting some of the cars off the FWY. I am ill informed and would like to get more information

Name	Address
Boyd Hendricks	3592 Howard Ave Apt 4 Los Alamitos CA 90720
Phone	E-Mail
562 533 5126	boydhendricks62@yahoo.com

R95-53-1

Feedback - Please write in, below, your comments or questions.

I've taught @ Hudson School for 16 years. We are impacted directly by the TI Freeway, which runs directly by our playground, we have the rail across that street from us, and we have the refineries behind that. We are already in the heaviest impacted area in the entire South basin. This is well documented, as is the USC study on asthma and cancer. We are already ground zero w/ these impacts on our children, teachers, parents, neighbors. We are not statistics on these cancer and asthma statistics. We are sons, daughters, mothers, fathers, sisters, brothers that are impacted by ~~the~~ these air impact health affects. In, what is already nicknamed the "diesel death zone" how can you even consider further impacting our school, children, teachers parents + neighbors w/ further

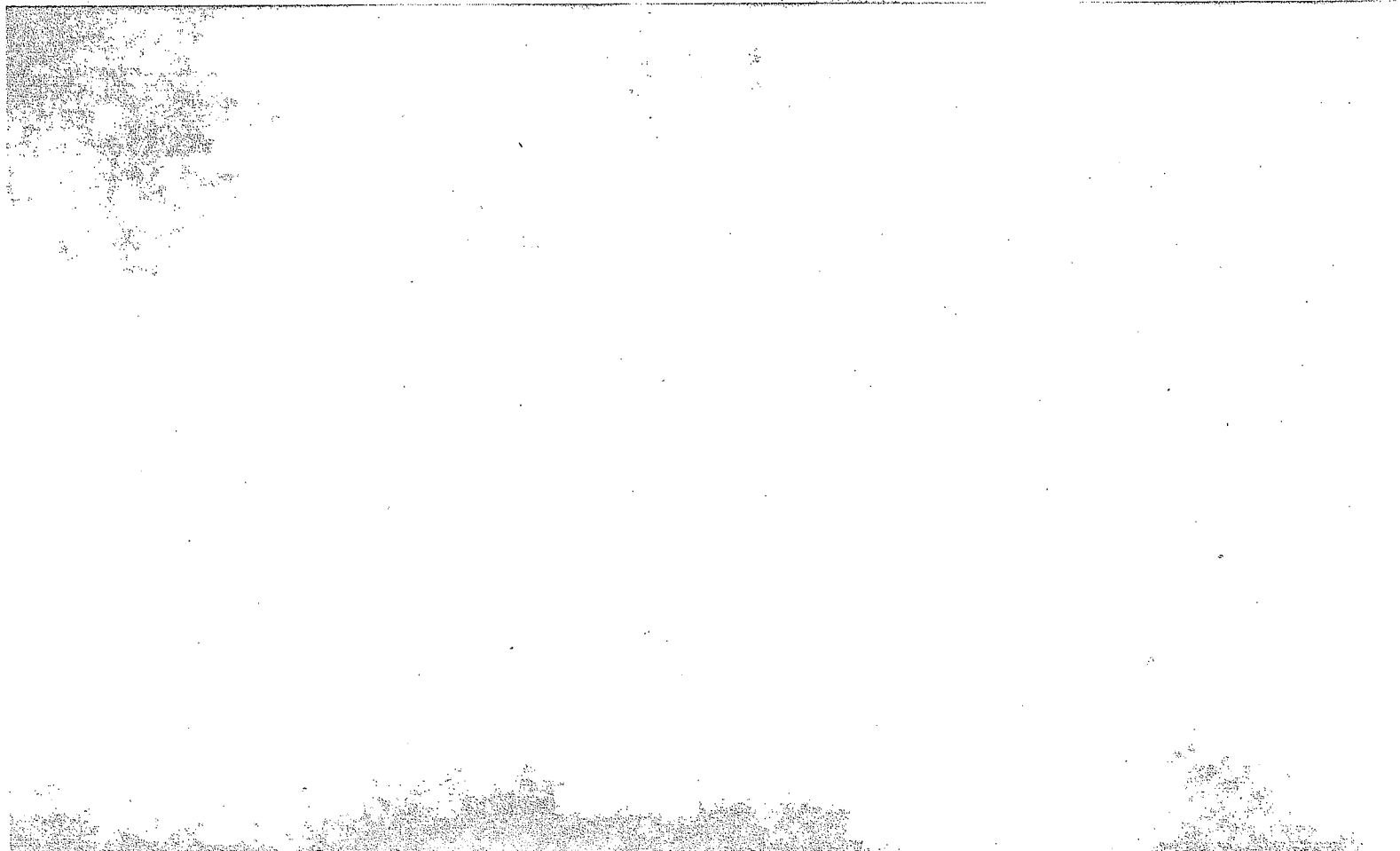
small particulate matters which are already causing adverse health impacts and death around us.

Name	Address
Phone	E-Mail
John Donakoe	311 Junipero Ave #4
562 883-0999	john.donakoe58@gmail.com

R95-54-1

Feedback - Please write in, below, your comments or questions.

People over railroads.



Name	Address
Isabel Moreno	2140 Cedar Ave.
Phone	E-Mail
	Isabel.Moreno@WellsFargo.com

R95-55-1

Feedback - Please write in, below, your comments or questions.

My name is Isabel Moreno and I live in Long Beach I'm supportive of SCIG's draft EIR because it clearly shows that there's a health risk benefit by building the project vs. no project. Isabel

Name	Address
Tamria Henderson	
Phone	E-Mail
	Tamria.Henderson@gmail.com

R95-56-1

Feedback - Please write in, below, your comments or questions.

I Tamria Henderson support SCIG's Draft EIR because it states that over #20,000 direct and indirect jobs will be created in the Southern California Region once SCIG is built.

Name	Address
<i>BRET MARKLES</i>	<i>801 PINE AVE #404, LB. 90813</i>
Phone	E-Mail
	<i>BMARKLES@CENTURYVILLAGES.ORG</i>

R95-57-1

Feedback - Please write in below, your comments or questions.

I REPRESENT MY OVER 1000 RESIDENTS AND FAMILIES LIVING AT THE VILLAGES AT CABRILLO. THIS PROJECT IS AN ABOMINATION! THE NOISE, TRAFFIC, POLLUTION IT WILL BRING TO THE FAMILIES LIVING ON OUR CAMPUS, WILL AFFECT THEM FOR MANY YEARS TO COME. WHY WILL YOU PUSH THE PROJECT THAT WILL PUT MONEY BEFORE PEOPLE?

Name	Address
Pedro Ramirez	3264 Easy Ave Long Beach, CA 90810
Phone	E-Mail
(562) 988-2613	

R95-58-1

Feedback - Please write in, below, your comments or questions.
<p>I am not is against progress, except when progress becomes detrimental to people's health. I invite proponents of the railyard to take a walk around the neighborhood near Cabrillo HS. and see, or smell for themselves, the air that people in that area have to breath. Why, why make the air worse. why not improve it instead?</p>

And how about a cat's home or major soil of a house and water level. How will the children at school

Name	Address
Julie Gholson	2133 Maine Ave, LA 90806
Phone	E-Mail
So2 591-8836	JulieGholson@verizon.net

R95-59-1

Feedback - Please write in, below, your comments or questions.

I am against the SCIG Project. I have worked at Hudson School for 16 years, Stephens Middle School for 6 years and live in Wrigley - close to the 210 freeway. My daughter developed asthma after we moved here from northern California - she attended Hudson and Stephens. The lack of concern for children's health horrifies me. Is anybody really listening? There is better & more contemporary technologies. This project is not forward thinking enough. The Port should step back and rethink what they are doing.

The Rearranged Draft EIR speaks of goals not guaranteed on clean trucks, where are the guarantees.

1 Comment Letter R95: (City of Long Beach)**2 Response to Comment R95-1-1 (Amy Bodek)**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment does not reference any specific section of the
6 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
7 21091(d); CEQA Guidelines § 15204(a)). However, the Port responded to the City of
8 Long Beach's request for a public hearing in a letter dated October 17, 2012. The letter
9 indicated that because only certain portions of the DEIR were being recirculated for
10 public review and two public hearings were previously held with an extended comment
11 period on the DEIR, the Port as lead agency, determined in its discretion that the standard
12 45 day comment period and one public hearing (pursuant to CEQA Guidelines § 15087)
13 were appropriate for the RDEIR.

14 The Port's determination not to hold another public hearing complies with CEQA. CEQA
15 Guidelines § 15202 provides that no formal public hearings are required at any stage of
16 the environmental review process. Therefore, it was within the agency's discretion to
17 choose not to have another hearing, and the decision was reasonable given the previous
18 public hearings and comment periods.

19 Response to Comment R95-2-1 (James Johnson)

20 The comment is introductory material that does not raise issues under CEQA requiring a
21 response. Responses to subsequent comments addressing specific issues are provided
22 below.

23 The environmental impacts of the proposed project were analyzed in the DEIR and
24 RDEIR.

25 Response to Comment R95-2-2 (James Johnson)

26 Please see Master Response 7, ZECMS.

27 Response to Comment R95-2-3 (James Johnson)

28 Please see Master Response 8, Displaced Businesses.

29 Response to Comment R95-2-4 (James Johnson)

30 The RDEIR evaluated all of the significant environmental impacts of the proposed
31 Project, and imposed all feasible mitigation for identified significant health impacts of the
32 proposed Project. Please see Section 3.2.4.4 of the RDEIR and Master Response 4,
33 Feasibility of Mitigation Measures.

34 Response to Comment R95-2-5 (James Johnson)

35 The RDEIR does not require that all trucks be zero emissions, but rather that they achieve
36 a diesel particulate matter reduction of 95 percent relative to the 2007 federal on-road
37 heavy-duty diesel standard; that level of reduction is defined as "low-emission trucks".
38 Mitigation Measure AQ-8 (Low-emission Drayage Trucks, see Section 3.2.4.5) specifies
39 a timetable by which trucks calling at the SCIG facility must be low-emission trucks.
40 With regard to zero-emission trucks, Mitigation Measure AQ-9 requires periodic review,

1 and incorporation into the SCIG facility as appropriate, of new emissions control
2 technologies, which could include zero-emission trucks. Project Condition PC AQ-11, if
3 adopted by the Board of Harbor Commissioners, would establish a long-term goal of 100
4 percent zero-emission trucks by 2020, but because the feasibility of the technology is not
5 known at this time, it is not appropriate to establish an absolute timetable for achieving
6 that goal. Also, please see Master Response 7, Zero Emissions Container Movement
7 System.

8 Because the feasibility of the technology is currently unknown, PC AQ-11 cannot be
9 implemented as a mitigation measure. The SCIG DEIR and RDEIR incorporate all
10 feasible, practical, and effective mitigation measures to reduce the significant impacts
11 identified as a result of the environmental analysis. (See *Napa Citizens for Honest Gov't*
12 *v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 365; *Clover Valley*
13 *Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 245.) Please see Master
14 Response 4, Feasibility of Mitigation Measures.

15 **Response to Comment R95-2-6 (James Johnson)**

16 Please see Master Response 8, Displaced Businesses.

17 **Response to Comment R95-2-7 (James Johnson)**

18 The commenter states generally that the impacts from the proposed project will not be
19 mitigated, but fails to identify any specific impacts or question any of the impact
20 conclusions in the RDEIR. The RDEIR thoroughly evaluated and analyzed the significant
21 environmental impacts of the proposed project. Please see Master Response 11, Locating
22 a Railyard Near Sensitive Receptors, for a more detailed discussion of project location.

23 Please see Response to Comment R89-2 for a discussion of the proposed construction of
24 a buffer park on the existing Terminal Island Freeway.

25 **Response to Comment R95-2-8 (James Johnson)**

26 All comments submitted at the public hearings on the RDEIR, as well as all comments
27 submitted by mail, are responded to in this FEIR.

28 **Response to Comment R95-3-1 (John Cross)**

29 The comment is introductory material that does not raise issues under CEQA requiring a
30 response. However, the comment regarding the request for a public hearing in Long
31 Beach is addressed in response to Comment R95-1-1. Responses to subsequent comments
32 addressing specific issues are provided below.

33 **Response to Comment R95-3-2 (John Cross)**

34 The commenter is incorrect in stating that the SCIG facility would not have clean trucks
35 until 2022. As discussed in the Section 3.2.3 of the SCIG RDEIR, there are numerous
36 regulations, both state and federal, that are applicable to the proposed project, including
37 trucks associated with the project. There is no reason to anticipate, as commenter
38 suggests, that these regulations will not remain applicable to the project after 2022. The
39 Port Clean Truck Program, for instance, mandates that all trucks serving SCIG will meet,
40 at a minimum, US EPA 2007 on-road standards for PM emissions from heavy-duty diesel
41 trucks. Mitigation Measure MM AQ-8 (see Section 3.2.6 of the RDEIR) specifies an
42 attainment schedule for trucks that would substantially exceed these federal standards,

1 requiring a further 95% reduction in diesel PM emissions beyond those of the US EPA
2 2007 on-road emission standards. The Port of Los Angeles has authority, and will retain
3 the authority, to ensure that the project and the project applicant comply with MM AQ-8,
4 despite commenter suggesting otherwise. As to the future of truck emissions, California
5 Air Resources Board regulations for on-road diesel trucks will require all trucks to be
6 clean trucks (as defined by MM AQ-8) by 2023. (See Section 3.2.3.2 of the SCIG
7 RDEIR.) Railroad facilities are not exempt from truck regulations.

8 **Response to Comment R95-3-3 (John Cross)**

9 Please see Master Response 5, Alternatives, which explains why sites south of Anaheim
10 Street, in both ports, are not feasible for the proposed Project. Also, please see Master
11 Response 11, Locating a Railyard Near Sensitive Receptors.

12 The RDEIR analyzed the air quality impacts of the project on sensitive receptors in the
13 area, including the potential for pollutants to contribute to asthma and other respiratory
14 problems. The RDEIR utilized well-established thresholds of significance to evaluate the
15 project's impacts. (See Section 3.2.4.2 of the RDEIR.) Furthermore, the RDEIR
16 included all feasible mitigation measures to mitigate the impacts identified. Please see
17 Master Response, Feasibility of Mitigation.

18 The remainder of the comment is noted and is hereby part of the FEIR, and is therefore
19 before the decision-makers for their consideration prior to taking any action on the SCIG
20 project. The comment is general and does not reference any specific section of the DEIR
21 or RDEIR, therefore no further response is required (Public Resources Code Section
22 21091(d); CEQA Guidelines Section 15204(a)).

23 **Response to Comment R95-4-1(Carrie Matsimoto)**

24 The commenter specifically states that the comments were in reference to the DEIR, not
25 the recirculated sections of the RDEIR, and that all comments on the recirculated
26 chapters were withheld. Therefore, the comment does not raise any specific issues with
27 the analysis or conclusions reached in the RDEIR, and no further response is required.
28 (Public Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

29 **Response to Comment R95-5-1 (Felton Williams)**

30 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
31 and is therefore before the decision-makers for their consideration prior to taking any
32 action on the SCIG project. The comment is general and does not reference any specific
33 section of the DEIR or RDEIR, therefore no further response is required. (Public
34 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

35 **Response to Comment R95-6-1 (Taaj Siegler)**

36 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
37 and is therefore before the decision-makers for their consideration prior to taking any
38 action on the SCIG project. The comment is general and does not reference any specific
39 section of the DEIR or RDEIR, therefore no further response is required. (Public
40 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

1 Response to Comment R95-7-1 (Rico Blevins)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R95-8-1 (Kieran Kelleher)

8 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
9 and is therefore before the decision-makers for their consideration prior to taking any
10 action on the SCIG project. The comment is general and does not reference any specific
11 section of the DEIR or RDEIR, therefore no further response is required. (Public
12 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

13 Response to Comment R95-9-1 (Brett Gallo)

14 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
15 and is therefore before the decision-makers for their consideration prior to taking any
16 action on the SCIG project. The comment is general and does not reference any specific
17 section of the DEIR or RDEIR, therefore no further response is required. (Public
18 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

19 Response to Comment R95-10-1 (Tommy Faavaya)

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 Response to Comment R95-11-1 (Eunice Langford)

26 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
27 and is therefore before the decision-makers for their consideration prior to taking any
28 action on the SCIG project. The comment is general and does not reference any specific
29 section of the DEIR or RDEIR, therefore no further response is required. (Public
30 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

31 Response to Comment R95-12-1 (Mark Lopez)

32 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
33 and is therefore before the decision-makers for their consideration prior to taking any
34 action on the SCIG project. The comment is general and does not reference any specific
35 section of the DEIR or RDEIR, therefore no further response is required. (Public
36 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

37 Response to Comment R95-13-1 (Erica Olivera)

38 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
39 and is therefore before the decision-makers for their consideration prior to taking any
40 action on the SCIG project. The comment is general and does not reference any specific

1 section of the DEIR or RDEIR, therefore no further response is required. (Public
2 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

3 **Response to Comment R95-14-1 (Martha Sandoval)**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 **Response to Comment R95-15-1 (Silvia Reyes)**

10 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
11 and is therefore before the decision-makers for their consideration prior to taking any
12 action on the SCIG project. The comment is general and does not reference any specific
13 section of the DEIR or RDEIR, therefore no further response is required. (Public
14 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

15 **Response to Comment R95-16-1 (Beatriz Guerrero)**

16 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
17 and is therefore before the decision-makers for their consideration prior to taking any
18 action on the SCIG project. The comment is general and does not reference any specific
19 section of the DEIR or RDEIR, therefore no further response is required. (Public
20 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

21 **Response to Comment R95-17-1 (Wally Baker)**

22 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
23 and is therefore before the decision-makers for their consideration prior to taking any
24 action on the SCIG project. The comment is general and does not reference any specific
25 section of the DEIR or RDEIR, therefore no further response is required. (Public
26 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). Nevertheless, please see
27 Master Response 8, Displaced Businesses.

28 **Response to Comment R95-17-2 (Wally Baker)**

29 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
30 and is therefore before the decision-makers for their consideration prior to taking any
31 action on the SCIG project. The comment is general and does not reference any specific
32 section of the DEIR or RDEIR, therefore no further response is required. (Public
33 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

34 **Response to Comment R95-17-3 (Wally Baker)**

35 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
36 and is therefore before the decision-makers for their consideration prior to taking any
37 action on the SCIG project. The comment is general and does not reference any specific
38 section of the DEIR or RDEIR, therefore no further response is required. (Public
39 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

1 Response to Comment R95-18-1 (J.L. Garcia)

2 Please see Master Response 5, Alternatives, Master Response 6, On-Dock Rail, and
3 Master Response 8, Displaced Businesses.

4 Response to Comment R95-19-1 (Roger Rowe)

5 The SCIG DEIR and RDEIR incorporate all feasible mitigation measures. Please see
6 Master Response 4, Feasibility of Mitigation Measures. The comment does not propose
7 any specific mitigation measures that would mitigate a significant impact of the proposed
8 project. Therefore, no further response is required. (*Los Angeles Unified School Dist. v.*
9 *City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029; *Santa Clarita Org. for Planning*
10 *the Env't v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055 [an EIR does not
11 have to explain why suggested mitigation measures that are described in general terms
12 and are not specific to the project are infeasible].)

13 Regarding the commenter's reference to a park that runs the entire duration from Pacific
14 Coast Highway to Wardlow, please see the responses to Comments R95-2-7 and R89-2.

15 The remainder of the comment is general and does not reference any specific section of
16 the DEIR or RDEIR, therefore no further response is required. (Public Resources Code §
17 21091(d); CEQA Guidelines § 15204(a)).

18 Response to Comment R95-20-1 (John Taelifi)

19 Please see Response to Comment R95-19-1 for a discussion of the project's incorporation
20 of all feasible mitigation measures. Regarding the commenter's reference to a green
21 space park, please see Responses to Comment R95-2-7 and R89-2.

22 Response to Comment R95-20-2 (John Taelifi)

23 The comment does not reference any specific section of the DEIR or RDEIR, therefore
24 no further response is required (Public Resources Code § 21091(d); CEQA Guidelines §
25 15204(a)).

26 Response to Comment R95-21-1 (Elisabeth Deschmidt)

27 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
28 and is therefore before the decision-makers for their consideration prior to taking any
29 action on the SCIG project. The comment is general and does not reference any specific
30 section of the DEIR or RDEIR, therefore no further response is required. (Public
31 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

32 Response to Comment R95-22-1 (Elisabeth Deschmidt)

33 Thank you for your comment. The comment is noted and is hereby part of the Final EIR
34 and is therefore before the decision-makers for their consideration prior to taking any
35 action on the SCIG project. The comment is general and does not reference any specific
36 section of the DEIR or RDEIR. Please see Section 3.2.4 for an analysis of health risk.
37 Please also see Master Response 10, Environmental Justice. Please see Master Response
38 11, Locating a Railyard Near Sensitive Receptors.

1 Response to Comment R95-23-1 (B. Reyes)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R95-24-1 (Jesse Marquez)

8 A lead agency has discretion to formulate standards of significance for use in an EIR, and
9 may utilize adopted ordinances and regulations as guidance for developing thresholds of
10 significance. (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th
11 477; *National Parks & Conserv. Ass'n v. County of Riverside* (1999) 71 Cal.App.4th
12 1341, 1358.) The SCIG DEIR, RDEIR and Noise Technical Study considered the current
13 and applicable noise standards, guidelines, and criteria adopted by the City of Los
14 Angeles, City of Long Beach, and City of Carson. Noise compatibility guidelines for the
15 State of California, Federal Rail Administration (FRA) and Federal Transit
16 Administration (FTA) noise and vibration guidelines, Federal Highway Administration
17 (FHWA) Noise Abatement Criteria, Federal Interagency Committee on Aircraft Noise
18 (FICAN) Sleep Disturbance Curves and US EPA Speech Intelligibility Curves were also
19 considered in establishing the noise and vibration significance thresholds applied to the
20 SCIG Project DEIR, RDEIR and Noise Technical Study.

21 The World Health Organization (WHO) noise guidelines are not adopted by the City of
22 Los Angeles, the City of Long Beach, the City of Carson, the State of California,
23 Caltrans, the FRA/FTA, FHWA, and FICAN. Noise standards, guidelines and criteria
24 are adopted by local municipalities and state agencies and are developed to balance the
25 needs of the residences, the community, businesses, industry and the public agency. The
26 noise concerns of the City of Los Angeles, City of Long Beach, City of Carson, State of
27 California and Federal Agencies vary from each agency and these differences are
28 reflected in the different noise policies adopted by each agency.

29 American National Standards Institute (ANSI) S12.60 is also not an adopted noise
30 standard by the City of Long Beach.

31 Finally, an evaluation of low frequency noise associated with the SCIG Project is not
32 required nor warranted because the RDEIR did not identify significant noise impacts that
33 could not be mitigated, with the exception of unusual nighttime circumstance (Impact
34 NOI-6). Furthermore, since the commenter does not indicate why low-frequency noise
35 (which the commenter does not define) would be expected to cause impacts other than
36 those evaluated in the RDEIR, no further response is necessary.

37 Response to Comment R95-24-2 (Jesse Marquez)

38 Please see Master Response 5, Alternatives, and Master Response 7, ZECMS.

39 Response to Comment R95-25-1 (Weston LaBar)

40 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
41 and is therefore before the decision-makers for their consideration prior to taking any
42 action on the SCIG project. The comment is general and does not reference any specific
43 section of the DEIR or RDEIR, therefore no further response is required. (Public
44 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

1 Response to Comment R95-26-1 (M. Wyenn)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR. Please see Master Response 10, Environmental Justice.

6 Response to Comment R95-26-2 (M. Wyenn)

7 Please see the response to Comment R90-29.

8 Response to Comment R95-26-3 (M. Wyenn)

9 The Project includes Mitigation Measure AQ-8 (Low-emission Drayage Trucks, see
10 Section 3.2.4.5), which specifies a timetable by which trucks calling at the SCIG facility
11 must be low-emission trucks, as defined in the mitigation measure. As discussed in the
12 RDEIR, Mitigation Measure AQ-8 is appropriate to mitigate the significant impacts,
13 including health and air quality related impacts, identified in the RDEIR. Please see
14 Master Response 4, Feasibility of Mitigation Measures, as well as Response to Comment
15 95-2-5 for a discussion of the proposed mitigation measures.

16 Regarding zero emissions, please see Master Response 7, ZECMS.

17 Regarding Project Condition AQ-12 CAAP measure RL-3, please see responses to
18 Comment R42-4 and R45C-60-3.

19 Response to Comment R95-27-1 (Ben Bassham)

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 Response to Comment R95-28-1 (Ron Miller)

26 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
27 and is therefore before the decision-makers for their consideration prior to taking any
28 action on the SCIG project. The comment is general and does not reference any specific
29 section of the DEIR or RDEIR, therefore no further response is required. (Public
30 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

31 Response to Comment R95-29-1 (Nathan Edgecomb)

32 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
33 and is therefore before the decision-makers for their consideration prior to taking any
34 action on the SCIG project. The comment is general and does not reference any specific
35 section of the DEIR or RDEIR, therefore no further response is required. (Public
36 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

37 Response to Comment R95-30-1 (Michael Andrews)

38 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
39 and is therefore before the decision-makers for their consideration prior to taking any
40 action on the SCIG project. The comment is general and does not reference any specific

1 section of the DEIR or RDEIR, therefore no further response is required. (Public
2 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

3 **Response to Comment R95-31-1 (Ivan Trevino)**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 **Response to Comment R95-32-1 (Fernando Moncada)**

10 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
11 and is therefore before the decision-makers for their consideration prior to taking any
12 action on the SCIG project. The comment is general and does not reference any specific
13 section of the DEIR or RDEIR, therefore no further response is required. (Public
14 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

15 **Response to Comment R95-33-1 (Darrius Barrington)**

16 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
17 and is therefore before the decision-makers for their consideration prior to taking any
18 action on the SCIG project. The comment is general and does not reference any specific
19 section of the DEIR or RDEIR, therefore no further response is required. (Public
20 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

21 **Response to Comment R95-34-1 (Larry Kirkconnell)**

22 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
23 and is therefore before the decision-makers for their consideration prior to taking any
24 action on the SCIG project. The comment is general and does not reference any specific
25 section of the DEIR or RDEIR, therefore no further response is required. (Public
26 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

27 **Response to Comment R95-35-1 (Ron Price)**

28 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
29 and is therefore before the decision-makers for their consideration prior to taking any
30 action on the SCIG project. The comment is general and does not reference any specific
31 section of the DEIR or RDEIR, therefore no further response is required. (Public
32 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

33 **Response to Comment R95-36-1 (Jane Brooks)**

34 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
35 and is therefore before the decision-makers for their consideration prior to taking any
36 action on the SCIG project. The comment is general and does not reference any specific
37 section of the DEIR or RDEIR, therefore no further response is required. (Public
38 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

1 Response to Comment R95-37-1 (Evangalina Ramirez)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R95-37-2 (Evangalina Ramirez)

8 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
9 and is therefore before the decision-makers for their consideration prior to taking any
10 action on the SCIG project. The comment is general and does not reference any specific
11 section of the DEIR or RDEIR, therefore no further response is required. (Public
12 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

13 Please see Master Response 8, Displaced Businesses.

14 Response to Comment R95-37-3 (Evangalina Ramirez)

15 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
16 and is therefore before the decision-makers for their consideration prior to taking any
17 action on the SCIG project. The comment is general and does not reference any specific
18 section of the DEIR or RDEIR, therefore no further response is required. (Public
19 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

20 Response to Comment R95-38-1(Romeo)

21 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
22 and is therefore before the decision-makers for their consideration prior to taking any
23 action on the SCIG project. The comment is general and does not reference any specific
24 section of the DEIR or RDEIR, therefore no further response is required. (Public
25 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

26 Response to Comment R95-39-1 (Martha Herrera)

27 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
28 and is therefore before the decision-makers for their consideration prior to taking any
29 action on the SCIG project. The comment is general and does not reference any specific
30 section of the DEIR or RDEIR, therefore no further response is required. (Public
31 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

32 Response to Comment R95-40-1 (E. Lopez)

33 Thank you for your comment. The comment is noted and is hereby part of the Final EIR
34 and is therefore before the decision-makers for their consideration prior to taking any
35 action on the SCIG project. The comment is general and does not reference any specific
36 section of the DEIR or RDEIR. Please see Master Response 10, Environmental Justice.

37 Response to Comment R95-40-2 (E. Lopez)

38 Thank you for your comment. The comment is noted and is hereby part of the Final EIR
39 and is therefore before the decision-makers for their consideration prior to taking any

1 action on the SCIG project. The comment is general and does not reference any specific
2 section of the DEIR or RDEIR. Please see Master Response 10, Environmental Justice.

3 **Response to Comment R95-41-1 (John Morris)**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required (Public
8 Resources Code Section 21091(d); CEQA Guidelines Section 15204(a)).

9 **Response to Comment R95-42-1 (Jeffrey Bradley)**

10 In accordance with CEQA and the City of Los Angeles CEQA Thresholds Guidelines,
11 the noise analysis in the RDEIR uses the noise thresholds established by the cities of
12 Long Beach, Los Angeles, and Carson in order to evaluate potential noise impacts of the
13 proposed project. Accordingly, the noise analysis in the RDEIR complies with CEQA.

14 The commenter asserts that impacts from the project, particularly noise and air quality
15 impacts, would impact veterans with Post Traumatic Stress Disorder. However, the
16 commenter provides no evidence in support of this assertion. It would be highly
17 speculative to assume that veterans would be adversely affected by the project. As stated
18 above, the RDEIR evaluated the impact of the project using established noise thresholds.
19 CEQA does not require a lead agency to conduct every test or perform all research, study,
20 and experimentation recommended by commenters. (CEQA Guidelines § 15204.)

21 **Response to Comment R95-42-2 (Jeffrey Bradley)**

22 The impacts to air quality and human health are evaluated thoroughly in Chapter 3.2 and
23 Appendix C3 of the RDEIR, and each of those sections evaluates the potential of the
24 project to contribute to, or aggravate, asthma and other respiratory problems. Thank you
25 for your comment. The comment is noted and is hereby part of the Final EIR, and is
26 therefore before the decision-makers for their consideration prior to taking any action on
27 the SCIG project. The comment does not reference any specific section of the DEIR or
28 RDEIR, therefore no further response is required (Public Resources Code § 21091(d);
29 CEQA Guidelines § 15204(a)).

30 **Response to Comment R95-43-1 (Gabrielle Weeks)**

31 Please see Master Response 4, Feasibility of Mitigation Measures, Master Response 5,
32 Alternatives, Master Response 6, On-Dock Rail, and Master Response 8, ZECMS.

33 **Response to Comment R95-44-1 (Susan Nakamura)**

34 Please see Master Response 1, Baseline, Master Response 3, Hobart, Master Response 4,
35 Feasibility of Mitigation Measures, Master Response 8, ZECMS, and the responses to
36 Comment Letter R45C-60.

37 **Response to Comment R95-45-1 (Glenn Amaya)**

38 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
39 and is therefore before the decision-makers for their consideration prior to taking any
40 action on the SCIG project. The comment is general and does not reference any specific
41 section of the DEIR or RDEIR, therefore no further response is required. (Public

1 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). However, please also see
2 Master Response 9, Health Impact Assessment.

3 **Response to Comment R95-45-2 (Glenn Amaya)**

4 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
5 and is therefore before the decision-makers for their consideration prior to taking any
6 action on the SCIG project. The comment is general and does not reference any specific
7 section of the DEIR or RDEIR, therefore no further response is required. (Public
8 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 **Response to Comment R95-46-1 (Joan Greenwood)**

10 The commenter questioned the concept and use of ten in a million as a significance
11 threshold for cancer risk.

12 As outlined in Chapter 3.2 on page 3.2-43, a ten in a million cancer risk threshold has
13 been established by the SCAQMD and adopted by the Port for evaluating new projects
14 under CEQA (SCAQMD, 2011). This threshold has also been identified in the San Pedro
15 Bay Ports Clean Air Action Plan (POLA and POLB, 2006; POLA and POLB, 2010) as a
16 Project Specific Standard for CEQA analyses conducted by the Ports. Ten in a million
17 cancer risk is also within the range of acceptable risk identified by the USEPA (1991).

18 It is noted that the calculation of health risk (i.e. cancer risk) yields a result that is an
19 incremental excess lifetime probability of cancer, and as such, does not have units or
20 “dimensions” associated with it. The relationship between dose and cancer risk and how
21 cancer risk is calculated has an extensive body of scientific and regulatory literature that
22 goes back to the 1980s (e.g., National Research Council, 1983; USEPA, 1989).

23 In addition to calculating cancer risks, the RDEIR also calculated noncancer health
24 effects for a range of TACs. The resulting hazard indices were developed to evaluate the
25 likelihood of adverse noncancer health effects such as organ-specific toxicities including
26 the respiratory system, lungs, kidneys, and other organs or systems. As discussed in
27 Chapter 3.2 (page 3.2-85), the RDEIR also considered the possibility of a range of
28 additional health effects from PM that were considered as per the Port’s 2011
29 methodology (POLA, 2011).

30 The commenter cites studies done by the rail yards for workers at the BNSF Hobart yard.
31 However, the comment is general and does not reference any specific report, study, or
32 section of the DEIR or RDEIR. Because of this, no further response is required on this
33 particular point as per Public Resources Code § 21091(d); CEQA Guidelines § 15204(a).

34 The commenter’s point that the length of time of exposure is not a determining factor (for
35 health effects) is not correct; exposure duration (i.e., the length of time), as well as
36 concentration and exposure pathway are all potentially significant contributors to whether
37 a health effect is likely to occur or not. While the commenter is correct that the general
38 health and genetic makeup of an individual also contributes to health effects, those
39 considerations are incorporated in the derivation of unit risk factors and reference
40 exposure levels for cancer and non-cancer, respectively.

41 The commenter notes that ten in a million and one in a million risks are “PR” (i.e., public
42 relations) concepts. These thresholds reflect decisions that have been made to identify
43 cancer risk levels that are considered less than significant from a public policy
44 perspective by regulators and policy makers alike. One of the purposes of identifying

1 significance thresholds is that they can be used to evaluate potentially disparate projects
2 on the basis of a criterion that allows the ready comparison of potential impacts between
3 projects. This type of comparison facilitates understanding of a project's impacts by both
4 the public and regulatory agencies.

5 The health risk assessment (RDEIR Appendix C3.2) was not produced by planners; it
6 was produced by health scientists with graduate degrees in relevant scientific disciplines.

7 **References**

8 South Coast Air Quality Management District (SCAQMD). 2011. SCAQMD Air Quality
9 Significance Thresholds. Website: <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>.

10 Ports of Los Angeles and Long Beach (POLA and POLB). 2006. Final 2006 San Pedro
11 Bay Ports Clean Air Action Plan.

12 Ports of Los Angeles and Long Beach (POLA and POLB). 2010. San Pedro Bay Ports
13 Clean Air Action Plan 2010 Update. Website:
14 http://www.portoflosangeles.org/CAAP/12_21_2010_CAAP_update_full_text.pdf

15 Port of Los Angeles (POLA), 2011. *Methodology for Addressing Mortality and*
16 *Morbidity in Port of Los Angeles CEQA Documents*. July 22, 2011.

17 National Research Council, 1983. "Risk assessment in the Federal Government:
18 Managing the Process."

19 USEPA 1989. "Risk Assessment Guidance for Superfund. Part A." Accessed online at:
20 http://www.epa.gov/oswer/riskassessment/ragsa/pdf/rags-vol1-pta_complete.pdf.

21 USEPA 1991. "Role of the Baseline Risk Assessment in Superfund Remedy Selection
22 Decisions." OSWER DIRECTIVE 9355.0-30

23 **Response to Comment R95-47-1 (Christopher Covington)**

24 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
25 and is therefore before the decision-makers for their consideration prior to taking any
26 action on the SCIG project. The comment is general and does not reference any specific
27 section of the DEIR or RDEIR, therefore no further response is required. (Public
28 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

29 **Response to Comment R95-48-1 (Tony Rivera)**

30 The comment appears to be suggesting reconfigurations of the Terminal Island Freeway
31 and Anaheim Street. Since the RDEIR did not identify traffic impacts that would be
32 alleviated by such reconfigurations (see Section 3.10 of the RDEIR), such an action
33 would not be an appropriate mitigation measure (please see Master Response 4,
34 Feasibility of Mitigation).

35 The comment may also be supporting the greenbelt concept raised in Comment R95-2-7,
36 in which case please refer to the responses to comments R89-2, R114-6 and R114-12.

37 **Response to Comment R95-49-1 (Angelo Logan)**

38 With regard to alternatives, please see Master Response 5, Alternatives, Master Response
39 6, On-Dock Rail, and Master Response 10, Environmental Justice that address the issues
40 raised in the comment on the RDEIR.

1 With regard to the other issues raised in the comment, these are noted and are hereby part
2 of the Final EIR, and therefore before the decision-makers for their consideration prior to
3 taking any action on the SCIG project. The comments are general and do not reference
4 any specific section of the DEIR or RDEIR, therefore no further response is required
5 (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

6 **Response to Comment R95-50-1 (Lee White)**

7 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
8 and is therefore before the decision-makers for their consideration prior to taking any
9 action on the SCIG project. The comment is general and does not reference any specific
10 section of the DEIR or RDEIR, therefore no further response is required. (Public
11 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

12 **Response to Comment R95-51-1(Evelyn Knight)**

13 With regard to the comment concerning the purpose of the proposed Project, one of the
14 objectives, as stated in Section 2.3 of the RDEIR, is to “reduce truck miles traveled
15 associated with moving containerized cargo...” The SCIG facility would reduce truck
16 trips on I-710 to the extent that trucks carrying direct international intermodal containers
17 would travel on designated local truck routes between the SCIG facility and the port
18 terminals, instead of on I-710 between the Hobart railyard near downtown Los Angeles
19 and the port terminals. At full operation the SCIG facility would handle 2 million truck
20 trips per year that would have traveled on I-710 to the Hobart railyard (Table 2-2 of the
21 RDEIR). For more detail please see Master Response 3 (Hobart).

22 **Response to Comment R95-52-1 (Exton Leonard)**

23 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
24 and is therefore before the decision-makers for their consideration prior to taking any
25 action on the SCIG project. The comment is general and does not reference any specific
26 section of the DEIR or RDEIR, therefore no further response is required. (Public
27 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

28 **Response to Comment R95-53-1 (Boyd Hendricks)**

29 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
30 and is therefore before the decision-makers for their consideration prior to taking any
31 action on the SCIG project. The comment is general and does not reference any specific
32 section of the DEIR or RDEIR, therefore no further response is required. (Public
33 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). Please also see Master
34 Response 9, Health Impact Assessment, and Master Response 12, Ultrafine Particles.

35 **Response to Comment R95-54-1 (John Donahoe)**

36 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
37 and is therefore before the decision-makers for their consideration prior to taking any
38 action on the SCIG project. The comment is general and does not reference any specific
39 section of the DEIR or RDEIR, therefore no further response is required. (Public
40 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

1 Response to Comment R95-55-1 (Isabel Moreno)

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 Response to Comment R95-56-1 (Tamria Henderson)

8 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
9 and is therefore before the decision-makers for their consideration prior to taking any
10 action on the SCIG project. The comment is general and does not reference any specific
11 section of the DEIR or RDEIR, therefore no further response is required. (Public
12 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

13 Response to Comment R95-57-1 (Brett Morales)

14 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
15 and is therefore before the decision-makers for their consideration prior to taking any
16 action on the SCIG project. The comment is general and does not reference any specific
17 section of the DEIR or RDEIR, therefore no further response is required. (Public
18 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

19 Response to Comment R95-58-1 (Pedro Ramirez)

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 Response to Comment R95-59-1 (Julie Gholson)

26 The RDEIR provides specific mitigations for identified significant impacts, as required
27 by CEQA (CEQA Guidelines §15126.4(a); please see also Master Response 4, Feasibility
28 of Mitigation Measures). These mitigation measures are commitments that the lead
29 agency (LAHD) and the project proponent (BNSF) are obligated to implement. The
30 comment does not specify which goals are of concern, and thus no more specific
31 response is possible. Please also see Master Response 9, Health Impact Assessment, and
32 Master Response 12, Ultrafine Particles.

33

From: [Jonathan Kotler](#)
To: [Ceqacomments](#)
Subject: SCIG
Date: Friday, November 09, 2012 5:41:34 PM

The approval of this project is vital to the continued growth of Southern California. I urge its approval forthwith.

R96-1

Very Truly Yours,

Jonathan Kotler
Calabasas 91302

1 **Comment Letter R96: Jonathan Kotler**

2 **Response to Comment R96-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [John Fasulo](#)
To: [Ceqacomment](#)
Subject: SCIG
Date: Friday, November 09, 2012 6:19:00 PM

R97-1

While I live on the East Coast, I am a supporter of BNSF's plan for the SCIG facility that BNSF plans for the region. As a railroad photographer, I spend a lot of time around railroads. The railroad as a mode of transportation of goods and passengers needs our support. This project for your region will be a great plus for the RR industry.

John Fasulo
Beacon NY 12508
845 401 0278

1 **Comment Letter R97: John Fasulo**

2 **Response to Comment R97-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Pat McGowan](#)
To: [Ceqacommments](#)
Subject: I support SCIG
Date: Friday, November 09, 2012 6:45:02 PM

R98-1

Patricia1lynn@comcast.net supports SCIG

1 **Comment Letter R98: Pat McGowan**

2 **Response to Comment R98-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: larrylynnhanlon@cs.com
To: [Ceqacomment](#)
Subject: SCIG
Date: Friday, November 09, 2012 9:57:31 PM

To whom it may concern:

Let me add my support to the SCIG project for all of the obvious reasons: energy efficiency of rail and water transportation, reduction in number of truck trips on area highways, and the creation of jobs in the region. I also like the commitment to LNG for the facility truck fleet -- T. Boone Pickens is absolutely right about the conversion of diesel trucks, and eventually most vehicles, away from liquid fossil fuels to LNG. In this case it's a perfect setting -- a captive fleet of shuttle tractors which can be supported by a couple of maintenance / refueling facilities.

Sincerely,

Lawrence R. Hanlon, PhD

R99-1

1 **Comment Letter R99: Lawrence R. Hanlon, PhD**

2 **Response to Comment R99-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Linda Barner](#)
To: [Ceqacomment](#)
Subject: Support for SCIG
Date: Friday, November 09, 2012 10:12:54 PM

R100-1

BNSF has proposed the SCIG. I support this project, which will improve air quality, less traffic and create good jobs.

Linda Barner
2962 E Willis Ave
Fresno, CA 93726-3322

1 **Comment Letter R100: Linda Barner**

2 **Response to Comment R100-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Elizabeth Hurlbutt](#)
To: [Ceqacomment](#)
Subject: SCIG
Date: Saturday, November 10, 2012 6:11:11 AM

Hello,

Elizabeth Hurlbutt here from Oklahoma.

My husband is a BNSF Engineer. I just wanted to let you know we both support SCIG! What an amazing opportunity to provide thousands more jobs and clean air quality, more revenue for Southern California! I would love to come see it when it's all finished! Great plan!

Elizabeth Hurlbutt
418 Addington
Enid, Ok 73701

R101-1

1 **Comment Letter R101: Elizabeth Hurlbutt**

2 **Response to Comment R101-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: jimbatterson@gmail.com
To: [Ceqacomment](#)
Subject: I support SCIG
Date: Saturday, November 10, 2012 11:06:06 AM

R102-1

Please count my opinion in support of BNSF's proposed SCIG project. SCIG will reduce truck traffic, improve air quality and improve intermodal transportation efficiencies.

Thank you,
Jim Batterson
Santa Maria, CA

1 **Comment Letter R102: Jim Batterson**

2 **Response to Comment R102-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: Sthasty@aol.com
To: [Ceqacomment](#)
Subject: Southern California International Gateway (SCIG)
Date: Saturday, November 10, 2012 3:57:23 PM

I support the proposed Southern California International Gateway (SCIG). Less traffic, less pollution, less fuel use -- seems like a no-brainer!

R103-1

Steven Hasty
1203 Fleetwood Plaza
Laurel Park, NC

1 **Comment Letter R103: Steven Hasty**

2 **Response to Comment R103-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Glenn Zeleznick](#)
To: [Ceqacomment](#)
Cc: pwilson@fastlanetrans.com; teresa@wastechrecycling.com
Subject: Fast Lane Transportation
Date: Sunday, November 11, 2012 9:03:31 PM

To Whom it May Concern,

We are a neighboring business of Fast Lane Transportation. We wanted to advise the Port Authority that Fast lane Transportation is a valuable business to keep in our community. They not only provide an excellent service to the business community at a fair price, they also add a substantial tax revenue for the city and provide employment to many people, most of whom live in the area. Fast lane Transportation should be compensated fairly and relocated in a place where they can continue to operate in the same manner they do now, with no interruption to their valuable service they provide.

Sincerely,

Glenn Zeleznick
Wastech Recycling, LLC
Wilmington, California

R104-1

1 **Comment Letter R104: Wastech Recycling, LLC**

2 **Response to Comment R104-1**

3 Please see Master Response 8, Displaced Businesses.

4

From: [Bill Gaidzik](#)
To: [Ceqacomment](#)s
Subject: SCIG
Date: Monday, November 12, 2012 8:19:32 AM

Getting trucks off the road and their freight onto rail is a net good thing. Getting trucks off the freeways is good too.

R105-1

Joe Glitz
San Pedro

1 **Comment Letter R105: Joe Glitz**

2 **Response to Comment R105-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

9

From: [Mark North](#)
To: [Ceqacomment](#)
Cc: [Pat Wilson](#)
Subject: Fast Lane Transportation
Date: Monday, November 12, 2012 8:23:31 AM

To: Christopher Cannon
Director of Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Dear DirectorCannon,

I am writing to register support for Fast Lane Transportation in respect of the Souther California International Gateway Project.

Pat Wilson has been a customer, friend and colleague for over 25 years and I wish to add my name to the list of those who believe Fast Lane's interests need to be taken fully into account as the SCIG project proceeds.

As a past Executive Secretary of the Institute of Intermodal Repairers I have first hand knowledge of the challenges faced by container storage and repair facilities. Other industry groups, such as the Institute of International Container Lessors, have also lobbied port authorities and urban planners for greater recognition of the importance of providing high quality off-terminal depot services. Efficient intermodal operations would be impacted negatively without the support of companies like Fast Lane Transportation.

I understand that in the proposed SCIG plan Fast Lane would lose a significant portion of its land, and especially important, land on which the company has offices, warehouses, and repair and maintenance facilities.

Constructing facilities at any alternative site is apparently beyond the scope of the EIR. However, as you can appreciate, without the adequate replacement of this infrastructure and adjacent land, Fast Lane Transportation will not be able to continue current operations. This would be a detriment to the local business community, Fast Lane Transportation's trucking operations and to its leasing and shipping line customers.

I ask that Fast Lane Transportation's interests in respect of its land and facilities be taken into account as the SCIG project proceeds.

Yours faithfully,

Mark North
President
cenTTra Intermodal

R106-1

2625 Alcatraz Avenue, #177
Berkeley, CA 94705
+1.415.695.4470

1 **Comment Letter R106: cenTTra Intermodal**

2 **Response to Comment R106-1**

3 Please see Master Response 8, Displaced Businesses.

4

WILMINGTON COORDINATING COUNCIL
P.O. BOX 781
Wilmington, CA 90748
"To Make Wilmington One"
(Our mission statement)

310 ~ 834 4895

November 11, 2012

To: Port of LA
SCIG project

From: Shirley D. Atencio
Community Member

I am very concerned about Fastlane Transportation. Fastlane Transportation is the *only* land owning business which stands to lose the property on which it operates. *My concern is that there will not be an adequate relocation in the event Fastlane Transportation property is taken for the SCIG project.*

I do hope that the fact that Fastlane Transportation is a long time resident factors in how the company is treated. Treated fairly comes to mind.

The company is important to our Wilmington Community. The company employs from our community. Mr. Wilson is an active participate in all things "Wilmington". Mr. Wilson sits on at least five non-profit boards which include the Wilmington Chamber of commerce, Friends of Banning Museum, YMCA and other non-profits.

I do hope that this fabulous company is treated with honor and respect.

R107-1

1 **Comment Letter R107: Shirley Atencio**

2 **Response to Comment R107-1**

3 Please see Master Response 8, Displaced Businesses.

4

Stephanie Mardesich
1513 W. 15th Street
San Pedro, California 90732

November 7, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
Via email: ceqacomment@portla.org

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a lifetime resident of San Pedro, notwithstanding being away at school and some time living in London, England, I am writing to convey my strong support for the Southern California International Gateway (SCIG).

As a property owner and member of a well known family who has been in San Pedro for about 100 years (my grandfather Joseph M. Mardesich, Sr. was a pioneer of the tuna canning industry on Terminal Island and to learn more please stop by the Los Angeles Maritime Museum and see the permanent exhibit "Caught, Canned and Eaten: The History of San Pedro's Tuna and Canning Industry" and the bronze bust and display about grandfather and our cannery) I have a vested interest and perspective with regard to the well being and progress in San Pedro and Wilmington. This includes concerns about environmental issues such as air quality, and employment opportunities for local residents, and that SCIG will be an enhancement to bring new people to the area that will further support commerce and cultural interests.

The BNSF proposal addresses these concerns. Increasing the number of trains to move Port cargo will also reduce trucking traffic on the 710 freeway that is currently stressed by the amount of vehicles now used as transport. It is my understanding that SCIG will reduce the total number of truck on residential streets, which speaks to traffic mitigation and a more harmonious living environment. I support the fact that SCIG trucks will be prohibited from using local streets and be mandated to travel designated truck routes and therefore roads will see an improvement in traffic because of SCIG.

The proposed landscape improvement along the Terminal Island Freeway will be an aesthetic enhancement another opportunity to hire local workers providing much needed jobs.

To recapitulate: Approval of the BNSF – SCIG has many benefits including better air quality, diminishing health risks, improving traffic conditions in the neighborhoods adjacent to the site and throughout the region, and providing much need employment.

Very truly yours,
Stephanie Mardesich
Stephanie Mardesich

cc: Congresswoman Janice Hahn, 36th District
Mayor Antonio Villaraigosa
Joe Buscaino, Councilmember 15th District
Geraldine Knatz, PhExecutive Director, Port of Los Angeles
Los Angeles Board of Harbor Commissioners:
Cindy Miscikowski, President
David Arian, Vice President
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn

R108-1

1 **Comment Letter R108: Stephanie Mardesich**

2 **Response to Comment R108-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Krocker, Shaun](#)
To: [Ceqacomment](#)
Subject: In favor of Southern California International Gateway (SCIG)
Date: Friday, November 09, 2012 6:00:10 PM

I am an employee of BNSF and would have a biased perspective on this SCIG proposal however, I feel I should share my views to help equalize the negative feedback this has generated. Simply looking at the facts and logistics, with unit increases steadily climbing, capacity being strained and cost/delay of dray to Hobart it appears as a no brainer for the next step moving forward for the ports. Having a state of the art, high capacity terminal on site with the docks tied into the Alameda Corridor will drastically reduce traffic on the 710 freeway, increase rail load capacity and create jobs in a modern green example of future shipping logistics. I have been following updates on the SCIG since inception and believe it is simple a matter of 'when', not 'if'. Once local opposition is addressed and funding hurdles are satisfied, I believe this project will have more than enough support to break ground sooner than later and be a modern model of ingenuity and progress for SoCal. One only needs to look at other intermodal improvement projects in the last decade to see the immediate benefits. Now granted, Logistics Park Chicago, the new Memphis Terminal and the current construction of Edgerton Intermodal Facility near Kansas City are not adjacent to the docks in the second largest city in the US, but have similarly demonstrated how effective newly designed terminals, strategically located can immediately show gains in virtually every aspect of environmental impact, local economy, shipping/transload times and ultimately overall cost per unit. I feel to allocate the real estate for something else would certainly be a step back for all involved and force the current problems aside to other less effective means.

Thank you for taking the time to accept my pro-SCIG thoughts. Hopefully this project becomes a reality in the not so distant future,
SM Krocker
BNSF-KCK

R109-1

1 **Comment Letter R109: Shaun Krockner**

2 **Response to Comment R109-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: oxendinefamilyfitness@yahoo.com
To: [Ceqacomment](#)
Subject: I support SCIG
Date: Monday, November 12, 2012 6:27:37 PM

R110-1

As a railroader and concerned citizen I support the SCIG as a means to add much needed, long-term jobs to both CA and our Nation as a whole.
Please consider this in making your decision.

Respectfully,
Frankie Oxendine

Sent from Frankie's iPhone

1 **Comment Letter R110: Frankie Oxendine**

2 **Response to Comment R110-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

November 12, 2012

Mr. Christopher Cannon
Director of Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: SCIG Recirculated Draft EIR

R111-1

It has come to my attention that concerns that I expressed in a previous letter have not been addressed in the best interest of the public nor for specific concerns related to the Fast Lane Transportation facility.

R111-2

It is most disturbing to learn that this project can acquire privately owned property/land without adequate replacement of such so that the business can continue to operate at its present capacity.

I find that the alternate site(s) for relocation: (1) does not include replacement of current structures, (2) results in less land area, (3) provides separate parcels rather than one parcel, (4) has a railroad line cutting through the property, (5) has less useable land available to stack, repair, and store containers efficiently, (6) eliminates grade separation access from Pacific Coast Highway, and (6) has utility obstructions. These unfair and unjust changes will destroy an important Port-related business.

R111-3

In addition, the major disruption to Fast Lane will undoubtedly impact the family owned business that truly has been a good neighbor to the Wilmington community. Not only does it employ local workers, the company provides good wages and medical/retirement benefits. It provides summer jobs for youth and supports local organizations and schools. Fast Lane trucks use recommended truck routes and employees are encouraged to participate in safe and energy saving environmental practices. Few companies support community events with their actual family members present; this company does.

We cannot afford to lose Fast Lane because of the land grab for the Southern California International Gateway project. The project should not have priority over the many concerns set forth by communities, businesses, and organizations. The health and welfare of residents must be heard. I see it like this: if the Port can build a park/buffer with a fish cannery sitting in the middle of the area, then Fast Lane can be provided with appropriate land space to continue its current operating business without due hardship for either the company, its employees, or those other businesses it serves.

Sincerely,

Olivia Cueva-Fernández
1657 Marine Avenue
Wilmington, CA 90744

1 **Comment Letter R111: Olivia Cueva-Fernandez**

2 **Response to Comment R111-1**

3 Please see Master Response 13, DEIR and RDEIR Comment Letters, and Master
4 Response 8, Displaced Businesses.

5 **Response to Comment R111-2**

6 Please see Master Response 8, Displaced Businesses, and the responses to Comments
7 R55-2 and R91-7.

8 **Response to Comment R111-3**

9 Please see Master Response 8, Displaced Businesses.

10

November 12, 2012

Christopher Cannon, Director of Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: Southern California International Gateway Project ("SCIG") Recirculated Draft EIR

Dear Mr. Cannon,

I am writing to ask that the Port of Los Angeles support the adequate relocation of Fast Lane Transportation as part of the SCIG project, so they can continue to retain their workforce over one hundred local workers and their roots in the community.

R112-1

If SCIG is completed, it will result in the "acquisition" of a significant portion of the Fast Lane Transportation property including office, warehouse, and repair and maintenance facilities. Without the adequate replacement of this infrastructure and adjacent land, Fast Lane Transportation, Inc. will not be able to continue its current operation.

The "alternate sites" referred to in the Recirculated Draft EIR does not analyze the following potential environmental impacts:

R112-2

- Includes a public road (Farragut Avenue) which is the only public access to several businesses and property owners
- Contain separate parcels bisected by railroad tracks not one parcel of land
- Are obstructed by overhead utility distribution and at-grade utility structures
- May result in containers being dislocated by this project going to other Wilmington container storage yards that are close to residential neighborhoods
- Do not adequately address the rerouting of 107,000 annual round truck trips from Pacific Coast Highway to other Wilmington streets
- These Wilmington streets are not on an approved overweight corridor
- Result in significantly less land and Includes land Fast Lane currently occupies

Thank you for your attention to the potential adverse impacts that may result to a long standing Wilmington Business.

Truly yours,

Rob Katherman
Adopt a Stormdrain Foundation
1308 Sartori Ave. Suite #109
Torrance, CA 90501

1 **Comment Letter R112: Adopt a Stormdrain Foundation**

2 **Response to Comment R112-1**

3 Please see Master Response 8, Displaced Businesses and response to Comment R146-6.

4 **Response to Comment R112-2**

5 Please see Master Response 8, Displaced Businesses.

6



South Bay Latino Chamber of Commerce

California Non-Profit Corporation
P.O. Box 452391
Los Angeles, CA 90045
(310) 676-8646

Mr. Erick Verduzco-Vega
President/CEO

Ms. Sara Rodriguez
Vice President
State Farm - Agency Owner

Founding Board President
Mr. Candy Saenz, Dec.

Board Members

Ms. Alicia Mendoza
Mr. Frank Uribe
Mr. Jesse Vargas
Mr. Trini Jimenez Esq.
Mr. Ramiro De La Cruz

Honorary Board Members

Hon. Tony Cardenas
6th District L.A. City Councilman

Hon. Henry Cisneros
Americancity Vista

R113-1

Hon. Donald L. Dear
Water Board

[Redacted Name]
15th District L.A. City Councilwoman

Hon. Jane Harman
Congresswoman 36th District

Hon. Tony Mendoza
CA State Assembly Member

Hon. Alex Padilla
CA State Senator

Ms. Toni Romero
Telemundo

Ms. Claudia Trejos
ESPN Deportes

November 01, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
Via email: CCannon@portla.org
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Board of Directors of the South Bay Latino Chamber of Commerce and our 365 members, I am writing to express/re-iterate our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG also promotes the emission reduction goals of the Clean Air Action Plan (CAAP).

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has



South Bay Latino Chamber of Commerce

California Non-Profit Corporation
P.O. Box 452391
Los Angeles, CA 90045
(310) 676-8646

Mr. Erick Verduzco-Vega
President/CEO

Ms. Sara Rodriguez
Vice President
State Farm - Agency Owner

Founding Board President
Mr. Candy Saenz, Dec.

Board Members

Ms. Alicia Mendoza
Mr. Frank Uribe
Mr. Jesse Vargas
Mr. Trini Jimenez Esq.
Mr. Ramiro De La Cruz

Honorary Board Members

Hon. Tony Cardenas
6th District L.A. City Councilman

Hon. Henry Cisneros
Americancity Vista

Hon. Donald L. Dear
Water Board

R113-1

~~██████████~~
15th District L.A. City Councilwoman

Hon. Jane Harman
Congresswoman 36th District

Hon. Tony Mendoza
CA State Assembly Member

Hon. Alex Padilla
CA State Senator

Ms. Toni Romero
Telemundo

Ms. Claudia Trejos
ESPN Deportes

also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight.

While some have argued that SCIG should be built on-dock, according to the DEIR, there is a limit to the amount of space that will be available for future growth of on-dock facilities. Facilities already planned for both ports will require all available land. In addition, there is a limit to the size of on-dock railyards within terminals, in order to balance container handling space, terminal operations and railyard operations. There is also limited main line capacity to serve these facilities.

Near-dock facilities such as SCIG also play an important role in supporting the efficiency of on-dock railyards, because they allow cargo from multiple marine terminals to be built into trains for specific destinations throughout the country, rather than congesting limited on-dock space with containers awaiting trains for specific locations.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,

Sara Rodriguez
Vice President/Board Member



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Congresswoman 36th District

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CC:

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Mayor, City of Los Angeles
Via email: mayor@lacity.org
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
Via email: GKnatz@portla.org
425 South Palos Verdes Street
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Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
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Dr. Sung Won Sohn
Via email: commissioners@portla.org
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R113: South Bay Latino Chamber of Commerce**

2 **Response to Comment R113-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

City Fabrick

November 12, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, California 90731

RE: SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY
RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Cannon:

Thank you for the opportunity to respond to the Recirculated Draft Environmental Impact Report [RDEIR] for the Southern California International Gateway [SCIG] facility. City Fabrick is an independent, nonprofit design studio dedicated to supporting progressive urban design, planning and policy that enhances the livability of communities and the health of residents in Long Beach. The proposed SCIG development has potentially significant impacts on the communities City Fabrick serves, necessitating the review and response to this RDEIR.

West Long Beach has long been impacted by the nearby goods movement and petroleum industries and their supporting infrastructure. Currently there are significant port and port-associated infrastructure projects proposed in and around West Long Beach that potentially can have further negative impacts in the community [Exhibit 1 – Context Map]. Where possible, these new developments including the proposed SCIG facility should be sited to limit land-use conflicts and transportation impacts, and not confound current negative conditions. If those projects must be located in or around sensitive areas, they should be designed to minimize impacts and provide sufficient mitigations for any negative conditions that remain.

In response to existing land-use conflicts and infrastructure impacts from goods movement on West Long Beach City Fabrick has created a proposal to realign redundant transportation facilities, relocate inappropriate land-uses and share under-utilized infrastructure to create a regional-scale park that buffers neighborhoods and schools from impactful uses to the west [Exhibit 2 – The Yards Proposal Overview]. The proposed greenbelt would have significant environmental, economic and public health benefits to West Long Beach, as well as adjacent communities within Long Beach and Carson. The plan has been presented to a number of local agencies including the City of Long Beach, South Coast Air Quality Management District and Long Beach Unified School District, as well as many local stakeholders including community associations, Burlington North Santa Fe Railroad [BNSF] and Southern California Edison. The plan continues to be refined based on available information and input.

The proposed Southern California International Gateway [SCIG] would be a near-dock intermodal facility on a portion of Los Angeles Harbor Department land located between the City of Carson and West Long Beach [Exhibit 3A – Project Map RDEIR]. The Recirculated Draft Environment Impact Report focuses on the facility but fails to include sufficient analysis of proposed off-site improvements [trains tracks, bridges and grade-separations] as they relate to nearby existing neighborhoods and schools in Long Beach. As the majority of those off-site

R114-1

R114-2

City Fabrick

R114-2 ↑ improvements are located within the City of Long Beach, greater coordination should take place with City staff and stakeholders to their ultimate configuration and potential impacts.

R114-3 The Recirculated Draft Environmental Impact Report [RDEIR] does not accurately depict the complete project scope and should be amended to include all off-site improvements proposed as part of the Southern California International Gateway [Exhibit 3B – Project Map Comment]. The active portion of the north lead track extends one mile north of the project site, adjacent to Stephens Middle School, Webster Elementary School and Springdale housing community. Pacific Coast Highway improvements would necessitate that the majority of the Terminal Island Freeway interchange be rebuilt due to the altered grade separation for the south lead track and San Pedro Branch. The proposed storage tracks between the Southern California Edison right-of-way and Terminal Island Freeway would be an active component of SCIG facility. The project boundaries of the RDEIR should be revised accordingly.

R114-4 The Environmental Impact Report [EIR] for the SCIG should more completely explore viable alternative project sites within the Ports of Long Beach and Los Angeles including the Terminal Island Joint Intermodal Terminal. Locating the near-dock intermodal facility within the port complex would minimize impacts on residents of West Long Beach and Wilmington while reducing travel times for trucks transporting goods between dock and rail. Existing land-use conflicts between schools and neighborhoods, and the current port-related tenants on the Los Angeles Harbor Department and Southern California Edison properties would be continued with this new development.

R114-5 Along with alternative site locations for the SCIG, Chapter 5 – Alternatives of the Recirculated Draft Environmental Impact Report should include analysis of alternative configurations for the project site and associated off-site infrastructure improvements that reduce potential impacts. Many of the immitigable “significant impacts” identified in the Recirculated Draft Environmental Impact Report [RDEIR] can be reduced or eliminated entirely through alterations in the proposed project configuration and its associated off-site improvements.

R114-6 The Recirculated Draft Environmental Impact Report [RDEIR] only includes analysis of two project alternatives: Alternative 1 – No Project and Alternative 2 – Reduced Project. The lack of analysis of other viable project alternatives is a failure of the current RDEIR that should be resolved prior to certification. For purposes of this response, **Project Alternative 3** proposes alternative configurations for associated off-site infrastructure improvements in the City of Long Beach that are less impactful to the surrounding community, resulting in an *environmentally superior option*. The following are components of **Project Alternative 3** recommended for further study [Exhibit 4 – Project Alternative 3]:

R114-7 ↓

1 PROPERTY ACQUISITION AND TENANT RELOCATIONS

Section 2.4.2.1 of the Recirculated Draft Environmental Impact Report states that most current tenants in the project area would be relocated to designated alternative sites. Two tenants of the adjacent Southern California Edison [SCE] transmission corridor would remain as part of the SCIG proposal. The proposal would divide one tenant, Cal Cartage on the Los Angeles Harbor Department [LAHD] property [86 acres] from its associated parking lot on the SCE property [19 acres]. Three River Trucking would be separated from its portion on LAHD property [2 acres] and further divided by the proposed north lead track of SCIG.

City Fabrick

Analysis of **Project Alternative 3** should include the complete relocation of existing tenants currently on the LAHD and SCE properties. These relocation sites should be appropriately sized for each business and best located to limit impact on surrounding occupants while providing necessary access for their respective operation. This would maintain the viability of existing businesses currently on the project site while reducing existing land-use conflicts.

R114-7

2 SEPULVEDA BOULEVARD BRIDGE

Based on the RDEIR Section 2.4.2.5, a pair of train tracks would be added to the San Pedro Branch railroad traveling over Willow Street/Sepulveda Boulevard to assist operations of the SCIG facility. This would necessitate replacing the existing rail bridge and relocating Southern California Edison [SCE] transmission towers while locating active portions of the SCIG operation adjacent to the Upper Westside residential neighborhood [including Springdale Housing and Gold Star Manor] and two Long Beach Unified School District campuses [Stephens Middle School and Webster Elementary School].

R114-8

The RDEIR Sections 3.1.5 and 3.4.5 states that removing the existing rail bridge would have significant immitigable Cultural and Aesthetic impacts along with the impacts from freight traveling directly adjacent to homes and schools. **Project Alternative 3** would study building the new rail bridge west of the SCE transmission corridor. This alternative would avoid impacts from removing the historically significant rail bridge and eliminate the cost of relocating transmission towers, while reducing the noise, air and visual impacts from rail operations on residents and students.

3 STORAGE TRACKS

Based on the RDEIR Section 2.4.2.2, two parallel 4,000-foot-long storage tracks would run parallel to the existing San Pedro Branch tracks, from the south lead tracks to the north lead tracks. This operation would take place on the east side of the Southern California Edison transmission corridor, within two hundred feet of Cabrillo High School, Bethune School and Hudson Elementary School. This component of the project proposal would be significantly closer than what is currently outlined in the project boundary map of the RDEIR.

R114-9

Project Alternative 3 would study locating the storage tracks south of Pacific Coast Highway as part of the reconfiguration of existing infrastructure for the south lead tracks and service tracks. The storage tracks can be associated with the Near-Dock Rail Support Facility proposed by the Port of Long Beach, which is currently in the initial stage of environmental review. The intention would be to maximize the distance between all proposed rail operations and existing schools and homes, thus reducing the impacts to sensitive receivers.

4 SAN PEDRO BRANCH

The San Pedro Branch railroad parallels the Alameda Corridor through West Long Beach and the City of Carson. The RDEIR describes improvements to the San Pedro Railroad Branch associated with the development of the north and south lead tracks, Pacific Coast Highway grade separation, Sepulveda Boulevard Bridge and storage tracks. The various components will result in the near complete reconstruction of the San Pedro Branch for three miles, while building two rail bridges [at Dominguez Channel and Sepulveda Boulevard] and two grade separations [at Pacific Coast Highway and Southern California Edison access road].

R114-10

City Fabrick

Project Alternative 3 would study realigning the San Pedro Railroad Branch west of its current location, between the SCE right-of-way and proposed SCIG. Relocation of the railroad branch would reduce project noise, visual and air quality impacts on nearby residents and students. This would also provide direct access to Southern California Edison facilities from the east while consolidating rail access for the south lead track and San Pedro Branch, together removing the need for two grade separations. There is an existing track north of Sepulveda Boulevard that can connect this realignment to the current alignment north.

5 PACIFIC COAST HIGHWAY GRADE SEPARATION

The RDEIR describes in Section 2.4.2.5 the grade separation along Pacific Coast Highway from the Dominguez Channel to the existing Terminal Island Freeway interchange. The length of Pacific Highway is proposed to be rebuilt and raised to accommodate the south lead tracks and San Pedro Branch Railroad. To facilitate truck movement traveling to the port complex from the rail yard, a flyover is proposed for southbound traffic from the SCIG to eastbound Pacific Coast Highway, where trucks merge onto the southbound Terminal Island Freeway.

While the current proposal utilizes the northbound to westbound Terminal Island Freeway to Pacific Coast Highway off-ramp to access the SCIG facility [directly in front of the Villages at Cabrillo], **Project Alternative 3** would study reconfiguration of the Terminal Island Freeway interchange as part of the Pacific Coast Highway grade separation. This would be a variation on the flyover described in Section 5.2.3 in the RDEIR but would transition onto Pacific Coast Highway similar to the flyover already proposed from SCIG. A signalized intersection would be used to control remaining movement, similar to the proposed intersection on Pacific Coast Highway at the SCIG entrance.

The goal would be to transition northbound Terminal Island Freeway to westbound Pacific Coast Highway, using a flyover that increases the distance between designated truck routes and the existing community. As part of **Project Alternative 3**, the city-owned portion of the Terminal Island Freeway north of Pacific Coast Highway would be reconfigured into a local street with over-sized vehicles prohibited (Alameda Street would be the alternative truck route for the one-mile length). This would reduce truck movement's noise, visual and air pollution on the 6,100 students attending the five adjacent Long Beach Unified School District campuses. Based on initial study, the integration of this local connector into the adjacent street grid could reduce traffic congestion on Santa Fe Avenue [the only continuous local north-south corridor in West Long Beach] and could improve access to Southern California Edison transmission facilities.

6 GREENBELT

The Southern California International Gateway [SCIG] Notice of Preparation [NOP] proposed as mitigation for potential impacts from the proposed project, an urban forestry program adjacent to the project site on surplus land of the City of Long Beach owned portion of the Terminal Island Freeway north of Pacific Coast Highway. The scale of the urban forestry program as proposed in the NOP would have negligible impact in relationship to the scale of the proposed SCIG facility and should be expanded to address some of the significant environmental impacts identified in the Recirculated Draft Environmental Impact Report. Furthermore, the proposed location of the urban forest precludes public access and potentially creates safety hazards due to its proximity to railroad tracks and truck corridor.

City Fabrick

R114-12

As part of **Project Alternative 3**, the proposed urban forestry program from the NOP should be expanded onto the surplus land of the reconfigured Terminal Island Freeway, the decommissioned San Pedro Branch right-of-way and the Southern California Edison transmission corridor, totaling approximately 70 acres in land. The mile-long greenbelt would physically separate the residential neighborhoods and schools from the proposed SCIG facility while providing recreational opportunities at a regional scale, similar to the Wilmington Waterfront Park adjacent to the Port of Los Angeles.

The urban forest space would have substantial environmental benefits including improving stormwater management, reducing the urban heat island effect, sequestering air pollutants and reducing noise pollution emanating from the proposed SCIG facility. The publicly accessible open space of **Project Alternative 3** would also provide regional recreational opportunities for the West Long Beach community [and beyond] which is currently underserved by park space.

CONCLUSION

The focus of this letter is to recommend revisions to project boundaries to accurately reflect associated off-site improvements and active project elements, to further study more appropriate alternative site locations and study alternative configurations of the proposed facility and associated off-site infrastructure improvements that would be less impactful to the surrounding community. Analysis of these project alternatives would reveal potential solutions to unnecessary impacts and would provide a more complete Environmental Impact Report that can be suitably certified.

Project Alternative 3 would have significantly fewer impacts on the surrounding community while maintaining most, if not all of the project objectives described in the RDEIR, resulting in an *environmentally superior option*. **Project Alternative 3** includes:

1. Complete relocation of tenants on the Los Angeles Harbor Department land and adjacent Southern California Edison property.
2. Construction of new Sepulveda Boulevard railroad bridge to the west of the Southern California Edison property, and retain existing historically significant bridge.
3. Locate proposed storage railroad tracks to the south of Pacific Coast Highway.
4. Realign San Pedro Branch railroad associated with the proposed project to the west of the Southern California Edison transmission corridor.
5. Reconfigure the Terminal Island Freeway and Pacific Coast Highway interchange into a northbound to westbound flyover, replacing the freeway north with a local street.
6. Expand proposed urban forestry program to a regional scale park that effectively addresses environmental impacts from proposed project.

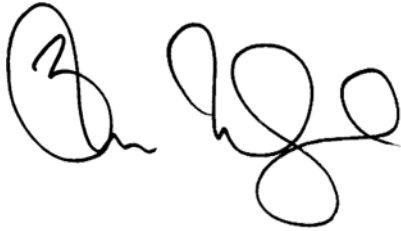
R114-13

While the **Proposed Alternative 3** is based on the limited information provided in the RDEIR, the concept is viable and worth further analysis. As the majority of the components of the off-site infrastructure improvements associated with the proposed SCIG are in the City of Long Beach, there should be greater coordination and communication with City staff, elected officials and local stakeholders to their ultimate design and impacts. Before certification of the EIR, **Project Alternative 3** and other viable alternatives should be studied to determine the most appropriate location and project configuration.

City Fabrick

City Fabrick appreciates the opportunity to respond to the Recirculated Draft Environmental Impact Report and looks forward to continued involvement during the environmental review process. For future coordination of efforts of the Port of Los Angeles, Burlington Northern Santa Fe Railroad and the community, please consider sharing more detailed material so that our design team can find solutions that meet the project goals described in the RDEIR and the needs of the community. Please provide notification of any additional material relevant to the proposed Southern California International Gateway. If you have any questions or comments about this letter, please feel free to contact Brian Ulaszewski at [562] 901-2128 or brian@cityfabrick.org.

Sincerely,



Brian Ulaszewski, LEED AP

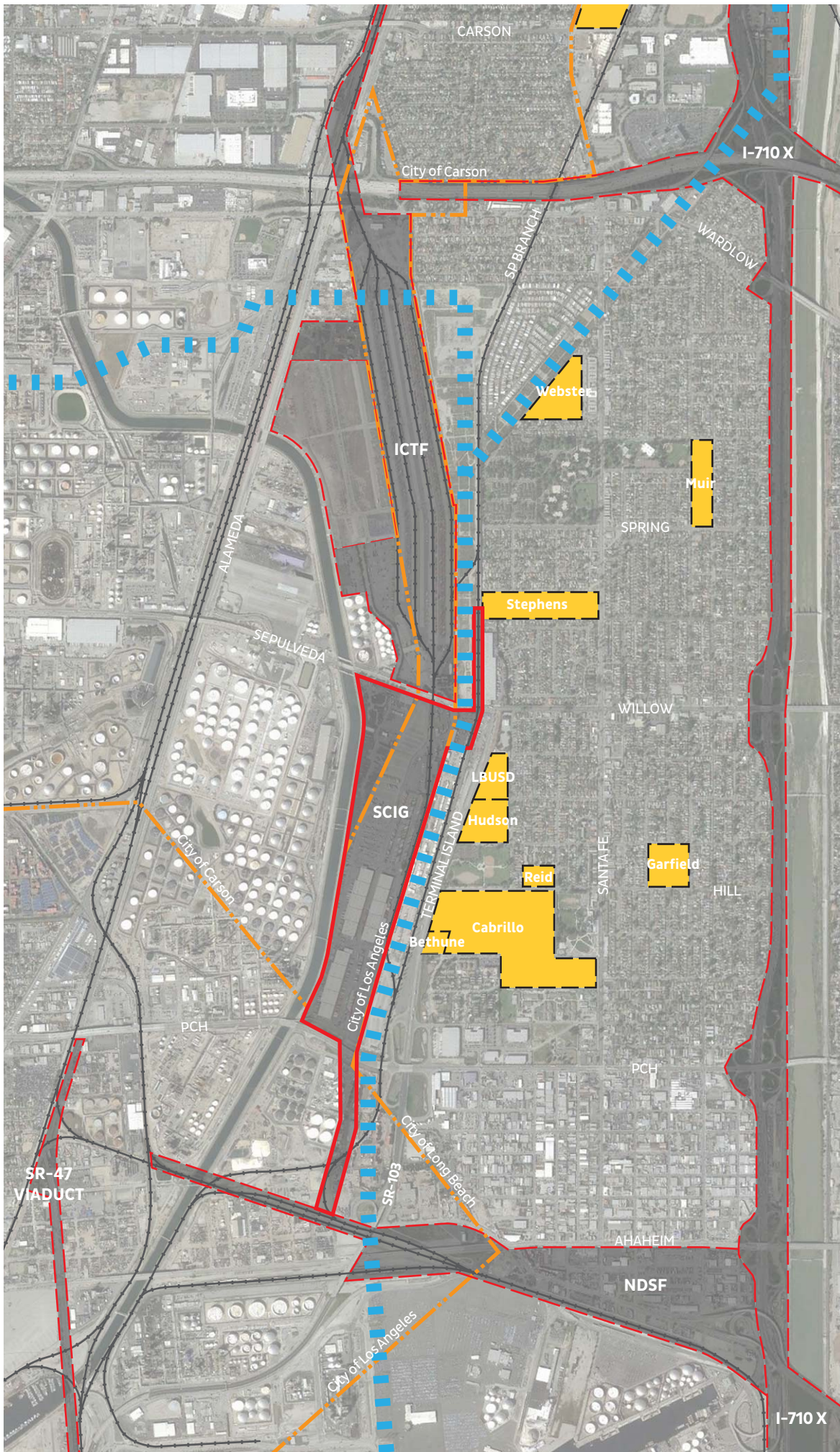
Executive Director
City Fabrick

Exhibits:







1. Context Map
2. The Yards Overview
- 3A. Project Map – RDEIR
- 3B. Project Map – Comment
4. Project Alternative 3

Carbon Copy:

- City of Long Beach
 - City Council
 - City Manager
 - Development Services
 - Public Works
 - Port of Long Beach
- City of Carson
- City of Los Angeles
- County of Los Angeles
- Long Beach Unified School District
- Southern California Air Quality Management District
- Southern California Edison
- Villages at Cabrillo
- Gold Star Manor
- Springdale West Apartments
- Long Beach Area Chamber of Commerce
- Port of Los Angeles Working Group
- As Requested



LEGEND

-  Railroad
-  City Boundary
-  SCE Transimission
-  Proposed SCIG
-  Other Projects
-  School



P SCIG - RDEIR
E Exhibit 1
T Context Map
D 12.1112
S 1 in = 2000 feet

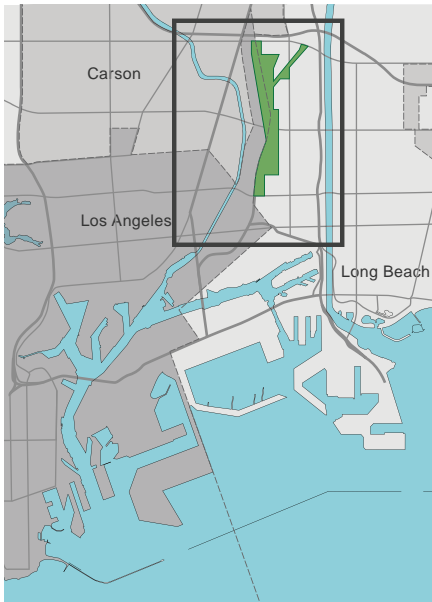
THE YARDS: open space proposal

REGIONAL PARK Create a regional-scale park to serve the Westside and other surrounding communities.

ENVIRONMENTAL BALANCE Provide a carbon sink to mitigate port related air pollution while reducing urban heat island effect.

LAND-USE SEPARATION Establish a greenbelt that physically separates the residential population from freight infrastructure.

IMPROVE LOCAL CONNECTIVITY Improve local infrastructure serving goods movement and residential community.



Vicinity Map



Cornfields State Park in Los Angeles (former railyard)

Why Here?

LAND OF OPPORTUNITY

Long Beach is one of the densest cities in the nation with few opportunities to create new parks for communities most lacking. Because of land-use patterns, West Long Beach has perhaps the best prospects for developing a new park of substantial size.

LIMITED PARK SPACE

West Long Beach is woefully underserved by open space. There is less than one acre of public parks per 1,000 residents where the Eastside of Long Beach has over 16 acres per 1,000 residents including four of the city's largest parks.

ENVIRONMENTAL JUSTICE

West Long Beach is completely surrounded by the port, refineries, industry and freeway infrastructure impacting resident's quality of life. In most cases there is little physical separation from the predominantly low-income, minority neighborhood.

Why Now?

NEW CONSTRUCTION

Hundreds of acres of land and dozens of miles of train tracks will be redeveloped as part of three new and modernized rail facilities. Instead of moving existing facilities there is a unique opportunity to plan them holistically to benefit everyone.

INFRASTRUCTURE REALIGNMENT

New infrastructure projects around West Long Beach will result in more efficiency and greater capacity for goods movement from the port. Many of these projects would actually create the opportunity to repurpose redundant infrastructure for public use.

ENVIRONMENTAL MITIGATION

There are currently seven major infrastructure projects proposed in and around West Long Beach. While environmental mitigations are proposed for these projects they could achieve more as part of a larger vision for benefiting the community.

Questions?

Contact Brian Ulaszewski

bulaszewski@hotmail.com

323.309.7932

THE YARDS open space proposal

CONSOLIDATE PORT-SERVING INFRASTRUCTURE

Shift port support facilities and infrastructure (existing and/or proposed) to the west, adjacent to the Dominguez Channel and the Alameda Corridor. Realign San Pedro Railroad Branch west to more efficiently serve port support facilities.

RECONFIGURE CITY-OWNED TERMINAL ISLAND FREEWAY WITH SAN GABRIEL AVENUE

The City of Long Beach owned portion of the Terminal Island Freeway north of Pacific Coast Highway carries fewer vehicles than Fourth Street (one travel lane in either direction, with a left turn lanes). Replacing the last one-mile length of the freeway with a neighborhood scale street can improve local circulation while shifting truck traffic to the Alameda Corridor.

REPURPOSE SOUTHERN CALIFORNIA EDISON RIGHT-OF-WAY

A large portion of the Southern California Edison (SCE) transmission corridor on the Westside is currently vacant of accessory uses. While retaining necessary access and security for electrical transmission facilities, enter into lease our purchase agreement for public use of the ground plain.

SHARE LONG BEACH UNIFIED SCHOOL DISTRICT RECREATION FACILITIES

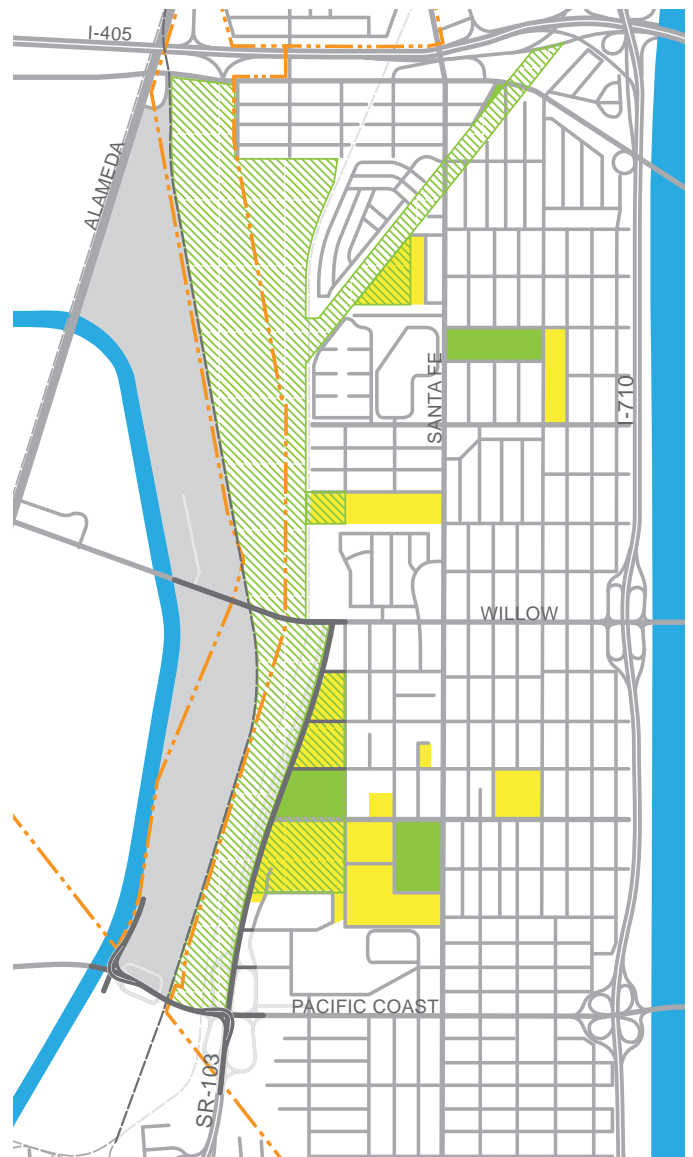
Four Long Beach Unified School District (LBUSD) campuses abut the western edge of city boundaries and port supporting infrastructure. Establish reciprocal joint-use agreements for the recreational facilities adjacent to the SCE transmission corridor.

DEVELOP REGIONAL SCALE PARK IN WEST LONG BEACH

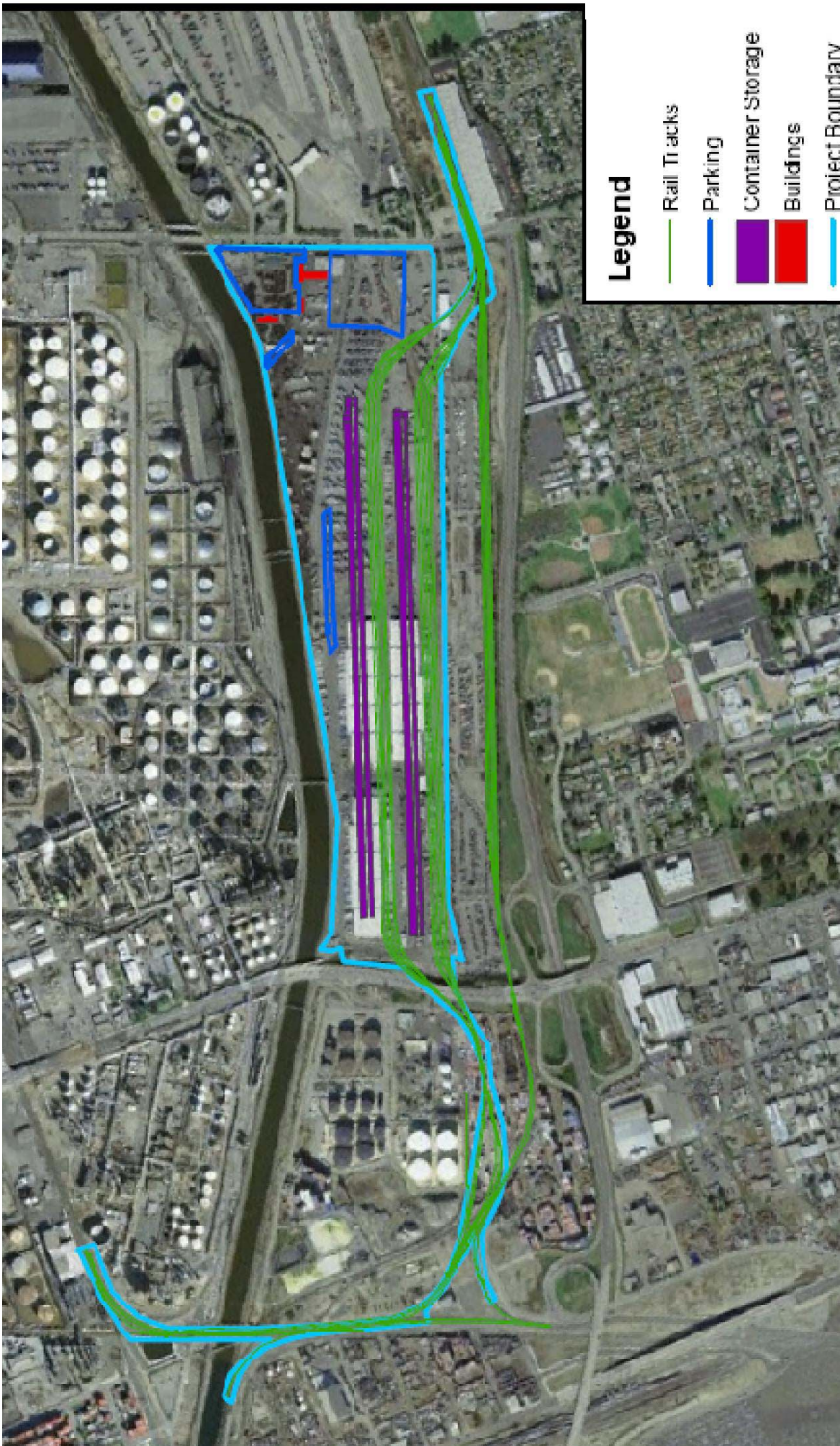
Combine vacant parcels, under-utilized right-of-ways to create the second largest park in Long Beach along the western edge of the City.



Focus Area - Before



Focus Area - After

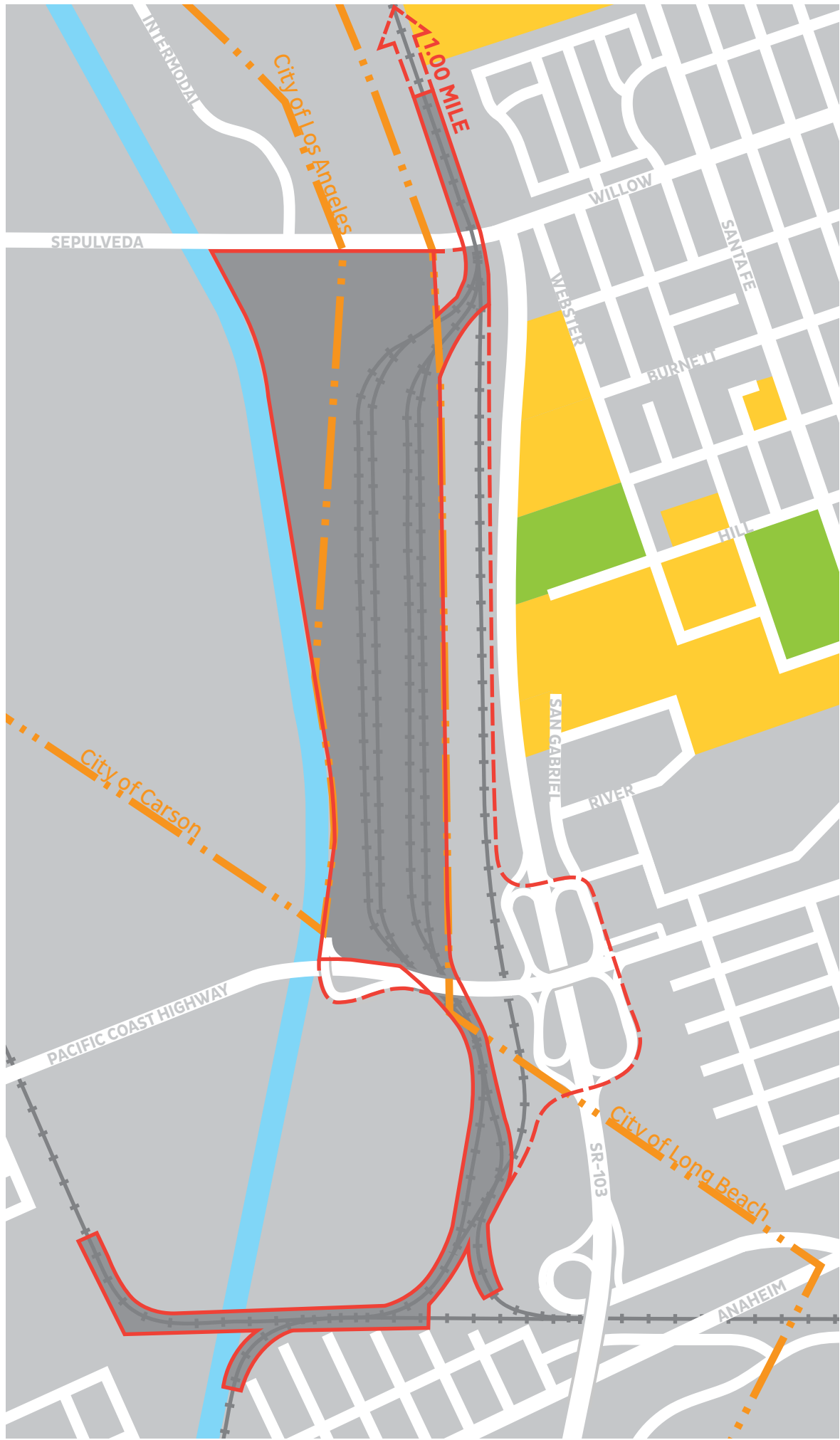


Legend







- Rail Tracks
- Parking
- Container Storage
- Buildings
- Project Boundary



P SCIG - RDEIR
 E Exhibit 3A
 T Project Map
 D 12.1112
 S 1 in = 1000 feet



LEGEND

-  Railroad
-  City Boundary
-  Proposed SCIG DEIR Boundary
-  Proposed SCIG Project Boundary
-  Public Park
-  School



P SCIG - RDEIR
E Exhibit 3B
T Project Map
D 12.1112
S 1 in = 1000 feet



LEGEND

-  Railroad
-  City Boundary
-  Proposed SCIG
-  Proposed Greenbelt
-  Public Park
-  School



P SCIG - RDEIR
 E Exhibit 4
 T Project Alternative
 D 12.1112
 S 1 in = 1000 feet

1 **Comment Letter R114: City Fabrick**

2 **Response to Comment R114-1**

3 The comment is introductory in nature and does not reference any particular section of
4 the RDEIR. Responses to specific comments are provided below.

5 **Response to Comment R114-2**

6 Regarding “off-site improvements,” it is assumed that the commenter is referring to road
7 and rail bridge improvements to provide access. These Project elements are included in
8 the Project description (RDEIR Section 2.4.2.5), and their impacts are analyzed in
9 Chapter 3 of the EIR consistent with CEQA requirements; see also response to comment
10 R114-3. Regarding coordination with stakeholders, please see the description in Section
11 1.4 of the RDEIR of the notifications and public hearings that were undertaken by the
12 lead agency. Those actions complied with, and fulfilled the requirements of, CEQA, and
13 the commenter provides no evidence to the contrary.

14 **Response to Comment R114-3**

15 The RDEIR explicitly mentions a connection to the San Pedro Branch (the North Lead
16 Track, Section 2.4.2.3, depicted in Figure 2-3a) and operations on the San Pedro Branch
17 necessary for train arrivals (Section 2.4.4.2). Accordingly, this element is, contrary to the
18 comment’s assertions, clearly depicted in the RDEIR.

19 The commenter provides no evidence supporting the assumption that reconstruction of
20 the PCH west of the Terminal Island Freeway would involve reconstruction of the TI
21 Freeway/PCH interchange. No such construction is required to implement the Project,
22 and therefore reconstruction of the PCH is not included in the RDEIR Project description.
23 As clearly described in Section 2.4.2.5 of the RDEIR, modifications would consist of an
24 expansion of an existing overpass west of the Terminal Island Freeway and construction
25 of a new interchange on the PCH near the Dominguez Channel. In addition, the LAHD
26 has no jurisdiction over the construction of the Terminal Island Freeway.

27 Finally, the storage tracks alluded to in the comment would actually be west of the SCE
28 right of way, not between the right of way and the Terminal Island Freeway, and within
29 the Project boundaries; please see the response to Comment R89-17 for more detail.

30 **Response to Comment R114-4**

31 Please see Master Response 5 – Alternatives.

32 **Response to Comment R114-5**

33 Please see Master Response 5, Alternatives regarding the RDEIR’s evaluation of
34 alternatives. Regarding off-site improvements, please see response to Comment 114-3.
35 As explained in the response to Comment 114-3, all project elements that involve
36 construction of new features or modification of existing features are included in the
37 project boundaries.

38 **Response to Comment R114-6**

39 The range of alternatives and the screening methodology utilized in the EIR meets CEQA
40 requirements. Pursuant to CEQA Guidelines § 15126.6(c), the EIR included a range of

1 potential alternatives to the proposed project that could feasible accomplish most of the
2 basic objectives of the project and could avoid or substantially lessen one or more of the
3 significant effects. (See RDEIR, Chapter 5) In addition, the EIR also identified
4 approximately 12 alternatives that were considered but were rejected as infeasible and
5 several concepts that could not be considered alternatives. Furthermore CEQA
6 Guidelines and case law recognize there is no “ironclad rule governing the nature and
7 scope of the alternatives to be discussed other than the rule of reason.” (CEQA
8 Guidelines § 15126.6(a)) Please see Master Response 5, Alternatives.

9 Furthermore, City Fabrick’s proposed alternative (“Alternative 3” in the comment letter)
10 sets forth a vaguely-described alternative configuration of the SCIG facility and
11 associated infrastructure improvements. The commenter’s Alternative 3 proposes that the
12 City of Long Beach-owned segment of the Terminal Island Freeway be reconfigured into
13 a local street with over-sized vehicles prohibited. The alternative also proposes a mile-
14 long greenbelt totaling approximately 70 acres in land to be located on the former
15 portions of the reconfigured Terminal Island Freeway, the current San Pedro Branch rail
16 right-of-way, and the SCE right-of-way.

17 While the description of commenter’s Alternative 3 is lacking in informative detail, based
18 on the features that are described in the letter, it is clear, as the following responses show,
19 that commenter’s Alternative 3 would not “avoid or substantially lessen” the significant
20 effects of the SCIG Project, and certain elements of the Alternative are infeasible or
21 beyond the ability of the LAHD or project applicant to implement. Therefore, the RDEIR
22 was not required to include it in the reasonable range of alternatives evaluated in detail.

23 Please see response to comment R89-2, which provides additional analysis of several
24 components of the commenter’s Alternative 3 that the City of Long Beach proposed as
25 mitigation measures. As explained in that response, the commenter provides insufficient
26 information to determine whether the claimed benefits of the commenter’s Alternative 3
27 could be achieved. An EIR need not consider an alternative whose effects cannot be
28 reasonably ascertained. (CEQA Guidelines § 15126.6(f)(3).

29 **Response to Comment R114-7**

30 Please see Master Response 8, Displaced Businesses. The comment provides no specific
31 suggestions on the disposition of existing businesses, merely stating that “Alternative 3
32 *should* include the complete relocation of existing tenants currently on the LAHD and
33 SCE properties” (emphasis added). Further, the comment provides no evidence that the
34 suggested relocation would avoid or substantially lessen the Project’s physical
35 environmental impacts.

36 **Response to Comment R114-8**

37 With regard to the Sepulveda Boulevard Bridge, commenter’s Alternative 3 proposes the
38 retention of the existing Sepulveda Boulevard bridge as well as the construction of an
39 additional, new railroad bridge across Sepulveda Boulevard to the west of the Southern
40 California Edison (“SCE”) right-of-way property. Associated with this change would be
41 the proposed realignment of the San Pedro Branch railroad tracks to the west of the
42 current location, between the SCE property and the SCIG facility. The SCIG Project, on
43 the other hand, would replace the existing Sepulveda Boulevard bridge with a modern
44 railroad bridge and would not require the construction of an additional railroad bridge
45 over Sepulveda Boulevard or the realignment of the San Pedro Branch railroad tracks.

1 City Fabrick contends that commenter's Alternative 3 would avoid the necessity of
2 removing the existing Sepulveda Boulevard bridge and would therefore reduce cultural
3 resource and aesthetic impacts. However, since the San Pedro Branch railroad tracks
4 would be realigned to the west under commenter's Alternative 3, the existing Sepulveda
5 Boulevard bridge would be left as an orphaned bridge and would not connect to *any*
6 railroad tracks. It would simply be a bridge standing in the middle of Sepulveda
7 Boulevard that would serve no other purpose, and be subject to deterioration and graffiti
8 Accordingly, commenter's Alternative 3 would not avoid or substantially lessen the
9 proposed Project's aesthetic impacts related to the Sepulveda Boulevard Bridge. In
10 addition, MM CR-3 is already included as a mitigation measure of the SCIG Project,
11 requiring the preparation of a plan to salvage noteworthy elements of the existing
12 structure for re-use either elsewhere or in the reconstructed bridge (RDEIR, Section 3.4).

13 Further, realigning the San Pedro Branch to the west of its current location and
14 constructing a new railroad bridge in that location would not be feasible because it would
15 be prohibitively expensive. The existing Sepulveda Boulevard Bridge, which the SCIG
16 Project would reconstruct in its existing location, is currently positioned over the only
17 location where Sepulveda Boulevard is low enough to allow passage of trucks underneath
18 a bridge. To place the bridge in the location proposed Alternative 3 would require the
19 lowering of Sepulveda Boulevard, which would be extremely expensive and would result
20 in additional environmental impacts, particularly since Sepulveda Boulevard is heavily
21 used as an underground utility corridor.

22 **Response to Comment R114-9**

23 Commenter's Alternative 3 proposes that the SCIG storage tracks be located south of
24 PCH rather than between the SCE right-of-way and the San Pedro Branch. As with the
25 proposed realignment of the San Pedro Branch, relocation of the storage tracks would not
26 avoid or substantially lessen any of the significant effects of the SCIG Project. There
27 would be no significant air quality impacts associated with SCIG operations affecting any
28 residential or sensitive receptor east of the project site – the area that the commenter
29 assumes would benefit from the proposed relocation of the storage tracks. (See RDEIR
30 Section 3.2.4.) The proposed relocation would also not substantially lessen any
31 operational noise impacts at these receptors, as the grade of the SCIG storage tracks
32 would be lower than that of the San Pedro Branch berm, thereby attenuating operational
33 noise experienced by receptors east of the San Pedro Branch berm. (See RDEIR Section
34 3.9.4.)

35 **Response to Comment R114-10**

36 As an initial matter, the commenter mischaracterizes the work to be done under the SCIG
37 Project on the San Pedro Branch. As explained in Section 2.4.2 of the RDEIR, the only
38 actual work to be done on the San Pedro Branch is in connection with the reconstruction
39 of the Sepulveda Boulevard Bridge and the construction of the connections from the
40 north lead to the San Pedro Branch just north of the Sepulveda Boulevard Bridge. The
41 construction of the underpass/overpass for the SCE right-of-way access is on the new
42 north lead, not the San Pedro Branch. None of the reconstruction of PCH would require
43 any work on the San Pedro Branch track. The expansion of the Dominguez Channel
44 Bridge would not involve the San Pedro Branch, but rather the Long Beach Lead to the
45 Alameda Corridor.

1 Commenter's Alternative 3 proposes to study realigning the San Pedro Branch and shift it
2 west from its current location to between the SCE right-of-way and the SCIG facility.
3 Proposed as a study, the commenter's suggested alternative does not include sufficient
4 information to permit a full evaluation, or to determine whether the suggested alternative
5 would avoid or substantially lessen significant effects of the project. (See CEQA
6 Guidelines §15126.6(b)) This response nevertheless addresses the suggested alternative,
7 based on the commenter's description. The current San Pedro Branch berm would need to
8 be demolished and a new embankment constructed for the realigned tracks. Putting aside
9 whether such a realignment is even feasible, the proposed shift of the San Pedro Branch
10 would not avoid or substantially lessen any of the significant effects of the SCIG Project,
11 as explained below.

12 The health impact evaluation for residential receptors in the RDEIR (Section 3.2. 4.3)
13 covers a 70-year period that incorporates emissions from both three years of construction
14 and 67 years of operation. This evaluation for the Mitigated Project, when compared with
15 the floating baseline, shows no significant health impacts at residential and sensitive
16 receptor locations. Student health risks are conservatively based on six years of peak
17 construction emissions overlapping with six years of peak operational emissions. No
18 student receptors show significant health risk impacts due to building or operating the
19 project. (RDEIR, p. 3.2-96) In terms of air quality operational impacts, the only
20 significant Project impact is Impact AQ-4, in which Project operations would cause
21 certain SCAQMD ambient air quality thresholds to be exceeded for NO₂, PM₁₀ and PM
22 2.5. However, the proposed realignment would not substantially alter Project operations,
23 and therefore would not avoid or substantially lessen Impact AQ-4. As a result, the
24 realignment of the San Pedro Branch would not lessen any significant impacts at
25 residential or sensitive receptors due to operational emissions of criteria pollutants, as
26 none have been identified which require mitigation.

27 Regarding construction emissions, the proposed Project, for certain criteria pollutants,
28 would exceed SCAQMD significance thresholds for both construction emissions (Impact
29 AQ-1) and for ambient air pollutant concentrations Impact AQ-2). However, construction
30 emissions from the proposed realignment would be similar to the proposed Project, and
31 could, based on the description provided by the commenter, actually be higher. Therefore,
32 the proposed realignment would not avoid or substantially lessen Impacts AQ-1 and AQ-
33 2. (RDEIR Section 3.2.4.3) Moreover, realignment of the San Pedro Branch would likely
34 result in construction noise impacts to receptors in west Long Beach that would be
35 greater than the construction noise from the proposed Project because it would be
36 substantially closer. That change could constitute a significant impact.

37 **Response to Comment R114-11**

38 Commenter's Alternative 3 proposes a reconfiguration of the Terminal Island Freeway
39 interchange that would be a variation of the flyover described and considered in Section
40 5.2.3 of the RDEIR. An EIR need not examine every permutation of the alternatives as
41 long as a reasonable range is selected. (*Village Laguna of Laguna Beach, Inc. v. Board of*
42 *Supervisors* (1982) 134 Cal.App.3d 1022,1028.)

43 As the SCIG Project would not result in any significant traffic impacts, the proposal to
44 reconfigure the Terminal Island Freeway would not serve to lessen any significant traffic
45 impacts. Indeed, as discussed in Section 5.2.3 which considered a similar flyover, this
46 type of flyover proposal would "provide the same traffic benefits as the proposed Project
47 but at a significantly greater cost and possibly with greater environmental impacts, as

1 trucks would produce greater emissions climbing the flyover grade than they would on
2 the at-grade additional lane.” RDEIR, page 5-18. Therefore, this type of layover concept
3 did not need to be evaluated in detail in the RDEIR.

4 Further, the Terminal Island Freeway north of PCH is not one of the designated truck
5 routes serving SCIG (Figure 2-4 of the RDEIR). No truck traffic serving the SCIG
6 facility would operate on public roads north of PCH. Any traffic operating north of PCH
7 on Terminal Island Freeway would be either local traffic, traffic related to the businesses
8 on alternate, or ICTF trucks. As such, any traffic diversion caused by the proposed
9 reconfiguration of this portion of the Terminal Island Freeway would not represent SCIG
10 truck traffic (See RDEIR Section 3.10.3). Therefore, the proposed flyover would not
11 reduce noise, visual, or air quality impacts of the Project’s truck traffic. See also response
12 to comment 89-2.

13 **Response to Comment R114-12**

14 As described in the response to R114-6, the commenter’s Alternative 3 proposes to
15 convert the TI Freeway north of PCH and the SCE right-of-way to a greenbelt. This
16 change would not move Project-related sources of noise and air emissions substantially
17 farther from sensitive receptors, as a comparison of Exhibits 3 and 4 of the comment
18 letter clearly shows. Accordingly, while the greenbelt would certainly eliminate existing
19 impacts related to traffic on the northern portion of the TI Freeway, it would do little, if
20 anything, to reduce impacts of the Project. The comment provides no evidence that the
21 proposed greenbelt would avoid or substantially reduce any of the Project’s significant
22 environmental impacts. See also response to comment 89-2.

23 Furthermore, regardless of its ineffectiveness as an alternative that reduces the Project’s
24 significant impacts, commenter’s Alternative 3 is infeasible because is beyond the ability
25 of the LAHD or the Project applicant to implement. The LAHD has no authority to
26 vacate the TI Freeway and appropriate SCE’s right-of-way, nor is it clear which entity
27 (e.g. City of Long Beach, Caltrans, SCE), if any, could do so. The greenbelt concept
28 would likely need to be implemented by multiple agencies or an as-yet-unformed joint
29 powers authority that could conduct the necessary negotiations and land takings. An EIR
30 need not consider an alternative whose implementation is remote and speculative. (CEQA
31 Guidelines § 15126.6(f)(3).) In addition, the LAHD does not have jurisdiction over
32 areas outside the boundaries of the proposed SCIG project.

33 **Response to Comment R114-13**

34 See responses to comments 114-2 and 114-6.

35 **Response to Comment R114-14**

36 See response to comment 114-2 R114.
37

From: [Elizabeth Lambe](#)
To: [Ceqacomment](#)
Cc: ccannon@pola.org; james.johnson@longbeach.gov
Subject: SCIG potential impacts on our community and our environment
Date: Tuesday, November 13, 2012 4:53:25 PM

Dear Mr. Cannon,

We are writing to you in regards to the Revised Draft Environmental Impact report for Southern California International Gateway.

This proposal will have undeniable impacts on the local community and yet none of the \$50 million dollar mitigations, that were recently done for Los Angeles are included.

R115-1

We are concerned that the proposed facility would be within a few hundred feet of multiple schools, including Bethune School, Cabrillo High School, and Hudson School. As well as within a few hundred feet of Hudson Park and Admiral Kidd Park, as well as two community gardens.

R115-2

Though the project claims to remove trucks from the 710 we find that assertion debatable. It seems more like that trucks would be relocated from the 710 freeway to SCIG, meaning all the schools, parks, senior centers, health clinics, and homeless/veteran centers and the community would have a dramatically increased impact as those 5000 trucks would now be, literally, on their doorstep.

R115-3

The community of West Long Beach has, for years, been subject to so much diesel exhaust that it is know as the "diesel death zone". Hudson School is where scientists come to study the affect of pollution on kids. Hudson School and other nearby schools, already facing this reality, would be subjected to increased pollution.

R115-4

Though the EIR does take a small effort to consider Zero Emissions technology, there is no timetable and no obvious enforcement mechanism to make sure Zero Emissions is incorporated as soon as possible. Natural Gas vehicles, as proposed, emit pollution and early science shows that they emit a large number of ultra-fine particulate matter. Only a future with NO emissions can provide the residents on West Long Beach, Wrigley, Downtown Long Beach and most the western part of the city relief from the pollution that is negatively affecting their health every day. The language on Zero Emissions needs a timetable and needs to be enforceable.

R115-5

We should have learned from our prior mistakes, that building heavy industrial facilities next to homes, schools, and parks is immoral and wrong. This facility should not be built at this location.

R115-6

When the Port of LA was building projects that affect their own residents (Wilmington, Trapac expansion), the ports invested over \$50 million dollars in creating a buffer to protect their residents from pollution as well as spending millions more to create a community mitigation fund for health improvements, etc. However, when the Port proposes a project that affects largely Long Beach residents, there is basically no mitigation. The Port of LA should continue to follow the example they set in Trapac. Long Beach needs a buffer between SCIG and the community, at the very least. Is the health of Long Beach residents worth less than LA residents?

With all this pollution being proposed to school children, who are sensitive receptors, the POLA needs to the same mitigations for Long Beach residents as it did for Los Angeles.

We look forward to hearing back from you regarding the issues we raised above.

Sincerely,

Elizabeth Lambe
Steve Hommel
4102 E. 6th St.
Long Beach, CA 90814

1 **Comment Letter R115: Elizabeth Lambe & Steve Hommel**

2 **Response to Comment R115-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 Please see Master Response 11, Locating a Railyard Near Sensitive Receptors. Also,
9 please note that all environmental impacts of the proposed project were analyzed in the
10 DEIR and RDEIR.

11 **Response to Comment R115-2**

12 With regard to truck traffic on I-710 related to the proposed Project, please see Master
13 Response 3, Hobart. As discussed in Section 3.10 of the SCIG RDEIR, the proposed
14 project would produce fewer total truck trips that would have been generated without the
15 project. A majority of the existing international cargo drayage truck trips would be
16 shifted to the proposed project. However, as described in sections 3.2 (Air Quality) and
17 3.9 (Noise), the impacts of all truck activities associated with the proposed Project,
18 including the shifting of trips to the proposed project, have been fully evaluated. The
19 commenter does not provide any evidentiary support for the assertion that trucks
20 associated with the project would have an increased impact.

21 **Response to Comment R115-3**

22 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
23 and is therefore before the decision-makers for their consideration prior to taking any
24 action on the SCIG project. The comment is general and does not reference any specific
25 section of the DEIR or RDEIR, therefore no further response is required. (Public
26 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

27 Nevertheless, please see Master Response 11, Locating a Railyard Near Sensitive
28 Receptors. As discussed therein, and generally throughout the DEIR and RDEIR, the
29 DEIR and RDEIR thoroughly analyzed all impacts, including those to air quality, health
30 risks, and noise.

31 **Response to Comment R115-4**

32 Please see Master Response 7, Zero Emissions Container Movement Systems for a
33 discussion of the RDEIR's consideration of zero-emissions technologies. Mitigation
34 measures AQ-9 and AQ-10 described in Section 3.2.4 and Project Condition PC AQ-11
35 described in Section 3.2.5 include obligations and timetables for reviewing and
36 supporting zero-emissions technologies and incorporating them into the Project as
37 feasible.

38 **Response to Comment R115-5**

39 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
40 and is therefore before the decision-makers for their consideration prior to taking any
41 action on the SCIG project. The comment is general and does not reference any specific

1 section of the DEIR or RDEIR, therefore no further response is required. (Public
2 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

3 **Response to Comment R115-6**

4 The Trapac Expansion Project to which the commenter refers is an entirely separate
5 project which underwent a separate environmental review. The mitigation measures
6 developed for the Trapac Expansion, and associated expenditures, were implemented to
7 mitigate significant environmental impacts resulting from that project.

8 The commenter suggests that mitigation in the form of a buffer between SCIG and the
9 Long Beach community is needed to address air pollution. As discussed in response to
10 Comment R89-2, a buffer along the SCIG facility suggested by the comment is not
11 sufficiently related to the impacts identified in the RDEIR for the Project and are not
12 proportional in nature and extent to those impacts. The RDEIR did not identify
13 significant impacts that would be mitigated by the type of buffer (a landscaped park)
14 implemented for the Trapac project. See Pub. Resources Code § 21002; CEQA
15 Guidelines 15370; see generally *Nollan v. California Coastal Commission*, 483 U.S. 825,
16 834-37 (1987) (condition requiring a dedication of property along a beach rather than to
17 the beach did not address the harm at issue and was therefore invalid); *Dolan v. City of*
18 *Tigard*, 512 U.S. 374, 391 (1994) (mitigation must be related in “rough proportion” both
19 “in nature and extent” to the impact of the proposed development).

20



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November 13, 2012

Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: BNSF Railway Company's Comments to Re-circulated Draft Environmental Impact Report
for Southern California International Gateway Railyard

Dear Mr. Cannon:

BNSF provides the following comments to the recirculated Draft Environmental Impact Report ("RDEIR")
circulated on September 27, 2012 regarding the Southern California International Gateway ("SCIG") railyard
project.

- 1) **Comment: The purpose and need of the SCIG project is defined by the project objectives.
Only SCIG, at its current location and configuration, will meet the project objectives.**

The project objectives are set forth in Section 2.3 of the RDEIR. Only the SCIG project, at its current location and
configuration, will meet the established project objectives. Indeed, it is only through the development of SCIG that
BNSF can further the Rail Policy of the Port of Los Angeles, and provide to its customers and the region the many
benefits of the increased use of near-dock, and of comparable and competitive near-dock yards.

- a) SCIG will provide an additional near-dock intermodal rail facility that will (1) help meet the
demands of current and anticipated containerized cargo from the various San Pedro Bay Port marine
terminals and (2) provide an additional near-dock intermodal rail facility that will combine common
destination cargo "blocks" and/or unit trains collected from different San Pedro Bay Port marine terminals
to build trains for specific destinations throughout the country.

SCIG is consistent with the Port's Rail Policy, adopted on August 11, 2004, which "encourages the increased use of
rail and provides for ondock and/or near-dock facilities for both existing and future containerized cargo." SCIG
will also help "ensure[] all Port customers are utilizing on-dock intermodal rail to the fullest extent feasibly
possible," as encouraged by the Rail Policy. By providing a location for staging containers outside the marine
terminal, a near-dock facility helps maximize the efficiency and fluidity of all on-dock railyards, because the limited
on-dock space is not congested with containers awaiting trains for specific locations.

The Ports of Los Angeles and Long Beach have also emphasized the importance of additional near-dock capacity in
meeting projected intermodal demand (and in alleviation of traffic congestion in the Port area, discussed below).
The San Pedro Bay Ports' 2006 Rail Master Planning Study Update describes SCIG and the ICTF expansion as
"best opportunities" for developing rail yard capacity to meet projected demand. The document further states:

R116-1



“These facilities have good rail access, efficient layout opportunities, good truck access and are committed to be green. Alternative rail yard development projects on the Terminal Island have the potential to negatively impact the entire Port rail network and cause unacceptable train delays.”

San Pedro Bay Ports Draft Rail Master Planning Study Update, Executive Summary at vii, Parsons, 2006.

The alleviation of Port congestion, in particular congestion of the critical rail infrastructure on Terminal Island, is a key factor in maximizing the velocity of throughput of existing on-dock rail operations. As mentioned above, the development of SCIG will enhance the fluidity and efficiency of the existing on-dock rail facilities, by provide a location to stage containers outside the marine terminal.

There is also a physical limit to the capacity of the rail network between the on-dock yards and the Alameda Corridor, especially for on-dock yards on Terminal Island. Port rail infrastructure and the rail infrastructure between the marine terminals and the Alameda Corridor are inadequate to maintain the level of service required to handle increased volumes of international traffic. As described in Parsons (2004) and the Rail Study Update (Parsons 2006), the planned rail improvements, including a new rail bridge across the Cerritos Channel being proposed by ACTA, would not accommodate all of the projected intermodal traffic from the marine terminals on Terminal Island. SCIG will address these limitations.

- R116-1**
- b) SCIG will reduce truck miles traveled associated with moving containerized cargo by providing a near-dock intermodal facility that will increase the use of the Alameda Corridor for the efficient and environmentally sound transportation of cargo between the San Pedro Bay Ports and destinations both inland and out of the region.

The development of SCIG will also increase the use of the Alameda Corridor. The Alameda Corridor, completed in 2002, was a cooperative effort between the ATSF Railway Company, predecessor in interest to BNSF, the Union Pacific Railroad, and the ports of Los Angeles and Long Beach, which provided a rail connection between the two ports and the downtown railyards of the two Class 1 railroads. The purpose of the Alameda Corridor project was to provide more efficient freight movement while mitigating potentially adverse impacts of the ports' growth, including highway traffic congestion, air pollution, vehicle delays at grade crossings, and noise in residential areas. The Alameda Corridor consolidated four low-speed branch rail lines, eliminated conflicts at more than 200 at-grade crossings, and provided a high-speed freight expressway, with mitigation to minimize the impact on local communities. See, Alameda Corridor Fact Sheet, http://www.acta.org/projects/projects_completed_alameda_factsheet.asp. SCIG will provide direct access to the Corridor and enable the Corridor to reach its potential in terms of train capacity, while furthering the purpose of the Corridor to mitigate potentially adverse impacts of the ports' growth. Through the development of SCIG, and this increased use of the Corridor, cargo will be transported efficiently and in the most environmentally beneficial way, thereby helping realize the benefits of the \$2.4 billion public investment in the Alameda Corridor. As SCIG will result in the increased use of Alameda Corridor, it will also have the economic benefit of helping to retire Corridor debt.

- c) SCIG will reduce truck miles traveled associated with moving containerized cargo by providing a near-dock intermodal facility that will maximize the direct transfer of cargo from port to rail with minimal surface transportation, congestion and delay.

R116-2

Development of SCIG will fulfill the Rail Policy's objective of "providing the opportunity to direct local movements of cargo from truck to rail" by diverting 95% of BNSF's share of the international cargo arriving at the Ports, from Hobart, located 24 miles from the Ports, to SCIG, located merely 4 miles from the Ports. In addition, rail customers, and as a result, the Ports and the region, will benefit from the reduction in the truck drayage cost due to the 20-mile reduction in trip length, especially considering the recent and future anticipated increases in the cost

of fuel. The distribution of the domestic traffic coming to Hobart indicates that, although some does travel north on the I-710 from the Port area, the domestic truck traffic both to and from Hobart is multidirectional. The diversion of international cargo from Hobart to SCIG will eliminate those trucks from the I-710.

R116-2

As noted previously, Port and railroad customers are increasingly aware of their overall transportation emissions and carbon footprint. In response to this shift, for the past four years, BNSF has provided its intermodal, automotive, industrial products and agricultural products customers with customized letters that analyzed their total rail carbon footprint and savings compared with movements of those shipments exclusively over the highway. Calculations are based on commodity type and weight, and distance traveled by rail. The calculation also considers the different fuel efficiencies of trailer, container or carload shipments. BNSF's analysis indicates that by using BNSF's services in 2011, the company's customers avoided emitting more than 30 million metric tons of CO₂, which is equivalent to reducing the annual fuel consumption and resultant greenhouse gas emissions of more than 6 million passenger vehicles. BNSF moves each ton of freight 500 miles, on average, on a single gallon of diesel fuel, a rate that is at least four times more efficient than an all-highway option. BNSF is committed to continuing this contribution to the sustainability of the goods movement sector. By reducing truck traffic trip length, SCIG will further this goal which is shared by both industry and the nation.

- d) SCIG will Provide shippers carriers, and terminal operators with comparable options for Class 1 railroad near-dock intermodal rail facilities.

SCIG will also further the Rail Policy's objective of "providing for on-dock and comparable near-dock intermodal facilities for . . . Class 1 Railroads." Major shipping lines and export customers utilizing the Ports of Los Angeles and Long Beach are serviced by both Class 1 Railroads and have commented on the need for comparable near-dock facilities for both Class 1 Railroads to increase velocity at the Ports. For example, the Pacific Merchant Shippers' Association and The Waterfront Coalition have stated that "[a]dding near-dock intermodal capacity increases efficiency and competitiveness for shippers and the ports consistent with the Port's Rail Policy."

R116-3

Further, SCIG is consistent with the Port's finding that "there is a strategic benefit to the Port to provide near-dock intermodal container transfer facilities for the two Class 1 railroads serving the Port of Los Angeles." Board of Harbor Commissioners Resolution 6339, adopted February 9, 2005. The development of a near-dock facility that will be competitive with the ICTF will benefit customers, by providing an additional near-dock option. Such competition will be particularly valuable, because Port and rail customers, as noted above, are increasingly aware of their carbon footprint, and are therefore increasingly likely to make business decisions with environmental concerns in mind. In addition, with the development of a state-of-the-art facility such as SCIG, competitive pressures may well result in other facilities being redeveloped as "green" facilities, bringing benefits at both the local and regional level.

- e) SCIG is a near-dock intermodal rail facility that is sized, configured and located to provide maximum intermodal capacity for the transfer of marine containers between truck and rail in the most efficient manner.

R116-4

Having a railyard closer to the ports of Los Angeles and Long Beach would substantially improve efficiency for handling direct international intermodal cargo. This would improve BNSF's speed of cargo from docks to destination, reduce costs, remove trucks handling direct international intermodal cargo from the highways, allow BNSF to better serve the ports and its customers, and place BNSF on a competitive par with its competitor, Union Pacific, which already has a near-dock railyard, the ICTF Facility. Furthermore, SCIG is designed as a grounded operation rather than a wheeled operation (i.e. the containers rest on the ground rather than on a wheeled chassis), with sufficient room for the ground stacking area and the truck unloading area to be located adjacent to the tracks. The proximity of the tracks to such ground stacking and truck unloading areas allows the electric-powered, wide-span, rail-mounted cranes to execute more lifts directly from the truck chassis/ground stacking area to the railcar and

vice versa (referred to as a direct-to-railcar or “live lift” operation). The efficiency of this design and operational ability maximizes the opportunities for trucks to carry loaded containers on both legs of their trips to and from the facility, minimizing bobtail moves (i.e. truck trips without a loaded container).

In order to meet the project objectives described herein, the SCIG project must meet certain size, configuration, and layout requirements, limiting BNSF’s options with regard to the design of a reduced project alternative. For example, the Project requires strip tracks of at least 4,000 feet in length to minimize the number of switching moves. Since a typical intermodal train is 8,000 feet long, switching leads on both ends of the yard are required to properly arrive or depart a train. The site needs to be served by a major road with adequate space for on-site truck queuing to assure that queuing does not occur on public streets. There also needs to be adequate space on site for stacking or parking containers to allow for train load blocking and to accommodate the containers destined for marine terminals. These size, configuration, and layout requirements, all of which are necessary to meet project objectives, require the construction activity specified in the RDEIR. It should be emphasized that, despite these constraints, SCIG will be significantly smaller in acreage than a traditional intermodal facility, yet at 2.8 million TEUs, SCIG will handle more cargo than many larger intermodal facilities, due to state of the art technologies and the associated operational efficiencies. It should also be noted that state of the art construction methods will be employed in the construction of SCIG. An extension of the construction timeline would not effectively reduce construction impacts, and in any event would be less efficient and more expensive. Because of the constraints described above, no feasible alternative methods exist to reduce construction impacts.

In addition to limiting the design options for a reduced project alternative, the above factors also limit the number of available alternative sites which would feasibly attain most of the basic project objectives. Moreover, alternative sites outside the Ports may not avoid or substantially lessen any of the significant effects of the project, due to the land uses surrounding off-Port properties.

f) The SCIG project will provide infrastructure improvements consistent with the California Goods Movement Action Plan.

SCIG is consistent with the January 2007 California Goods Movement Action Plan. As found therein, SCIG will have the following benefits in furtherance of the Plan:

- Reduce truck trips on I-710
- Relieve rail terminal capacity constraint
- Address current and projected 2010 system capacity constraints

2) Comment: Existing Port and Terminal Operator Constraints to Growth of On Dock. While the RDEIR correctly summarizes the constraints to increasing on-dock rail capacity in Chapter 1 (Introduction), the below information further details the factors that impede and restrict the growth potential of existing on-dock facilities.

There are significant obstacles to the development of additional on-dock rail capacity at the Port, including supply chain logistics and infrastructure capacity constraints. The on-dock story actually begins with the loading of the vessel at its origin(s).

a) Loading of vessels

Given multiple points of origin and multiple steamship line alliances, most ships are unable to stow freight by final rail destination. As a result, upon arrival at the marine terminal, containers must pass through a multiple step process. First, containers are moved from the vessel to the ground by a dock-side crane. As part of the enhanced

R116-6

↑ security required by Homeland Security initiatives following 9/11 every marine container is required to pass through a radiation portal. Finally, containers are then moved from the ground to a rail car.

To the extent ships are loaded in blocks by final rail destination, containers can be loaded from the ground to rail cars directly following their radiation inspection, barring other logistics constraints.

b) Rail track footage limitations

The footprint of each terminal facility is unique. Each facility has different track layouts, volume process capacities and vessel rotations. Like terminal capacity in general, rail track footage within terminals is a finite resource. In addition, nearly every marine terminal is designed with stub ended (deadend) loading and unloading tracks. This means trains must be turned and shoved rear end first into the loading and unloading tracks. This allows the road locomotives to be refueled, serviced and placed on the next eastbound loaded train that is ready to depart. The reuse of a valuable asset is critical.

c) Lift machines dedicated to rail operations

There are a limited number of lift machines or cranes dedicated to the loading and unloading of rail cars at the Port. The cranes used to load and unload railcars are in addition to the shoreside gantry cranes that are used to load and unload the vessels.

d) Storage limitations/track obstructions

There is a limited amount of storage or parking space available at each Port terminal. When this space is full, containers are sometimes stacked on the already limited loading and unloading track footage, further obstructing the tracks and reducing throughput capacity. If the tracks are blocked, rail cars cannot be loaded or unloaded on-dock. Many of the marine terminals have no or very limited support yard trackage. In a perfectly designed facility the footprint would have a 2:1 or 1:1 ratio of storage tracks to unloading/loading tracks. These storage tracks allow westbound freight arriving ahead of gate windows to be staged locally to allow the traffic to be available for every open gate opportunity. These storage tracks also allow eastbound loaded traffic to be pulled from the marine terminal to improve the throughput within the footprint. At railroad facilities it is common for a full train of westbound volume to arrive, the containers are unloaded, the railcars are reloaded with eastbound containers and the fully reloaded train departs within 12 hours. Given the challenges of marine terminal layouts, a process that should take 12 hours or less is frequently doubled or tripled (24-36 hours). Without the storage tracks to supplement a facility, westbound traffic bound for the marine terminals has to be coordinated to synchronize with very limited scheduling windows. After a train operates up to 2,200 miles on the BNSF network sequencing the traffic to this finite window is challenging to say the least. BNSF does manage the westbound flows utilizing management tools. If a marine terminal starts to back up in processing their westbounds, BNSF will talk to steamship lines to divert traffic to other marine terminals, other destinations (Oakland, Seattle, Tacoma). In many cases BNSF holds the westbound volume on the ground at eastern origin locations (Chicago, Dallas, Houston, Memphis). If this metering of the flows is not accomplished loaded westbound trains end up being held on the mainline awaiting a slot into the marine terminal.

e) Terminal Operation Hours

↓ Railroads operate twenty four hours a day, seven days a week. Marine terminals operate independent of one another and work a variety of hours. Some work approximately 17 hours per day Monday through Thursday and 10 hours per day Friday through Saturday (according to PierPASS, Inc.). Marine Terminals are typically closed on Sundays. This disparity in operating hours results in unused capacity because the marine terminals are not always working when rail is active and able to continue operations. It is important to note that BNSF operates 24 hours a days 365 days a year. The mismatch between marine terminal operations and rail operations lead to several periods of excess

↑ congestion during the course of a year. In these cases it is not uncommon for BNSF to park fully loaded westbound trains on its mainline tracks or hold containers on the ground in its facilities on the east end of its network. As the marine terminals then start up operations the parked trains and stacked containers can then be placed back into the flow toward the marine terminals for processing.

f) Imbalance of rail cars

Currently, imports exceed exports, resulting in an imbalance of rail cars. The imbalance requires repositioning and spotting of empty rail cars to accommodate demand. This activity requires close coordination every day to ensure an adequate supply of railcars is present to support the eastbound container demand. It is imperative that the data exchange be as good as possible as lining up empty railcars to fill the gap can take a minimum of two and up to 7 days to arrive from the time they are identified for a need.

g) Schedule imbalances

Most vessel arrivals and departures occur at the beginning and end of each work week. As a result, terminal facilities are congested, trucks get fewer trips and freight movement is delayed when volume is heaviest.

h) Extended free time

Some commercial agreements are made that extend the time that a cargo owner may store a container at a marine terminal without paying for storage. This practice sometimes results in a decline in equipment velocity and results in containers being parked/stacked on railroad tracks within the marine terminal.

i) Terminal design

Marine terminals which segregate their rail operations from other operations tend to have more effective on-dock operations. The separation of on-dock operations from rail operations minimizes the stacking/parking of containers on tracks.

j) Customs

All containers must clear Customs. This process sometimes causes delays in train operations because, on occasion, a container which has not cleared Customs, but which has already been loaded onto the train, must be removed from the train for clearance. This delays the movement of the entire train, negatively impacting on-dock rail capacity.

k) Small or incomplete blocks (not enough containers for a full train to a single destination)

If there are not enough containers bound for one destination to fill an entire train, the containers cannot be immediately loaded on-dock. Instead, the small or incomplete block of containers is either (1) set aside on the marine terminal or (2) drayed to an off-dock rail facility, where they await combination with additional containers bound for the destination.

l) Each on-dock facility is independently operated

Each terminal and its associated on-dock facility is independently operated, and most on-dock facilities are used only by the operator of the terminal.

m) No on-dock

Some marine terminals have no on-dock loading capabilities. In this case every container must be drayed out the gate to be co-loaded with other volumes from other marine terminals to reach its final rail destination.

R116-6

3) Comment: A project alternative consisting of a collection of smaller on-dock facilities utilizing different parts of both Ports is not feasible

R116-7

On-dock space within the Port exists at certain marine terminals, and not at others, and at certain times and with variable available workforces. Where it does exist, it is inside the boundaries of the space leased to and exclusively controlled by the particular marine terminal tenant. Marine terminal companies view marine terminals and any on-dock space they may contain as competitive advantages not to be shared with competing marine terminal companies, absent some specific contractual agreement. Thus, containers being transported on ships affiliated with one marine terminal company cannot simply be offloaded at another marine terminal company's terminal because its on-dock railyard happens to have space available on the day the ship arrives. An alternative to SCIG near-dock consisting of a collection of smaller on-dock facilities requires that such cooperation would be available. Such an alternative would further require that a given terminal would have enough on-dock rail space available to accommodate an entire shipload of a competitor's cargo, without regard to its own use of its terminal and on-dock space. If enough space were not available at the first competitor's terminal, the scheme contemplated by such an alternative would require the ship to continue to dock at successive terminals offloading parts of its San Pedro cargo until it could find enough on-dock space to fully discharge its load. Such an operation might entail days of maneuvering and successive docking until a full cargo could be loaded or unloaded. To hypothesize anything else would require a level of cooperation and coordination among all ships and terminal operators transporting all cargo that moves into or out of the San Pedro Bay Ports likely only achievable if all the private, competitors' marine terminals, with any on-dock railyards they contain, along with all the private dray truck operations and all the private rail operations, be under the control of a single party who could dictate and coordinate ship arrival, departure, docking, loading, unloading, drayage and rail transport of all cargo coming into or out of the Ports in order to assure delivery and removal of all cargo through all marine terminals is organized in such a way that every on-dock space is fully utilized at all times. Even then, it is not clear there is or could feasibly be in the foreseeable future enough on-dock rail space to handle all cargo transiting the San Pedro Bay Ports.

4) Comment: Replacement of the Sepulveda Boulevard railroad bridge as part of the SCIG project should not be considered an aesthetic impact under AES-1

R116-8

Replacement of the existing Sepulveda Boulevard railroad bridge with a new, modern railroad bridge should not be considered an aesthetic impact under AES-1. The central threshold question under AES-1 with respect to the Sepulveda Boulevard railroad bridge is whether replacement of the existing, industrial railroad bridge with another new, industrial railroad bridge would constitute a "substantial degradation of the existing visual character or quality of a site and its surroundings." RDEIR, pg. 3.1-31. As the existing visual character of the area is industrial in nature, the replacement of an industrial railroad bridge with another industrial railroad bridge does not constitute a "substantial degradation" of the visual character of the site. Indeed, as stated in Section 3.1.4.3 of the RDEIR, "[i]n the case of the Sepulveda Boulevard railroad bridge, the existing visual character of the area is industrial in nature, and the new bridge, which would be built as a modern railroad bridge consistent with current railroad bridge construction practices, would be consistent with the industrial visual characteristics of the area." RDEIR, pg. 3.1-41. To the extent any historical elements of the existing railroad bridge are not used in the replacement bridge, despite implementation of mitigation measures MM CR-2 and MM CR-3, such impacts should not double-counted as separate cultural and aesthetic impacts, particularly since AES-1 is concerned with the visual characteristics of a site and not historical resource preservation.

5) Comment: The SCIG Project will reduce freeway traffic volumes on the I-710, as well as traffic on other roadways.

R116-9

As detailed in the RDEIR, the SCIG project will reduce freeway traffic volumes on the I-710. Table 3.10-27, analyzing the baseline plus proposed project, shows substantial reductions in each direction on the I-710 during both the AM and PM peak hours. For example, comparing the SCIG project against the baseline condition shows that

R116-9

there will be a net reduction of 170 truck trips during the AM peak hour on the northbound segment of the I-710 north of PCH and south of Willow Street due to the SCIG project. Similarly, in evaluating the impact on freeway congestion due to the SCIG project in all future years during project operation, Tables 4-17 through 4-21 show that implementation of the SCIG project will result in net reductions of truck trips on the I-710 in each future year studied (2016, 2023, 2035, 2046, and 2066) as compared to not building the project. Appendix G4, which contains the Port’s projections, confirms that implementation of the SCIG project will result in reduction of lifts at Hobart (and therefore reductions in truck trips on the I-710) in future years. In 2020, for example, Appendix G4 indicates that without SCIG total Twenty-foot Equivalent Units (TEUs) handled at Hobart would be 3,722,104, while with SCIG total TEUs at Hobart would be 2,955,945, a difference of 766,159 TEUs. Appendix G4, pg. G4-4. In 2030, the difference in TEUs would be even greater at 1,364,796 TEUs. Appendix G4, pg. G4-4. These differences represent TEUs that no longer must travel up the I-710 to Hobart but are instead handled at SCIG located just 4 miles from the Ports. Additionally, the project will alleviate traffic on other roadways in the vicinity of the project, as depicted in green in Attachment A. Attachment A also depicts roadways not evaluated in the RDEIR that would reasonably be expected to improve based upon extrapolation of the analyses of the roadways analyzed in the RDEIR. The only roadway segments that would be degraded at all as a result of the Project would be the SCIG designated truck routes, and the DEIR nevertheless finds no significant traffic impacts

The reduction of truck trips off of the I-710 and other roadways and replacement of such trips with rail has benefits beyond alleviating freeway, interchange and intersection congestion, and improving air quality. It will also increase safety on impacted roadways. According to the US Department of Transportation, rail transport is approximately 20 times safer than truck with respect to hazardous materials shipment. See Sources: USDOT, Pipeline & Hazardous Materials Safety Administration, Hazardous Materials Incidents by Year & Mode, from http://hazmat.dot.gov/pubs/inc/data/tenyr_new_serious.pdf, as of 4/28/2006.

6) **Comment: The number of trains trips beyond downtown Los Angeles would be unaffected by the SCIG project.**

R116-10

Beginning on page 3.10-52, the RDEIR evaluates the SCIG project’s potential impacts related to at-grade rail crossings east of Hobart/Commerce. The analysis provided in the RDEIR is highly conservative as it compares the effects of potential future train traffic at SCIG handling year 2035 cargo volume to Baseline (2010) train traffic and cargo movement. Although this conservative analysis states, for purposes of the analysis, that there would be approximately 11.5 additional train trips per day (Table 3.10-32 in the RDEIR), the fact is the number of trains moving east of Hobart/Commerce would be the same with or without the SCIG project. This fact is confirmed in Chapter 4 Cumulative Analysis on page 4-108 of the RDEIR: “The analysis concluded that the same number of trains would move to/from the BNSF Hobart Yard and all other facilities in the region without or with the project....Therefore, the proposed Project would not change rail volumes on any of lines inland from the UPRR East Los Angeles Railyard or BNSF Railway Hobart railyard.” While not required, had Section 3.10 provided a supplemental analysis evaluating train traffic east of Hobart/Commerce in the Baseline condition with the SCIG project handling Baseline cargo volume, the RDEIR would have reached a similar finding as the Cumulative (year 2035) Analysis of no new trains east of Hobart/Commerce due to the SCIG project.

7) **Comment: The noise analysis in the RDEIR is highly conservative.**

R116-11

The noise analysis provided in the RDEIR is highly conservative in a number of respects. For example, the RDEIR included an analysis of whether sleep disturbance would occur as a result of operation of the SCIG project using a set of impact criteria developed based on the Federal Interagency Committee on Aircraft Noise (FICAN), which provides an estimate of whether certain percentages of populations will have their sleep affected by aircraft noise. The FICAN criteria therefore is a conservative method to assess sleep disturbance due to train noise. In applying the FICAN criteria, the RDEIR also applied the most conservative response curve possible (the “upper limit of observed

field data”) to assess any potential impacts. RDEIR, pg. 3.9-34. Despite this conservative approach, no impacts were predicted with respect to sleep disturbance due to the SCIG project.

In addition, although speech intelligibility is not normally addressed in noise criteria that are applicable to train noise, the RDEIR included such an analysis. The impact criteria were determined based on a U.S. Environmental Protection Agency document that provides a healthy margin of safety for the predicted effect of noise on speech intelligibility. Similar to the sleep disturbance analysis, no impacts were predicted with respect to speech intelligibility despite this conservative approach.

The model used to predict traffic noise levels also took an overly conservative approach in that all traffic modeled was assumed to use the nearest traffic lane (rather than being spread out evenly across all four traffic lanes). Consequently, the predicted traffic noise levels are most likely higher than would be experienced under normal traffic conditions (in the existing, future build, and future no-build conditions). The traffic noise model also does not appear to include an analysis of the beneficial effect of the proposed sound wall along the Terminal Island Freeway on traffic noise. The sound wall, which is proposed as a mitigation measure for operational noise from the SCIG facility, will also provide a considerable reduction in traffic noise levels as experienced by receivers in west Long Beach. Despite this conservative approach, the RDEIR found that no roadways with noise sensitive receptors in the studied jurisdictions would experience Project-related increases exceeding the significance thresholds.

The noise analysis also includes modeling of train horns at a grade-separated crossing of the Alameda Corridor and PCH. No noise impacts were associated with this activity, but it should be noted that horns are only necessary at at-grade crossings.

8) Comment: Noise impacts with respect to R1 appear to be overstated.

A noise impact was identified for the residence at 2789 Webster (designated as R1) for project nighttime operational noise levels. Although it is stated in the RDEIR that the CADNA-A model included shielding due to terrain features, it seems unlikely that an industrial building north of Willow (the NOVA shipping facility) was included in the model, because the predicted project operational noise levels at R1 are higher than the levels at R2, which is both closer to the facility and has less shielding from facility-related noise. In addition, noise levels at R1 are predicted to increase by more than 10 decibels during the daytime and 17 decibels at night, which is a substantially greater increase than any of the other modeled receivers. For the sake of comparison, the maximum predicted increase for another receiver in the daytime is 3.0 dB (R5), and the maximum predicted increase for another receiver at night is 6.1 dB (R7A). Such an unusually different result suggests that the noise prediction at R1 may be overstated and not all sound attenuating features may have been taken into account.

9) Comment: Soundwalls and Intensive Landscaping require cooperation of the City of Long Beach.

The RDEIR contains as a mitigation measure the construction of a 12-foot high soundwall with associated landscaping on the eastern side of the Terminal Island Freeway (MM NOI-1) and an additional 24-foot high soundwall closing a gap in the existing soundwall north of Sepulveda Boulevard (MM NOI-3). Additionally, the RDEIR contains as a project condition the construction an area of intensive landscaping on the west side of the Terminal Island Freeway between PCH and Sepulveda Boulevard (PC AES-1). The implementation of these mitigation measures and the project condition requires the cooperation of the City of Long Beach because each these improvement would need to be placed within the City of Long Beach. In preparation for the final EIR and approval process, BNSF has requested the City of Long Beach’s assistance in obtaining the necessary long-term right-of-way access to implement these improvements and ensure that they are in full compliance with all City codes, and BNSF will continue to reach out to the City to obtain its assistance. However, BNSF cannot compel the City to cooperate with BNSF to implement these improvements.

10) **Comment: The SCIG project will lead to significant increases in jobs, wages and economic output for Los Angeles and Southern California.**

R116-14 The RDEIR states that the proposed project could result in an increase in employment in the years evaluated, including indirect and induced jobs. RDEIR, pg. 7-31. Based on a Global Insight study commissioned by BNSF evaluating the macroeconomic impacts of the SCIG project,¹ the SCIG project has the potential to create up to 22,400 new jobs in the five-county Southern California region, including 14,600 new jobs in Los Angeles. These new jobs would generate over \$36 billion in wages, and the project could add more than \$84 billion to the region's economic output. The Global Insight Study is attached as Attachment B.

11) **Comment: Construction activities in the Dominguez Channel may be accomplished pursuant to a Nationwide Permit.**

R116-15 Table 1-6 of the RDEIR identifies the agencies expected to use the RDEIR. With respect to the description of the responsibilities of the United States Army Corps of Engineers, the table notes that the project would require a Section 404 permit or letter of permission for construction activities in the Dominguez Channel. RDEIR, pg. 1-28. The referenced construction activities are those necessary to widen the Dominguez Channel rail crossing. It should be clarified that, as the total area of the Dominguez Channel rail crossing work would be less than one-third of an acre, such work may be accomplished under a Nationwide Permit (specifically, NW 14). In addition, with respect to permits required from the California Department of Fish and Game, it should be noted that a Lake or Streambed Alteration Agreement for the Dominguez Channel rail crossing work may not be required in the event such work entirely spans the Dominguez Channel.

12) **Comment: Although health risks for the Mitigated Project and No Project Alternative were estimated in the RDEIR, a graphic showing the reduction in health risks that would be realized by the Mitigated Project over the No Project is not presented in the RDEIR. A graphic depicting the risk reductions due to the Mitigated Project is presented below. Additionally, the degree of risk reduction varies by location and the specific basis for the risk reduction at each location can be described using evaluations prepared as part of the RDEIR. Graphics depicting the latter are also presented below.**

R116-16 The risk assessment presented in the September 2012 RDEIR evaluated residential health risks for both the Mitigated Project and the No Project Alternative. The change in residential health risks between the Mitigated Project and No Project estimated in the RDEIR is presented in Figure 1 below. This figure is based on the same data as the residential cancer risk value reported in RDEIR Table 5-11, but it shows the results for all receptors near the facility, not just for the Maximum Exposed Individual Resident (MEIR), as provided in the RDEIR.

As discussed in Section 3.2 of the RDEIR, the RDEIR adopts a significance threshold for health effects, which they describe as a "Project Specific Standard for CEQA" (see p. 3.2-43), of 10 in a million as an incremental cancer risk. Under this criterion, an alternative would be considered to pose a significant impact if the cancer risk posed by the alternative exceeded the risk posed by the baseline by more than 10 in a million. Based on risk assessment results presented in the RDEIR and illustrated in Figure 1 below, the Mitigated Project would not cause an increase in cancer risk above that posed by the No Project Alternative. Rather, the Mitigated Project would reduce cancer risks in all of the residential and school areas in the vicinity of the SCIG project when compared to the No Project Alternative.

¹ The Global Insight Study, prepared in 2007, utilized conservative assumptions in analyzing the potential economic benefits of the SCIG project, including lower projected TEUs to be handled by SCIG. Despite the conservative assumptions used, the study establishes that the SCIG project will have significant economic benefits for the Southern California region.

RDEIR Table 5-11 presents a comparison of peak residential cancer risks at the maximum impacted receptors. This table shows that there is a decrease in residential cancer risk at all residential receptors when the Mitigated Project is compared with the No Project Alternative. Figure 1 below plots a comparison of residential risk between the Mitigated Project and No Project at all receptors. The location of the MEIR listed in Table 5-11 is marked on the plot. The Mitigated Project footprint is depicted in black in Figure 1. The green areas represent areas where the Mitigated Project will reduce risks below the risks associated with the No Project alternative. The darker the shade of green, the greater the reduction of risk. All areas in Figure 1 above zero (i.e, yellow and peach) are not in residential or school areas.

R116-16

Also, as shown below in the discussion for Location 1 (the Mitigated Project MEIR), the risks from the Project would be reduced to a level of less than 10 in a million at the MEIR and in all residential areas near the project site, including West Long Beach. Additionally, risks at all school and other sensitive receptors would also be below 10 in a million.

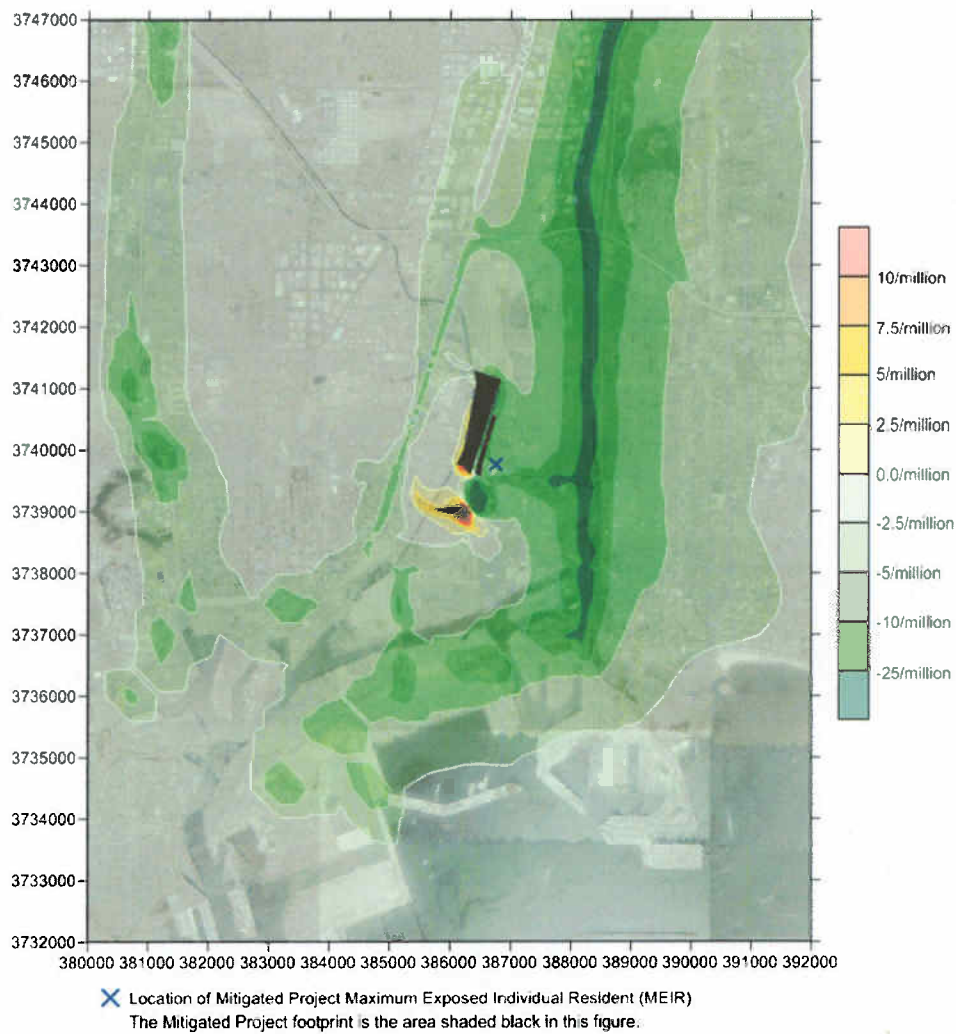


Figure 1. Residential cancer risk for the Mitigated Project minus No Project.

The degree of risk reduction varies with location and the basis of the risk reduction varies with location. Using data in the Access database for the RDEIR, which contain the results of the RDEIR modeling, the reduction in risk

↑ attributable to specific sources that account for the risk reduction at selected locations is illustrated in the pie charts presented below.

Location 1: At Mitigated Project MEIR - the Villages at Cabrillo

This location is the MEIR for the Mitigated Project. The risk at the location would be reduced from 15.4 million under the No Project alternative to 9.8 in a million under the Mitigated Project. This is a reduction of 5.6 in a million at this location as shown in Figure 1. It is also worth noting that the value of 9.8 is under 10 in million. This point represents the maximum residential impacts from the Mitigated Project so all residential impacts under the Mitigated Project would be under 10 in a million.

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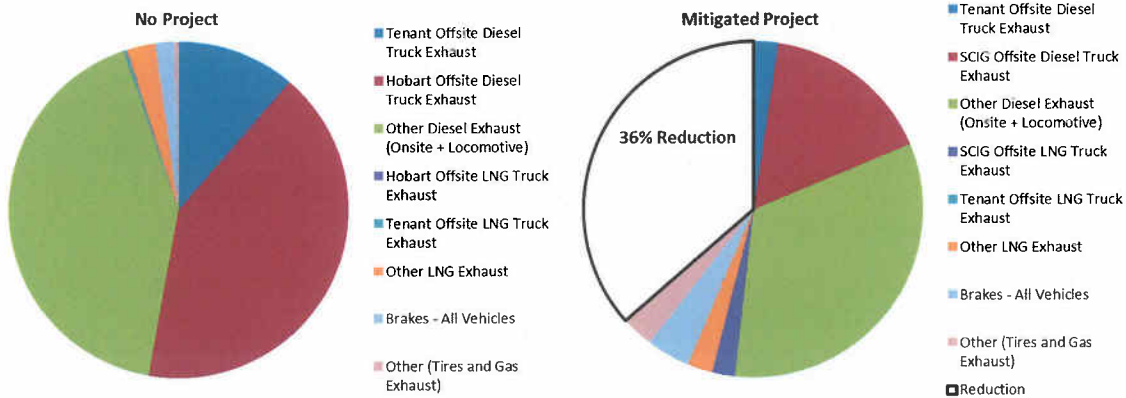
In the No Project scenario the nearby cloverleaf sees impacts from diesel trucks traveling up the Terminal Island Freeway and exiting onto PCH in order to reach the 710. Tenant diesel truck traffic will also be exiting onto PCH to reach tenant locations off PCH south of the project site.

No Project Residential Risk	Mitigated Project Residential Risk
15.4/million	9.8/million

When the Mitigated Project is built, truck traffic traveling to SCIG will come up the Terminal Island Freeway and exit onto PCH westbound. However, over time a vast majority of these SCIG-bound trucks will be running on natural gas resulting in lower cancer risk. Tenant traffic at this location will decrease due to tenant property entrances being displaced to the south meaning access will not be from PCH.

↓ **Impacts at Villages at Cabrillo location will decrease due to the use of LNG trucks and reduced tenant trucks.**

R116-16



Location 2: At No Project MEIR – Along I- 710.

This point represents the maximum residential cancer impact from the No Project Alternative.

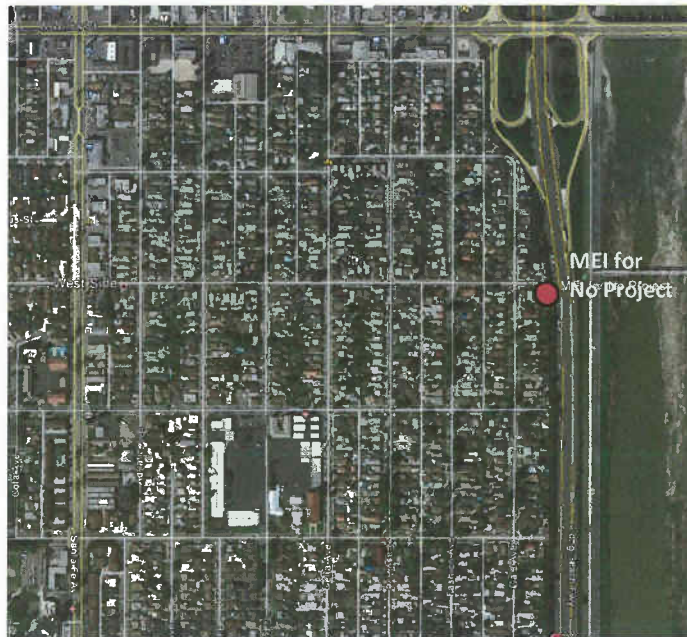
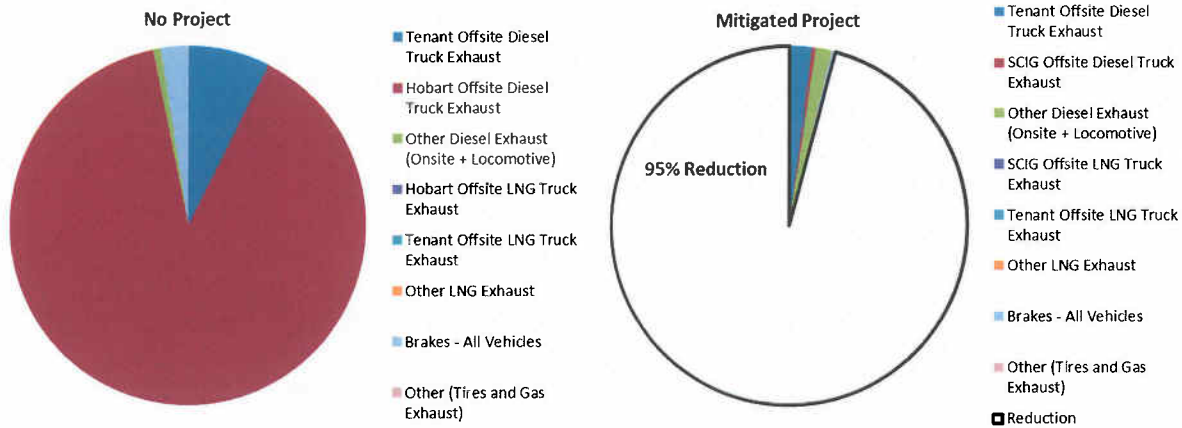
In the No Project scenario, the 710 will have significant levels of diesel truck traffic traveling to Hobart. This traffic represents most of the modeled residential cancer risk at this location.

When the Mitigated Project is built, most of this traffic will no longer need to travel up 710 as it will be diverted to SCIG and over time a majority will be transported by liquid natural gas trucks.

No Project Residential Risk	Mitigated Project Residential Risk
71.0/million	3.0/million

Impacts at No Project MEIR location will decrease due to removal of Hobart-bound diesel trucks from the 710.

R116-16



Location 3: At maximum Mitigated Project minus Floating Baseline – Along Alameda Corridor

This point represents the maximum residential cancer impact for the Mitigated Project minus Floating Baseline.

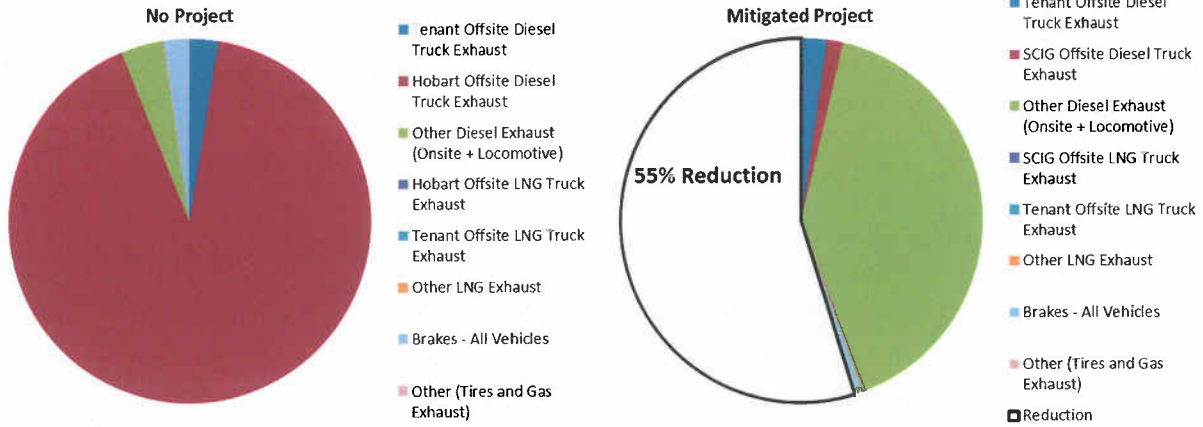
In the No Project scenario, Hobart-bound diesel truck traffic will be traveling on South Alameda Street and using the 405 to reach the 710 north.

When the Mitigated Project is built most of this traffic will no longer travel north to Hobart and will be replaced with LNG trucks traveling the short distance to SCIG. Cancer risk due to new train traffic on the Alameda Corridor will be more than offset by the decrease due to fewer diesel trucks.

No Project Residential Risk	Mitigated Project Residential Risk
4.7/million	2.1/million

Impacts at this location will decrease due to removal of Hobart-bound diesel trucks from South Alameda Street and the 405 which more than offset new train traffic on the Alameda Corridor.

R116-16



In conclusion:

- Risks are reduced by the Mitigated Project as compared to the risks of the No Project.
- Not only are risks reduced by the Mitigated Project, but they are decreased to levels below 10 in a million.
- Risks would be reduced in all residential areas impacted by the Mitigated Project.

13) **Comment:** The comparison made in the RDEIR between modeled 1-hour NO₂ levels associated with the various project alternatives and the 1-hour NAAQS and 1-hour SCAQMD threshold provides a very conservative assessment of the likelihood that each project alternative will exceed significance thresholds for NO₂. The evaluation in the RDEIR shows that the Mitigated Project alternative would substantially reduce NO₂ levels in the areas surrounding the SCIG facility as compared to the No Project Alternative.

Background

The analysis presented in the RDEIR for 1-hour NO₂ impacts compares NO₂ levels, estimated by adding modeled levels associated with Mitigated Project activities to background levels, against both the 1-hour NAAQS standard of 189 µg/m³ and the SCAQMD significance threshold of 338 µg/m³. This conservative (screening level) analysis was conducted to develop a determination of whether the Mitigated Project, No Project Alternative and Reduced Project Alternative have potential significant impacts. This analysis does not demonstrate whether a violation of the NAAQS will occur or adverse health effects will occur. It is important to understand that different modeling approaches and assumptions resulting in lower estimated NO₂ levels would be used in a compliance evaluation of the regulatory programs from which these two significance threshold values were borrowed (i.e., NAAQS for the 189 µg/m³ level and CAAQS for the 338 µg/m³ level). Similarly, different modeling approaches would be used for conducting a quantitative health risk assessment for NO₂.

RDEIR Conservative Screening Assumptions

The evaluation of the potential significance of NO₂ levels presented in the RDEIR compares estimated 1-hour maximum NO₂ levels to both the SCAQMD significance threshold of 338 µg/m³ (which is based on a maximum value as specified by the CAAQS) as well as the NAAQS value of 189 µg/m³ (which is defined for NAAQS purposes as the 8th highest maximum daily value, but for the RDEIR conservative screening analysis, is being compared with the maximum value). Maximum NO₂ levels associated with the various alternatives were evaluated using techniques and assumptions that overstate maximum NO₂ levels and, thus, provide a very conservative screening estimate of maximum NO₂ levels in the areas adjacent to the SCIG project.

The estimated maximum NO₂ levels associated with each alternative are compared to the NAAQS of 189 µg/m³ and to the SCAQMD significance threshold of 338 µg/m³ for purposes of the conservative screening analysis. It is important to understand that different modeling approaches and assumptions, resulting in lower estimated NO₂ levels, would be used in a compliance evaluation of the regulatory programs from which these two significance threshold values were borrowed (i.e., NAAQS for the 189 µg/m³ level and CAAQS for the 338 µg/m³ level). The key differences include:

1. The conservative screening analysis in the RDEIR compares the estimated maximum 1-hour NO₂ levels to the 189 µg/m³ NAAQS; however, compliance with the NAAQS under the Clean Air Act is required by EPA to be demonstrated by comparison of the 8th highest 1-hour maximum daily value to the 189 µg/m³ level. The standard was not designed to be compared against a maximum value.
2. The modeling performed in the RDEIR is based on the assumption that the maximum NO₂ levels contributed from multiple NO₂ emission sources will converge on each modeled receptor location during the same one hour period.
3. The modeling presented in the RDEIR is based on a version of AERMOD that uses a more conservative formulation of the urban boundary layer model and tends to overestimate maximum NO₂ levels at the ground level.
4. The background NO₂ level used in the conservative screening evaluation in the RDEIR does not account for diurnal variations. In a Tier 2 background analysis under EPA's March 1, 2011 "Additional Clarification Regarding Application of Appendix W Modeling for the 1-hour NO₂ National Ambient Air Quality Standard", a more precise estimate of background NO₂ level is used.

Details of 1-hour NO₂ NAAQS Refinements Not Performed in RDEIR's Conservative Screening Analysis

1. The 1-hour NO₂ NAAQS of 189 µg/m³ is based on a comparison with the 8th highest maximum daily value.

The 1-hour NO₂ NAAQS was published in the Federal Register on February 9, 2010 (75 FR 6474-6537) and became effective on April 12, 2010. The standard defines compliance based on the 8th highest maximum daily concentration being below 100 ppb (189 µg/m³). EPA's use of the 8th highest maximum daily value results in a more robust analysis because maximum values will often be controlled by unique events which are often not reproducible year to year. The comparison presented in the RDEIR's screening analysis compares the maximum value – rather than the 8th highest maximum daily - with the 1-hour NO₂ NAAQS. Maximum values can be significantly higher than the 8th highest maximum daily value. A refined NAAQS analysis should compare the standard with the 8th highest maximum daily concentration.

R116-18

2. The maximum 1-hour impacts from each source should be matched in time.

For large projects, such as the SCIG project, the number of sources is very large and including all sources within one modeling run results in lengthy computer runs. The approach used in the RDEIR's conservative screening analysis was to separate single sources, or small groups of sources, into separate AERMOD runs.

The method used in the RDEIR's conservative screening analysis calculates the maximum 1-hour concentration at each receptor during the year (the maximum value out of 8,760 hours which is the number of hours in a year) for each source separately. The maximum impacts from each source at a receptor were then added together in the RDEIR analysis even if they could not all happen on the same hour at that receptor. The maximum impact from different sources will often occur on different hours. A more refined analysis which utilizes AERMOD as intended matches impacts in time thereby more accurately calculating maximum impacts at a given receptor.

R116-19

Presented below is an example that demonstrates the conservative nature of this screening method.

Two Source Demonstration:

In this example two pollution sources are considered, one located to the east of a receptor and one located to the west of the receptor as shown in Figure 1. We assume that only two hours are being modeled. During hour 'A' the wind is blowing from the east towards the west. The source located to the east of the receptor will impact the receptor (in this case with an impact of 10 $\mu\text{g}/\text{m}^3$) while the source located to the west is downwind and will have no impact (0 $\mu\text{g}/\text{m}^3$). During the second hour (hour 'B') the wind is blowing from the west to the east. In this situation the impacts would be reversed. The worst impact from these two sources would see impacts from one source or the other, but never both. The wind cannot be blowing from both the east and the west at the same time. The modeling process used in the RDEIR adds the calculated concentrations from the eastern source during hour 'A' and from the western source during hour 'B'. In this example, therefore, the AERMOD-intended impact is doubled.

R116-19

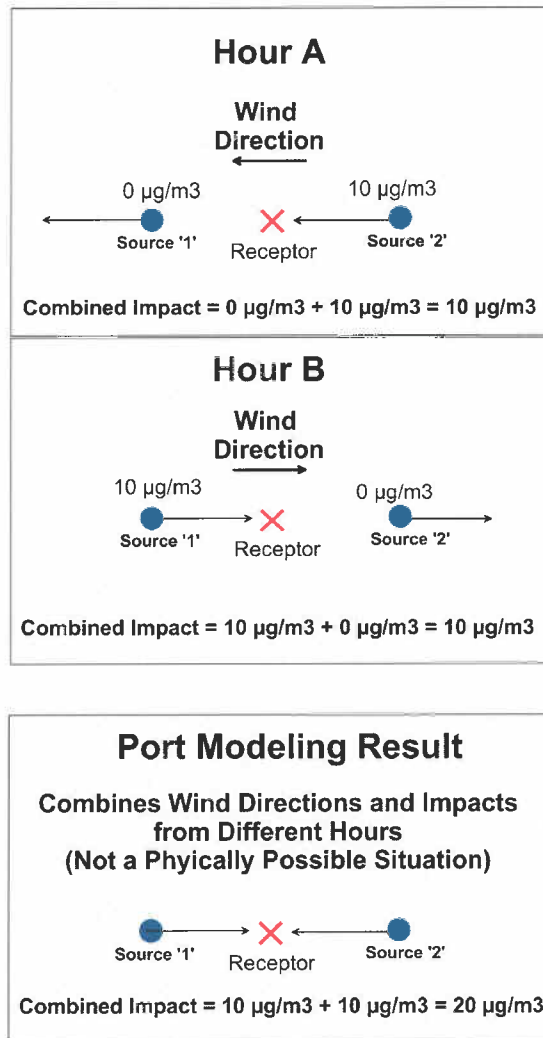


Figure 1. Two source example.

Extending this approach to all of the sources included in the SCIG project, where there are hundreds of sources spread over tens of square kilometers, results in the maximum concentrations from each source being added together. This conservative screening level procedure could result in reported concentrations which are several times larger than what would be predicted if all sources were modeled, as intended, in a single AERMOD run. As shown in Figure 2, the RDEIR modeling approach assumes that winds would simultaneously be blowing toward a receptor from the north and south end of the SCIG property, blowing from the east to carry in concentrations from the 710, blowing from the south to bring concentrations from the port region and blowing from the southwest to carry in concentrations from the various other port tenants. In reality the winds would never be blowing from all of these directions at the same time. A more refined and informative analysis would match impacts in time and more accurately predict the sources contributing to a maximum concentration.

R116-19

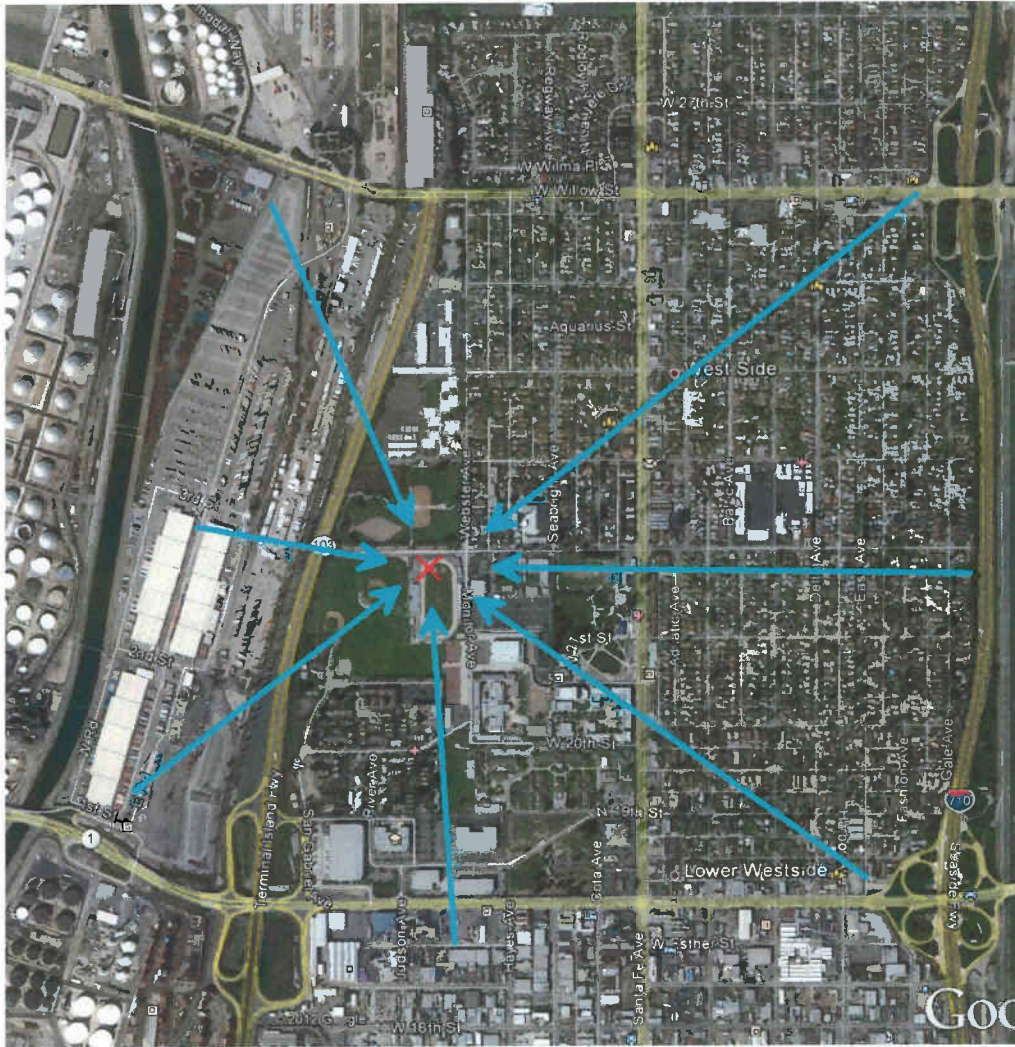


Figure 2. Simultaneous wind directions assumed to happen concurrently.

3. *A newer version of the AERMOD code is available which includes a new default and less conservative version of the urban boundary layer model.*

AERMOD's urban boundary layer model has been used in order to account for dispersion in an urban environment. The AERMOD code used in the RDEIR's conservative screening evaluation is version 09292 (released October 19, 2009) (RDEIR 3.2-66 line 21). Starting with AERMOD version 11059 (released February 28, 2011) there was an update to the urban boundary layer model. The urban boundary layer model included in version 09292 was identified as causing "unrealistically high concentrations for low level plumes" (AERMOD User's Guide Addendum Appendix E, Feb 2012). The updated urban boundary layer model, which is been used as the default option in all subsequent AERMOD releases, corrects the unrealistically high level concentrations for low level plumes.

The modeling conducted as part of RDEIR evaluation is dominated by near-ground sources of the type affected by this model update. A less conservative and more informative result will be achieved by using the most recent version of the AERMOD code.

4. *Background values for a NAAQS evaluation can be calculated to account for diurnal variations.*

EPA has provided guidance on the use of background data for calculation of NAAQS impacts. Daily variations in background levels can be significant, especially when emissions are due to mobile sources which vary with daily traffic patterns. A Tier 1 analysis which does not account for diurnal variation would use the 3 year average of the 8th highest maximum daily values. This is the procedure used in the RDEIR's conservative screening analysis which results in 142 µg/m³ all 24 hours in a day (see Figure 3). For areas such as those studied in the RDEIR, which experience significant background impacts from mobile sources, EPA notes in its March 1, 2011 "Additional Clarification Regarding Application of Appendix W Modeling for the 1-hour NO₂ National Ambient Air Quality Standard" that the use of a 24-hour varying background is appropriate. This results in a less conservative and more informative estimate of background concentrations. Consistent with EPA guidance, BNSF has calculated the 3-year average 8th highest diurnal profile (see Figure 4) and incorporated it into the refined NAAQS modeling study discussed in the subsequent comment in this letter.

R116-20

R116-21

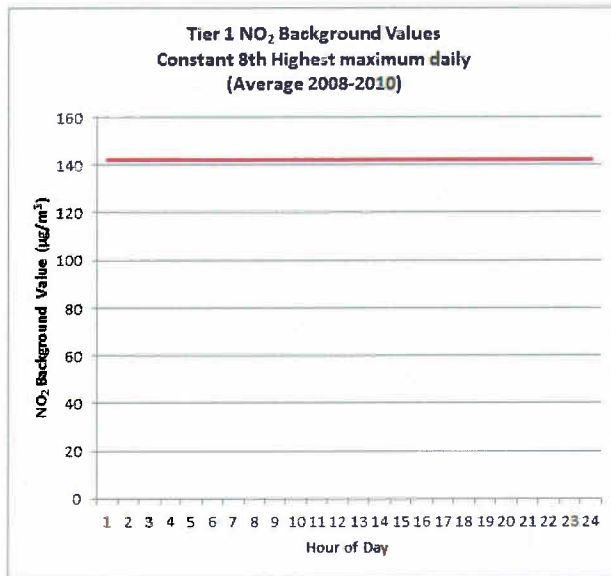


Figure 3. Tier 1 background NO₂ Constant Value (2008-2010)

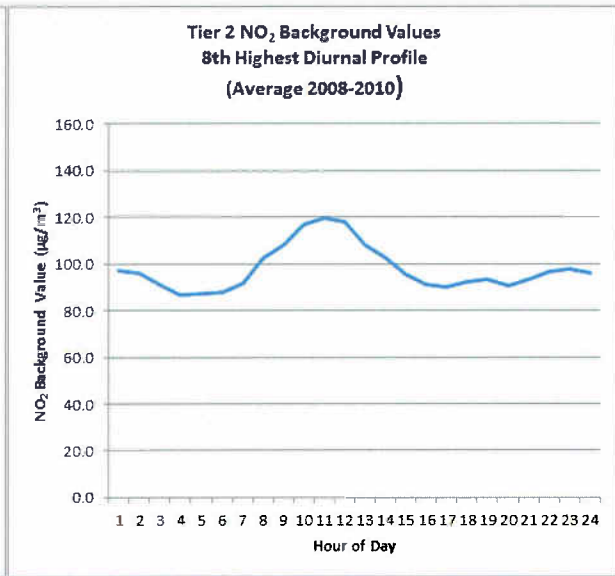


Figure 4. Tier 2 background NO₂ Diurnal Profile (2008-2010)

Results from RDEIR

Under the NO₂ conservative screening evaluations presented in the RDEIR, which do not include the above refinements, all of the project alternatives are estimated to generate maximum offsite NO₂ levels in excess of the significance thresholds used in the RDEIR. However, the differences in the NO₂ levels estimated between the alternatives in the RDEIR are substantial.

Contours of areas with peak NO₂ levels above the NAAQS value of 189 µg/m³ for the No Project, Mitigated Project, and Mitigated Reduced Project are shown in Figures C2.5-11, C2.5-17 and C2.5-28 of the RDEIR. These isocontour lines have been re-plotted onto a single aerial photo on Figure 5 below. None of the refinements described in this letter have been performed and are therefore not reflected in Figure 5. As is illustrated by this Figure 5, the area with estimated maximum NO₂ values above the significance level is greatly reduced under the Mitigated Project and Mitigated Reduced Project alternatives when compared to the No Project Alternative. Figures 6, 7 and 8 show in more detail the 1-hour NO₂ concentration levels in areas around the project site. Much of the area is within 50% of the standard. The peak offsite concentration reported in the RDEIR is only representative of small areas near tenant sites south of the project.

Contours of areas with peak 1-hour NO₂ levels above the SCAQMD value of 338 µg/m³ (which is based on the CAAQS) for the No Project, Mitigated Project, and Mitigated Reduced Project are shown in Figure 9. This value represents the current SCAQMD threshold for NO₂. The RDEIR presents peak offsite concentrations for this standard, but does not present plots of contours. This standard is based on a maximum concentration but the impacts are still over-predicted based on the remaining conservative screening assumptions. Figures 10, 11 and 12 show additional contour levels which further demonstrate that peak concentrations are not spread across the entire impacted area.

R116-21

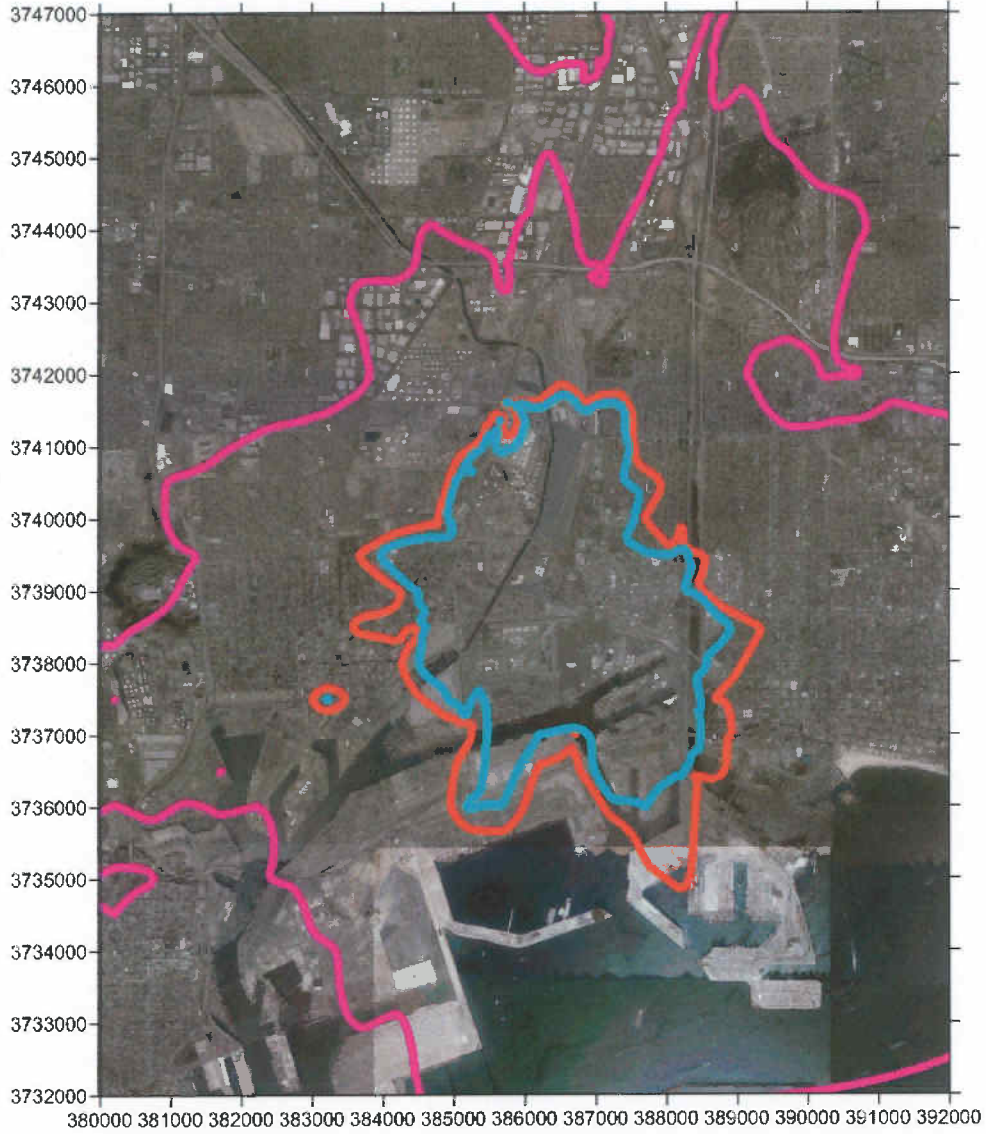


Figure 5. 1-hour NO₂ significant impacts for the analysis based on the NAAQS as shown in the RDEIR for the No Project (pink), Mitigated Project (orange), and Mitigated Reduced Project (blue) (based on Sept 2012 RDEIR Figures: C2.5-11, C2.5-17, C2.5-28).

R116-21

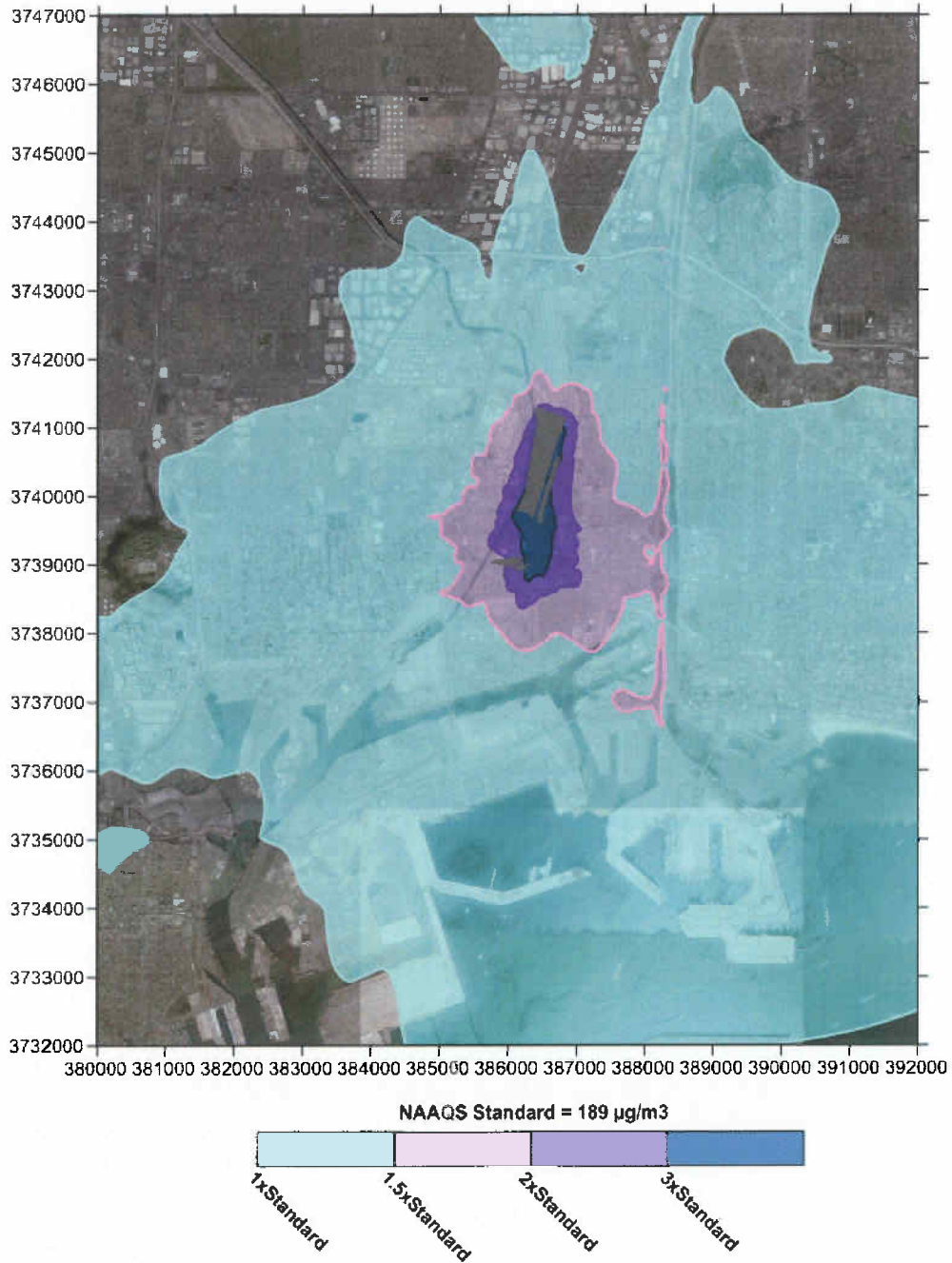


Figure 6. 1-hour NO₂ significant impacts for the analysis based on the NAAQS as shown in the RDEIR for the No Project. Additional contour levels have been added.

R116-21

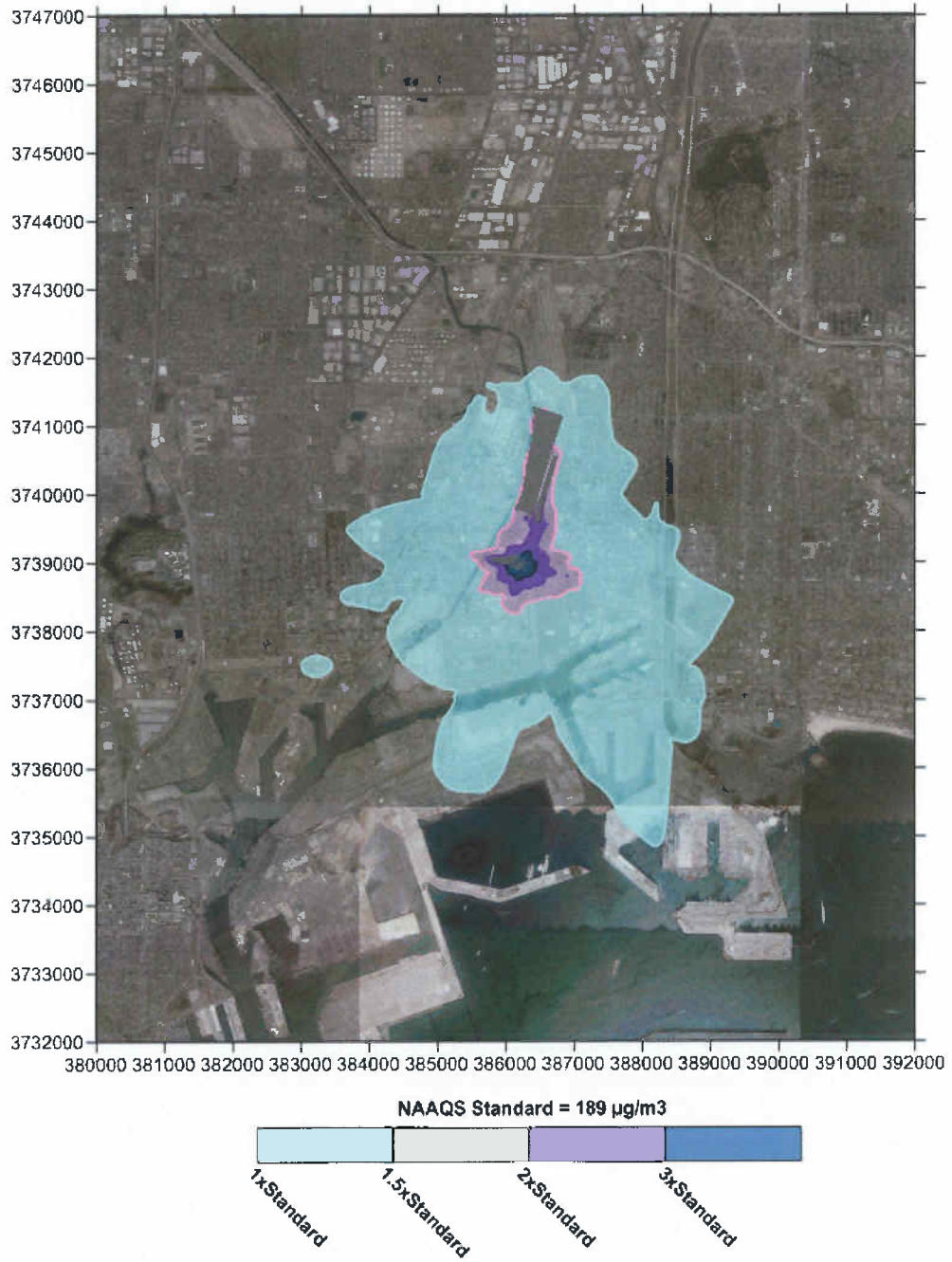


Figure 7. 1-hour NO₂ significant impacts for the analysis based on the NAAQS as shown in the RDEIR for the Mitigated Project. Additional contour levels have been added.

R116-21

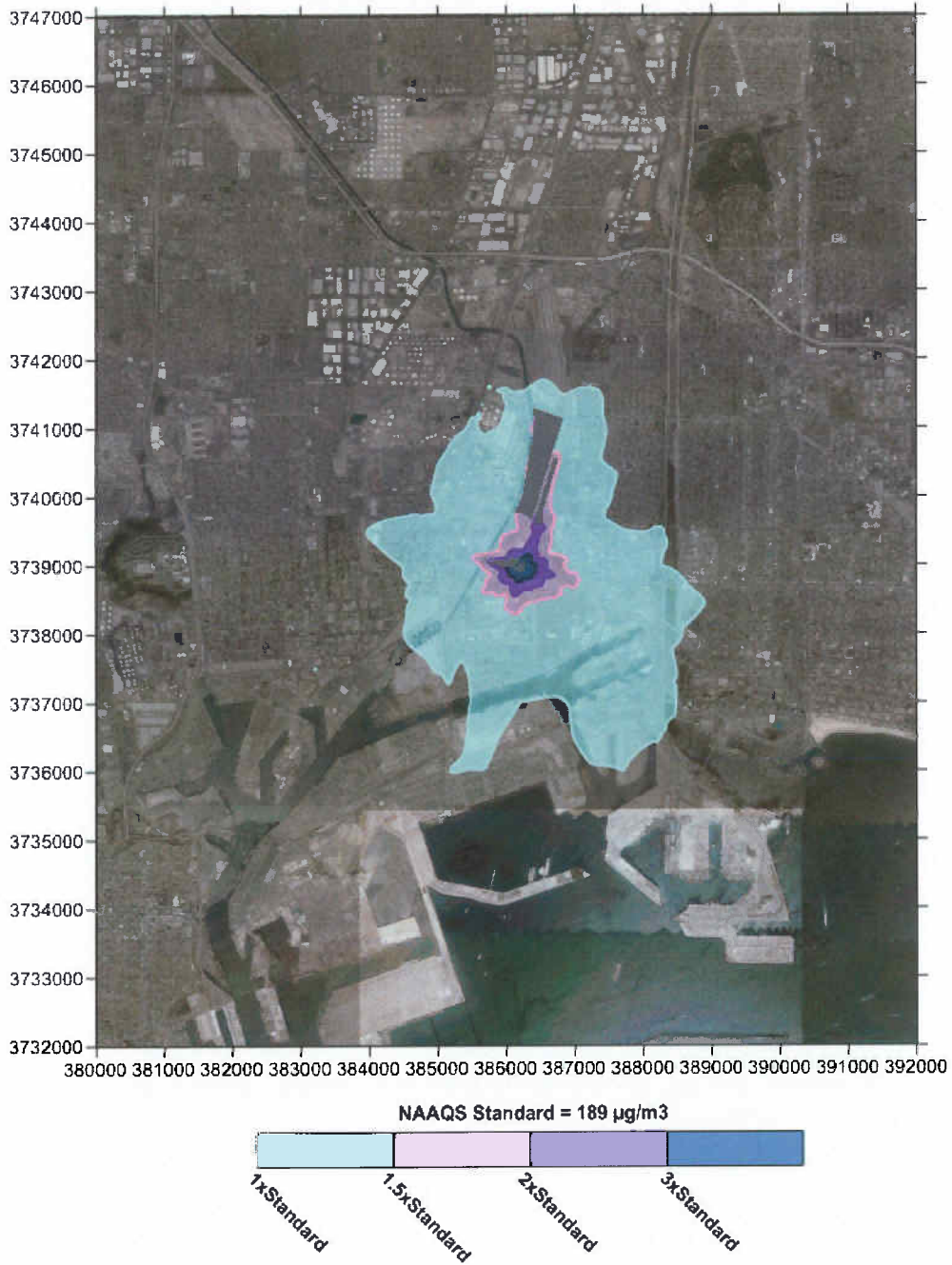


Figure 8. 1-hour NO₂ significant impacts for the analysis based on the NAAQS as shown in the RDEIR for the Mitigated Reduced Project. Additional contour levels have been added.

R116-21

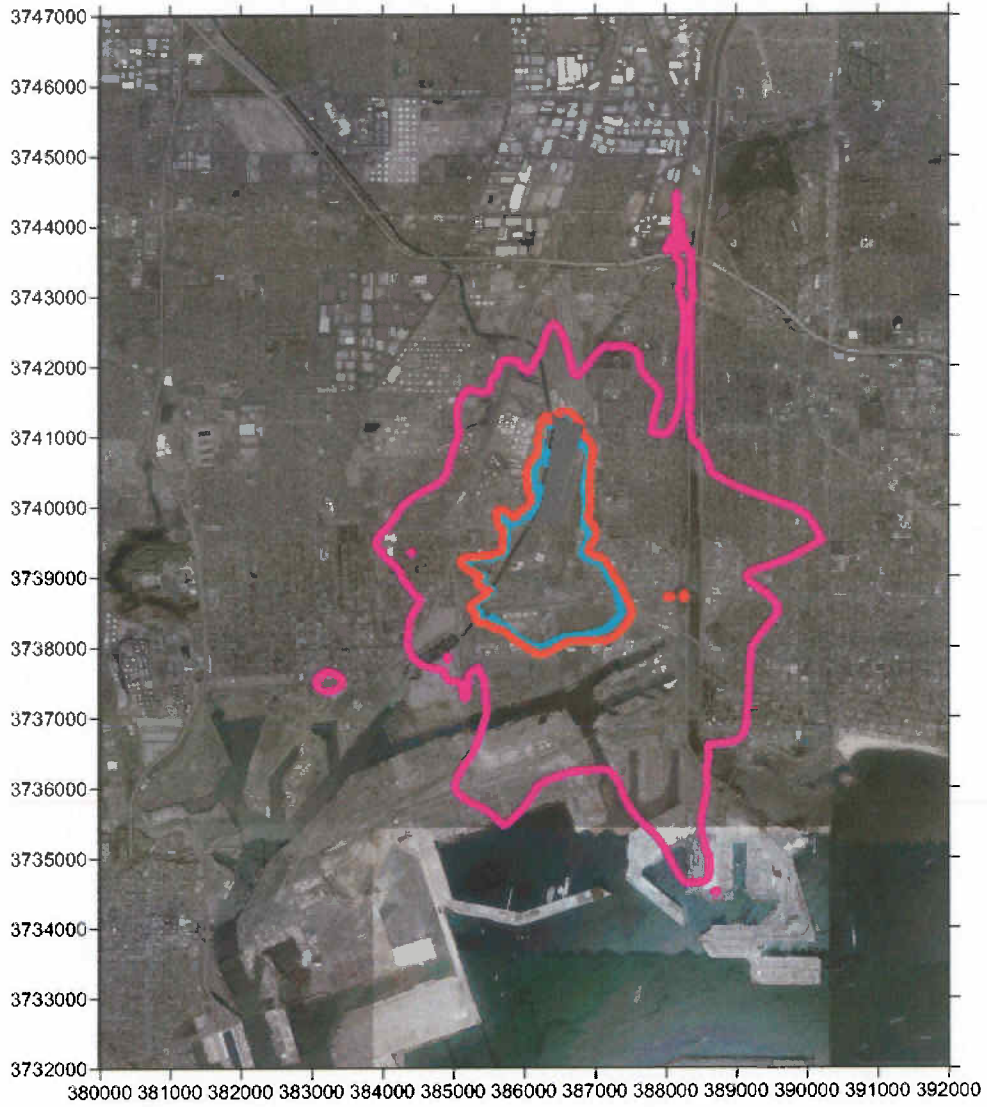


Figure 9. 1-hour NO₂ significant impacts for the analysis based on the CAAQS as modeled for the RDEIR for the No Project (pink), Mitigated Project (orange), and Mitigated Reduced Project (blue).

R116-21

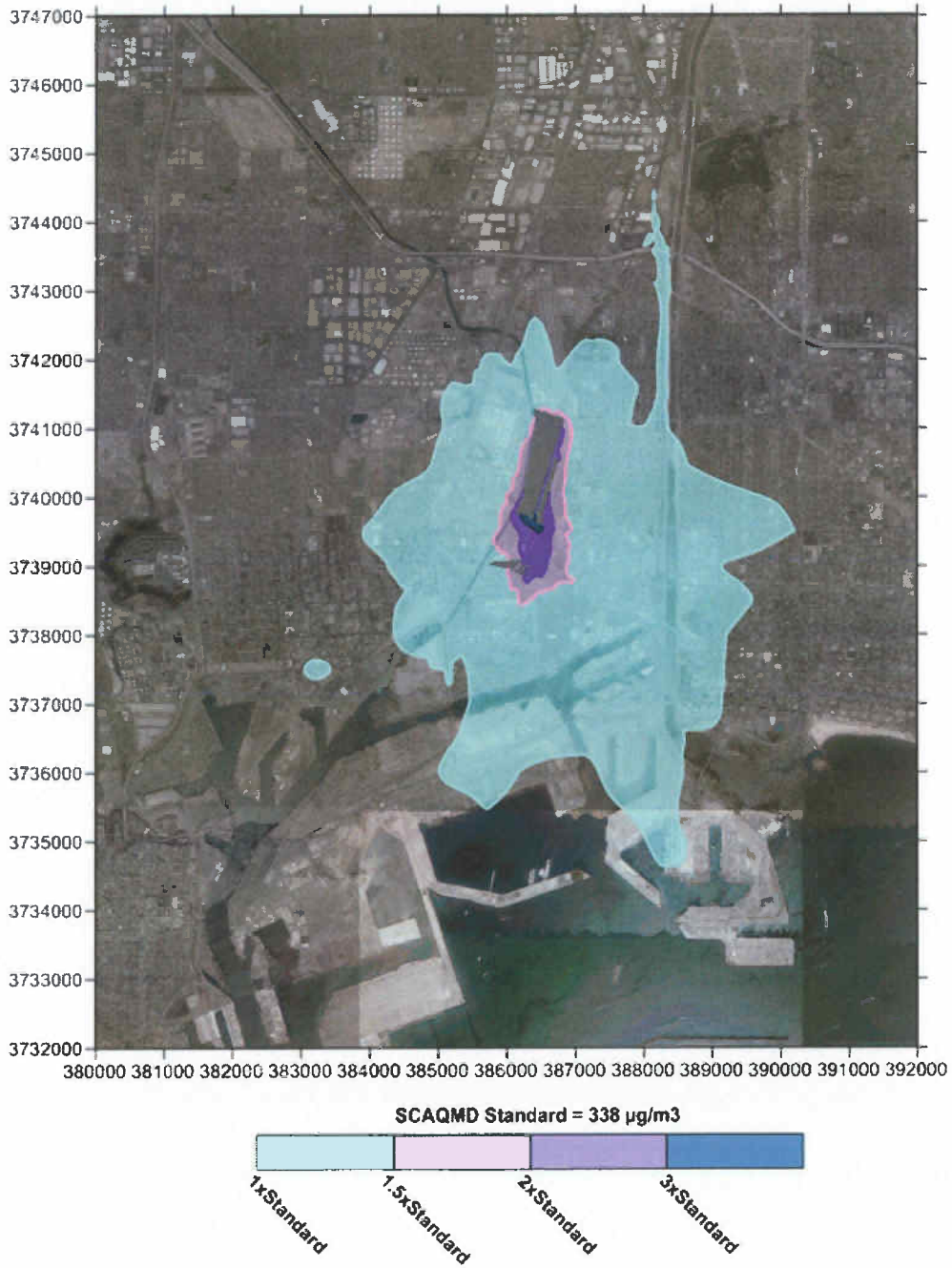


Figure 10. 1-hour NO₂ significant impacts for the analysis based on the SCAQMD threshold as modeled for the RDEIR for the No Project. Additional contour levels have been added.

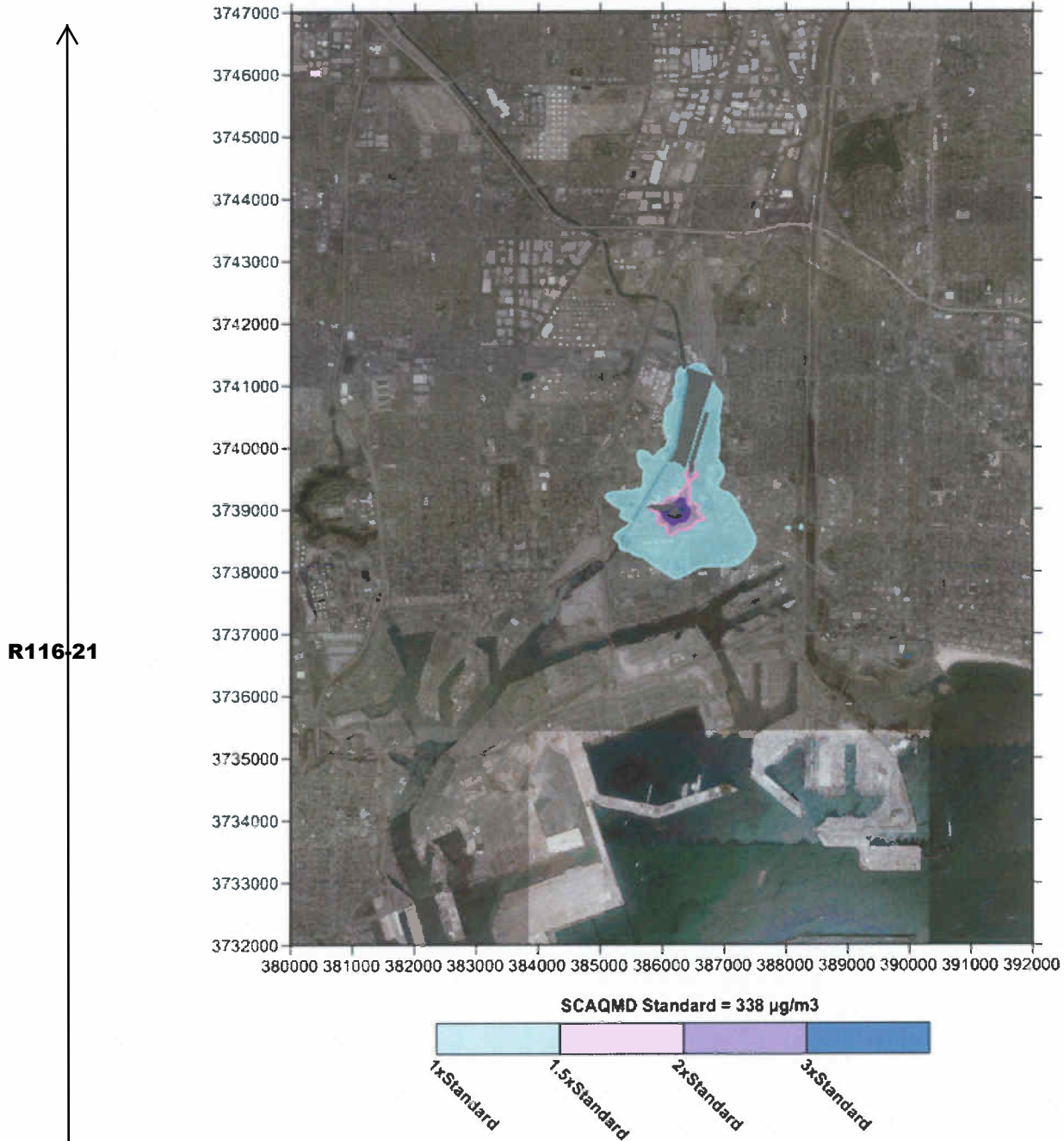


Figure 11. 1-hour NO₂ significant impacts for the analysis based on the SCAQMD threshold as modeled for the RDEIR for the Mitigated Project. Additional contour levels have been added.

R116-21

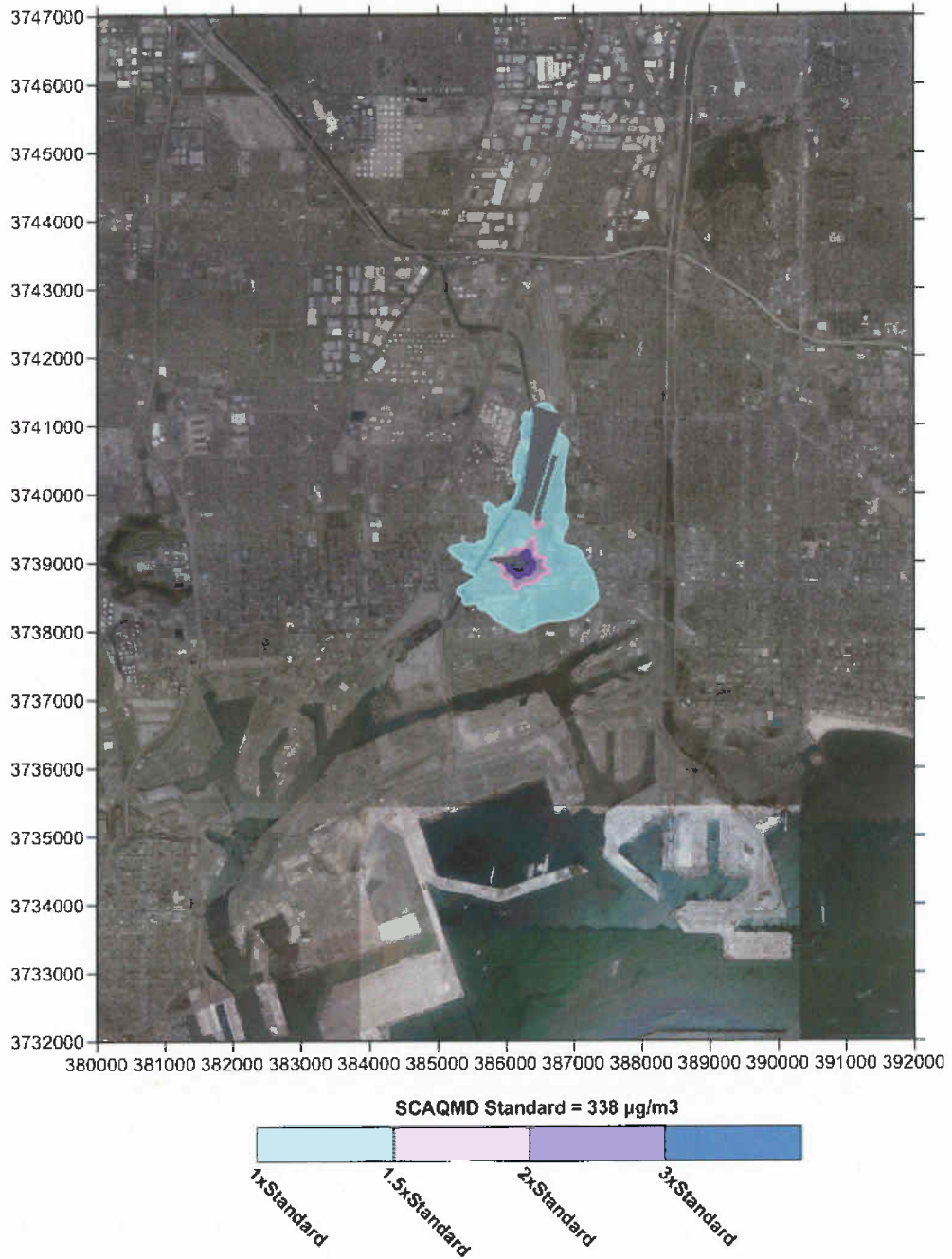


Figure 12. 1-hour NO₂ significant impacts for the analysis based on the SCAQMD threshold as modeled for the RDEIR for the Mitigated Reduced Project. Additional contour levels have been added.

Maximum estimated NO₂ levels at the maximum modeled receptor locations were also presented as part of the RDEIR. These values were reported at the maximum impacted receptor location, which is located near tenant sites to the south of the SCIG property. The comparison was made for both the SCAQMD threshold and the NAAQS based screening analysis. The maximum estimated NO₂ levels for the Project and each alternative are listed in Table 1 below. Because the highest 1-hour maximum NO₂ levels occur in industrial areas and often in regions with very limited human access, such as on railroad tracks, and because people have raised concerns about NO₂ exposures in residential areas, the maximum levels estimated in the RDEIR at residential receptor locations are also included in Table 1. As summarized in Table 1 below, under the very conservative screening analysis presented in the RDEIR, the maximum levels estimated for the residential areas are much lower than the maximum levels estimated for other areas.

Table 1. Summary of September 2012 RDEIR analysis of 1-hour NO₂ maximum impacts based on the NAAQS and SCAQMD thresholds.

Scenario	Screening Comparison with 1-hour NO ₂ NAAQS (189 µg/m ³) ^a		Comparison with SCAQMD 1-hour NO ₂ threshold (338 µg/m ³) ^b	
	Maximum Offsite Receptor	Maximum Residential Receptor	Maximum Offsite Receptor	Maximum Residential Receptor
Operational Impacts				
Mitigated Project	944	274	1047	377
No Project	1049	476	1152	579
Mitigated Reduced Project	932	260	1036	363
Construction Impacts – (Mitigated Project and Mitigated Reduced Project)				
Construction with Relocated Tenants	1137	387	1240	490
Construction without Relocated Tenants	754	315	857	418

- a. This analysis using the NAAQS standard is based on the maximum modeled concentration plus the 3-year average of the 8th high maximum daily monitored NO₂ concentrations (monitored background=142 µg/m³).
- b. Comparison with the SCAQMD threshold is based on the maximum modeled concentration plus the 3-year average of the maximum monitored NO₂ concentrations (monitored background = 245 µg/m³).
- c. Maximum offsite concentrations are the values reported in the Sept 2012 RDEIR. The maximum offsite operational receptor concentration for the Mitigated Project are taken from the RDEIR text on p. 3.2-66.
- d. Maximum residential concentrations are taken from the RDEIR AERMOD and Access databases and represent the highest concentration at a receptor identified in the databases as residential.

R116-21

14) Comment: Refinements to the modeling of NO₂ demonstrate that NO₂ concentrations above the significance thresholds are not exceeded at any residential or school locations under the Mitigated Project.

BNSF has developed a more refined estimate (beyond the conservative screening level estimates developed in the RDEIR and supporting databases and as discussed in the preceding comment) of the maximum 1-hour NO₂ NAAQS concentrations based on the four refinements identified below. These refinements demonstrate that NO₂ levels at residential and school locations would not exceed either of the NO₂ significance thresholds (i.e., the NAAQS of 189 µg/m³ or the CAAQS of 338 µg/m³) for the Mitigated Project. The refinements made by BNSF and included in the supplemental modeling evaluation in this comment include:

1. Comparing the eight highest daily peak (1-hour) concentration of NO₂ against the NAAQS of 189 µg/m³, in accordance with EPA guidance.
2. Accounting for changing wind directions and cumulative contributions to NO₂ levels from multiple sources at each modeled receptor location.
3. Use of AERMOD (12060) which more precisely addresses the urban boundary layer and its effect on peak NO₂ levels at the ground level.
4. Following the EPA method referred to as a Tier 2 approach to more precisely estimate background levels of NO₂ by using a daily profile of background measurements of NO₂. EPA, "Additional Clarification Regarding Application of Appendix W Modeling for the 1-hour NO₂ National Ambient Air Quality Standard" (March 1, 2011).

The details and further explanation of these refinements are discussed in the preceding comment.

BNSF's resulting evaluation is still conservative as it includes all of the conservative emission assumptions for calculating peak hourly emissions used in the September 2012 RDEIR. It also still overstates impacts due to its reliance on the composite worst-year emission rates used in the RDEIR modeling. Further refinement could be performed to evaluate impacts on specific matched indicator years if such information were available.

Discussion of NAAQS

Figure 1 shows the refined 1-hour 8th highest maximum daily NO₂ NAAQS impacts for offsite receptors, including residential receptors, for the Mitigated Project, No Project and Reduced Project Alternatives, after the above refinements have been made. The benefit of the Mitigated Project, when compared with the No Project Alternative as shown in the RDEIR's conservative screening analysis and in Figure 5 above is still apparent. Additionally, the extent of the area predicted to have NO₂ levels in excess of the NAAQS is greatly reduced over the area identified as significant in the RDEIR's conservative screening analysis. Using these same modeling refinements, the isocontour for the Reduced Project Alternative is barely distinguishable from the isocontour for the Mitigated Project. Figures 2, 3 and 4 show more details for the refined 1-hour NO₂ impacts due to the No Project, Mitigated Project and Mitigated Reduced Project. Peak impacts are centered around tenant sites to the south of the project site.

R116-22

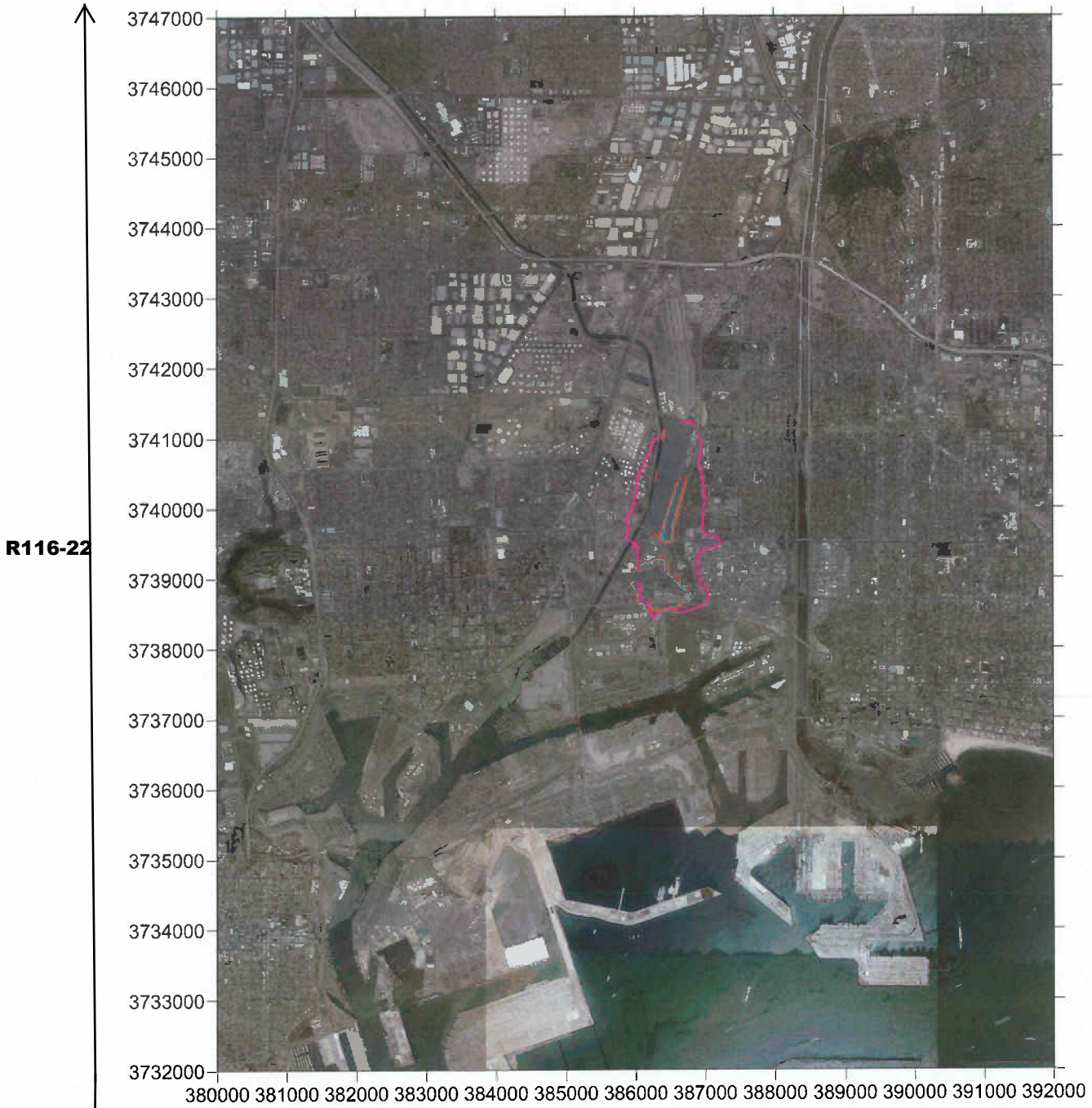


Figure 1. BNSF’s refined analysis of the 8th highest maximum daily 1-hour NO₂ exceedances of NAAQS for the No Project (pink) Mitigated Project (orange) and Mitigated Reduced Project (blue).

R116-22

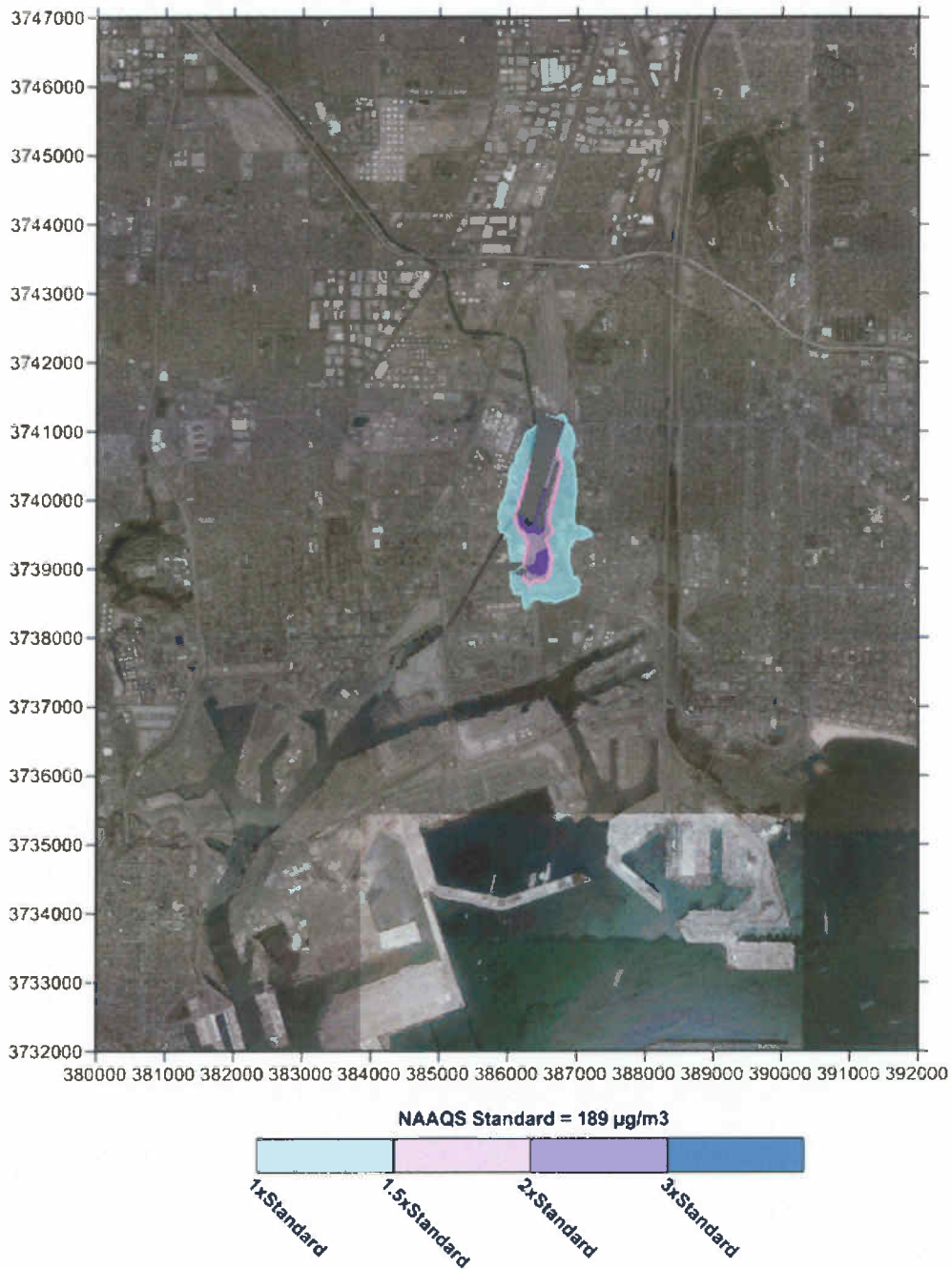


Figure 2. BNSF's refined analysis of the 8th highest maximum daily 1-hour NO₂ exceedances of NAAQS for the No Project.

R116-22

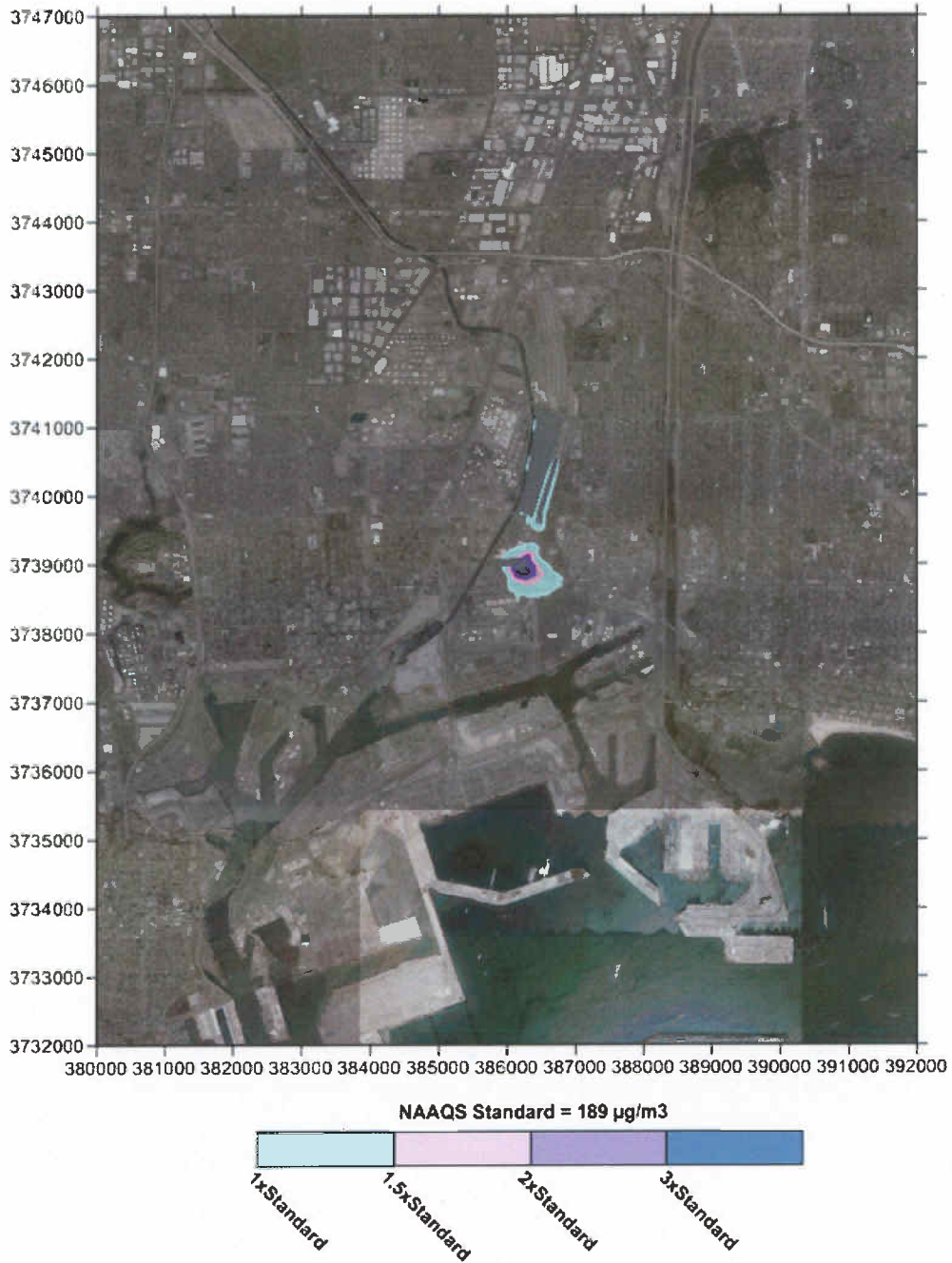


Figure 3. BNSF's refined analysis of the 8th highest maximum daily 1-hour NO₂ exceedances of NAAQS for the Mitigated Project.

R116-22

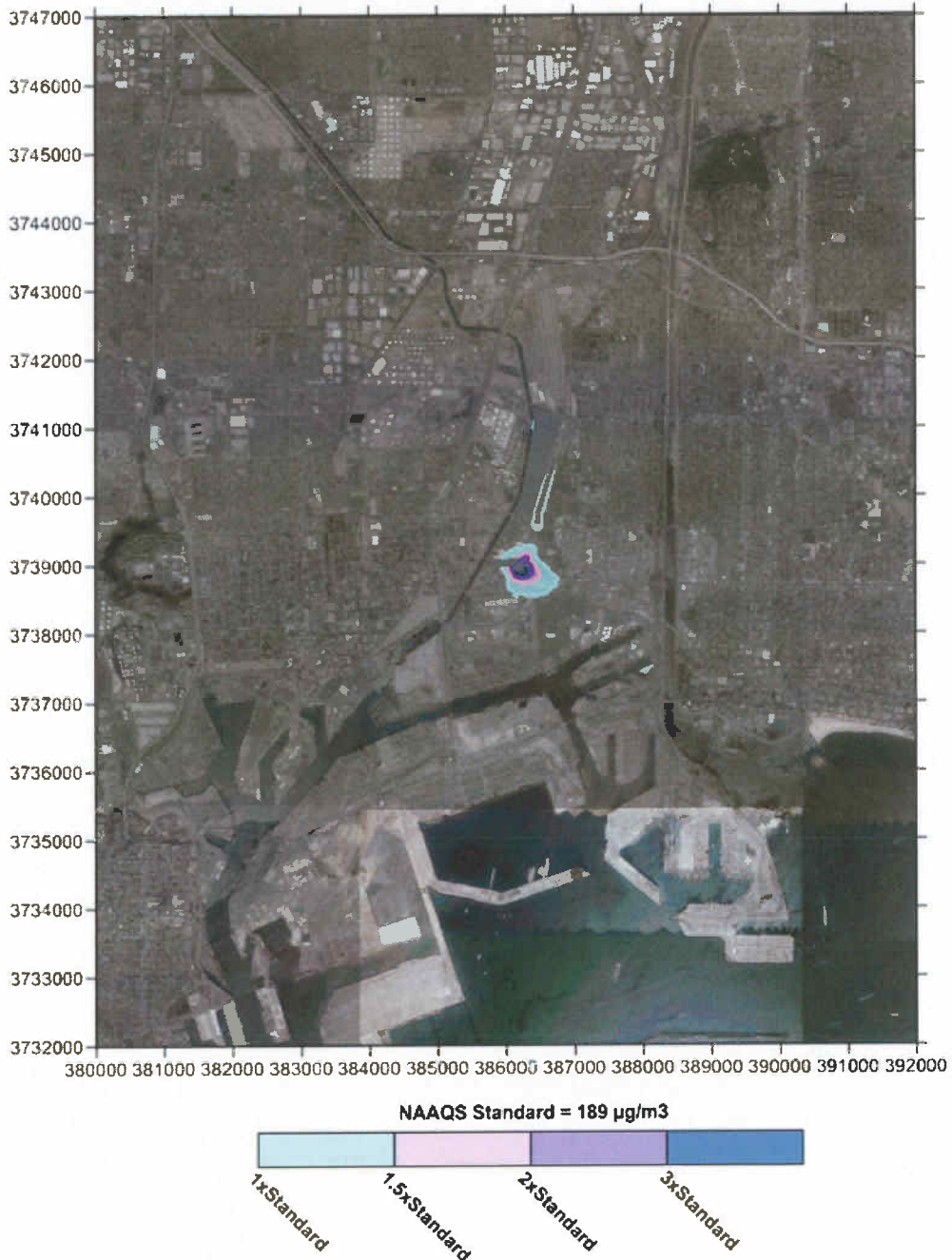


Figure 4. BNSF's refined analysis of the 8th highest maximum daily 1-hour NO₂ exceedances of NAAQS for the Mitigated Reduced Project.

The 8th highest maximum daily NO₂ impacts at both the maximum receptor location and the maximum residential receptor location are included in Table 1. As was the case with the RDEIR's conservative screening analysis, maximum impacts occur in industrial areas and are often at locations with limited public access, such as along railroad tracks. Impacts at maximum residential receptor locations are included to characterize conditions in areas where people will be living. Estimated NO₂ concentrations in residential areas are below the 1-hour NO₂ NAAQS for both the Mitigated Project and the Mitigated Reduced Project as shown in Table 1. Residential impacts for the No Project Alternative are above the NO₂ NAAQS.

Table 1. BNSF's refined analysis of 1-hour NO₂ NAAQS impacts.

<i>Scenario</i>	<i>Refined Comparison with 1-hour NO₂ NAAQS (189 µg/m³)</i>	
	<i>Maximum Offsite Receptor</i>	<i>Maximum Residential Receptor</i>
<i>Operational Impacts</i>		
<i>Mitigated Project</i>	621	147
<i>No Project</i>	500	235
<i>Mitigated Reduced Project</i>	619	141
<i>Construction Impacts – (Mitigated Project and Mitigated Reduced Project)</i>		
<i>Construction with Relocated Tenants</i>	702	232
<i>Construction without Relocated Tenants</i>	482	211

- a. *Analysis of the NAAQS standard is based on the 8th highest maximum daily modeled concentration plus the daily profile of 8th highest monitored NO₂ concentrations consistent with EPA's procedures for Tier 2 background analysis as set forth in EPA's March 1, 2011 "Additional Clarification Regarding Application of Appendix W Modeling for the 1-hour NO₂ National Ambient Air Quality Standard".*
- b. *BNSF's refined modeling was performed using the RDEIR AERMOD inputs and Access databases, with the four refinements described herein.*

R116-22

Discussion of SCAQMD Threshold

As noted in the RDEIR, the current SCAQMD 1-hour standard for NO₂ is 338 µg/m³. This standard is compared against a maximum concentration and is based on the CAAQS. The federal 1-hour NO₂ NAAQS represents a standard not yet adopted as a threshold of significance by SCAQMD. BNSF therefore is including herein, on the basis of its refined modeling, a summary in Table 2 of the maximum offsite and residential NO₂ impacts compared with the SCAQMD threshold of 338 µg/m³. A plot of impacts from the No Project, Mitigated Project and Mitigated Reduced Project at all offsite receptors, including residential and school receptors, is shown in Figure 5. Again the Mitigated Project does not have impacts, at levels above the SCAQMD threshold, at either residential or school receptors. More detailed contours are presented in Figures 6, 7 and 8 for the No Project, Mitigated Project and Reduced Project respectively.

Table 2. BNSF's refined analysis of 1-hour NO₂ SCAQMD impacts.

Scenario	Refined Comparison with 1-hour NO ₂ SCAQMD (338 µg/m ³)	
	Maximum Offsite Receptor	Maximum Residential Receptor
Operational Impacts		
Mitigated Project	990	313
No Project	901	399
Mitigated Reduced Project	985	308
Construction Impacts – (Mitigated Project and Mitigated Reduced Project)		
Construction with Relocated Tenants	1014	404
Construction without Relocated Tenants	732	388

- a. Analysis of the SCAQMD threshold is based on the maximum modeled concentration plus a constant background of 245 µg/m³ based on maximum monitored NO₂ concentrations between 2008 and 2010.
- b. BNSF's refined modeling was performed using the RDEIR AERMOD inputs and Access databases with the four refinements described herein.

R116-22

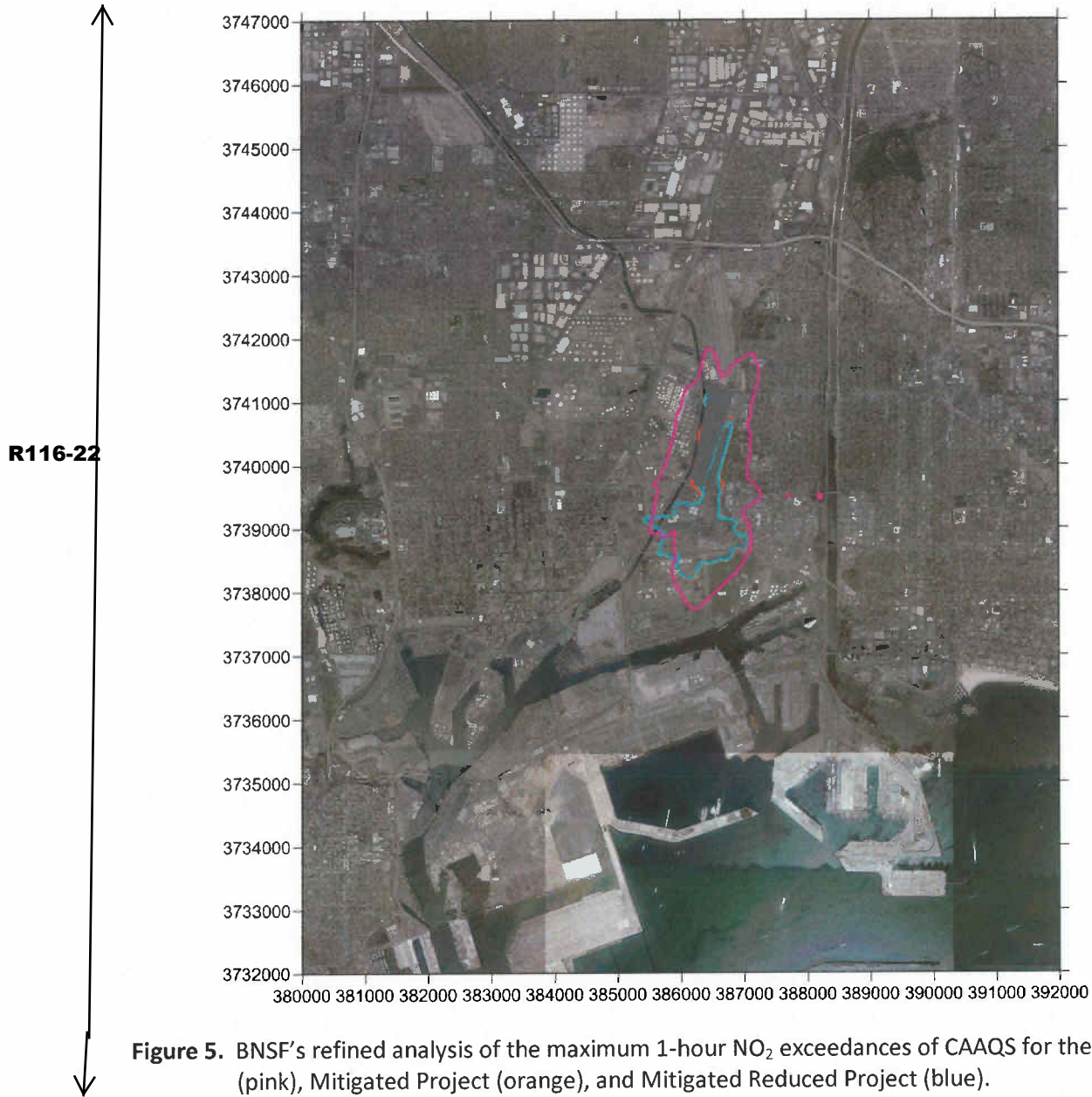


Figure 5. BNSF's refined analysis of the maximum 1-hour NO₂ exceedances of CAAQS for the No Project (pink), Mitigated Project (orange), and Mitigated Reduced Project (blue).

R116-22

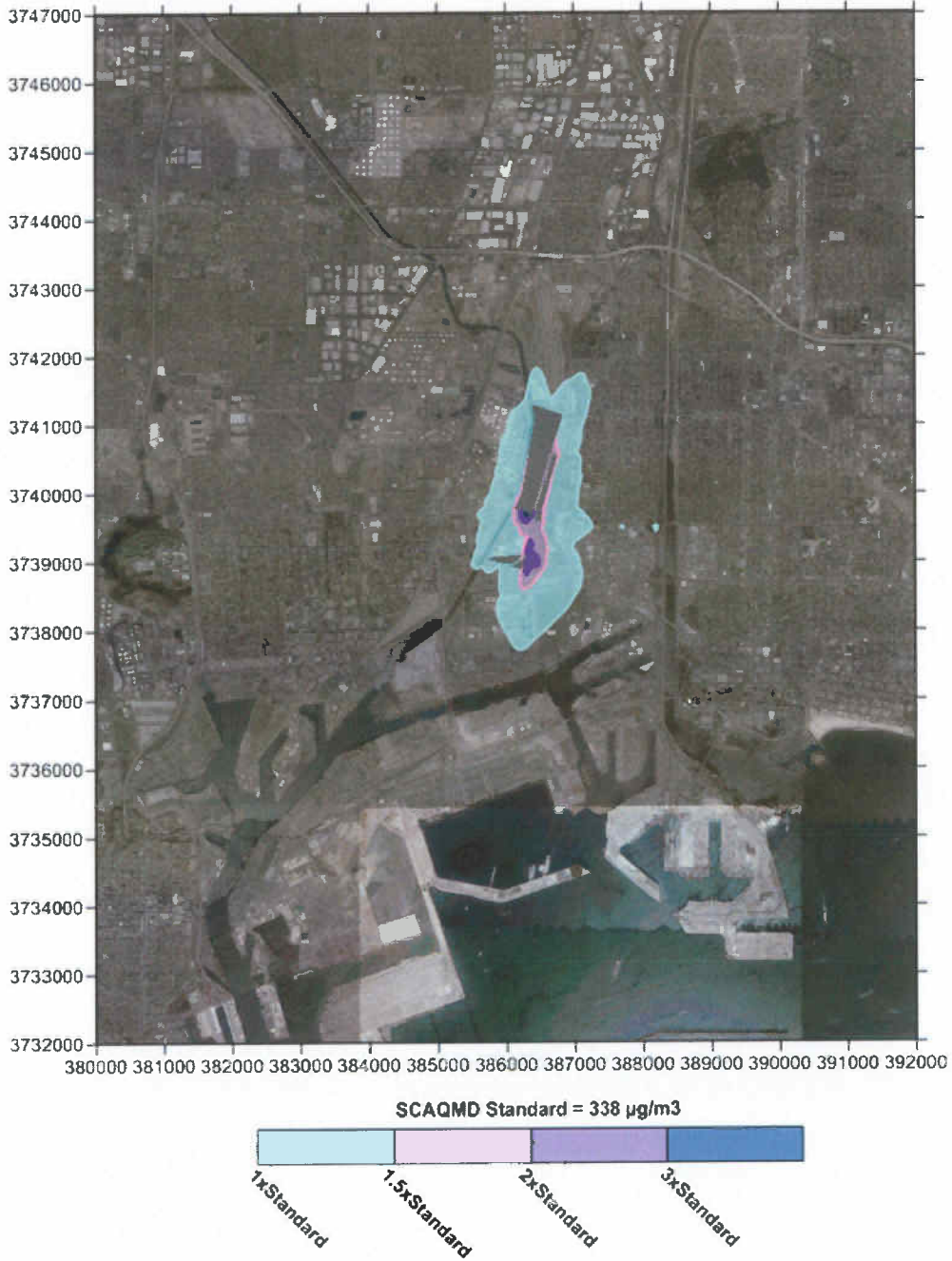


Figure 6. BNSF's refined analysis of the 8th highest maximum daily 1-hour NO₂ exceedances of SCAQMD threshold for the No Project.

R116-22

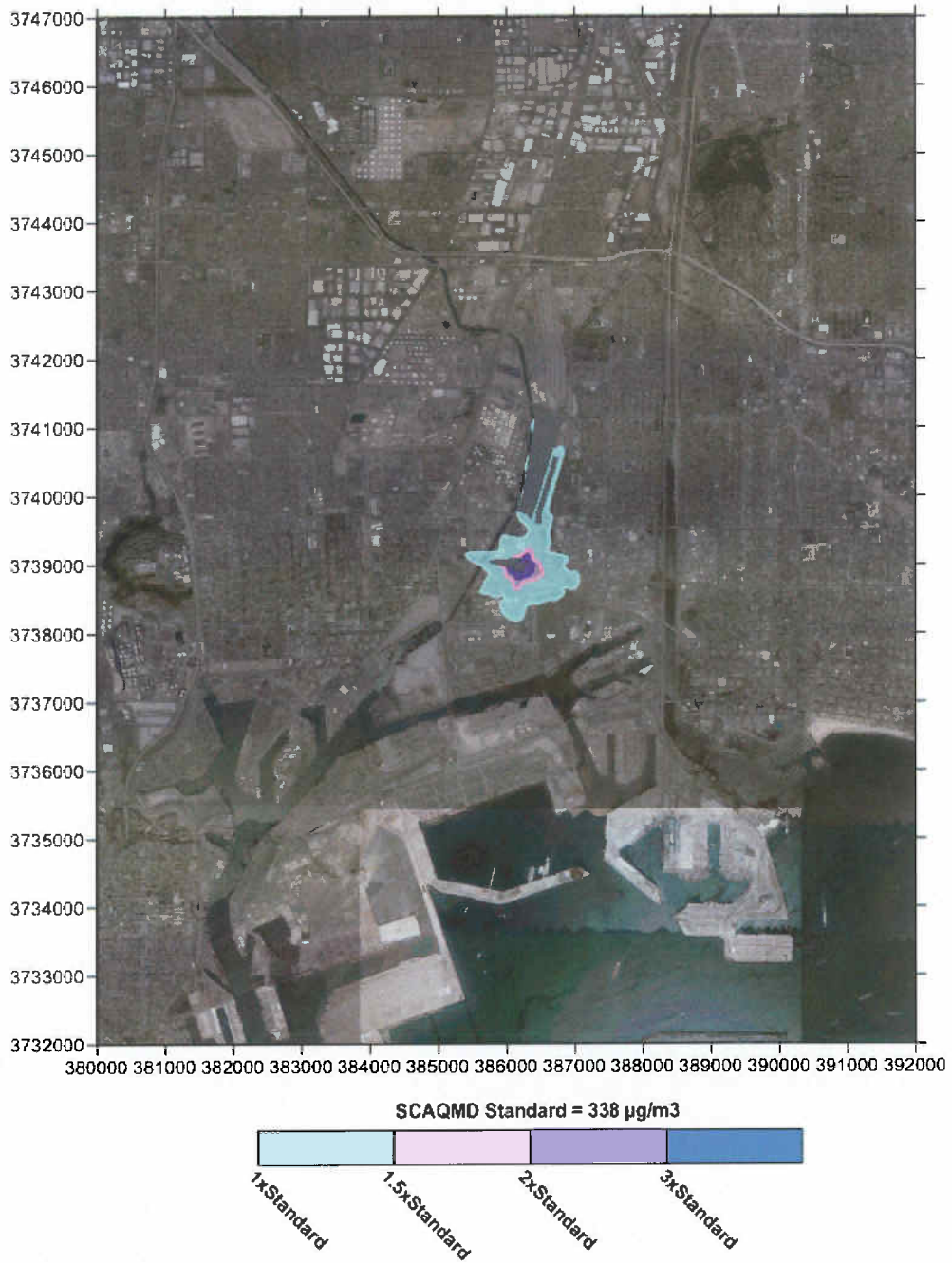


Figure 7. BNSF's refined analysis of the 8th highest maximum daily 1-hour NO₂ exceedances of SCAQMD threshold for the Mitigated Project.

R116-22

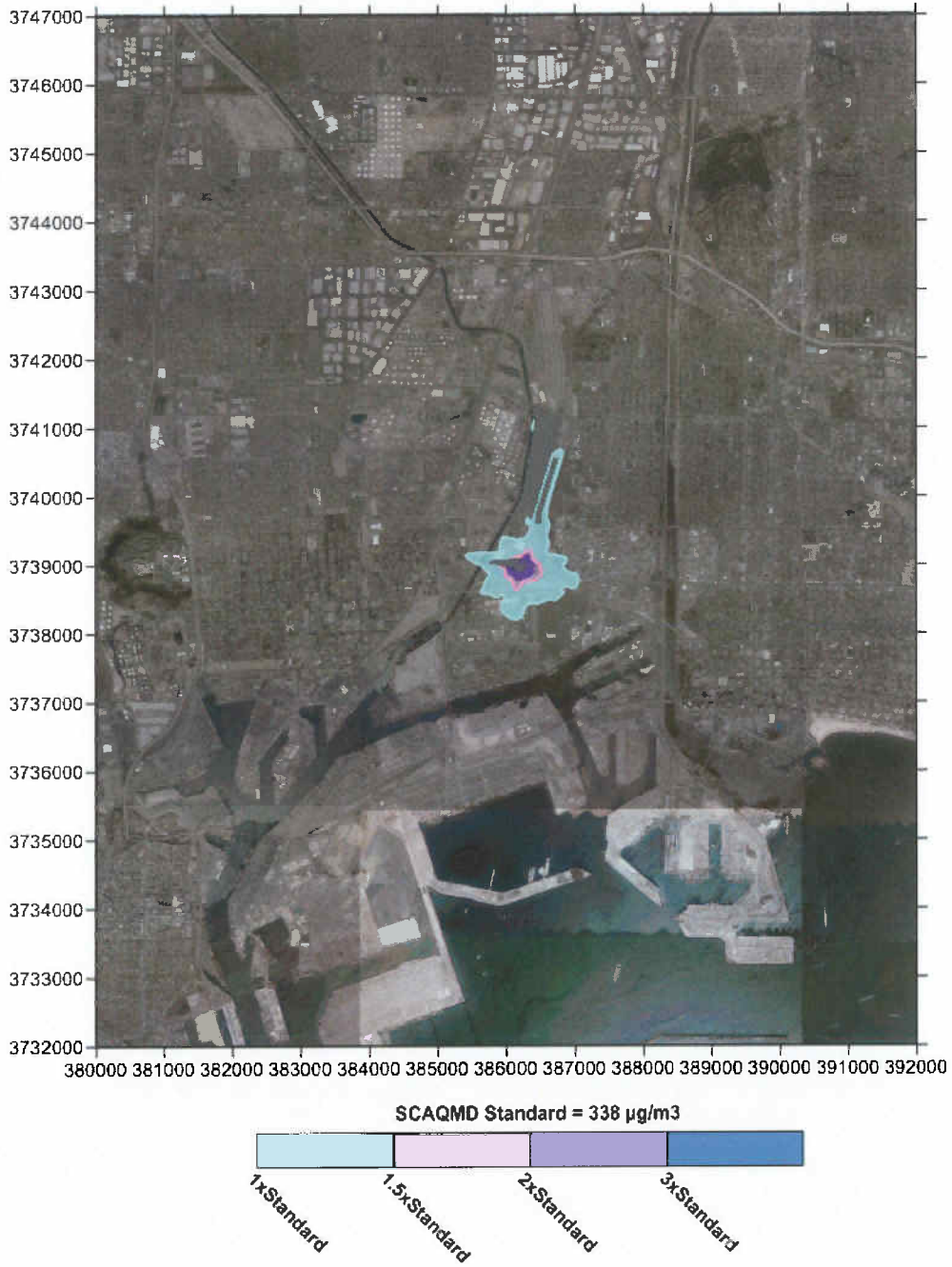


Figure 8. BNSF's refined analysis of the 8th highest maximum daily 1-hour NO₂ exceedances of SCAQMD threshold for the Mitigated Reduced Project.

↑ Discussion of RELs

In response to questions raised at the October 18, 2012 Public Meeting in regard to the potential health effects of NO₂, the maximum NO₂ levels associated with the construction and operation of the Mitigated Project in BNSF's refined analysis (see Table 2) do not exceed California's acute Reference Exposure Level (REL) for 1-hour NO₂ for adverse health effects of 470 µg/m³ in any residential areas. (<http://oehha.ca.gov/air/allrels.html>). This REL was developed to prevent respiratory distress in individuals with asthma. (Id.)

Summary

R116-22

While significance findings for 1-hour NO₂ still occur for the Mitigated Project and Mitigated Reduced Project and No Project Alternatives, BNSF's refined NO₂ modeling demonstrates impacts are lower than in the conservative screening analysis in the RDEIR. Additionally, the Mitigated Project represents a decrease in 1-hour NO₂ impacts over what is seen for the No Project alternative. BNSF's refined modeling provides more information by presenting a comparison of impacts with the 1-hour NO₂ standard as defined by EPA for the NAAQS, and by California with respect to CAAQS and RELs. With respect to the Mitigated Project, neither residential nor school receptors have NO₂ exceedances under either the NO₂ NAAQS or CAAQS. Finally, with respect to the Mitigated Project, the maximum NO₂ levels associated with residential and school receptors do not exceed RELs.

15) Comment: Key uncertainties affecting the RDEIR's risk assessment are not fully characterized in the RDEIR and the RDEIR therefore omits important information for the decisionmakers, including: (1) the basis for, technical controversies with and current evaluations and developments regarding the cancer slope factor for diesel particulate matter; and (2) the potential health effects associated with ultrafine particulates.

As noted by the National Academy of Sciences in their foundational document "Risk Assessment in the Federal Government: Managing the Process", an essential element of all health risk assessments is a characterization of assumptions and uncertainties. While there are a few noteworthy uncertainties associated with any human health risk assessment that largely stem from the uncertainties associated with the risk assessment process in general, there can also be unique and important uncertainties associated with specific risk assessments. In accordance with general practice and risk assessment guidance followed in the risk assessment presented in the RDEIR, the exposure assumptions and toxicity factors used in risk assessment were intentionally selected to avoid understating health risks and to err on the side of protecting public health. Many of these uncertainties are discussed in Appendix C3 of the RDEIR. Because the potential health risks associated with the proposed Project are almost entirely attributable to diesel exhaust emissions, the unique and specific uncertainties associated with the toxicity factors for diesel exhaust warrant discussion. Such a discussion, however, is not presented in the RDEIR.

R116-23

Diesel particulate matter (DPM) is used as a surrogate indicator representing the mixture of chemicals comprising diesel exhaust. In their evaluation of the Health Risk Assessment for Diesel Exhaust (May 1998), Cal/EPA states that: "Diesel exhaust consists of a complex mixture of substances formed in the combustion processes of a diesel engine. The mixture includes compounds in a vapor phase and very fine particles with a carbon core coated by condensed organic compounds." This report characterizes the potential for diesel exhaust to affect human health, and the associated scientific uncertainties. It considers both carcinogenic and noncarcinogenic effects. The main conclusions concern the potential of diesel exhaust to cause lung cancer in humans and the likely magnitude of the cancer risk.

↓ There are several specific uncertainties associated with developing a cancer slope factor for the diesel exhaust. Several of these are summarized below and were identified by the USEPA based on a review of the available

↑ literature by a panel of experts convened by the Health Effects Institute.² The overall conclusion of the USEPA's analysis was that the studies available did not provide a sufficient level of confidence for a unit risk factor that could be used to support regulatory risk assessments.³ The specific key uncertainties cited by the USEPA as leading to this conclusion included:

- inadequate information on exposure to diesel exhaust (i.e., assigning who was exposed and who was not exposed);
- lack of knowledge of when workers first began working with diesel equipment, and
- lack of information on smoking and other lifestyle correlates of lung cancer risk.

Further, both the reviewers and the author of the epidemiological study used as the basis of the slope factor noted that that lung cancer risks among the exposed cohort actually decreased with increasing length of exposure. The results of the longer follow-up published by Garshick *et al.*⁴ found the same trend, suggesting that the original observation of a negative correlation between exposure and lung cancer risk was not an artifact attributable to a truncated follow-up period. In other words, the follow-up study left the original conclusion in place.

A typical approach to evaluating health risks for mixtures such as diesel exhaust is the indicator chemical approach in which the toxicity of individual constituents of a mixture are estimated and summed. This approach was not used in the RDEIR risk assessment, even as a sensitivity analysis. This omission leaves the uncertainty associated with the use of the DPM slope factor unclear and leaves out important information for the decisionmakers. In addition, it should be noted that the mixture of chemicals that comprise diesel exhaust (and the associated toxicity of the mixture) appear to be quite different in newer diesel technology than in older technology and that the toxicity of newer diesel engines is likely to be less than that of older engines.

Additional scientific research is ongoing regarding the effects of diesel particulates emitted from newer diesel engines that are compliant with 2007 EPA standards. Initial results of sub-chronic exposures in rodents show that there are few exposure-related toxic effects. Specifically, the Health Effects Institute (HEI) reported in a 2012 research report⁵ that “rats exposed to one of three levels of diesel exhaust from a 2007-compliant engine for up to 12 months, for 16 hours per day, 5 days a week, with use of a strenuous operating cycle that was more realistic than cycles utilized in previous studies, showed few biologic effects related to diesel exhaust exposure.” In addition, “even fewer exposure-related biologic effects were found in mice exposed for 3 months to diesel exhaust. In rats, the effects that were observed were limited to the respiratory tract and were mild, and the changes in lungs were consistent with previous findings after long-term exposure to NO₂ — a major component of the exposure atmosphere. No exposure-related genotoxic effects were found in rats or mice after 3 months of exposure, and few, if any, cardiovascular effects were detected that were sustained or detectable after 1 or 3 months of exposure.”

² Health Effects Institute (HEI). *Diesel Emissions and Lung Cancer: Epidemiology and Quantitative Risk Assessment; A Special Report of the Institute's Diesel Epidemiology Expert Panel*. Cambridge, Massachusetts. June, 1999. Attachment C.

³ USEPA. *Health Assessment Document for Diesel Engine Exhaust*. National Center for Environmental Assessment, Office of Research and Development, Washington, DC. EPA/600/8-90/057F. May, 2002.

⁴ USEPA. *Health Assessment Document for Diesel Engine Exhaust*. National Center for Environmental Assessment, Office of Research and Development, Washington, DC. EPA/600/8-90/057F. May, 2002.

⁵ Health Effects Institute (HEI). *Advanced Collaborative Emissions Study (ACES) Subchronic Exposure Results: Biologic Responses in Rats and Mice and Assessment of Genotoxicity*. Report No. 166. September 2012. Attachment D.

The cancer slope factor and chronic noncancer reference exposure level (REL) for diesel engine exhaust (commonly referred to as diesel particulate matter or DPM) are intended to evaluate the toxicity associated with exposures to a mixture of chemicals, including small particulates or ultrafines. Further, these toxicity factors include an evaluation of potential exposures to very fine particles.

As stated on page 3.2-10 of the RDEIR, “ultrafine particles are addressed by standards for PM_{2.5} and PM₁₀, and are addressed by the toxicity factors used for DPM. Research is continuing.” We agree with this statement and that the health effects of ultrafines are evaluated in the RDIER under AQ-2, AQ-4, and AQ-7. By definition, the PM₁₀ and PM_{2.5} significance thresholds used in the RDEIR include ultrafine particulates, as this group of particulates is 0.1 micrometers or less in diameter.⁶ “The U.S. EPA defines PM₁₀ as particulate matter with a diameter of 10 micrometers collected with 50% efficiency by a PM₁₀ sampling collection device. However, for convenience in these modules, the term PM₁₀ will be used to include all particles having an aerodynamic diameter of less than or equal to 10 micrometers.”⁷ Further, “EPA defines PM_{2.5} as particulate matter with a diameter of 2.5 micrometers collected with 50% efficiency by a PM_{2.5} sampling collection device. However, for convenience in these modules, the term PM_{2.5} will be used to include all particles having an aerodynamic diameter of less than or equal to 2.5 micrometers.”⁸

16) Comment: Cargo levels for the Reduced Project Alternative are not consistent with other evaluations.

There is an inconsistency in the amount of cargo being transported by the Reduced Project Alternative.

- The proposed Project transports 2.8 million TEU at full operation in 2035 with all of the cargo being moved by truck to SCIG and then by train to Hobart and points beyond.
- The No Project Alternative transports the same 2.8 million TEU with all of the cargo being moved by truck to Hobart and then by train to points beyond.
- The Reduced Project Alternative transports only 1.85 million TEU with all of the cargo being moved by truck to SCIG and then by train to Hobart and points beyond. This is 0.95 million TEU less than either the proposed Project or No Project.

The remaining 0.95 TEU will still need to be transported under the Reduced Project Alternative. It has not been eliminated. Only the ability to handle it at SCIG has been eliminated. The RDEIR states:

“Because of the reduced cargo capacity of the Reduced Project Alternative, the remaining cargo demand not handled by the SCIG facility under the Reduced Project Alternative would continue to be handled at Hobart/Commerce or other railyards such as the UP ICTF. This assumption is based on the projections of regional intermodal demand and the market share of that demand handled by both Class I railroads, described in Chapter 1, that will occur independently of the Reduced Project Alternative.” (RDEIR Page 5-54 lines 7 through 13)

Due to long term contracts BNSF has to transport international intermodal traffic, any cargo not handled at SCIG will continue to be transported to the Hobart rail yard. It will not be handled at UP ICTF or any other facility.

Under the No Project Alternative, cargo not handled at SCIG is assumed to be transported by truck to Hobart and all impacts based on this traffic are calculated. There is no reason the Reduced Project Alternative should be treated

⁶ California Air Resources Board (CARB). Fine and Ultrafine Particulate Matter Research. Available online: <http://www.arb.ca.gov/research/pmr/pmr.htm>. [Accessed 11/08/2012].

⁷ U.S. Environmental Protection Agency (USEPA). 2012. Characteristics of Particles – Particle Size Categories. Available online: <http://www.epa.gov/apti/bces/module3/category/category.htm>. [Accessed 11/08/2012].

⁸ U.S. Environmental Protection Agency (USEPA). 2012. Characteristics of Particles – Particle Size Categories. Available online: <http://www.epa.gov/apti/bces/module3/category/category.htm>. [Accessed 11/08/2012].

differently. Any cargo not handled at the SCIG facility under the Reduced Project Alternative should be assumed to be transported to Hobart by truck and impacts of that traffic should be calculated.

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The impact of ignoring a substantial fraction of the cargo is to underestimate the impacts of the Reduced Project Alternative. This applies to total criteria pollutant emissions under AQ-3, total greenhouse gas emissions under GHG-1, modeled ambient concentrations calculated under AQ-4 and health risk impacts under AQ-7. This also applies to TRANS-4, as the reduction of truck trips on the I-710 and beneficial impact to freeway congestion during all future years should be less under the Reduced Project Alternative as compared to the Mitigated Project.

17) **Comment: CO emissions from SCIG Hostler trucks are overstated due to commitment by BNSF to use Oxidizing Catalyst to control CO emissions and a Selective Catalytic Reduction (SCR) unit to control NOx emissions on their Hostler trucks.**

R116-25

The emission rates used for the LNG powered Hostler trucks at the SCIG facility are based on a single HHDD engine from the CARB certification database which uses a three-way catalyst to control for NOx and CO emissions. This engine does not represent the best current technology available for this type and size of engine. Two other certified natural gas HHDD engines in the database include an Oxidizing Catalyst to control CO emissions and a Selective Catalytic Reduction (SCR) unit to control NOx emissions. These certified engines have significantly lower CO emissions. BNSF will be purchasing LNG Hostlers with this level of controls for use at the SCIG site and has committed to use Oxidizing Catalyst to control CO emissions and a Selective Catalytic Reduction (SCR) unit to control NOx emissions on their Hostler trucks. The engine presently used in the calculations does not represent the technology BNSF has represented it will employ.

18) **Comment: The methodology used to determine the Environmentally Superior Alternative is not sufficiently informative and fails to adequately differentiate among the alternatives.**

In Chapter 5 of the RDEIR, an evaluation has been conducted to determine the environmentally superior alternative. This evaluation does not take into account the full scope of modeling which has been conducted or all the activities associated with the Reduced Project as described above. Additionally, this method ignores two important factors:

1. Not all significance findings are equal.

There has been no weighting applied to account for the importance of a given significance finding. In this evaluation, each of the post-mitigation significant impacts are considered of equal significance -- an Aesthetic impact is considered equal to an Air Quality impact. Furthermore, some significance findings overlap and therefore represent double-counting of impacts. Both AES-1 and CR-2 for the Project and Reduced Project concern the rebuilding of the Sepulveda Rail Bridge but are counted as two separate impacts for the same activity resulting in an artificially unfavorable comparison against the No Project alternative.

R116-26

2. Not all impacts above the significance thresholds are equal.

Significance thresholds are meant to represent levels above which further evaluation should be conducted. The RDEIR has identified them as being impacts which are "potentially substantial" (Sept 2012 RDEIR ES-20 line 34). Impacts below the significance threshold are insignificant and do not require any further analysis while impacts above significance should be further analyzed and compared. The "further analysis" performed in the RDEIR is the simplistic counting of significance findings and is not informative of the environmentally superior alternative.

The relative impacts of the alternatives should be considered when determining the environmentally superior alternative. For example, for criteria AQ-4 and GHG-1, where both the Mitigated Project and No Project alternative have been found to have significant impacts, the RDEIR's "further analysis" demonstrates the Mitigated Project results in measurable improvements over the No Project Alternative. Additionally, the impacts associated with the short construction period for the Mitigated and Reduced Projects (AQ-1 and AQ-2) are counted twice while the long-term benefits associated with the Mitigated and Reduced Projects are only considered once (AQ-7). Furthermore, because the RDEIR's Reduced Project

understates activity levels and does not include the additional truck trips that would traverse the I-710 to Hobart the full impacts of the Reduced Project are not considered in the comparison of significant impacts among the alternatives. These relative differences should be considered in comparing the overall impacts of the alternatives and in determining the environmentally superior alternative.

3. There is no consideration of environmental improvements.

There is no acknowledgement or consideration of environmental improvements in the RDEIR's analysis. For example, as shown in the above comments, the Mitigated Project represents a substantial improvement in overall health risks over the No Project alternative (AQ-7), in estimated 1-hour NO2 levels in the residential areas around the project site (AQ-4), and in greenhouse gas emissions (GHG-1).

Evaluation of the environmentally superior alternative is aided by a direct and detailed comparison of impacts between the considered alternatives. For example, Table 5-11 from the Sept 2012 RDEIR presents a comparison of peak residential cancer risks at the maximum impacted receptors. This table shows that there is a decrease in residential cancer risk at all residential receptors when the Mitigated Project is compared with the No Project Alternative. Figure 1 below plots a comparison of residential risk between the Mitigated Project and No Project at all receptors. The location of the maximum impacted residential receptor listed in Table 5-11 is marked on the plot. The Mitigated Project footprint is depicted in black in Figure 1. The green areas represent areas where the Mitigated Project will reduce risks below the risks associated with the No Project alternative. The darker the shade of green, the greater the reduction of risk. All areas in Figure 1 above zero (i.e, yellow and peach) are not in residential or school areas.

R116-26

R116-26

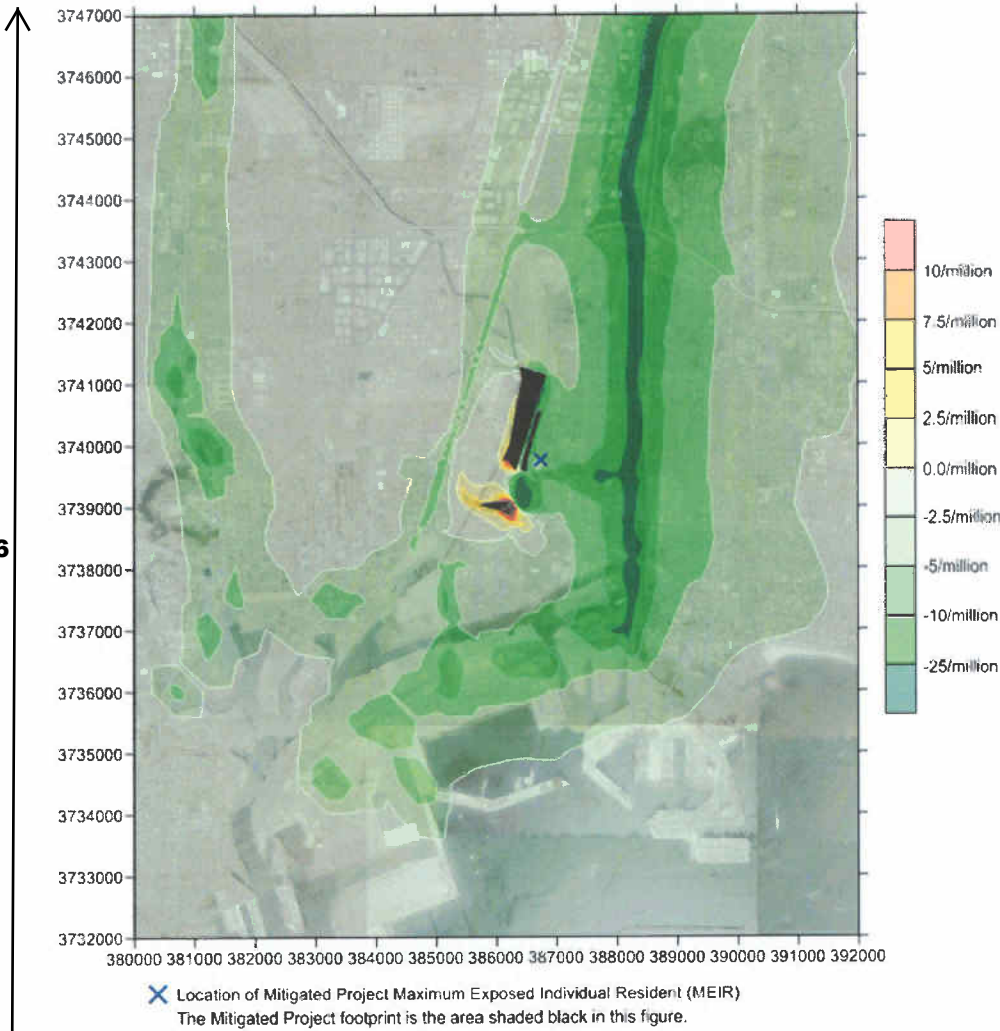


Figure 1. Residential cancer risk for the Mitigated Project minus No Project.

Also, as show in the comments above, the risks from the Mitigated Project would less than 10 in a million at the Maximum Exposed Individual Residence (MEIR) and in all residential areas near the project site, including West Long Beach. Additionally, risks at all school and other sensitive receptors would also be below 10 in a million.

19) **Comment: The RDEIR’s floating baseline analysis performed under AQ-7 at the request of AQMD holds existing business activities at 2010 levels. This includes holding the Port’s cargo at significantly depressed levels over AQ-7’s 70-year analysis. This approach is not only conservative but unrealistic and uninformative for purposes of decisionmaking.**

At the resquest of the AQMD, the floating baseline the RDEIR used under AQ-7 compares the Mitigated Project and Reduced Project and the No Project Alternative to a floating baseline. The floating baseline holds existing business activities at 2010 levels. This includes holding the Port’s cargo at significantly depressed levels thereby creating an unupportable delta between the Mitigated Project and floating baseline and therefore is an unrealistic and uninformative analysis for purposes of decisionmaking. Rather, it is most informative to compare the Mitigated Project with the No Project as both alternatives take into account Port cargo projections. This comparison is shown in the above comments to this letter.

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BNSF appreciates the opportunity to comment on the RDEIR and respectfully submits the foregoing comments for the Port's consideration.

Sincerely,

Handwritten signature of Russell J. Light in cursive script.

Russell J. Light
Senior General Attorney

RJL/wlg

BNSF NOVEMBER 13, 2012
COMMENT LETTER
RE SCIG RDEIR

ATTACHMENT A

BNSF NOVEMBER 13, 2012
COMMENT LETTER
RE SCIG RDEIR

ATTACHMENT B



GLOBAL INSIGHT

THE POWER OF PERSPECTIVE

**MACROECONOMIC IMPACTS OF THE SOUTHERN CALIFORNIA
INTERNATIONAL GATEWAY (SCIG) PROJECT**

PREPARED FOR:



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DECEMBER 2007

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KEY FINDINGS

- IF CONSTRUCTED, THE PROPOSED SCIG FACILITY WILL LEAD TO SIGNIFICANT INCREASES IN JOBS, WAGES AND ECONOMIC OUTPUT FOR LOS ANGELES AND SOUTHERN CALIFORNIA.
- SCIG WILL CREATE UP TO 22,400 NEW JOBS IN SOUTHERN CALIFORNIA, INCLUDING 14,600 NEW JOBS IN LOS ANGELES.
- THESE NEW JOBS WILL GENERATE OVER \$36 BILLION IN WAGES.
- SCIG WILL ADD MORE THAN \$84 BILLION TO THE REGION'S ECONOMIC OUTPUT, INCLUDING \$55 BILLION TO LOS ANGELES.
- SCIG WILL CREATE MANY POSITIVE DOWNSTREAM EFFECTS THAT BENEFIT EVERY SECTOR OF THE REGIONAL ECONOMY, INCLUDING TRAFFIC CONGESTION RELIEF.
- THE ABOVE ESTIMATES ARE CONSERVATIVE WHEN COMPARED TO OTHER RECENT STUDIES ON THE IMPACTS OF GROWTH AT THE SAN PEDRO BAY PORTS. THIS REPORT UTILIZES A SOPHISTICATED MACROECONOMIC MODEL THAT ALREADY ASSUMES CONTINUED CARGO GROWTH AT THE PORTS. AS SUCH, THE JOBS AND ECONOMIC OUTPUT REFLECTED ABOVE ARE RELATED DIRECTLY TO THE CONSTRUCTION AND OPERATION OF SCIG, AND WILL BE LOST IF THE FACILITY IS NOT BUILT.
- THE TRANSPORTATION AND LOGISTICS SECTOR IS VITAL TO THE REGIONAL ECONOMY. OVER THE LAST 15 YEARS, JOB GROWTH IN THE TRANSPORTATION SECTOR HAS OUTPERFORMED OVERALL JOB GROWTH IN LOS ANGELES AND SOUTHERN CALIFORNIA. AT THE SAME TIME, LOGISTICS JOBS PAY WELL, WHICH IS ESPECIALLY IMPORTANT IN LOS ANGELES, WHERE MORE THAN 70% OF ALL RESIDENTS OVER THE AGE OF 25 DO NOT HAVE A FOUR-YEAR COLLEGE DEGREE.

R116-AttB-1

EXECUTIVE SUMMARY

Objective

The objective of this study is to estimate the total economic impact that would result from construction and operation of the Southern California International Gateway (SCIG) facility on the regional economy of Southern California and Los Angeles. Furthermore, a sensitivity analysis for impacts is performed under various scenarios regarding the magnitudes of increased purchases in the regional economy.

Methodology

Global Insight used econometric models to estimate the impact of the SCIG facility on the Southern California and Los Angeles economies. The set of models included the California state forecasting model and metro area forecasting models to prepare the baseline forecast. A transportation impact assessment model was used to estimate the impact of building the SCIG facility.

Estimation of Macroeconomic Impacts

Preparation of a Baseline Forecast

The baseline for this study is taken from Global Insight's quarterly forecast for the California state economy and for the five-county Southern California region that includes the counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura. The baseline forecast for the economy utilizes all historical and current information.

The baseline macroeconomic forecast assumes that there will be continued growth in total throughput of intermodal containers, and that there will be associated growth in transportation infrastructure and employment. *The impact scenarios contained in this study should be interpreted as deviations from the baseline forecast that occur due to the construction and operation of the proposed SCIG facility.*

Calculation of Economic Impacts under Various Scenarios

The impact assessment requires calculation of direct changes in employment, expenditure, and transportation activity due to the proposed SCIG facility. These direct changes are fed through our transportation impact model for California; the model is then solved for indirect and induced changes, giving an estimate of overall net impact. The California model provides estimates of state-level impacts.

▼ To compute impacts for Southern California region, it is assumed that the region's percentage response to

the transportation projects is of the same magnitude as in the state. The baseline forecast for Southern California and the state-level impacts are then utilized to compute the regional impacts. Southern California impacts are then shared down to calculate these impacts for Los Angeles.

Study Assumptions and Inputs

Various assumptions were used in this study and preparation of direct and indirect inputs for impact estimation. These assumptions are discussed below.

Assumptions and Impact Mechanism

The construction of the SCIG facility will allow for the following significant effects:

1. It will decrease traffic congestion in Los Angeles and neighboring counties, increasing the transportation sector's efficiency. An increase in transportation efficiency then translates into efficiency gains for various other sectors in the economy.
2. The SCIG facility will allow an increase in the use of a relatively inexpensive mode of transportation (train). Businesses in the United States served by the two ports will benefit from this cost saving. Export-import businesses located in Los Angeles and nearby areas will also benefit.
3. More efficient use of the existing transportation infrastructure is assumed to lead to increased port capacity, and a part of the increased cargo will be purchased locally leading to an expansion in the Southern California economy.
4. Because of less congested roads there will be increases in the total amount of cargo imported and exported in the local area, leading to additional job growth in the transportation sector.

Direct Inputs for Estimation of Economic Impacts

Direct Economic Changes during Construction Phase

Groundbreaking is assumed to take place in 2008 and will continue for 18 months. The total construction spending for the facility is \$300 million, which includes both materials and wages. A direct impact on the regional output was incorporated due to this spending. The monthly breakdown of construction to be carried out was computed as the equivalent of 228 full-time positions for the construction period. This provided a direct effect on jobs in the construction sector as an input into the model.

↑ Direct Economic Changes during Operation Phase

The expected time path of activity in terms of thousands of TEUs per year handled at SCIG is provided by BNSF. To highlight a few of those figures, the facility is expected to handle 496,000 TEUs in 2010; 1.1 million in 2015; and just more than 1.4 million in 2020. The year 2020 figure is assumed to remain constant through year 2030. BNSF also indicates that the average expected freight weight of a full container is 55,000 lbs.

The SCIG facility is expected to directly employ 250 people at launch and 450 at full capacity. These job additions were treated as a direct effect to the transportation and warehousing sector.

Furthermore, historical averages of the number of transportation and warehousing jobs associated with historical transportation activity were calculated in terms of ton-miles. This relationship is used to calculate a direct increase in transportation and warehousing jobs necessary to handle the additional cargo facilitated by the SCIG facility.

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Simulation Design: Assumptions and Scenarios

In these simulations, the effect of SCIG is providing an inexpensive transportation source for connecting the region served by the two ports with the ports themselves. The SCIG facility, therefore, removes additional truck miles from the local road system due to the portion of trucks that would otherwise be making a longer trip to those locations. This allows for more efficient usage of the existing infrastructure.

It is assumed that overall economic activity in the Southern California region will grow due to SCIG operation, and there will be an increase in purchase of transportation services by various sectors in the economy. Four different scenarios have been created based on this understanding:

Scenario 1: Operation of the SCIG facility will not bring any change in the total cargo purchased in the Southern California and Los Angeles region.

Scenario 2: Operation of the SCIG facility will lead to an increase in the total cargo purchased in the Southern California and Los Angeles region. The increase for the region is estimated at 15% of the total TEUs handled at SCIG. (SCIG TEUs are used only for a numerical reference point for computation. This reference point represents potential capacity gains at the San Pedro Bay ports.)

↓

Scenario 3: Operation of the SCIG facility will lead to an increase in the total cargo purchased in the Southern California and Los Angeles region. The increase for the region is estimated at 25% of the total TEUs handled at SCIG.

Scenario 4: Operation of the SCIG facility will lead to an increase in the total cargo purchased in the Southern California and Los Angeles region. The increase for the region is estimated at 40% of the total TEUs handled at SCIG.

Economic Impacts

The following illustrates the impacts for Southern California and Los Angeles in 2018 and 2030 under four scenarios separately for employment, wages, and output.

Employment (Number of Jobs)

	Los Angeles			Southern California		
	2007 Level	2018 Impact	2030 Impact	2007 Level	2018 Impact	2030 Impact
<i>Impact of Simulation 1</i>	4,118,750	3,100	3,500	7,261,750	4,800	5,350
<i>Impact of Simulation 2</i>	4,118,750	6,150	7,650	7,261,750	9,500	11,750
<i>Impact of Simulation 3</i>	4,118,750	8,200	10,450	7,261,750	12,650	16,050
<i>Impact of Simulation 4</i>	4,118,750	11,250	14,600	7,261,750	17,350	22,400

Wage & Salary Disbursements (Millions of Dollars)

	Los Angeles			Southern California		
	2007 Level	2018 Impact	2030 Impact	2007 Level	2018 Impact	2030 Impact
<i>Impact of Simulation 1</i>	224,400	1,600	5,650	381,900	2,450	8,700
<i>Impact of Simulation 2</i>	224,400	3,150	12,450	381,900	4,850	19,150
<i>Impact of Simulation 3</i>	224,400	4,250	16,950	381,900	6,500	26,100
<i>Impact of Simulation 4</i>	224,400	5,800	23,700	381,900	8,950	36,500

Gross Metro Product (Millions of Dollars)

	Los Angeles			Southern California		
	2007 Level	2018 Impact	2030 Impact	2007 Level	2018 Impact	2030 Impact
<i>Impact of Simulation 1</i>	497,550	2,050	7,500	862,800	3,150	11,550
<i>Impact of Simulation 2</i>	497,550	6,100	25,200	862,800	9,400	38,750
<i>Impact of Simulation 3</i>	497,550	8,800	37,000	862,800	13,550	56,900
<i>Impact of Simulation 4</i>	497,550	12,850	54,600	862,800	19,750	84,050

Conclusions

The macroeconomic impacts in this study were estimated using a set of econometric models, including a transportation impact assessment model for the California economy. This study is, therefore, based on a very sophisticated approach for estimation of impacts. The impacts estimated in this study clearly indicate significant net benefits due to the proposed SCIG facility. Our estimates, however, appear to be on the low side when compared to the two other studies reviewed and discussed.

We find that the construction and operation of the proposed SCIG facility will have significant positive impacts for the Los Angeles and Southern California economies. The construction of the facility requires increased spending for local materials and labor leading to both direct effects and also downstream effects in the form of job creation and increased economic activity. When the SCIG facility becomes operational it will directly increase employment and wages due to employment at the facility, and those wages will have downstream effects. In addition, increased usage of the existing rail infrastructure will provide congestion relief for the local and regional highway system and allow for more efficient usage of the existing transportation infrastructure for the entire economy. This also allows for more local purchases of imported goods. From these efficiency gains and increased trade, the local and regional economies will see a positive economic impact in the form of more rapid job creation and increased economic activity, both in the transportation sectors and in sectors not directly related. Increased transportation activity leads to higher purchases in the local economy translating into larger positive impact.

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INTRODUCTION

Over the course of the past several decades, the U.S. economy has increasingly become a global one. International exports and imports have increased in level and also as a share of Gross Domestic Product. Trade in finished goods and intermediate goods have increased as production processes have become more specialized and international in nature.

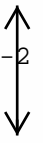
California has been an integral part of the globalization process due to its location and significant investment in its transportation infrastructure. A key development in the more recent growth in international trade is the rapid growth in intermodal container shipping. Intermodal containers are designed to be carried via ocean shipping vessels and then transferred to trains and/or trucks. Southern California is home to the Port of Long Beach and the Port of Los Angeles, located adjacent to one another in San Pedro Bay. They combine to form one of the world's largest shipping complexes handling containers and other forms of cargo. In terms of container shipping, they are the fifth-largest shipping complex in the world and the largest in the United States.

International trade and container shipping are expected to continue expanding in the future. There are many forecasts of growth in the future, with some transportation analysts predicting a tripling of demand for container traffic through the Southern California ports over the next two decades. If these forecasts prove accurate, significant investment in transportation infrastructure would be needed in Southern California to accommodate increased transportation activity.

Study Objectives

The objective of this study is to estimate the total economic impact that would result from construction and operation of the SCIG facility on the economy of Los Angeles as well as the regional economy of Southern California. Furthermore, a sensitivity analysis for impacts is performed under various scenarios regarding the magnitudes of increased purchases in the regional economy. To determine the total economic impact, we consider the direct impacts of construction and operation as well as the downstream indirect impacts and induced impacts resulting from the direct impacts. The direct impacts include the construction expenditure, construction employment, and direct employment at the SCIG facility. The indirect and induced impacts include increased employment in the transportation sector to handle additional cargo facilitated by SCIG, increased efficiency for non-transportation sectors in the local economy, cost reductions for goods as a result of the new infrastructure, and all increased income

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resulting from these impacts. This study's objective is to consider and estimate the sum of these expected economic impacts.

BACKGROUND

Role of Transportation Sector in California

Economic Significance of the San Pedro Bay Ports

The San Pedro Bay Port facilities of Long Beach and Los Angeles are the largest and second-largest ports in the United States in terms of shipping container processing, according to 2006 data.¹ The former is the 8th busiest in the world and the latter is 12th. When taken together, the combined ports are the 5th busiest in the world.

Because of their massive capacity, the ports are a key location for imported and exported goods, both for the regional economy and for economies across the United States. Cargo movement data shows that the dominant customer for container imports and exports is the East North Central region,² which is dominated by the Chicago metropolitan area. The ports are a key point of entry for labor-intensive goods imported from East Asian countries. In terms of cargo volumes, the largest exports from the ports are typically raw materials, with some manufactured products exported as well.

Cargo statistics from the ports reveal rapid growth in recent years. In 1995, the ports processed total throughput of 5.4 million twenty-foot equivalent units (TEUs) of intermodal traffic. That figure had risen to 15.8 million by 2006, a near tripling of total throughput and an average annual growth rate of 10.2%. Growth was in the double digits for all but three of those years. The only year in which growth was below 6% was 2001, the year of the national recession. Fundamental changes to transportation methods have led to increased shipment of both finished goods and intermediate products. The most dramatic change to transportation methods is the rapid growth in the use of intermodal shipping containers.

Southern California's Role in the State's Export Economy

In addition to being a key point of entry of imported goods for the entire United States, the ports also serve as a point of export for local and regional manufacturing industries. Data from the U.S. Department of Commerce³ for 2006 show that the value of total exported goods manufactured in California amounted

¹ Port of Los Angeles Website - Facts and Figures. Port of Long Beach Website – Facts at a Glance.

² The East North Central Region comprises Illinois, Indiana, Wisconsin, and Michigan.

³ TradeStats Express™, Office of Trade and Industry Information, Manufacturing and Services, International Trade Administration, U.S. Department of Commerce

to 7.1% of Gross State Product.⁴ The total dollar value of international exports from California manufacturers increased 9.4% in 2006. Total exports have increased nearly 40% since the post-recession trough in 2002 and have surpassed their pre-recession levels.

Proximity to the ports is an important factor in the location decision of export-oriented industries. Data from the Bureau of Labor Statistics show that the top-10 international exporting sectors in the state economy are significant employers in Southern California. Local manufacturers of these goods realize an important benefit from the nearby Ports of Los Angeles and Long Beach. The ten major exporting industries employed nearly 600,000 people in Southern California in 2006. Wage and salary disbursements to those workers totaled more than \$33 billion.

Transportation Sector's Contribution to Employment

The transportation and warehousing sector⁵ (hereafter “transportation”) of Los Angeles and Southern California see a tremendous benefit from the rapid growth of container shipping and the country’s reliance on the ports for international trade. The sector provides direct employment to the local economies and also supports many other industries to which it is linked. In terms of direct employment, jobs in transportation employed 154,000 in Los Angeles and 245,000 in Southern California as of the third quarter of 2007. The transportation sector has outperformed the Los Angeles and Southern California economies in terms of job growth over the past decade and a half. The sector saw net job growth of 6.8% in Los Angeles from 1990 to 2006, a net addition of 9,700 jobs. That is considerably better than overall employment in Los Angeles, which declined by 41,000 jobs (1.0%) over that period.⁶

The job creation performance of the transportation sector is remarkable for the Southern California economy. The sector recorded net job growth of 29% over the 1990-2006 period, a net job addition of more than 54,000. That is considerably higher than overall job growth for Southern California (8.1%) during that time frame. The rapid job growth in transportation for the region is largely attributable to growth in Riverside and San Bernardino counties, but many of those jobs rely on the port and other infrastructures in Los Angeles. The transportation sector showed resilience after the most recent recession. After bottoming out in the first quarter of 2004, the sector has grown 5.6% (8,200 jobs) in Los Angeles and 9.6% (21,500 jobs) in Southern California. Overall job growth for those economies was slower over that period.

⁴ It should be noted that these statistics refer only to international exports. California also exports manufactured goods to domestic trading partners but those figures are not accounted for here.

⁵ NAICS Sector 43400089

⁶ It is notable that the 1990-2006 period includes two recessions for the California and local economies.

Transportation Sector's Contribution to Output

The transportation sector is a large contributor to the economic output of the local, regional, and California economies. Measuring output as value added⁷ in the economy (in other words, Gross Regional Product), transportation sector's output in 2006 is estimated at \$38.8 billion in the state. That is an increase of 7.1% from the previous year. Preliminary estimates of total economic output from the Bureau of Economic Analysis show \$19.9 billion worth of production by the sector in Southern California in 2005. Although estimates of output for the sector amount to small shares of total output for California (2.2%) and Southern California (2.6%), it is imperative to acknowledge that many other sectors in the regional economy rely heavily on the transportation sector.

Transportation Use and Economic Structure

Table 1 shows the transportation and warehousing, manufacturing, trade, and construction sectors spent relatively larger portions of their outputs in purchasing transportation services. These sectors are also among the large sectors in the California economy and in the national economy. The state economy of California, however, spends only 1.88% of its final output on transportation compared to the national economy estimates of 3.43%.

Table 1: Transportation Use and Economic Structure

	Sector Value Added as Share of Total Gross State Product (%)		Transportation Expenditures as Share of Sector Value Added (%)	
	California	United States	California	United States
State Total			1.88	3.43
Agriculture, Forestry, Fishing	1.4	0.9	4.77	8.24
Construction	4.8	4.9	5.76	8.46
Natural Resources & Mining	0.8	2.0	1.4	2.79
Manufacturing	9.8	12.2	7.56	13.53
Retail Trade	6.9	6.6	0.46	0.68
Wholesale Trade	5.9	6.0	0.44	0.67
Transportation & Warehousing	2.3	2.8	15.4	25.69
Professional & Business Services	13.0	11.9	0.55	0.79
Financial Activities	23.6	21.0	0.15	0.21
Information	6.0	4.4	0.74	1.05

⁷ Gross Regional Product (GRP) for Southern California and Gross Metro Product (GMP) for Los Angeles are used to represent value added in the economy. Value Added is the value of final output.

Education & Health Services	6.8	7.9	0.73	1.08
Leisure & Hospitality	3.9	3.6	1.97	3.07
Other Services	2.3	2.3	1.65	2.46
Government	11.0	11.7	0.74	0.37

Source: Bureau of Economic Analysis and Global Insight

California uses relatively less transportation input per unit of output compared to the national economy. California's total output (Gross State Product) makes up 13% of national output. However, for the five modes of transportation (air, water, train, truck, and pipeline), California's share of output in the national economy is only 7–8%.

Table 2: Distribution of Freight Ton Miles by Mode in 2006 (%)

	Air	Rail	Water	Truck	Pipeline	Total
United States	0.4	38.8	12.0	29.6	19.3	100.0
California	0.7	16.9	19.7	43.5	19.2	100.0

Source: Bureau of Transportation Statistics and Global Insight

A look at the structure of transportation sectors in Table 2 reveals some interesting characteristics of California's relative usage. California makes larger use of some of the more expensive modes of transportations relative to the national economy, namely air and truck, indicating a relatively higher cost per ton mile for the state economy. On the other hand, California uses relatively larger proportion of shipments through the ports pulling the transportation cost down. Higher relative truck use in the region is also related to larger use of cargo coming through the two ports. Current business practice is to load the freight on trucks as opposed to trains from the ports, directly for distribution in the Los Angeles area and in greater region of Southern California.

TABLE 3: Average Price (¢) per Ton Mile

	Air	Rail	Water	Truck	Pipeline
United States	64.3	2.4	0.7	28.2	1.4

Source: Bureau of Transportation Statistics

Table 3 reports average price in terms of cents per ton mile for the five modes of transportation. Because trains are a relatively inexpensive mode of goods transportation, any improvements in the operation of freight trains increases economic efficiency due to cost savings. A substitution from air or truck

transportation to train transportation of cargo can bring huge savings. We have seen that the proportion of rail use in California is less than half relative to its use in the national economy. One major reason of larger truck use in California, as we argued earlier, is the existence of these two ports. Loading/unloading costs and capacity constraints may prohibit use of trains for moving local goods even though they have the ability to carry goods at a much lower cost over longer distances. An improvement in train transportation capacity can, however, benefit importers and exporters located in California and throughout the United States.

An Overview of the SCIG Facility

The SCIG facility proposed by BNSF Railway is a near-dock intermodal cargo transfer facility that would be located between the Terminal Island Freeway, Sepulveda Boulevard, and the Pacific Coast Highway with direct access to the Alameda Corridor. It would be located approximately five miles from the Ports of Long Beach and Los Angeles. The goal of the facility is to increase usage of the Alameda Corridor and reduce the number of inbound and outbound containers that would otherwise travel by truck on the local highway system to downtown Los Angeles or the Inland Empire. A typical train can carry the equivalent of 250 trucks; so the reduction of truck traffic, particularly from the I-710 freeway, could be substantial.

The Alameda Corridor is a 20-mile cargo expressway that links the Ports of Los Angeles and Long Beach to the national rail network in downtown Los Angeles. First opening in April 2002, the line is a series of bridges, underpasses, and overpasses that eliminate the need for interruption of road traffic. According to statistics from the Alameda Corridor Transportation Authority, usage of the Corridor increased from an average of 39 daily train trips in 2002, to 55 trips per day in 2006.

Construction of SCIG is slated to begin in 2008 and be completed in 2010. Initially it is expected to handle approximately 500,000 TEUs annually. At maximum capacity, the facility is expected to handle more than 1.4 million TEUs per year. Construction of SCIG facility will help the San Pedro Bay ports to continue to handle increasing volumes without causing an increase in transportation congestion in the Los Angeles area.

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STUDY METHODOLOGY

Approach for Estimating Transportation Impacts

An Overview of the Approach

Global Insight used econometric models to estimate the impact of the SCIG facility on the Southern California and Los Angeles economies. The set of models included the California state forecasting model and metro area forecasting models to prepare the baseline forecast. A transportation impact assessment model was used to estimate the impact of building the SCIG facility.

Brief Description of the Global Insight California Transportation Model

Global Insight's transportation impact assessment models are dynamic, macroeconomic models specially designed to measure the impacts of transportation infrastructure changes in the state economy. Sector-wise behavior of five different modes of transportation including transportation through air, truck, rail, water, and pipeline is explicitly modeled. These models provide an estimate of net impact and also allow for a substitution between different modes of transportation.

The transportation impact assessment model for California includes a total of more than 600 equations out of which more than 400 are stochastic. It contains econometric equations for 3-digit NAICS employment sectors, corresponding annual wages, and for GSP by sector. The model also covers other concepts, including housing starts, labor force and unemployment, retail sales, etc. Population is a driver for several equations in the state model. The U.S. national economy forecast is a main driver for the baseline state forecast.

Three major modeling considerations are as follows:

1. The prices-per-ton mile for each mode of transportation and their corresponding usage in a sector determine the unit cost of transportation services for the sector.
2. Any changes in the transportation infrastructure can affect the transportation use pattern for some sectors in the economy, which in turn has cost and efficiency implications.
3. Transportation infrastructure projects increases efficiency and productivity of the transportation and warehouse sector, which in turn affects the overall efficiency in the economy.

Estimation of Macroeconomic Impacts

Preparation of a Baseline Forecast

Global Insight prepares a regional economic forecast for all the states, metro areas, and counties in the United States. The baseline for this study is taken from Global Insight's quarterly forecast for California state economy and for the five-county Southern California region that includes the counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura. These forecasts are developed using econometric forecasting models and are updated on a quarterly basis.

In the baseline forecast, there is a given and expected normal pattern of development and growth in each sector in the economy. Furthermore, there is also a given relationship of interactions between each sector and the rest of the economy. The baseline forecast for the economy utilizes all historical and current information.

In interpreting the results of our study it is important to understand that the baseline forecast implicitly assumes that there will be continued growth in total throughput of container cargo and other types of cargo. There is also, then, job growth in the baseline forecast associated with the expected future growth in cargo traffic, although there is no explicit forecast of TEU growth. *The baseline should be interpreted as Global Insight's macroeconomic forecast under the assumption that there will be continued growth in cargo movement and associated jobs. The impact scenarios contained in this study should be interpreted as deviations from the baseline forecast that occur due to the construction and operation of the proposed SCIG facility.* The figures for each simulation, then, do not represent total future job growth resulting from cargo growth. They represent the marginal impact of the proposed SCIG facility relative to the baseline forecast.

Calculation of Economic Impacts under Various Scenarios

The first step in estimating macroeconomic impacts is to prepare an account of direct changes that the SCIG facility will bring during its construction and later due to its operation. This requires calculation of direct changes in employment, expenditure, and transportation activity due to the proposed SCIG facility. These direct changes are fed through our transportation impact model for California; the model is then solved for indirect and induced changes giving an estimate of overall net impact. The California model provides estimates of state-level impacts. To compute impacts for the Southern California region, we assumed that the region's percentage response to the transportation projects is of the same magnitude as in the state. We then utilize baseline forecast for Southern California and the state-level impacts to compute

impacts in Southern California. Those Southern California impacts are then shared down to calculate these impacts for Los Angeles.

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We have developed four separate scenarios about how the building of SCIG facility would affect transportation activity for the region. While the approach used for estimating impacts is same for each scenario, some of the inputs to the model fed as direct changes are different for different scenarios. A sensitivity analysis is performed comparing the results estimated using the four scenarios.

STUDY ASSUMPTIONS AND INPUTS

This section discusses the various assumptions used in this study and in the preparation of direct and indirect inputs for impact estimation.

Assumptions and Impact Mechanism

The goal of the SCIG facility is to increase usage of the Alameda Corridor and reduce the number of inbound and outbound containers that would otherwise travel by truck on the local highway system to downtown Los Angeles or the Inland Empire. The SCIG facility would be located approximately five miles from the Ports of Long Beach and Los Angeles. At full capacity, it would be able to handle 1.4 million TEUs annually, which would result in a substantial increase in port activity as well. Furthermore, it is also assumed that there will be an increase in cargo handled by the two ports equal to the cargo handled at the SCIG facility.

The construction of the SCIG facility will allow for the following significant effects:

1. It will decrease traffic congestion in the Los Angeles and neighboring counties, increasing the transportation sector's efficiency. An increase in transportation efficiency then translates into efficiency gains for various other sectors in the economy.
2. The SCIG facility will allow an increase in the use of a relatively inexpensive mode of transportation (train). Businesses in the United States served by the two ports will benefit from this cost saving. Export-import businesses located in Los Angeles and nearby areas will also benefit.
3. More efficient use of the existing transportation infrastructure is assumed to lead to increased port capacity, and a part of the increased cargo will be purchased locally leading to an expansion in the Southern California economy.
4. Because of less congested roads there will be increases in the total amount of cargo imported and exported in the local area, leading to additional job growth in the transportation sector.

Global Insight's transportation impact assessment models allow for these effects to play a role in the impact computation. Therefore, the simulations performed to study the impact of the SCIG facility incorporate the above effects. Furthermore, there are a number of direct effects arising from the proposed SCIG facility during its construction period and also during its operation. A computation of the direct effect is presented. The direct inputs include measurement of transportation activity that are being generated for the region, employment and expenditure during the construction phase, and employment at the facility during the operation phase. Furthermore, there will be a direct change in employment in the transportation sector to support the increase in cargo handled by the two ports due to SCIG.

Direct Inputs for Estimation of Economic Impacts

Direct Economic Changes during the Construction Phase

Groundbreaking is assumed to take place in 2008 and will continue for 18 months. The total construction spending for the facility is \$300 million, which includes both materials and wages. A direct impact on the regional output was incorporated due to this spending. The monthly breakdown of construction to be carried out was computed as the equivalent of 228 full-time positions for the construction period. This provided a direct effect on jobs in the construction sector as an input into the model.

Direct Economic Changes during the Operation Phase

The expected time path of activity in terms of thousands of TEUs per year handled at SCIG is provided by BNSF (Table 4). To highlight a few of those figures, the facility is expected to handle 496,000 TEUs in 2010, 1.1 million in 2015, and just more than 1.4 million in 2020. We assume that the year 2020 figure remains through year 2030. BNSF also indicates that the average expected freight weight of a full container is 55,000 lbs.

Table 4: Expected TEUs Handled at SCIG

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
TEUs (Thous.)	496	743	933	984	1,039	1,096	1,156	1,219	1,285	1,355	1,427

We used the data given by BNSF to create direct inputs in the Global Insight's transportation model. Specifically, we converted the TEU data into ton-mile activity as a measure of transportation activity using weight in tons and average distance that will be switched from truck to train.

The SCIG facility is expected to directly employ 250 people at launch and 450 at full capacity. The net direct job impact is assumed to be zero at launch and 150-200 at full capacity. Global Insight extrapolated

the time path of these net job additions using the expected path of TEUs given by BSNF. These job additions were treated as a direct effect to the transportation and warehousing sector.

In addition to the employment at the SCIG facility, there is a corresponding direct change in jobs in the transportation and warehousing sector. We use a direct input of increased jobs in the transportation and warehousing sector, which is required to accommodate the increased cargo induced by the SCIG facility. To accomplish this, we calculate historical averages of the number of transportation and warehousing jobs associated with historical transportation activity in terms of ton-miles. We use this relationship to calculate a direct increase in transportation and warehousing jobs necessary to handle the additional cargo induced by the SCIG facility.

Simulation Design: Assumptions and Scenarios

Simulations are developed based on our understanding of how current economic interactions will be affected as a result of a planned or expected change, in our case the building of the SCIG facility. The first step in designing simulations is to prepare an account of direct changes that will occur due to the project. Secondly, we make some assumptions regarding how the existence of SCIG will affect the regional economy.

In these simulations, the effect of SCIG is providing an inexpensive transportation source for connecting the region served by the two ports with the ports. Furthermore, for every truck that SCIG removes from the highway, there are at least 20 truck miles removed from the local road system, which is the distance from SCIG to intermodal facilities in downtown Los Angeles via the Alameda Corridor. The SCIG facility, therefore, removes additional truck miles from the local road system due to the portion of trucks that would otherwise be making a longer trip to those locations. This brings substantial savings to importers' and exporters' businesses and the businesses that purchase those goods.

The four scenarios developed for this impact study are based on our assumptions regarding the change in total use of transportation services in the regional economy due to a changed economic environment created after SCIG is built. The building of SCIG will free some transportation infrastructure to be available for use by the local and regional economy. Furthermore, there will be a growth in total cargo handled at the ports assumed to be in-line with the SCIG's capacity. It is assumed that overall economic activity in the Southern California region will grow due to SCIG's operation and there will be an increase in purchase of transportation services by various sectors in the economy. Four different scenarios have been created based on this understanding:

Scenario 1: Operation of the SCIG facility will not bring any change in the total cargo purchased in the Southern California and Los Angeles region.

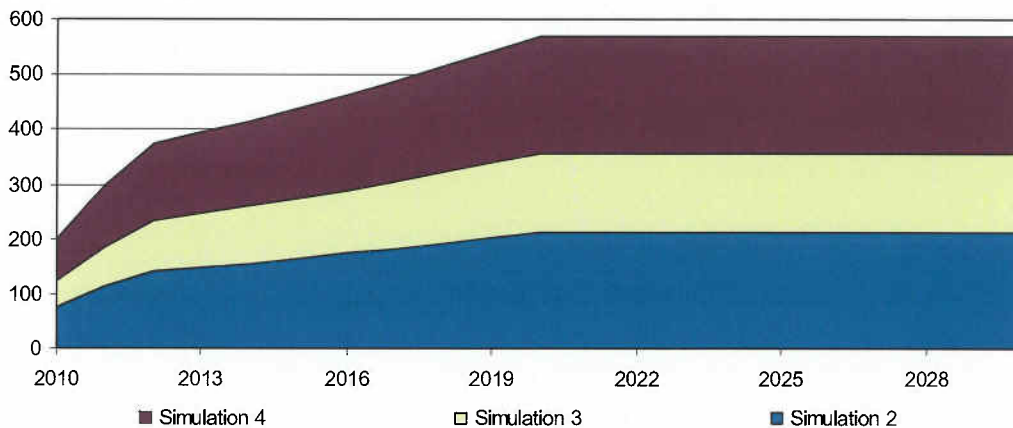
Scenario 2: Operation of the SCIG facility will lead to an increase in the total cargo purchased in the Southern California and Los Angeles region. The increase for the region is estimated at 15% of the total TEUs handled at SCIG. (SCIG TEUs are used only for a numerical reference point for computation. This reference point represents potential capacity gains at the San Pedro Bay ports.)

Scenario 3: Operation of the SCIG facility will lead to an increase in the total cargo purchased in the Southern California and Los Angeles region. The increase for the region is estimated at 25% of the total TEUs handled at SCIG.

Scenario 4: Operation of the SCIG facility will lead to an increase in the total cargo purchased in the Southern California and Los Angeles region. The increase for the region is estimated at 40% of the total TEUs handled at SCIG.

Scenario 1 appears unrealistic; however, the magnitude of macroeconomic impact is significant when we do not allow any increase in the regional purchases of cargo arising from the positive effect of the SCIG facility. Scenario 2 is a pessimistic scenario, while scenarios 3 and 4 are more likely to be the case. The objective of estimating multiple scenarios is to be able to understand the sensitivity of the assumption, and develop better understanding of the chances of their happening. Figure 1 shows increased TEUs assumed to be purchased by the regional economy under various scenarios.

Figure 1: Additional Cargo Purchased in Southern California
(Thousands of TEUs)



ECONOMIC IMPACTS

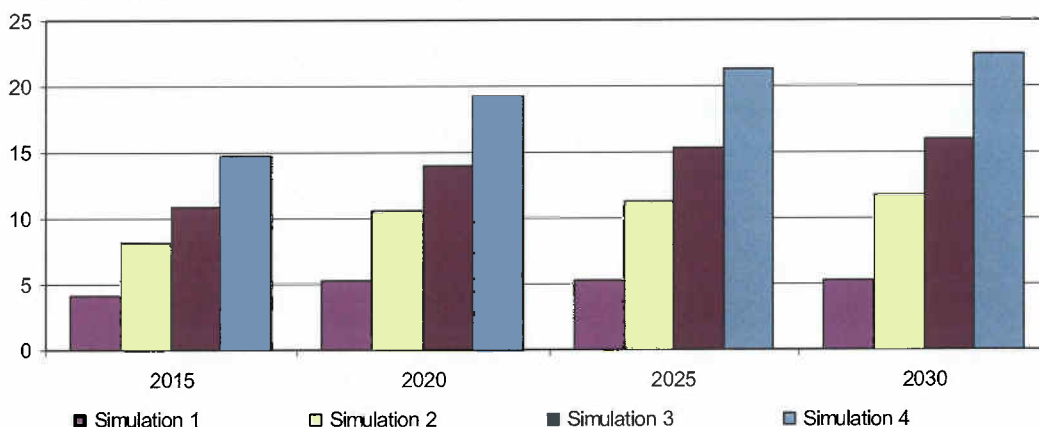
Estimates of Economic Impacts

The economic impacts in these simulations are the estimates of total jobs, wage income, and output in Southern California and in Los Angeles relative to the baseline. The additional jobs in the transportation sector are expected to be paid the same wage as existing transportation jobs in the baseline, and these wages are spent in the local economy creating direct and indirect effects for the local and regional economy (in addition to the wages added by direct employment at SCIG). Similarly, additional jobs in other sectors in the economy create corresponding increases in total wage income and output. The additional income is spent in the economy creating a feedback effect. Therefore, total impact estimated here is a summary measure of the multiplier impacts including direct, indirect, and an induced effect.

Employment Impacts

Figure 2 shows the cumulative employment impacts for the Southern California region resulting from the construction and operation of the SCIG facility. For each simulation, the level of employment in 2007 is identical to the baseline forecast because construction of SCIG is slated to begin in 2008. The graph shows the deviation of cumulative job growth from the baseline for each simulation resulting from SCIG.

Figure 2: Cumulative Change in Employment after 2007, Southern California
(Thousands of jobs)

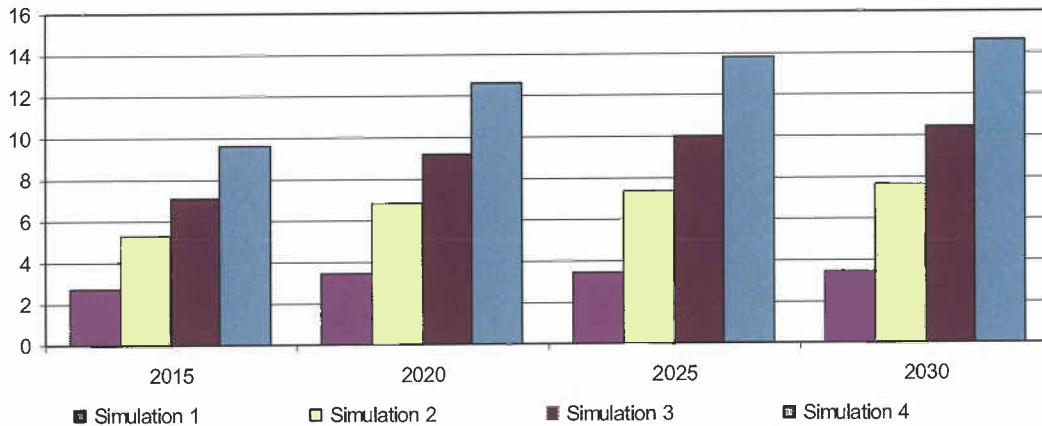


As would be expected, the impacts for Simulation 1 are the smallest; in that simulation we assume no increase in local purchases resulting from the construction and operation of SCIG. Through 2015, the total employment impact in Simulation 1 is 4,200 jobs in Southern California. The impact rises to 5,250 by the year 2020 and then 5,350 in the year 2030. The job impacts for the remaining simulations are

higher due to the increased local purchases of the additional cargo induced by the SCIG facility. In Simulation 2, where 15% of the induced cargo is assumed to be for local consumption, additional jobs resulting from the construction and operation of SCIG in 2015 is 8,150, nearly double the impact of Simulation 1. In Simulation 4 where much more of the cargo is purchased locally, the employment impact is 14,750. In the longer term, the employment impacts are higher as well, reaching 11,750 in Simulation 2 in 2030, and are highest in the last period in Simulation 4 at 22,400.

Figure 3 shows the employment impacts for Los Angeles resulting from the SCIG facility across the four simulations. Los Angeles' share of the employment impact is 2,750 in 2015 and ultimately rises to 3,500 at the end of the simulation period. As with the impacts for the entire Southern California region, the highest impacts are in Simulation 4 when more of the induced cargo is assumed to be purchased locally. In that simulation, the total number of jobs created by the SCIG facility are 9,600 in the year 2015 and 14,600 by the year 2030.

Figure 3: Cumulative Change in Employment after 2007, Los Angeles
(Thousands of jobs)



Impacts on Wage Income

Figure 4 presents the impact of SCIG on total wage and salary disbursements (hereafter wages) in Southern California resulting from the employment impacts. The format is the same as the employment figure, with values for each simulation showing the deviation from baseline of cumulative disbursement of wages resulting from SCIG.

In Simulation 1, the impact on wages through the year 2015 is \$1.35 billion. In the last period of the Simulation, the cumulative positive impact on total wages paid in Southern California resulting from the construction and operation of the SCIG facility is \$8.7 billion. As expected, the impacts are larger for

each successive simulation where the employment impacts are higher. Through 2030, the cumulative impact on wages is \$19.2 billion in Simulation 2, \$26.1 billion in Simulation 3, and \$36.5 billion in Simulation 4.

Figure 4: Cumulative Additional Disbursement of Wages & Salaries, Southern California
(Billions of dollars)

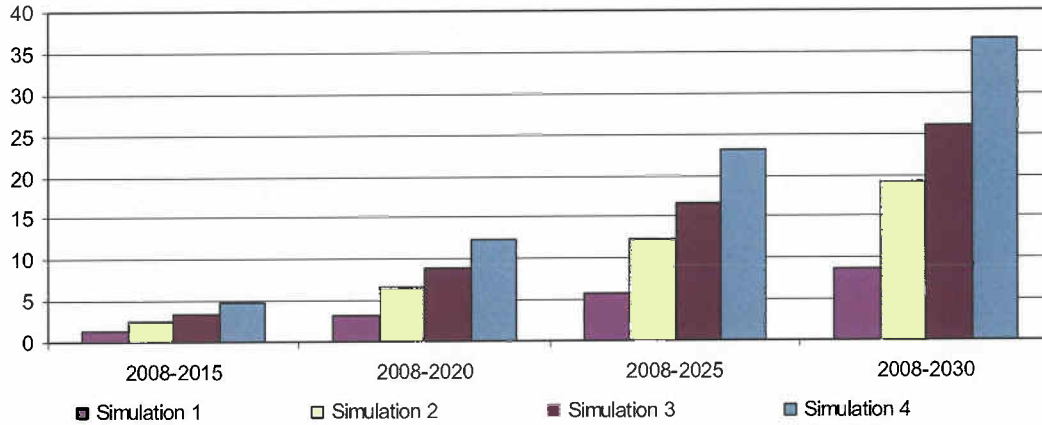
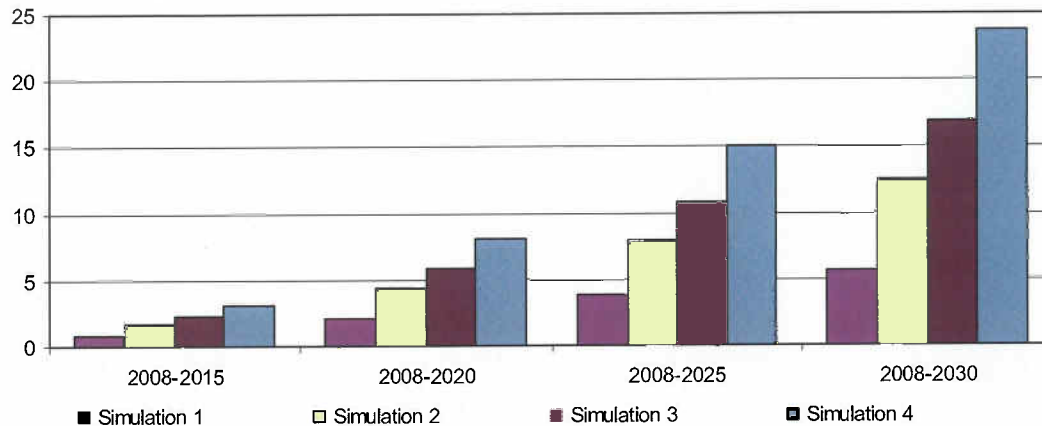


Figure 5 shows the impact on wages in Los Angeles. Over the first seven years of impacts the total effect on wages in Simulation 1 is \$900 million. In Simulation 4, the impacts are larger, with an estimated cumulative impact of \$3.1 billion through the year 2015. At the end of the forecast period, the cumulative impact on wages is \$5.7 billion in Simulation 1, \$12.5 billion in Simulation 2, \$17 billion in Simulation 3, and \$23.7 billion in Simulation 4.

Figure 5: Cumulative Additional Disbursement of Wages & Salaries, Los Angeles
(Billions of dollars)



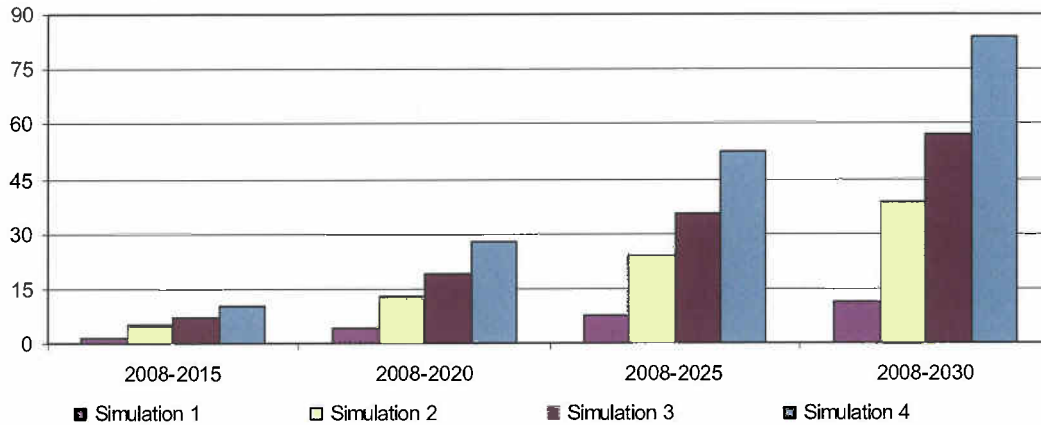
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Impact on Gross Regional Product

Figure 6 shows the cumulative impacts on Gross Regional Product (GRP) in Southern California resulting from the construction and operation of the SCIG facility. The increased economic output is a result both of increased employment attributed to the facility and efficiency increases for existing jobs in the region. The format is the same as for employment and wages, with values for each simulation showing the deviation from baseline of cumulative GRP resulting from SCIG.

Figure 6: Cumulative Additional Gross Regional Product, Southern California

(Billions of dollars)



In Simulation 1, the cumulative additional GRP added by the SCIG facility is \$1.8 billion through 2015. The full impact through the end of the forecast period is estimated at \$11.6 billion. As with employment and wages, the impact on GRP is expected to be higher in Simulations 2, 3, and 4 due to the increases in share of induced cargo that is purchased locally. In Simulation 2, the additional GRP as a result of SCIG is \$38.8 billion through 2030. In Simulation 3 and Simulation 4, the full impacts at the end of the forecast period are \$56.9 billion and \$84.1 billion, respectively.

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Figure 7: Cumulative Additional Gross Regional Product, Los Angeles
(Billions of dollars)

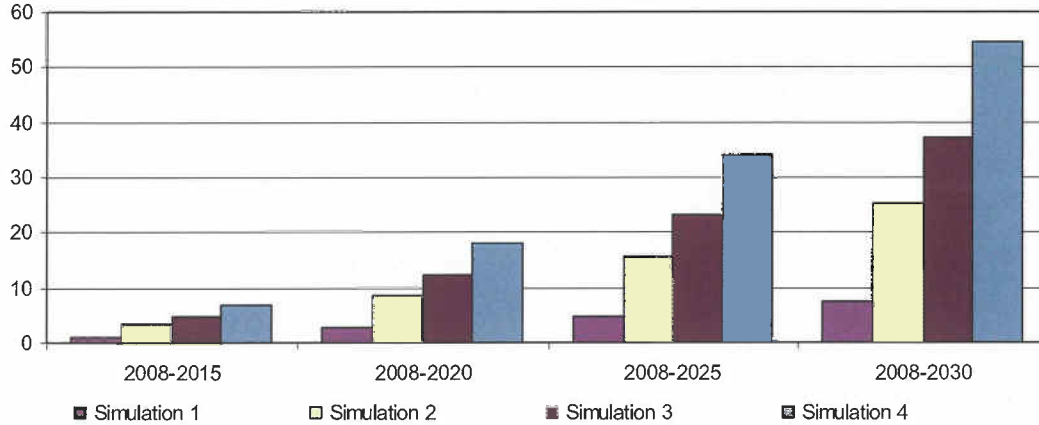


Figure 7 shows the impact on total output for the Los Angeles area. In the first seven years of operation, SCIG's impact is \$1.2 billion in Simulation 1. The estimate for the same period in Simulation 4 is \$6.8 billion. At the end of the forecast period, the cumulative impact on Gross Metro Product is \$7.5 billion in Simulation 1, \$25.2 billion in Simulation 2, \$37 billion in Simulation 3, and \$54.6 billion in Simulation 4.

A Discussion of Other Impact Studies

The Port of Long Beach: Economic Impacts

The Port of Long Beach provides a study⁸ that describes the total impact of its operations on the local and regional economies. The analysis is performed using an input-output (I-O) model developed by Rutgers University. The model uses direct expenditures as an input and produces estimates of direct, indirect, and induced impacts on employment, wages and salaries, and business sales for the relevant geographies.

It is important to distinguish the fundamental differences between the port's economic impact study and ours. Their study is a static analysis, which attempts to determine the total number of port-related jobs at a point in time. Ours is a marginal analysis seeking to determine the change in jobs in the economy as a result of new transportation infrastructure. Both types of studies are relevant and important, but are not comparable. The study by the port acknowledges the difference in its final section, noting that one should not expect economic impacts to grow in the same proportion as increased cargo growth. The study also

⁸ Economic Impacts: Contributing to the Local, State & National Economies. www.polb.com/economics/economics.asp

R116-AttB-6 acknowledges that some of the jobs reported in their analysis are port-related but not port-dependent, meaning that they would not necessarily disappear if the port ceased operations.⁹

Southern California Association of Governments

The Southern California Association of Governments (SCAG) estimates¹⁰ the economic impacts of increased activity at the ports through the period 2005–30. While the SCAG study is a marginal analysis like ours, there are fundamental differences that lead to different results. Some differences are, but not limited to: 1) the baseline scenario to which the impact scenario is being compared, 2) the direct inputs fed into the impact model, and 3) the methodology used to perform the analysis.

R116-AttB-7 The results reported in the SCAG study are the total job impacts resulting from the development of local infrastructure to accommodate all future increases in TEU cargo at the San Pedro Ports. As mentioned above, we use a baseline forecast that implicitly assumes TEU growth and associated job growth. Our simulations show deviations from that baseline that can be attributed to the SCIG facility. There are also differences in the direct inputs used in the SCAG model compared with ours, leading mostly from the difference in baseline comparison described above. The direct inputs for the SCAG study include extensive direct job impacts for transportation infrastructure that are implicitly included in our baseline forecast. The methodology of the SCAG study might differ from ours but we do not have enough information on their methodology to make that conclusion.

⁹ The Port of Los Angeles also reports economic impacts on their website, but the source and methodology of the impacts are not available.

¹⁰ Goods Movement in Southern California: The Challenge, The Opportunity, and The Solution. September 2005.

CONCLUSION

R116-AttB-8 The macroeconomic impacts in this study were estimated using a set of econometric models, including a transportation impact assessment model for the California economy. This study is, therefore, based on a very sophisticated approach for estimation of impacts. The impacts estimated in this study clearly indicate significant net benefits due to the proposed SCIG facility. Our estimates, however, appear to be on the low side when compared to the two other studies reviewed and discussed.

R116-AttB-9 We find that the construction and operation of the proposed SCIG facility will have significant positive impacts for the Los Angeles and Southern California economies. The construction of the facility requires increased spending for local materials and labor leading to both direct effects and also downstream effects in the form of job creation and increased economic activity. When the SCIG facility becomes operational it will directly increase employment and wages due to employment at the facility, and those wages will have downstream effects. In addition, increased usage of the existing rail infrastructure will provide congestions relief for the local and regional highway system and allow for more efficient usage of the existing transportation infrastructure for the entire economy. This also allows for more local purchases of imported goods. From these efficiency gains and increased trade, the local and regional economies will see a positive economic impact in the form of more rapid job creation and increased economic activity, both in the transportation sectors and in sectors not directly related. Increased transportation activity leads to higher purchases in the local economy translating into larger positive impact.

APPENDIX A: ECONOMIC IMPACT TABLES

Employment, Wage, Income, and Output Impacts for Southern California

Employment (Number of Jobs)

	Level In 2007	Cumulative Change in Employment After 2007			
		2015	2020	2025	2030
Baseline Forecast	7,261,750	550,250	847,250	1,182,400	1,548,750
Simulation 1	7,261,750	554,450	852,500	1,187,750	1,554,100
<i>Impact of Simulation 1</i>		4,200	5,250	5,350	5,350
Simulation 2	7,261,750	558,400	857,800	1,193,750	1,560,500
<i>Impact of Simulation 2</i>		8,150	10,550	11,350	11,750
Simulation 3	7,261,750	561,050	861,300	1,197,700	1,564,800
<i>Impact of Simulation 3</i>		10,800	14,050	15,300	16,050
Simulation 4	7,261,750	565,000	866,600	1,203,650	1,571,150
<i>Impact of Simulation 4</i>		14,750	19,350	21,250	22,400

Wage & Salary Disbursements (Millions of Dollars)

	Level In 2007	Cumulative Disbursement of Wages & Salaries			
		2008-2015	2008-2020	2008-2025	2008-2030
Baseline Forecast	381,900	3,795,050	6,920,800	10,783,250	15,602,650
Simulation 1	381,900	3,796,400	6,924,100	10,789,050	15,611,350
<i>Impact of Simulation 1</i>		1,350	3,300	5,800	8,700
Simulation 2	381,900	3,797,650	6,927,500	10,795,550	15,621,800
<i>Impact of Simulation 2</i>		2,600	6,700	12,300	19,150
Simulation 3	381,900	3,798,500	6,929,750	10,799,850	15,628,750
<i>Impact of Simulation 3</i>		3,450	8,950	16,600	26,100
Simulation 4	381,900	3,799,800	6,933,200	10,806,350	15,639,150
<i>Impact of Simulation 4</i>		4,750	12,400	23,100	36,500

Gross Regional Product (Millions of Dollars)

	Level In 2007	Cumulative Gross Regional Product			
		2008-2015	2008-2020	2008-2025	2008-2030
Baseline Forecast	862,800	8,695,900	16,090,650	25,436,050	37,242,800
Simulation 1	862,800	8,697,700	16,094,900	25,443,650	37,254,350
<i>Impact of Simulation 1</i>		1,800	4,250	7,600	11,550
Simulation 2	862,800	8,700,950	16,103,650	25,460,450	37,281,550
<i>Impact of Simulation 2</i>		5,050	13,000	24,400	38,750
Simulation 3	862,800	8,703,100	16,109,500	25,471,650	37,299,700
<i>Impact of Simulation 3</i>		7,200	18,850	35,600	56,900
Simulation 4	862,800	8,706,350	16,118,200	25,488,450	37,326,850
<i>Impact of Simulation 4</i>		10,450	27,550	52,400	84,050

Employment, Wage, Income, and Output Impacts for Los Angeles County

Employment
(Number of Jobs)

	Level In	Cumulative Change in Employment After 2007			
	2007	2015	2020	2025	2030
Baseline Forecast	4,118,750	148,550	190,050	245,800	312,550
Simulation 1	4,118,750	151,300	193,500	249,300	316,050
<i>Impact of Simulation 1</i>		2,750	3,450	3,500	3,500
Simulation 2	4,118,750	153,850	196,900	253,200	320,200
<i>Impact of Simulation 2</i>		5,300	6,850	7,400	7,650
Simulation 3	4,118,750	155,600	199,200	255,800	323,000
<i>Impact of Simulation 3</i>		7,050	9,150	10,000	10,450
Simulation 4	4,118,750	158,150	202,650	259,650	327,150
<i>Impact of Simulation 4</i>		9,600	12,600	13,850	14,600

Wage & Salary Disbursements
(Millions of Dollars)

	Level In	Cumulative Disbursement of Wages & Salaries			
	2007	2008-2015	2008-2020	2008-2025	2008-2030
Baseline Forecast	224,400	2,187,850	3,933,400	6,025,400	8,557,500
Simulation 1	224,400	2,188,750	3,935,550	6,029,200	8,563,150
<i>Impact of Simulation 1</i>		900	2,150	3,800	5,650
Simulation 2	224,400	2,189,550	3,937,800	6,033,400	8,569,950
<i>Impact of Simulation 2</i>		1,700	4,400	8,000	12,450
Simulation 3	224,400	2,190,100	3,939,250	6,036,200	8,574,450
<i>Impact of Simulation 3</i>		2,250	5,850	10,800	16,950
Simulation 4	224,400	2,190,950	3,941,450	6,040,400	8,581,200
<i>Impact of Simulation 4</i>		3,100	8,050	15,000	23,700

Gross Metro Product
(Millions of Dollars)

	Level In	Cumulative Gross Metro Product			
	2007	2008-2015	2008-2020	2008-2025	2008-2030
Baseline Forecast	497,550	4,938,350	9,033,900	14,107,900	20,402,200
Simulation 1	497,550	4,939,500	9,036,650	14,112,800	20,409,700
<i>Impact of Simulation 1</i>		1,150	2,750	4,900	7,500
Simulation 2	497,550	4,941,600	9,042,350	14,123,750	20,427,400
<i>Impact of Simulation 2</i>		3,250	8,450	15,850	25,200
Simulation 3	497,550	4,943,000	9,046,150	14,131,000	20,439,200
<i>Impact of Simulation 3</i>		4,650	12,250	23,100	37,000
Simulation 4	497,550	4,945,100	9,051,800	14,141,900	20,456,800
<i>Impact of Simulation 4</i>		6,750	17,900	34,000	54,600

APPENDIX B: GLOBAL INSIGHT TRANSPORTATION IMPACT MODELS

Global Insight's transportation impact assessment models are dynamic, macroeconomic models capable of measuring the impacts of transportation infrastructure changes in the state economy. In each of these transportation impact models for a state economy, there are a total of more than 600 equations out of which more than 400 are stochastic. A large number of equations describing transportation cost by sector are included in the model. Sector-wise behavior of transportation through air, truck, rail, water, and pipeline is explicitly modeled. Ton miles by mode of transportation and by sector, and prices by mode of transportation are used as explanatory variables. To model these impacts, Global Insight developed transportation cost indexes (TCI) for each 3-digit NAICS employment sectors for the U.S. and for all the state economies.

R116-AttB-10 Each production sector in the economy purchases transportation services. The use pattern of transportation services varies across sectors and also varies regionally; for example, some sectors use more of truck transportation while other uses relatively more of train. The prices per ton mile for each mode of transportation and their corresponding usage in a sector determine the unit cost of transportation services for the sector. This relationship is explicitly modeled for each sector in the economy.

An improvement in existing transportation infrastructure and/or the addition of new infrastructure increases the efficiency of transportation services in the economy. This efficiency gain results in added capacity for production and income generation. Transportation infrastructure projects increases efficiency and productivity of the transportation and warehouse sector which in turn affects the overall efficiency in the economy. We have modeled and estimated this efficiency relationship.

For a transportation project in consideration, there are two manners in which its presence (or absence) could affect the state economy: 1) directly affecting local shippers who use the mode of transportation and project specific facility in question, and 2) through the regional impacts on the prices of other modes of shipment. This model can be used to analyze the impact of a transportation projects involving infrastructure changes for a mode of transportation such as air, truck, rail, water and pipeline. The model is also useful to evaluate the impact of a direct change in the average cost of transportation in a sector or in the entire economy.

Structure of the Model

Transportation cost to a sector depends on its pattern of utilization of various modes of transportation. Average prices for the five selected modes of transportation significantly differ from each other. Therefore, choice of a mode of transportation becomes crucial in determining the transportation cost for a particular sector. Transportation use pattern by mode of transport widely differs across sectors. Hence, unit cost of transportation (average ton mile cost) also varies substantially across various sectors in the economy. Any changes in the transportation infrastructure can affect the transportation use pattern for some sectors in the economy, which in turn has cost and efficiency implications. Our model accepts the changes in ton miles by mode of transportation and changes in average prices charged by different modes of transportation to calculate the changes in the unit transportation cost for a sector. An equation of unit cost (weighted average of various transportation cost per ton mile) is introduced for each sector in the model. The model acknowledges that differences in the unit transportation cost for a sector in the state economy and the U.S. economy can have an impact on the economic activity in that particular sector in the state economy. Therefore, changes in the relative unit transportation cost in a sector could have implication for output and employment levels in the sector. As a matter of terminology, we have used Transportation Cost Index to reflect true unit cost of transportation for a sector. The TCI for a sector is weighted average of the transportation cost per ton mile of various modes of transportation. Weights are calculated based on intensity of use of various modes of transportation.

Transportation impact assessment models have econometric equations for 3-digit NAICS employment sectors, corresponding annual wages, and for GSP by sector. The model also covers the details of personal income, housing starts, labor force and unemployment, retail sales, etc. The demographic side of the model is based on cohort movement and connects to the economy through the net migration equation. Population is a driver for several equations in the state model. U.S. national economy forecast is a main driver for the baseline state forecast.

The TCIs are used as an explanatory variable in the transportation impact assessment model in addition to other drivers. Specifically, there is a relationship between the change in the employment for a given sector, i , and the ratio of the TCI_i^{MS} (transportation cost index for i^{th} sector in the State's economy) and TCI_i^{US} (transportation cost index for i^{th} sector in the US) for that sector. Changes in the employment sectors flow through to other concepts in the dynamic model such as wage disbursements, personal income, and GSP. Furthermore, a feedback mechanism is introduced in the model that sums up the multiplier process for the state economy. The efficiency parameter affects the productive sectors in the

economy interactively with the *TCI*, and independently affects the other concepts in the model.

Construction of some important components of the model structure is described.

Construction of Transportation Cost Indexes

The *TCI* is a weighted average of freight prices for shipments by five modes of transportation: air, rail, truck, water, and pipeline. It represents the average unit cost of a ton-mile of shipping a good. The derivation of the *TCI* is shown below.

Where:

$\beta_{x,i}$ \equiv Share of ton-miles in mode x used by sector i

P_x \equiv Price of mode x

R \equiv Rail Freight Transportation

T \equiv Truck Freight Transportation

A \equiv Air Freight Transportation

W \equiv Water Freight Transportation

L \equiv Pipeline Freight Transportation

The *TCI* for the i^{th} sector in the State economy is:

$$TCI_i^{MS} = (\beta_{R,i}^{MS} * P_R^{MS}) + (\beta_{T,i}^{MS} * P_T^{MS}) + (\beta_{A,i}^{MS} * P_A^{MS}) + (\beta_{W,i}^{MS} * P_W^{MS}) + (\beta_{L,i}^{MS} * P_L^{MS})$$

The *TCI* for the i^{th} sector in the U.S. economy is:

$$TCI_i^{US} = (\beta_{R,i}^{US} * P_R^{US}) + (\beta_{T,i}^{US} * P_T^{US}) + (\beta_{A,i}^{US} * P_A^{US}) + (\beta_{W,i}^{US} * P_W^{US}) + (\beta_{L,i}^{US} * P_L^{US})$$

Estimation of Ton Miles Data

Ton-mile data for all the sectors were estimated using data from several sources. An input-output framework was combined with details on value added by various transportation activities and total U.S. intermediate purchases by NAICS sector of the five transportation modes primarily based on the data published by the Bureau of Economic Analysis. Our methodology of ton-miles estimation ensures consistency with the Bureau of Transportation Statistics (BTS) published average revenue per ton mile for

each of the five modes. Using these two sources, estimates of total ton miles shipped by mode were obtained for each U.S.-level NAICS sector. Finally, these estimates of ton-miles by mode in each sector were used to estimate the weights -- $\beta_{x,i}^{US}$ -- for each sector.

Because the state's transportation infrastructure and economic composition of various activities differs from that of the United States as a whole, we needed to develop a unique representation of the state transportation economy. To estimate the weights by mode for each sector, we used data on Gross State Product (GSP) by mode published by the BEA. We adjusted the U.S.-level weights using the relative shares of GSP in each mode. For example, if state's output in railroad transportation had a higher share of total transportation output than did the United States, we adjusted the railroad weight accordingly for each NAICS sector in state to create the $\beta_{x,i}^{MS}$ for each sector. Thus, value added of transportation services by mode of transportation was appropriately estimated for each 3-digit NAICS sector in the state and in the United States. The comparison of this information allowed us to calculate state's share of total ton miles in each sector. This also derives a state's ton-mile distribution by sector and differentiates it from the U.S. ton-mile distribution. The final product is a database of ton miles by mode for each 3-digit NAICS sector and the associated weights, making it possible to calculate the *TCI*.

Estimation of Average Prices by Mode of Transportation

Average freight revenue per ton mile for each mode was obtained from the BTS. Lacking a dataset on state-level prices by mode, relative prices in state were estimated using the state-level price deflators for each mode. However, the resulting estimates of state-level average prices for various mode of transportation did not differ greatly from the U.S. prices. We still preferred to use state-specific average prices per ton miles by mode of transportation.

1 Comment Letter R116: BNSF**2 Response to Comment R116-1**

3 The commenter restates and provides additional information on portions of RDEIR
4 Section 2.3, Project Objectives. The comments are noted and are hereby part of the Final
5 EIR and are therefore before the decision-makers for their consideration prior to taking
6 any action on the SCIG project.

7 Response to Comment R116-2

8 The commenter restates and provides addition information on portions of RDEIR Project
9 Objectives relating to reducing truck miles traveled. The comments are noted and are
10 hereby part of the Final EIR and are therefore before the decision-makers for their
11 consideration prior to taking any action on the SCIG project.

12 Response to Comment R116-3

13 The commenter restates and provides additional information on portions of RDEIR's
14 Project Objectives relating to providing shippers, carriers, and terminal operators with
15 options for Class 1 railroad near-dock intermodal rail facilities. The comments are noted
16 and are hereby part of the Final EIR and are therefore before the decision-makers for
17 their consideration prior to taking any action on the SCIG project.

18 Response to Comment R116-4

19 The commenter restates and provides additional information on portions of RDEIR's
20 relating to the size of the proposed facility. The comments are noted and are hereby part
21 of the Final EIR and are therefore before the decision-makers for their consideration prior
22 to taking any action on the SCIG project.

23 Response to Comment R116-5

24 The commenter restates and provides additional information on portions of RDEIR's
25 Project Objectives relating to benefits of the proposed SCIG project. The comments are
26 noted and are hereby part of the Final EIR and are therefore before the decision-makers
27 for their consideration prior to taking any action on the SCIG project.

28 Response to Comment R116-6

29 The commenter restates and provides additional information on portions of RDEIR
30 relating to the constraints of on-dock facilities. The comments are noted and are hereby
31 part of the Final EIR and are therefore before the decision-makers for their consideration
32 prior to taking any action on the SCIG project.

33 Response to Comment R116-7

34 The commenter restates and provides additional information on portions of RDEIR
35 relating to the constraints of on-dock facilities. The comments are noted and are hereby
36 part of the Final EIR and are therefore before the decision-makers for their consideration
37 prior to taking any action on the SCIG project.

1 Response to Comment R116-8

2 The commenter does not agree with the impact conclusion under AES-1. Under CEQA
3 Guidelines Section 15151, disagreement among experts does not make an EIR
4 inadequate. The RDEIR, Chapter 3.1, visual character analysis, was conducted by an
5 expert team from AECOM. The RDEIR analysis was conducted pursuant to industry
6 standards.

7 Response to Comment R116-9

8 The commenter restates and provides additional information on portions of RDEIR
9 relating to the truck trips on the I-710. The comments are noted and are hereby part of
10 the Final EIR and are therefore before the decision-makers for their consideration prior to
11 taking any action on the SCIG project.

12 Response to Comment R116-10

13 The commenter restates and provides additional information on portions of RDEIR
14 relating to train trips beyond downtown Los Angeles. The comments are noted and are
15 hereby part of the Final EIR and are therefore before the decision-makers for their
16 consideration prior to taking any action on the SCIG project.

17 Response to Comment R116-11

18 The SCIG DEIR, RDEIR and Noise Technical Study employed conservative, appropriate
19 and correct methodologies per CEQA guidelines. Significance thresholds for sleep
20 disturbance and speech intelligibility were established based on a reasonably conservative
21 approach for impact assessment. The traffic noise analysis considered an equivalent lane
22 analysis for vehicular traffic flow in two directions. Predicted traffic noise levels did not
23 consider the presence and effect of a soundwall along the Terminal Island Freeway
24 because such a barrier is considered a mitigation measure and not a project design
25 feature.

26 The noise analysis of train horns in the vicinity of the crossing of the Alameda Corridor
27 and Pacific Coast Highway was based on horn sounding information provided in the
28 Project Description materials, and was consistent with the information provided by the
29 BNSF that train horns would not be used on-site, only within the South Lead Tracks area
30 as trains transition onto the Alameda Corridor.

31 The commenter states that the FICAN criteria used for the noise analysis are “highly
32 conservative.” Under CEQA Guidelines § 15151, disagreement among experts does not
33 make an EIR inadequate. The RDEIR, Chapter 5, noise analysis, was conducted by
34 Acoustics Group International, experts in noise analysis, and pursuant to industry
35 standards. RDEIR, Section 3.9.4.1 and Appendix F1 provide information on the
36 instruments and methodology employed during the survey and noise study.

37 Response to Comment R116-12

38 The SCIG DEIR, RDEIR and Noise Technical Study employed conservative, appropriate
39 and correct methodologies per CEQA guidelines. The operations noise analysis
40 considered shielding from terrain features including the existing 24-ft high soundwall
41 east of the ICTF Rail yard, the barrier effect provided by the San Pedro Branch Line
42 Track Grade, and existing structures such as the industrial building north of Willow (the
43 NOVA shipping facility).

1 A significant noise impact was identified for Receiver R1 (the residence at 2789
2 Webster) because future noise levels are expected to increase by as much as 10.1 dB
3 during daytime operations and 17.2 dB during nighttime project operations. These
4 increases are substantially higher than what is predicted for Receiver R2 (Buddhist
5 Temple) because of the proximity of Receiver R1 to the San Pedro Branch Line
6 operations. Future SCIG Project operations on the San Pedro Branch line will
7 substantially contribute to the noise at Receiver R1, but to a much lesser extent at
8 Receiver R2 because the Buddhist Temple is located further away from the branch line
9 operations and would experience greater shielding from the 24-ft high soundwall and
10 Nova shipping facility building.

11 **Response to Comment R116-13**

12 BNSF has acknowledged in their comment that implementation of the proposed
13 soundwalls (MM NOI-1 and NOI-3) and intensive landscaping as a Project Condition
14 (PC AES-1) requires the cooperation of the City of Long Beach because these
15 improvements would need to be placed within property owned by the City of Long
16 Beach. The LAHD, as lead agency, determined that implementation of the soundwall
17 mitigation and intensive landscaping is feasible even though these improvements would
18 be located within the jurisdiction of another entity, see response to comment R90-49.
19 Given that the intensive landscaping Project Condition (PC AES-1) is not required as a
20 mitigation measure to reduce an identified impact under CEQA, BNSF would not be
21 required to substitute this measure but would need to show that a good faith effort was
22 made to implement this project condition if approved.

23 **Response to Comment R116-14**

24 The comment presents an analysis based upon a different methodology than was used in
25 the RDEIR. The methodology employed in the socioeconomic section of the RDEIR
26 (Chapter 8) was developed by the LAHD, is specific to the port industry, and has been
27 employed in previous LAHD environmental documents. Accordingly, the analysis in the
28 RDEIR is adequate under CEQA.

29 The commenter restates and provides additional information on portions of RDEIR
30 relating to jobs and the economy. The comments are noted and are hereby part of the
31 Final EIR and are therefore before the decision-makers for their consideration prior to
32 taking any action on the SCIG project.

33 **Response to Comment R116-15**

34 The commenter may be correct that construction in the Dominguez Channel may be
35 accomplished without California CDFG approval or a CWA Section 404 permit.
36 However, the analysis in the RDEIR is based on the conservative assumption that in-
37 water work could require a streambed alteration agreement with the CDFG and on
38 communications from the USACE (e-mail from USACE to POLA dated June 24, 2008)
39 indicating that a letter of permission or a Section 404 permit could be required.
40 Accordingly, the RDEIR complies with CEQA.

41 **Response to Comment R116-16**

42 The comparison of health risk results for the Mitigated Project and No Project is an
43 informational analysis that is not required under CEQA. The information provided in the

1 RDEIR on the comparison of the Mitigated Project and No Project is sufficient to convey
2 the information to the reader.

3 Thank you for the comment and additional information provided, the comment is noted
4 and is hereby part of the Final EIR, and therefore before the decision-makers for their
5 consideration prior to taking any action on the SCIG project.

6 **Response to Comment R116-17**

7 The commenter states that the “The comparison made in the RDEIR between modeled 1-
8 hour NO₂ levels associated with the various project alternatives and the 1-hour NAAQS
9 and 1-hour SCAQMD threshold provides a very conservative assessment of the
10 likelihood that each project alternative will exceed significance thresholds for NO₂.
11 Under CEQA Guidelines § 15151, disagreement among experts does not make an EIR
12 inadequate. The RDEIR NO₂ analysis was conducted according to industry standards by
13 a team of air quality experts at ENVIRON Corp. The methodology is discussed in
14 RDEIR Section 3.2.4.1.

15 **Response to Comment R116-18**

16 Please see the response to comment R116-22.

17 **Response to Comment R116-19**

18 Please see the response to comment R116-22.

19 **Response to Comment R116-20**

20 Please see the response to comment R116-22.

21 **Response to Comment R116-21**

22 Please see the response to comment R116-22.

23 **Response to Comment R116-22**

24 Regarding comments R116-18 and R116-21, comparing the maximum modeled 1-hour
25 NO₂ concentration plus the three-year average of the 8th highest maximum daily
26 background concentration with the federal 1-hour NO₂ standard is consistent with the
27 Tier 1 approach described in the POLA Criteria Pollutant Modeling Protocol (POLA,
28 2011). This option is adapted from USEPA’s Tier 2 approach for modeling 1-hour NO₂
29 concentrations for regulatory purposes (EPA, 2010; EPA, 2011a). As described in the
30 POLA Protocol, NO_x emissions are modeled with no chemical conversion. The modeled
31 maximum 1-hour and annual project contributions are multiplied by NO₂/NO_x
32 conversion factors of 0.80 and 0.75, respectively, prior to adding the background
33 concentration, which would be the 3-year average of the 98th percentile of the annual
34 distribution of the daily maximum 1-hour monitored values.

35 Furthermore, single sources were not modeled separately, as described by the commenter
36 in comment R116-19. Instead, types of sources were grouped together. These source
37 groups were modeled separately as a conservative approach, as is commonly done for
38 large modeling projects. A more refined approach would not be appropriate given the
39 screening-level approach taken with emissions, where, consistent with the POLA
40 Protocol, the maximum emissions over the range of applicable analysis years are

1 determined separately for each source category. These maximum emissions were then
2 modeled together to conservatively predict maximum ground-level criteria pollutant
3 concentrations for the pollutant and averaging period of interest. This screening method
4 results in conservative (i.e., over-predicted) concentrations from project emissions. It
5 should be noted that the ARB, in its Risk Assessment Guidance for Rail Yard and
6 Intermodal Facilities (ARB, 2006), also says that, “it is acceptable and even encouraged
7 to combine sources into large area or volume sources or smaller sets of point sources in
8 order to make the modeling analysis manageable. Like or related pollutant sources with
9 similar source parameters may be combined.”

10 Regarding comment 116-20, it is acknowledged that there is currently a newer version of
11 AERMOD that includes an enhancement. In the model change bulletin (EPA, 2011b),
12 USEPA states that, “a modification to the urban option has been implemented to address
13 issues with the transition from the nighttime urban boundary layer to the daytime
14 convective boundary layer. Under the new default urban option, the model will continue
15 to apply the urban boundary layer approach for urban sources until the daytime
16 convective boundary layer exceeds the population-dependent urban boundary layer
17 height.” The commenter did not provide information to show whether this enhancement
18 makes a substantial difference to the results. However, as discussed below, the
19 combination of all of the proposed changes by the commenter would not result in a
20 change to the significance determination made in the RDEIR.

21 In summary, there are different valid modeling approaches for modeling 1-hour NO₂
22 concentrations for regulatory purposes under both the POLA Criteria Pollutant Modeling
23 Protocol and USEPA guidance. The RDEIR used one of these methods, as described
24 above. It is acknowledged that some of the RDEIR approaches described by the
25 commenter in comments R116-118 through R116-21 are conservative, screening-level
26 approaches. However, based on information provided by the commenter in comment
27 R116-22, which was not verified, a more refined analysis would not impact the
28 significance determination. The commenter states that “significance findings for 1-hour
29 NO₂ still occur for the Mitigated Project, Mitigated Reduced Project, and No Project
30 Alternatives.” Although not directly discussed by the commenter, this means that
31 significance findings for 1-hour NO₂ would also still occur for the unmitigated Project
32 and unmitigated Reduced Project, based on information provided by the commenter.

33 **References**

34 Port of Los Angeles (POLA). 2011. “POLA Draft Criteria Pollutant Modeling Protocol.”
35 July 22

36 U.S. Environmental Protection Agency (USEPA). 2011a. “Additional Clarification
37 Regarding Application of Appendix W Modeling Guidance for the 1-hour NO₂ National
38 Ambient Air Quality Standard.” Memorandum from Tyler Fox to Regional Air Division
39 Directors. March 1.

40 U.S. Environmental Protection Agency (USEPA). 2010. “Applicability of Appendix W
41 Modeling Guidance for the 1-hour NO₂ National Ambient Air Quality Standard.”
42 Memorandum from Tyler Fox to Regional Air Division Directors. June 28.

43 California Air Resources Board (ARB). 2006. “ARB Health Risk Assessment Guidance
44 for Rail Yard and Intermodal Facilities.” September.

45 U.S. Environmental Protection Agency (USEPA). 2011b. “Model Change Bulletin: MCB
46 #4. AERMOD (dated 11059).” February.

1 Response to Comment R116-23

2 The comment contains a number of separate statements and questions which are
3 responded to individually in order of their occurrence.

4 Paragraph 1. The commenter is correct that the RDEIR used health-conservative
5 exposure assumptions and toxicity factors that were developed by regulatory agencies
6 and applied in the health risk assessment (HRA) to “err on the side of health protection”
7 (OEHHA, 2003). In fact, this point was explicitly made in the uncertainty discussion
8 (Section 8 of Appendix C3). With respect to that uncertainty section, the commenter is
9 correct that the specific uncertainties associated with DPM are not included. While it is
10 acknowledged such uncertainties exist, inclusion of a discussion of these uncertainties
11 would not change the methods or toxicity factors used in the HRA, nor would it change
12 the results. Note also that an EIR does not need to include all information available on a
13 subject. An EIR should be ‘analytic rather than encyclopedic’ and should emphasize
14 portions ‘useful to the decision-makers and the public.’” (*Al Larson Boat Shop v. Board*
15 *of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729, 748).
16 Consistent with this interpretation, no additional discussion of the uncertainties
17 associated with DPM’s toxicity will be included in the FEIR.

18 Paragraph 2. This paragraph contains a series of statements regarding DPM, but does not
19 pose a specific question. As such, no response is needed.

20 Paragraph 3. The commenter provides a discussion regarding the role of specific
21 uncertainties in the evidence of DPMs carcinogenicity as they relate to the USEPA’s
22 decision not to develop an inhalation unit risk factor for use in regulatory risk assessment.
23 The documents cited in this discussion (footnotes 2, 3, and 4 of the comment) were
24 published in 1999 and 2002. While they accurately describe the USEPAs position at that
25 time, they do not mention the recent (2012) developments regarding DPM
26 carcinogenicity. Studies published in 2012 directly counter the supposition that there is a
27 negative correlation between DPM exposure and lung cancer risk. Specifically, two
28 scientific studies provided evidence that exposure to DPM from heavy diesel engines
29 likely increases the risk of dying from lung cancer, and is also correlated with an
30 increased risk of bladder cancer (Attfield et al., 2012; Silverman et al., 2012). A more
31 detailed description of these studies will be included in the FEIR as summarized in
32 response to comment R146-3. While the Attfield and Silverman studies characterized
33 health effects from heavy duty diesel exhaust (and thus may not reflect the potential
34 outcomes from exposures to more modern fuels and engines), the studies included many
35 controls that the Garshick et al. studies (commenter’s reference 4) did not possess.
36 Importantly, these and other epidemiologic studies led the IARC (Benbrahim-Tallaa et
37 al., 2012; IARC, 2012) to conclude that there is support for a “causal association between
38 exposure to diesel-engine exhaust and lung cancer”. The Working Group of the IARC
39 concluded that there was “sufficient evidence” in humans for the carcinogenicity of
40 diesel-engine exhaust, a conclusion that led the IARC to classify diesel exhaust as
41 Carcinogenic to Humans (Group 1). (IARC, 2012). While the USEPA has not yet
42 formally re-examined DPMs carcinogenicity based on these recent data, it seems unlikely
43 that the agency would support the hypothesis of a negative correlation between DPM
44 exposure and lung cancer risk.

45 Paragraph 4. The commenter notes that a typical approach to evaluating health risks for
46 mixtures such as diesel exhaust is an indicator chemical approach. This statement is
47 correct under USEPA guidance, but is not consistent with the method used by

1 California's OEHHA to quantify cancer risks attributable to DPM. OEHHA developed a
2 CSF to describe the dose response relationship for the mixture that is DPM, and does not
3 evaluate the combined toxicity of individual DPM components. Accordingly, the
4 RDEIR's approach to assessing DPM risks is consistent with current state guidance. The
5 commenter also notes that an indicator chemical approach was not used in the RDEIR,
6 even as a sensitivity analysis. However, the component chemicals that comprise DPM
7 vary with the source of the fuel, the type of engine, and the rate of engine activity (e.g.,
8 idling or operating), and studies have identified a lengthy and variable set of DPM
9 components. This variability introduces potentially significant uncertainty into any
10 assessment of DPM by an indicator approach, and the preparers of the RDEIR believe
11 that introduction of additional uncertainty into the assessment of DPMs carcinogenicity
12 would do little if anything to clarify the potential risks associated with exposure to DPM.

13 The commenter is correct however, in noting that the mixture of chemicals that comprise
14 DPM from newer engines *may* be less toxic than that from older engines – if for no other
15 reason than that the level of emissions is lower.

16 Paragraph 5. The commenter is correct in their citation of data which indicates that one-
17 to three-month exposures of rodents to exhaust from newer diesel engines have not
18 yielded evidence of genotoxicity as measured by the micronucleus assay, an assay of
19 DNA strand breaks, and measurements of oxidative damage. This is in contrast to
20 numerous studies of genotoxicity cited by OEHHA in their 1998 Health Risk Assessment
21 for Diesel Exhaust. We agree that the evidence to date indicates that newer diesel
22 engines do appear to have lower genotoxicity than older diesel engines.

23 Paragraph 6. The commenter is correct that the DPM cancer slope factor and REL are
24 based on studies of the mixture that is DPM (as opposed to individual chemicals as per
25 the indicator approach proposed in paragraph 4, described above). However, the studies
26 in question did not characterize the mass or composition of any very fine particles that
27 may have been present in the mixtures, and so it is not correct to note that the studies
28 included an evaluation of potential exposures to very fine particulates.

29 Paragraph 7. The main point made in the RDEIR statement referred to in this comment is
30 not correct and will be revised in the FEIR i.e., that ultrafine particles (UFPs) are
31 addressed by standards for PM_{2.5} and PM₁₀. While UFPs are a component of PM, they
32 are not specifically addressed by standards for PM_{2.5} or PM₁₀ and in fact behave
33 differently in ambient air and in the human body than the larger PM species. Further,
34 freshly emitted UFP concentrations do not correlate well with PM_{2.5} or PM₁₀
35 concentrations (Sioutas et al 2002 as cited by the ARB (ARB, 2003)). Also, there is
36 published evidence that UFPs may have toxicologic effects that are distinct from PM_{2.5}
37 or PM₁₀, and these effects were not explicitly taken into account when developing the
38 PM standards. For example, UFP appears to have a greater ability to cause cellular
39 damage than PM_{2.5} or PM₁₀, potentially attributable to the greater surface area of UFPs
40 and/or the greater ease with which these small particles appear to move into the
41 circulatory system.

42 **References**

43 Air Resources Board (ARB). 2003. "Ultrafine Particulate Matter: Public Health Issues
44 and Related Research." January.

- 1 Attfield MD, Schleiff PL, Lubin JH, Blair A, Stewart PA, Vermeulen R, Coble JB,
2 Silverman DT. 2012. The Diesel Exhaust in Miners Study: A Nested Case-Control Study
3 of Lung Cancer and Diesel Exhaust. J Natl Cancer Inst.104 (11):1-15.
- 4 Benbrahim-Tallaa, L. et al. 2012. Carcinogenicity of Diesel-engine and Gasoline-engine
5 Exhausts and Some Nitroarenes, Lancet Oncology. July 2012. DOI:10.1016/S1
- 6 Garshick et al. 2002. "Health Assessment Document for Diesel Engine Exhaust."
7 Natinoal Center for Environmental Assessment, Office of Research and Development,
8 Washington, DC. EPA/600/8-90/057F. May
- 9 International Agency for Research on Cancer (IARC). 2012. "IARC: Diesel Engine
10 Exhaust Carcinogenic." June.
- 11 OEHHA, 2003. Air Toxics Hot Spots Program Risk Assessment Guidelines. The
12 AirToxics Hot Spots Program Guidance Manual for Preparation of Health
13 RiskAssessments. August, 2003.
- 14 OEHHA, 1998. Part B. Health Risk Assessment for Diesel Exhaust. May 1998
- 15 Silverman DT, Samanic CM, Lubin JH, Blair AE, Stewart PA, Vermeulen R, Coble JB,
16 Rothman N, Schleiff PL, Travis WD, Ziegler RG, Wacholder S, Attfield MD. 2012. The
17 Diesel Exhaust in Miners Study: A Cohort Mortality Study With Emphasis on Lung
18 Cancer. J Natl Cancer Inst. 104:1-14.

19 **Response to Comment R116-24**

20 The inconsistency to which commenter refers has been addressed in the FEIR Chapter 3.
21 Please see FEIR Section 1.5.

22 **Response to Comment R116-25**

23 The RDEIR analyzed the latest available model year LNG engine data (from the CARB
24 engine certification database) for purposes of modeling emissions from LNG yard
25 hostlers. These engines already meet the most stringent standards currently required for
26 these engine types. The commenter states that BNSF will be utilizing SCIG hostler
27 trucks that will have lower CO and NOx emissions than the trucks that were modeled for
28 the RDEIR analysis. This information is hereby part of the Final EIR and therefore before
29 the decision-makers for their consideration prior to taking any action on the SCIG
30 project.

31 **Response to Comment R116-26**

32 The methodology used to determine the Environmentally Superior Alternative has been
33 revised, see the FEIR Section 3.2.

34 **Response to Comment R116-27**

35 Please see Master Response 1, Baseline which discusses the technical reasons for
36 evaluating the health risk using a floating baseline. This is appropriate for analyses in
37 which receptors are exposed to emissions levels for long durations, such as the 70-year
38 average emissions used in evaluating residential cancer risk. The use of a floating
39 baseline is a conservative analysis and is consistent with Port practice for past EIR
40 analyses.

1 Response to Comment R116-AttA-1

2 The commenter provides a map on Street and Freeway Segments Improved/Degraded by
3 the SCIG Project. The map is hereby part of the Final EIR and therefore before the
4 decision-makers for their consideration prior to taking any action on the SCIG project.

5 Response to Comment R116-AttB-1

6 The commenter summarizes the key findings of the comments presented in the rest of the
7 letter. The comment is introductory in nature and does not reference any particular
8 section of the RDEIR. Responses to specific comments are provided below.

9 Response to Comment R116-AttB-2

10 The Commenter details the methodology used to run the economic and transportation
11 analyses and simulations designs presented in the rest of the letter. The comments are
12 noted and are hereby part of the Final EIR and are therefore before the decision-makers
13 for their consideration prior to taking any action on the SCIG project.

14 Response to Comment R116-AttB-3

15 The commenter restates and provides additional information on portions of RDEIR
16 relating to the employment impacts of the proposed SCIG facility. The comments are
17 noted and are hereby part of the Final EIR and are therefore before the decision-makers
18 for their consideration prior to taking any action on the SCIG project.

19 Response to Comment R116-AttB-4

20 The commenter restates and provides additional information on portions of RDEIR
21 relating to the impacts on wage income of the proposed SCIG facility. The comments are
22 noted and are hereby part of the Final EIR and are therefore before the decision-makers
23 for their consideration prior to taking any action on the SCIG project.

24 Response to Comment R116-AttB-5

25 The commenter restates and provides additional information on portions of RDEIR
26 relating to the impact on Gross Regional Product of the proposed SCIG facility. The
27 comments are noted and are hereby part of the Final EIR and are therefore before the
28 decision-makers for their consideration prior to taking any action on the SCIG project.

29 Response to Comment R116-AttB-6

30 The commenter restates and provides additional information on portions of RDEIR
31 relating to the Port of Long Beach Economic Impacts. The comments are noted and are
32 hereby part of the Final EIR and are therefore before the decision-makers for their
33 consideration prior to taking any action on the SCIG project.

34 Response to Comment R116-AttB-7

35 The commenter restates and provides additional information on portions of RDEIR
36 relating to the Southern California Association of Governments estimates of port
37 activities and job impacts. The comments are noted and are hereby part of the Final EIR
38 and are therefore before the decision-makers for their consideration prior to taking any
39 action on the SCIG project.

1 Response to Comment R116-AttB-8

2 The commenter restates and provides additional information on portions of RDEIR
3 relating to the economic impacts of the proposed SCIG facility. The comments are noted
4 and are hereby part of the Final EIR and are therefore before the decision-makers for
5 their consideration prior to taking any action on the SCIG project.

6 Response to Comment R116-AttB-9

7 The commenter restates and provides additional information on portions of RDEIR
8 relating to the economic impacts of the proposed SCIG facility. The comments are noted
9 and are hereby part of the Final EIR and are therefore before the decision-makers for
10 their consideration prior to taking any action on the SCIG project.

11 Response to Comment R116-AttB-10

12 The commenter restates and provides additional information and references to comments
13 made in this. The comments are noted and are hereby part of the Final EIR and are
14 therefore before the decision-makers for their consideration prior to taking any action on
15 the SCIG project.

16 The commenter attached a document. This document does not specifically address
17 sections of the RDEIR or its adequacy. Therefore, no response is provided. A copy of the
18 commenter's attachment is included in the electronic versions (CD and POLA website) of
19 the Final EIR. The commenter's attachment:

- 20 1. "Diesel Emissions and Lung Cancer: Epidemiology and Quantitative Risk Assessment",
21 Health Effects Institute. June 1999.

22
23

November 13, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

R117-1 | As a Non-Profit Organization Executive and a caring citizen that has a strong commitment to the Wilmington Community and overall Los Angeles Harbor area, I personally support the SCIG project and the continued efforts of the Port of Los Angeles and BNSF Railway in making this project an example of job retention, growth and environmental stewardship. Both BNSF and the Port of Los Angeles have demonstrated to be amazing corporate citizens and have made a positive impact on the lives of thousands!

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs. The jobs created and environmental enhancements make this project an important step toward improving the lives of those in adjacent communities.

R117-2 | It is my hope that this project will not disturb the two private businesses and one public agency that need to be relocated, particularly for the purpose of preserving the jobs for the employees of these companies as well as operational deficiencies. I believe the impact on the loss of these businesses needs to be more thoroughly evaluated and addressed.

Please do not hesitate to contact me if you have any further questions.

Sincerely,



Chad R. Mayer
Executive Director, Sharefest Community Development, Inc.

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D

Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R117: Sharefest Community Development, Inc.**

2 **Response to Comment R117-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R117-2**

9 Please see Master Response 8, Displaced Businesses.

10

11

From: [D.Kemeny](#)
To: [Ceqacomment](#)
Subject: Fw: CFASE Submitted BNSF SCIG Public Comments
Date: Tuesday, November 13, 2012 4:27:14 PM
Attachments: [CFASE BNSF SCIG DEIR Final Public Comments 2-1-2012.pdf](#)

Dear. Mr. Cannon and POLA,

Your Revised Draft Environmental Impact Report for SCIG does not consider the better cargo moving technologies being used in Europe and Japan or current mitigation methods for human health. The impacts from SCIG will last for decades.

In case you have forgotten about recent lawsuits, the attached will remind you. It is sad that it often takes lawsuits to make corporations and governmental projects like ports stop being abusive neighbors. If a lawsuit is what it will take to have your port stop killing us with particulate matter and use 21st century cleaner technology for goods movement, than that is what we will do.

Dorothy Kemeny

----- Forwardedmessage-----

Dear EJ Colleagues:

I have attached several documents for your review and future consideration in public comments.

1. Port of Los Angeles BNSF SCIG Public Comments – This is an 80 pg. public comment opposing a new BNSF Railroad intermodal facility that they want to build off-port property near three city communities. One of the primary focuses in this document is our comments on the Noise section of the EIR. Our concern was that none of us have a noise background, so we spent last year conducting our own independent research. Our approach was not to provide generic comments like we did in the past (1-2pgs.) do to our lack of knowledge, but to provide very specific technical comments attacking every page and paragraph of the Noise Section of the EIR. This approach would allow other organizations to learn from our strategy and be able to use our information to tear apart your community's project EIR documents. We also demand that they establish a Community Advisory Committee and conduct a Community Noise Survey. There is also an extensive scientific medical research reference list. Let's see what we get, we have nothing to lose? Even though it is port specific the principles are the same for other projects.

2. In the process of preparing these public comments we realized that every city noise ordinance, state and federal agency noise standards were outdated. So we have prepared our own EJ Community Noise Standard Proposal that we hope others can adopt and we can all support fight together to adopt. This is a simple one page reference sheet. I plan to write a white paper that would discuss this proposal and also include appropriate references.

3. I am proud to say that we have the first Legal Expert Opinion Letter in support of Health Impact Assessments vs. Health Risk Assessments. This is a direct challenge to the ports in their condemning HIA's as being a relevant form of health assessment. In my

previous lawsuit against the Port of Los Angeles the judge dismissed me by saying that I was not an expert witness on the subject of HIA's so therefore my recommendation for the Port to include and HIA was merely a recommendation and it was the discretion of the Port if they wished to include one. The judge also dismissed the L.A. County Dept. of Public Health recommendation for an HIA because the agency did not provide an expert medical opinion in their letter as to why an HIA was better than an HRA. The judge stated that the agency should have listed bullet points, paragraphs or a comparison chart as to the benefits of an HIA. Well my friends that will never happen again. I thank Jonathan Heller for his courage to support us. I hope to get two more letters in the near future. I absolutely recommend that you do the same. Another easy approach would be to add our organization as a sign-on and you can include all of our documents with your public comments.

4. I am still developing and refining our Environmental Justice comments and welcome any recommendations to enhance our position and demands.

5. FYI. NRDC, Port of LA Community Advisory Committee and our LA Port Working Group also submitted extensive public comments that are good to also have as a reference.

6. I did not include my over 300pgs. In attachments but they are available.

In the Spirit of EJ Brotherhood
Jesse N. Marquez

1 Comment Letter R118: Dorothy Kemeny**2 Response to Comment R118-1**

3 The commenter did not provide any substantial evidence in support of its assertion that
4 there are “better cargo-moving technologies being used in Europe and Japan”,
5 accordingly no further response is required. Please see Master Response 7, ZECMS.
6 The commenter also provided no substantial evidence in support of its assertions
7 regarding “current mitigation methods for human health” and accordingly no further
8 response is required. The RDEIR included a health risk analysis (see Section 3.2) and
9 considers all feasible mitigation measures for human health impacts; please see Master
10 Response 4, Feasibility of Mitigation Measures.

11 Response to Comment R118-2

12 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
13 and is therefore before the decision-makers for their consideration prior to taking any
14 action on the SCIG project. The comment is general and does not reference any specific
15 section of the DEIR or RDEIR, therefore no further response is required. (Public
16 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

17 Response to Comment R118-3

18 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
19 and is therefore before the decision-makers for their consideration prior to taking any
20 action on the SCIG project. The comment is general and does not reference any specific
21 section of the DEIR or RDEIR, therefore no further response is required. (Public
22 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

23 The commenter resubmitted a previously submitted comment letter on the DEIR; see
24 Master Response 13 on Draft EIR and RDEIR Commenter Letters.

25



November 13, 2012

Christopher Cannon, Director
City of Los Angeles Harbor Department
Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: SCE's Comments to the Recirculated DEIR
BNSF SCIG Project – Btwn. Sepulveda Blvd. & PCH
City of Long Beach

Dear Mr. Cannon:

Southern California Edison Company (SCE) has prepared the following response to re-state and supplement issues concerning BNSF's proposed near dock tracks that are part of the Port of Los Angeles' overall intermodal development referenced in the Recirculated Draft Environmental Impact Report ("RDEIR").

R119-1 | As a threshold matter, please note that SCE did not receive official notice of this RDEIR. In the future, SCE respectfully requests that it be provided notice and an opportunity to comment upon the release of such documents. Notwithstanding the foregoing, SCE has attempted to review the revised version on an abbreviated time frame and make contact with the Port of Los Angeles to understand the changes and relative impacts to SCE prior to the public comment deadline of November 13, 2012.

R119-2 | SCE re-states and re-incorporates its original comments to the Draft Environmental Report. A copy of our prior correspondence is included. In particular, SCE outlined several key areas that would be affected, notably, (i) land rights, (ii) access, by SCE, and its licensees, and (iii) regulatory licensing requirements. Within these areas, further detail was provided covering the protocol for SCE's review of requests, conditional requirements, and requested updates to the DEIR. The concerns included in SCE's comments remitted last year are still valid and, to date, have neither been adequately addressed nor resolved. This letter further supplements SCE's original comments and includes updates on proposed project changes.

R119-3 ↓ Proposed Use and Conflict

In summary, BNSF's proposal to connect its current tracks north of Sepulveda Blvd. with the subject intermodal facility planned west of SCE's fee right of way creates a number of conflicts with SCE and our utility operations. In particular, BNSF requires its tracks to cross SCE's fee property in a diagonal

Comments to RDEIR

R119-3 ↑ manner. The subject crossings coupled with other proposed development adversely impacts our current operational activity and ability for SCE crews to access our properties. The project further impacts SCE's licensees on the property. The failure to secure SCE's concurrence on these issues and to facilitate changes to the project that have been previously discussed with SCE will create a number of safety hazards and will impact our ability to provide utility service.

Underground Fuel Pipelines

R119-4 There are several underground fuel pipelines installed in SCE's fee right-of-way that may conflict with the proposed construction and use of the BNSF facilities. For the safety of the all personnel that work on the property, BNSF must coordinate with SCE and the pipeline companies in order to properly and safely re-route or protect any pipelines that may be at risk of damage due to the construction and use of the proposed BNSF facilities. SCE has asked BNSF to survey and inventory these pipelines and to share information relative to its findings with SCE. To date, BNSF has provided SCE with a map, "Utilities Impacted by Site – SCE Tunnel Area" which identifies pipeline locations but contains no survey information. This information and new alignments if any of these pipelines are proposed to be relocated are required to determine impacts to SCE. Therefore, the operational risks associated with the existence of the pipelines are unknown.

General Comments Regarding SCE's Land Rights

R119-5 SCE's fee owned properties were purchased for the exclusive use of SCE to operate and maintain its present and future electric system. Requests to utilize SCE's right of ways (ROW) are reviewed on a case-by-case basis and require review and approvals by the appropriate SCE operating department. Decisions to allow the requested use are made based on compatibility with SCE's property rights, use of its ROW, operating standards, and future planning.

SCE is currently evaluating whether it will convey rights of way to BNSF and the appropriate method and manner by which to convey such land rights. Decisions as to granting BNSF access to our rights of way and fee owned property will be made by SCE on the basis of regulatory requirements (including, but not limited to Section 851 of the Public Utilities Code as may be applicable), mutual business practices between entities, and its own standard business practices.

By way of example, BNSF's current proposed access crosses the Port of Los Angeles's fee property at access points from Sepulveda Blvd. and PCH. BNSF will need to coordinate by and between itself, SCE, and the Port to discuss the conveyances of appropriate land rights in a manner that avoids and/or minimizes operational conflicts.

ROW Access

R119-6 ↓ SCE and its licensees, 3 Rivers Trucking, Cal Cartage, and possibly, Fast Lane, collectively "(SCE Plus)", require access to its ROW for our respective operations. Current access, allows SCE passage from both Sepulveda Blvd. and Pacific Coast Highway (PCH). SCE requires unobstructed use of both access points, Comments to RDEIR

Mr. Christopher Cannon

Page 3

R119-6 ↑ now and in the future and at all times. SCE's licensees have their own unique access concerns. BNSF has been referred to our licensees to evaluate and incorporate appropriate design changes to accommodate the unique access concerns raised by these parties.

R119-7 | The Sepulveda access point which BNSF proposes to construct an underpass crossing under BNSF's diagonal tracks which itself crosses SCE's fee property is conceptually acceptable to SCE provided that BNSF secures SCE's overall consent once engineering work has been prepared and submitted to SCE for review. In addition, SCE restates its concerns regarding long-term maintenance and future liability which will need to be addressed in an agreement by and between the parties. To date, such an agreement has not been provided nor negotiated. Therefore, SCE is not positioned to provide formal consent. The specifications for this undercrossing should further be discussed with SCE's licensees to determine whether their access needs have been met.

R119-8 | In the DEIR, SCE required that access on the south end at PCH be maintained. BNSF provided SCE with its proposed PCH route. This alternative is not satisfactory to SCE as it will create additional traffic hazards and may pose navigability issues for our vehicles and equipment. We understand our licensees have similarly objected... The general route enters near PCH and loops in a large circle around the intermodal staging area, past the Sepulveda access point and then back to SCE's property near PCH. An alternative for grade crossings from PCH to SCE's property as a more direct access path were informally discussed and should be considered. Put simply, the roundabout path is not feasible and is further limited by the yield times associated with having to cross a busy truck terminal using common roads.

SCE appreciates the opportunity to review and respond to the RDEIR for the SCIG Project and looks forward to working with the Port of Los Angeles to make this a successful project. Please contact me with any questions at (562)981-8216.

Sincerely,



Nolan Lam
Project Manager
Southern California Edison Company

1 Comment Letter R119: Southern California Edison**2 Response to Comment R119-1**

3 POLA has provided notice to all commenters on the DEIR of the availability of the
4 RDEIR. SCE was on this list of parties to whom the RDEIR notice was sent.

5 Response to Comment R119-2

6 The comment is introductory in nature and does not reference any particular section of
7 the RDEIR. Responses to specific comments are provided below. With respect to
8 previously submitted comments on the DEIR, please see Master Response 13, Draft EIR
9 and RDEIR Comment Letters. Notwithstanding the fact that the commenter's DEIR
10 comments are on sections superseded by the RDEIR, the LAHD has prepared a response
11 to the commenter's resubmitted DEIR comment, see response to Comment R147.

12 Response to Comment R119-3

13 Please see the responses to Comment R147-3 and Comment R147-6. The RDEIR
14 describes the proposed crossing of SCE's right of way, including construction of a grade-
15 separated crossing that would eliminate train/vehicle conflicts regarding access to the
16 right of way (Section 2.4.2.5). The RDEIR also explains that with respect to any land not
17 owned by POLA, BNSF will secure all easements and access necessary to construct and
18 operate the proposed SCIG facility. With regard to the Project's effects on SCE's tenants
19 and licensees, please see Master Response 8, Displaced Businesses.

20 Response to Comment R119-4

21 The existence of underground pipelines and other utilities in the SCE right of way is
22 specifically mentioned in Section 3.7.2.2.2 of the RDEIR, and the risk of releases or other
23 accidents during construction is acknowledged in Section 3.7.4.3.1 of the RDEIR. As
24 stated in Section 3.7.4.3.1 of the RDEIR, however, BNSF would coordinate with
25 landowners and pipeline operators during final design and prior to construction in order
26 to protect pipelines from damage and personnel from exposure to hazardous materials.
27 The detail SCE is requesting concerning pipeline locations (e.g., survey and inventory) is
28 appropriate to permit and license applications which will occur later, but is unnecessary
29 for the purposes of an EIR.

30 Response to Comment R119-5

31 The commenter is correct that BNSF will need to secure all easements and access
32 necessary to construct and operate the proposed SCIG facility, as explained in the RDEIR
33 (see Section 2.4.2.1). See also responses to comments R147-2 and R147-3.

34 Response to Comment R119-6

35 Please see the response to Comment R119-3.

36 Response to Comment R119-7

37 Please see the response to Comment R119-3.

1 **Response to Comment R119-8**

2 The primary entrance into SCE’s right of way, including California Cartage’s leasehold
3 area, would be via the proposed access road on Sepulveda Boulevard depicted in Figure
4 2-8 (see RDEIR Section 2.4.2). In addition, emergency access to the SCE right of way
5 would be provided at several points throughout the SCIG railyard (see Section 2.4.2.5 of
6 the RDEIR). If SCE requires alternative access in addition to the Sepulveda underpass as
7 proposed, BNSF would be the responsible entity to develop an alternative access plan in
8 coordination with SCE. It would not be appropriate for that planning process to proceed
9 until after formal action on the Project is taken by the Board of Harbor Commissioners if
10 the FEIR is certified and the proposed project is approved

11



November 13, 2012

Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
ceqacomment@portla.org

Sent via email

Re: Recirculated Draft EIR for the SCIG Rail yard Project

Dear Mr. Cannon:

On behalf of the Green LA Coalition, I write expressing the Green LA Coalition's support for the comment letter submitted by the Natural Resources Defense Council yesterday, November 12, 2012.

The Green LA Coalition is a coalition of over sixty active organizations, including the Port of Los Angeles Work Group, working together to dramatically transform Los Angeles into a national leader in environmental health and equity. We strongly oppose the proposed Southern California International Gateway (SCIG) rail yard because of the negative health impacts it will bring to neighboring communities and our region as a whole. We are also very concerned with the many serious flaws in the recirculated draft environmental impact report (EIR). Accordingly, we join the comment letter submitted by the Natural Resources Defense Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephanie Taylor".

For: Stephanie Taylor
Executive Director

Green LA Coalition
1000 North Alameda Street, Suite 240
Los Angeles, CA 90012

R120-1

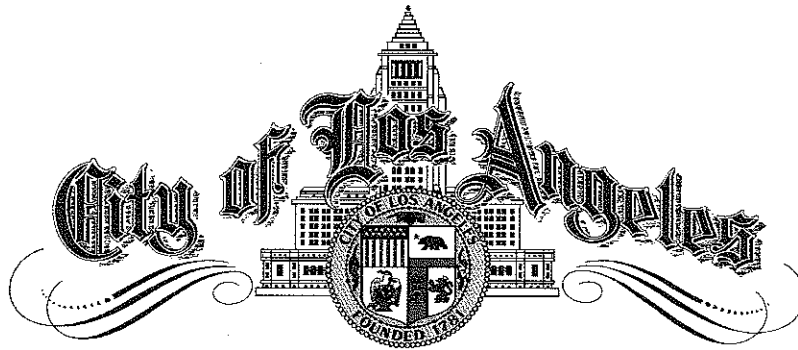
1 **Comment Letter R120: Green LA Coalition**

2 **Response to Comment R120-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

CITY HALL
200 N. Spring Street
Room 425
Los Angeles, CA 90012
(213) 473-7015
Fax (213) 626-5431



Councilmember
Joe Buscaino
Fifteenth District

DISTRICT OFFICES:

SAN PEDRO OFFICE
638 S. Beacon Street
Suite 552
San Pedro, CA 90731
310-732-4515
Fax 310-732-4500

WATTS OFFICE
10221 Compton Ave.
Suite 200
Los Angeles, CA 90002
213-473-5128
Fax 213-473-5132

November 13, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon:

R121-1

As you know, I support the Southern California International Gateway (SCIG) Project (Project) because it will bring \$500 million in private investments to the City of Los Angeles and tens of thousands of new, local and regional jobs, while simultaneously improving air quality and reducing health risks to our communities.

R121-2

As with any project of this scope and magnitude, there are numerous unintended consequences associated with it; primarily, a number of businesses will be required to vacate properties required for the proposed Project. While most of the impacted businesses are currently Port of Los Angeles (Port) tenants, Fast Lane Transportation Inc. operates on private property located within this footprint. A respected Wilmington business for over thirty years, Fast Lane Transportation provides port-related services and supports over 100 jobs.

While we all stand to benefit greatly from this project, whether it be via the creation of new jobs, improving our environment, or increasing the Port's competitiveness, we must not forget the small businesses that constitute the bulk of employers throughout the region. The relocation of Fast Lane Transportation will be a complicated endeavor. Consideration of an adequate relocation plan must be included in the Project's Draft Environmental Impact Report, so that the operation of this business is not disrupted, or we risk the loss of a valued community member and employer of local residents.

Thank you for your consideration.

Sincerely,

JOE BUSCAINO
Councilmember, 15th District

1 **Comment Letter R121: City of Los Angeles**

2 **Response to Comment R121-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment does not raise any issues about the sufficiency
6 of the analysis or conclusions in the DEIR or RDEIR, therefore no further response is
7 required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R121-2**

9 Please see Master Response 8, Displaced Businesses.

10

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LONG BEACH OFFICE
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SENATOR.LOWENTHAL@SEN.CA.GOV

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California State Senate

SENATOR

ALAN LOWENTHAL

TWENTY-SEVENTH SENATE DISTRICT



ENVIRONMENTAL QUALITY
CHAIR

SUBCOMMITTEE ON
CALIFORNIA PORTS AND
GOODS MOVEMENT
CHAIR

BANKING, FINANCE
AND INSURANCE

BUDGET AND FISCAL
REVIEW

EDUCATION

LABOR AND INDUSTRIAL
RELATIONS

NATURAL RESOURCES
AND WATER

TRANSPORTATION AND

November 13, 2012

Christopher Cannon
Director of Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: Southern California Intermodal Gateway Recirculated Draft Environmental Impact Report

Dear Mr. Cannon:

I am writing to you regarding the Southern California Intermodal Gateway Recirculated Draft Environmental Impact Report. I am not writing in support or opposition to the project itself, instead I'm writing in support of a business that may be impacted by the project.

Over my 14 years in the State Legislature, I've worked closely with the Port of Los Angeles on many issues from cleaner trucks and ships to extended gate hours and building the new Vincent Thomas Bridge. One issue the Port and I have continually had agreement on is protecting our local port related jobs. This is why I'm writing to you today.

R122-1 I am requesting the Port of Los Angeles to work with Fast Lane Transportation to find a location that will accommodate Fast Lane's specific business needs. In addition, the advantages associated with the company's new location should be similar to those at its current location with the goal of keeping Fast Lane whole during this time of upheaval. Specifically, I ask that the Port provide Fast Lane with:

1) At least the same amount of land area lost configured for the efficient storage, stacking and repair of containers, 2) timely replacement of their infrastructure (office, warehouse, maintenance facilities), with no interruption of business, and 3) unimpeded access (no rail obstruction).

I understand that there are many challenges with port related projects, however, as an elected official I believe it is important for all levels of government to ensure that impacts to local businesses are fully mitigated. It would be bad for our local economy if the Port's project put Fast Lane out of business.

Sincerely,

Handwritten signature of Alan S. Lowenthal in cursive.

Alan Lowenthal
Senate District 27

1 **Comment Letter R122: Alan Lowenthal, California State Senate**

2 **Response to Comment R122-1**

3 Thank you for your comment regarding the businesses that would be displaced by the
4 proposed Project. The LAHD has considered the disposition of those businesses; please
5 see Master Response 8, Displaced Businesses, which explains why the disposition of
6 those businesses is not a CEQA issue and therefore does not need to be resolved in the
7 EIR (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)). Please be
8 assured that the comment is hereby part of the Final EIR and is therefore before the
9 decision-makers for their consideration prior to taking any action on the SCIG project.

10



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

822 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012
Telephone (213) 974-4444 / FAX (213) 626-6941

DON KNABE
SUPERVISOR, FOURTH DISTRICT

November 6, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon:

I write you to express my concern for the local businesses that will be impacted by the proposed Southern California International Gateway (SCIG) and Intermodal Container Transfer Facility (ICTF) project. In the Draft Environmental Impact Report, Fast Lane Transportation, Inc., a business in the Wilmington community for over 30 years, will lose the base of its operation. The identified relocation area for Fast Lane does not appear to be adequate for it to continue performing at its current level of service.

Fast Lane provides well-paying port related jobs for over 100 persons, and also supports dozens of other local businesses indirectly. It has been a committed business and civic partner to the Harbor area community for the past 30 years. In the interest of the community, I urge BNSF Railway, and the Port of Los Angeles to work with Fast Lane to find a more appropriate relocation site.

The relocation site should provide equivalent acreage with similar constructive utility suitable for storing dislocated containers and equivalent replacement for existing infrastructure that is suitable for their office, warehouse, maintenance facilities and equipment repair space. Also a site that is unobstructed at grade (no above ground utility installations) and no above ground utility distribution; adequate public access that avoids rail line obstruction; allow for Fast Lane to access the Overweight Corridor; access to public utility (sewer, power, water, communication, etc); and proper road conditions and traffic flow to support truck trips currently supported at the existing site.

R123-1

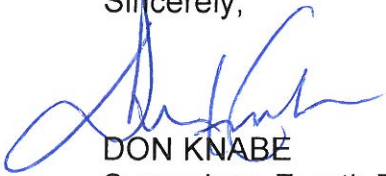


Page 2
Mr. Christopher Cannon
November 6, 2012

R123-1

I strongly urge you to work collaboratively with Fast Lane to provide a site that meets their business needs and avoids any negative impact to the residents of Wilmington and the community as a whole.

Sincerely,



DON KNABE
Supervisor, Fourth District
County of Los Angeles

DK:di

c: Pat Wilson, Owner, Fast Lane Transportation, Inc.
LA Board of Harbor Commissioners
Geraldine Knatz, Executive Director, Port of Los Angeles

1 **Comment Letter R123: County of Los Angeles**

2 **Response to Comment R123-1**

3 Thank you for your comment regarding the businesses that would be displaced by the
4 proposed Project. The LAHD has considered the disposition of those businesses; please
5 see Master Response 8, Displaced Businesses, which explains why the disposition of
6 those businesses is not a CEQA issue and therefore does not need to be resolved in the
7 EIR (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)). Please be
8 assured that the comment is hereby part of the Final EIR and is therefore before the
9 decision-makers for their consideration prior to taking any action on the SCIG project.

10



November 6, 2012

Board of Directors

Phylis Weatherspoon
President
Port of Los Angeles

Gayle Collings
Vice President
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Rachel Viramontes
Vice President
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Catherine Lawrence
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Real Estate*

Emma Castillo
*Emma Castillo
and Associates*

Elinor Lester
SA Recycling

Irene Mendoza
*Svorinich
Government Affairs*

Victoria Romero
L.A. County Probation

Mr. Christopher Cannon
Director, Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon:

On behalf of the board of directors of the YWCA Harbor Area and South Bay, we would like to express our strong support for the BNSF Railway Southern California International Gateway (SCIG) project. The additional jobs created and the environmental enhancements included in the project will substantially improve the lives of those residing within the adjacent communities.

The YWCA Harbor Area & South Bay provides family services to our clients living within the harbor communities which include child care, breast cancer education and screening, assistance to new mothers with basic baby supplies, and holiday food assistance for needy families. BNSF has been a longtime supporter of the YWCA, and we recognize their involvement as a good corporate citizen.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, demonstrating that the facility will result in an overall improvement in air quality, health risk, and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs. We are happy to support an endeavor which yields so many benefits to the local and regional area.

R124-1

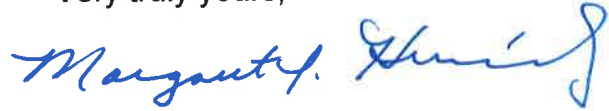
R124-1 ↑ We urge a prompt review and approval of the proposed SCIG project.

Very truly yours,



Phylis Weatherspoon, President
Board of Directors

Very truly yours,



Margaret I. Hernandez
Executive Director

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R124: YWCA Harbor Area and South Bay**

2 **Response to Comment R124-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

2805 Chestnut Ave.
Long Beach, CA 90806
November 12, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a longtime resident of the Wrigley Area of Long Beach, a retired LAUSD teacher, and a retired California State Senator, I wish to express my strong support for the Southern California International Gateway (SCIG).

I quite understand why many residents of the general area are not always in favor of the change that they fear will have a negative effect on the community. And, it is definitely a fact that changes will ensue. However, the future demands that we, the citizens of today, plan for the next generation. It goes without saying, that as the population grows the infrastructure and services must also grow. This growth WILL occur in one way or another. By planning for the use of clean energy and equipment, it will be possible to actually improve air quality and the general traffic conditions.

Also, the jobs that will be created and maintained by increased Port traffic will enhance the lives of all who are associated with the project. With good management and the intelligent use of technology and scientific principles, the future of the general area, I believe, will actually be an improvement compared to the current situation.

As a past chair of the California State Senate Transportation Committee, my duties allowed me to travel extensively to ports around the world. I am convinced that we MUST keep our U. S. ports competitive in order to keep our economy strong. A strong economy helps us all.

I strongly support the Southern California International Gateway. It is this local area's ticket to the future and it is absolutely necessary that we go forward at this time. Our prosperity and a clean environment depend on it.

Sincerely,

Sen. Betty Karnette, Retired

R125-1

1 Comment Letter R125: Betty Karnette**2 Response to Comment R125-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

**Northwest San Pedro Neighborhood Council (NWSPNC)
Comments to Recirculated Draft Environmental Impact Report, Dated
September 27, 2012 for the Southern California Intermodal Project,
Wilmington, California**

WHEREAS, the City of Los Angeles Harbor Department (LAHD) has solicited input from the community concerning the Southern California Gateway (SCIG) project as detailed in the recirculated Draft Environmental Impact Report (DEIR; and

WHEREAS, the NWSPNC commented on the SCIG project during the Notice of Preparation comment period in 2005 and in December 2012 during the comment period for the initial circulation of the DEIR; and

WHEREAS, the LAHD has addressed many of the issues identified in our previous comments, as well as those provided by the Wilmington Neighborhood Council (WNC). We reiterate our comments and provide specific comments to revised sections within the recirculated DEIR. It is the NWSPNC hope that the LAHD will incorporate the comments and proposed additional mitigations into the final Environmental Impact Report (EIR);

NOW THEREFORE, BE IT RESOLVED, that the NWSPNC provided the comments below the recirculated draft DEIR.

- | | |
|---------------|--|
| R126-1 | <ol style="list-style-type: none">1. That the LAHD require Quiet Rail Zones in the Port area to mitigate and reduce noise from overall rail operations.<ol style="list-style-type: none">a. That the LAHD require Quiet Rail Zones in the area of the SCIG project as mitigation, and in other areas of the LAHD as an offset to increased rail activity related to this project. |
| R126-2 | <ol style="list-style-type: none">2. The redrafted DEIR show that a partial acquisition of private business property through eminent domain will be required, but the DEIR incorrectly concludes that analyzing the environmental impacts of those action is “beyond the scope” of the SCIG DEIR. We strongly urge analyzing the potential impacts related to the relocation of California Cartage, FastLane and Three Rivers to ensure adverse traffic impacts will not be a consequence. |
| R126-3 | <ol style="list-style-type: none">3. AQ-4 – Provide for street sweeping equipment or operations that will removes dust. This can include using technology that captures street dust during sweeping, slower sweeping speeds and more frequent street sweeping. |
| R126-4 | <ol style="list-style-type: none">4. AQ-7 – Evaluate the use of electric drayage trucks for transport of containers from the LAHD terminals to the SCIG facility. Construct infrastructure within the facility that would allow for the recharge of electric short haul drayage trucks. Provide within the lease agreement with the tenant a phase in and percentage usage of all electric drayage trucks over 50 year lease period. |
| R126-5 | <ol style="list-style-type: none">5. GHG 1 – Provide for the use of zero emission drayage trucks, electric, as part of the lease agreement. Also include the potential use of fuel cells and other |

- R126-5** ↑ technologies to reduce the fossil fuel consumption and electrical grid consumption related to project operations.
- R126-6** | 6. LU -1 – Provide for additional project and LAHD boundary improvements, buffer, through the use of vegetation as a screen, undergrounding of utilities, and providing for sidewalks and pedestrian and bike access to the facility and boundary with the LAHD.
- R126-7** | 7. TRANS -2 – Evaluate the actual impacts to the studied intersections following project build out and operations. Should the level of service an intersection be less than evaluated in the DEIR then make improvements as needed to improve the level of transportation service at the intersection.
- R126-8** | 8. That during construction and operation the existing project labor agreement within the Port is implemented.
- R126-9** | 9. We recommend that the LAHD select the build out of the reduced project alternative, but with an option to increase to the proposed project truck and train throughput levels based on evaluation of the project mitigations against the expected improvements after a period of time.

Unanimously approved by the Board of the Northwest San Pedro Neighborhood Council November 12, 2012.

1 **Comment Letter R126: Northwest San Pedro Neighborhood Council**

2 **Response to Comment R126-1**

3 The RDEIR did not find a significant noise impact from operation of the SCIG facility
4 except in the case of construction noise, for which a “quiet rail zone” would not provide
5 mitigation, and railyard operations. In the latter case, mitigation in the form of
6 soundwalls would reduce the impacts to less than significant during the day; accordingly,
7 further mitigation is not required by CEQA.

8 The RDEIR found a significant and unavoidable nighttime impact under conditions of
9 high railyard activity and low ambient night noise even after the imposition of mitigation
10 in the form of soundwalls (Section 3.9.4.3 Impact NOI-6). The comment’s suggestion of
11 a “quiet rail zone” cannot, however, be applied as additional mitigation because of the
12 unacceptable constraints it would place on railyard operations. The railyard is expected to
13 operate 24 hours per day, seven days per week (Section 2.4.4 of the RDEIR). At full
14 operation a train must arrive and another depart every three hours, on average, which
15 means that, allowing for locomotive movements to make up and spot trains (see Section
16 1.1.4 of the RDEIR for a description of rail operations, and Section 2.4.4.2 for a
17 description of SCIG train operations), there would be almost continuous locomotive
18 activity at the facility. Prohibiting locomotive movements during certain times of day
19 would bring the facility’s operations to a halt, thereby severely limiting its throughput
20 and efficiency. Please see Master Response 4, Feasibility of Mitigation Measures, for a
21 more detailed discussion of feasible mitigation.

22 **Response to Comment R126-2**

23 Please see Master Response 8, Displaced Businesses.

24 **Response to Comment R126-3**

25 Mitigation Measure AQ-7, On-Site Sweeping at SCIG Facility (see RDEIR Section
26 3.2.4.3, Impact AQ-4) would require BNSF to conduct weekly sweeping of the facility
27 using commercial street sweeping equipment or any technology providing equivalent
28 fugitive dust control. This mitigation measure was applied appropriately based on the
29 operation of the facility opening in 2016. The street sweeping equipment and operations
30 do remove fugitive dust, as requested by the commenter. (See Mitigation Measure AQ-7)

31 **Response to Comment R126-4**

32 Please see Master Response 5, Alternatives, and Master Response 7, ZECMS. Mitigation
33 Measure AQ-8 (Low-Emission Drayage Trucks, see RDEIR Section 3.2.4.5) specifies a
34 timetable by which trucks calling at the SCIG facility must be low-emission trucks. With
35 regard to zero-emission trucks, Mitigation Measure AQ-9 requires periodic review, and
36 incorporation into the SCIG facility as appropriate, of new emissions control
37 technologies, which could include zero-emission trucks. Project Condition (PC) AQ-11,
38 if adopted by the Board of Harbor Commissioners, would establish a long-term goal of
39 100 percent zero-emission trucks by 2020, but because the feasibility of the technology is
40 not known at this time, it is not appropriate to establish an absolute timetable for
41 achieving that goal.

1 Response to Comment R126-5

2 Please see response to comment R126-4, Master Response 3, Feasibility of Mitigation
3 Measures, Master Response 5, Alternatives, and Master Response 7, ZECMS.

4 Response to Comment R126-6

5 As described in RDEIR Section 2.4.2.2. and RDEIR Section 3.1.5, a condition of the
6 proposed Project (PC AES-1) would require BNSF to endeavor to install an area of
7 intensive landscaping along the west side of the Terminal Island Freeway for the length
8 of the railyard (between PCH and Sepulveda Boulevard. In addition, Mitigation Measure
9 NOI-3 (see RDEIR Section 3.9.4.5) would require a 24-foot-high soundwall along the
10 eastern edge of the Terminal Island Freeway. Those features would act as a buffer
11 between the SCIG facility and west Long Beach.

12 With regard to bicycle and pedestrian access, please note that the facility is an industrial
13 facility that, as with the existing operations, will have no public access. Undergrounding
14 of utilities may occur as appropriate for the facility's design, but is not a requirement
15 because of the industrial setting of the Project.

16 Response to Comment R126-7

17 The impacts of the proposed project under future year conditions were analyzed in the
18 cumulative analysis for the years 2016, 2023, 2035 and 2046, and mitigation measures
19 were recommended when thresholds of significance were exceeded. The RDEIR
20 Mitigation Monitoring and Reporting Program is intended to ensure that Project
21 mitigation measures will be implemented. An EIR is allowed to "make reasonable
22 assumptions based on substantial evidence about future conditions without guaranteeing
23 that those assumptions will remain true." (*Environmental Council of Sacramento v. City*
24 *of Sacramento* (2006) 142 Cal App.4th 1018,1036).

25 Response to Comment R126-8

26 The comment is noted and is hereby part of the Final EIR, and is therefore before the
27 decision-makers for their consideration prior to taking any action on the SCIG project.
28 The comment addresses does not address a CEQA issue or reference any specific section
29 of the DEIR or RDEIR, therefore no further response is required (Public Resources Code
30 § 21091(d); CEQA Guidelines § 15204(a)).

31 Response to Comment R126-9

32 The comment is noted and is hereby part of the Final EIR, and is therefore before the
33 decision-makers for their consideration prior to taking any action on the SCIG
34 project. The comment addresses does not address a CEQA issue or reference any specific
35 section of the DEIR or RDEIR, therefore no further response is required (Public
36 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

37



November 13, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Pacific Merchant Shipping Association (PMSA), representing ocean carriers and marine terminal operators, I am writing to reiterate our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when many workers are struggling to find employment. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes.

R127-1 We would like to reiterate comments given in our testimony at the public meeting in Long Beach on October 18, 2012 explaining why all intermodal containers cannot be handled on dock at the marine terminals.

- First there is a limit to the amount of space available for future growth of on-dock facilities. As stated in the Draft EIR, "*According to the Tidelands Trust, port-related activities should be water dependent and should give highest priority to navigation and shipping*"
- Secondly, there is a limit to the size of on dock rail yards within terminals. An optimum terminal configuration requires a balance between space for container handling, terminal operations and rail yards.
- Third, not all intermodal container cargo can be placed on trains at the marine terminals. If there are not enough containers unloaded from a ship that are going to a single destination to make a full train, the marine terminals send the containers to a near-dock facility to be staged and later mixed with containers from the other marine terminals that are bound for the same destination. This helps keep the marine terminal yards fluid and provides the customers the fastest service.


R127-1

↑ There will always be a need for near dock facility and it is critical that the Ports of Los Angeles and Long Beach have competing near dock facilities for both Class One railroads.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening in 2015, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases competitiveness for shippers

We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,



Michele S. Grubbs
Vice President

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R127: Pacific Merchant Shipping Association**

2 **Response to Comment R127-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)). See Master Response 6,
8 On-Dock Rail, for a discussion of on-dock rail.

9



25332 Narbonne Avenue, Suite 250, Lomita, California 90717 • (310) 326-6378 • george@lomitacoc.com • website: www.lomitacoc.com

November 8, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Lomita Chamber of Commerce and our two hundred twenty five members, I am writing to re-iterate our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG also promotes the emission reduction goals of the Clean Air Action Plan (CAAP).

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

BNSF has gone beyond what is required to invest \$500 million in our regional economy at a time when unemployment remains stubbornly high. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight.

R128-1



R128-1

While some have argued that SCIG should be built on-dock, according to the DEIR, there is a limit to the amount of space that will be available for future growth of on-dock facilities. Facilities already planned for both ports will require all available land. In addition, there is a limit to the size of on-dock railyards within terminals, in order to balance container handling space, terminal operations and railyard operations. There is also limited main line capacity to serve these facilities.

Near-dock facilities such as SCIG also play an important role in supporting the efficiency of on-dock railyards, because they allow cargo from multiple marine terminals to be built into trains for specific destinations throughout the country, rather than congesting limited on-dock space with containers awaiting trains for specific locations.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and is consistent with the Port's rail policy.

SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG quickly.

Sincerely,



George M. Kivett
Executive Director

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R128: Lomita Chamber of Commerce**

2 **Response to Comment R128-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

Ernesto Nevarez
52041 Panorama Dr.
Morongo Valley, CA 92256
portofaztlan@yahoo.com

To The Port of Los Angeles,

Written Testimony
on
SCIG Project

I was born in San Pedro in 1958 and have always live or worked in the harbor area. In 1983 I joined the Harbor Coalition Against Toxic Waste and was very active in environmental issues affecting the Wilmington community. During the mid-1980s I attended and gave testimony on the Hazardous Waste Footprint Study by the POLA and on other matters including opposing the lease renewal of Warehouse 13 based on operational practices currently there by the tenant in this SCIG issue, CalCartage et al.

It is imperative that mis-conceptions about the project be clarified. SCIG will not displace workers and will not disrupt the flow of goods. Over the last 25 years I have devoted my life to understanding container drayage from a regulatory and operational perspective and have been called upon as an expert witness in litigation, have provided testimony before many agencies and am currently a member of the TRAC (Trucking Regulation Advisory Committee) of the CARB.

Workers at the site predominately drive trucks or work in warehouse 13 which is currently leased to CalCartage. The following information is available at the government website www.safersys.org which lists information for the three largest CalCartage trucking divisions;

California Multimodal LLC

500 trucks

Physical address: 3545 Long Beach Blvd., Long Beach, CA

(The trucks are in reality parked on Paramount Blvd several blocks south of the 91 freeway. The location provides parking for all 500 trucks and has space for all other CalCartage trucks as well)

California Cartage Express LLC

260 trucks

Physical address: 2931 Redondo Ave., Long Beach, CA

K & R Transportation LLC

240 trucks

Physical address: 3545 Long Beach Blvd., Long Beach, CA

R129-1



At least 1,000 of the trucks operated by CalCartage or their subsidiaries are parked elsewhere other than the location proposed by SCIG!!!! These trucks are currently functioning from other locations and they will not be disrupted by the new rail yard. No trucks will lose a terminal and no drivers will lose their jobs!!!!

CalCartage will lose 600,000 square feet of warehouse space with 18 feet of height. However, such loss of space due to the SCIG project can be re-assigned to its' other locations which have much higher stacking capability. The following figures come from the CalCartage.com website;

5540 E. 4 th Street Ontario, CA	400,000 sq ft.	24 ft ceiling
20943 S. Maciel St. Carson, CA	180,000 sq ft.	26 ft ceiling
2902 Val Verde Court Compton, CA	180,000 sq ft.	28 ft ceiling
13060 Temple ave. City of Industry, CA	320,000 sq ft.	28 ft ceiling
2132 E. Dominguez ave Long Beach, CA	210,000 sq ft.	26 ft ceiling
4444 E. 26 th St Vernon, CA	70,000 sq ft.	22 ft ceiling

All of these additional warehouses are capable of adding a second shift and taking on additional cargo. The warehouse workers are hired through an agency and will not need to go through a re-hiring process, background checks nor training. They will easily be transferred to other CalCartage locations or other warehouses which pick up the re-distributed cargo. Due to recent years of a bad economy there is a lot of warehouse space available throughout the harbor area.

I believe that the local industry can easily absorb the closing of the drayage/warehousing operation at Warehouse 13 and in fact, even CalCartage can retain its' market share with little disruption. The introduction of the new SCIG yard will force the local industry to work more efficiently and will be a blessing as current drayage operations will have to become more efficient.

I support the proposed SCIG Project.

November 13, 2012

R129-1

1 **Comment Letter R129: Ernesto Nevarez**

2 **Response to Comment R129-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



Elizabeth Warren, Executive Director
 Berth 77, P 7-A, Ports O' Call
 San Pedro, CA 90731
 www.FuturePorts.org

November 13, 2012

Chris Cannon, Director of Environmental Management
 Port of Los Angeles
 425 South Palos Verdes Street
 San Pedro, CA 90731

RE: Grow the Port with Green Projects Including the Southern California International Gateway

Dear Mr. Cannon:

FuturePorts appreciates the opportunity to provide the following comments that reiterate our support of the **Southern California International Gateway** Draft Environmental Impact Report (DEIR), prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

FuturePorts' members represent a broad range of goods movement industry businesses that operate throughout the Southern California region. Members range from small to large companies in the goods movement supply chain sector, from engineering and construction companies and their suppliers, to labor, and transportation providers. FuturePorts' members have a vested interest in an economically viable and sustainable supply chain from the waterfront throughout the entire distribution network.

FuturePorts embraces the philosophy that supply chain companies serving the ports must grow, and must grow cleanly. These concepts are not mutually exclusive and must be adopted simultaneously in order to sustain the long-term economic vitality and health of the region.

SCIG presents an example of the principle that green and growth can go together. BNSF has gone well beyond what is required to invest \$500 million in our regional economy at a time when it is urgently needed. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects.

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- Trucks that currently move 24 miles between the ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, eliminating 1.5 million truck trips from the 710 freeway and improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

In building SCIG, BNSF will improve an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

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 - Los Angeles County Economic Development Corporation
 - Pacific Merchant Marine Council -Navy League of the United States
 - Regional Hispanic Chamber of Commerce
 - San Gabriel Valley Economic Partnership
 - Valley Industry & Commerce Association
 - Wilmington Chamber of Commerce

R130-1

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

While some have argued that SCIG should be built on-dock, according to the DEIR there is a limit to the amount of space that will be available for future growth of on-dock facilities. Facilities already planned for both ports will require all available land. Therefore, the size of any on-dock railyards within terminals would be very limited in order to balance container handling space, terminal operations and railyard operations. There is also limited main line capacity to serve these facilities. However, the SCIG near-dock facility will play an important role in supporting the efficiency of on-dock railyards, because they allow cargo from multiple marine terminals to be built into trains for specific destinations throughout the country, which cannot be done with the limited on-dock space.

Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and the ports consistent with the Port's rail policy. While some opponents of SCIG have claimed that there would be an adverse impact on the existing tenants, the DEIR itself includes assessments for nearby parcels suitable for relocation.

With unemployment at 11 percent in Los Angeles County, creating well-paying local jobs is a high priority. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 14,000 new direct and indirect jobs in Los Angeles, and 22,000 new direct and indirect jobs in Southern California by 2036, according to a study by IHS Global Insight.

FuturePorts supports green growth. SCIG is an ideal example of green growth and will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We look forward to approval of the EIR.

Sincerely,



Elizabeth Warren
Executive Director
FuturePorts

CC:

Mayor Antonio Villaraigosa, City of Los Angeles
Geraldine Knatz, Ph.D, Executive Director, Port of Los Angeles
Los Angeles Board of Harbor Commissioners:
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn

1 **Comment Letter R130: Future Ports**

2 **Response to Comment R130-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



November 12, 2012

ceqacomments@portla.org "SCIG Recirculated Draft EIR"

Mr. Christopher Cannon
Director of Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731

Re: Recirculated Draft EIR SCIG

This letter is to ask for your consideration to the potential impacts to Fast Lane Transportation should the SCIG project be certified and completed. The concern is the eminent domain and subsequent relocation of their facility. The uncertainty of relocation and equipment infrastructure that Fast Lane utilizes to conduct business would be problematic without adequate location and square footage. As a motor carrier, that interchange marine equipment at the Fast Lane facility, location and adequate land near the port is important to both Fast Lane and the motor carriers.

R131-1 Fast Lane Transportation is a 33 year old company and I have personally known Mr. Wilson for 25 years. He is an outstanding corporate citizen in Wilmington and respect businessman. He is a prominent member of the Wilmington business community and has served as President of the Wilmington Chamber of Commerce for eight years. The Wilmington Chamber provided financial support for local organizations in Wilmington including YMCA, Boys & Girls Club and elementary schools. Mr. Wilson has given back hundreds of volunteer hours and raised thousands of dollars for the community.

Fast Lane Transportation has over 100 good paying port related jobs *including* medical and retirement benefits and most of the staff are Wilmington residents. Many workers have been employed for over 25 years.

R131-2 This letter is to recommend the Port of Los Angeles make every effort to go above and beyond to assist Fast Lane Transportation, including securing appropriate land and location so they can continue to operate. While "alternate sites" are identified in the Recirculated Draft EIR, they do *not* include the construction of any new improvements. Without an office, warehouse, and repair and maintenance facility, Fast Lane will not be able to continue to operate.

I support and recommend the adequate and timely relocation of the Fast Lane Transportation business which would be dislocated as a result of the SCIG project.

Sincerely,

Michael J. Johnson
Transportation Manager

1 **Comment Letter R131: Port Logistics Group**

2 **Response to Comment R131-1**

3 Please see Master Response 8, Displaced Businesses.

4 **Response to Comment R131-2**

5 Please see Master Response 8, Displaced Businesses.

6



November 13, 2012

Chris Cannon,
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Los Angeles County Federation, AFL-CIO, representing hundreds of thousands of working families throughout the region, I am writing to express our full support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

For the Port of Los Angeles to maintain its position as the nation's leading trade gateway it will require strong partnerships with companies, such as BNSF Railway, to better capitalize on much needed infrastructure projects and stimulate economic activity, while reducing the Port's environmental footprint. SCIG will help keep the Southern California ports competitive through improved operational efficiency. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy and environment.

With unemployment at 12% in Los Angeles County, creating well-paying local jobs should be a high priority. The project will sustain up to 14,000 new direct and indirect jobs in Los Angeles. During SCIG's three-year construction period, approximately 1,500 jobs would be created annually. These jobs are especially needed given that construction jobs are off 2007 levels by more than 50,000 jobs.

The updated DEIR confirmed what last year's report concluded:

- SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce, all while improving local traffic.

Maria Elena Durazo
Executive Secretary-Treasurer

Ricardo Icaza
President

R132-1

R132-1



BNSF will invest \$500 million in our regional economy and concluded a Project Labor Agreement worth \$255 million with the Building and Construction Trades Council for the construction of SCIG, ensuring that a skilled union workforce will build this environmentally-friendly rail yard.

This has been a long process. We look forward to approval of the EIR.

Sincerely,

A handwritten signature in black ink that reads "Maria Elena Durazo". The signature is fluid and cursive, with the first name "Maria" and last name "Durazo" clearly legible.

Maria Elena Durazo
Executive Secretary-Treasurer

CC:

Mayor Antonio Villaraigosa
Geraldine Knatz, Port of Los Angeles
Members of the Los Angeles Board of Harbor Commissioners

1 **Comment Letter R132: Los Angeles County Federation, AFL-CIO**

2 **Response to Comment R132-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Michael P. Bartolic](#)
To: [Ceqacomment](#)
Subject: Favorable to SCIG
Date: Tuesday, November 13, 2012 3:30:11 PM

R133-1

I feel this project is necessary and beneficial to Southern California, and in fact to California's economy and environment as a whole.

I hope it is approved asap.

Sincerely,

Michael Bartolic

M.P. Bartolic
513 12th Street
Davis, CA 95616

1 **Comment Letter R133: Michael Bartolic**

2 **Response to Comment R133-2**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [Gabrielle Weeks](#)
To: [Ceqacomment](#)
Cc: ccannon@pola.org; james.johnson@longbeach.gov
Subject: FW: the proposed SCIG impacts on the community
Date: Tuesday, November 13, 2012 4:10:30 PM

Re: Revised Draft Environmental Impact Report: Southern California International Gateway (SCIG)

Dear Mr. Cannon:

The proposed Southern California International Gateway (SCIG) railyard by BNSF, will have huge impacts on our community and they are planning none of the \$50 million dollar mitigations that they recently did for Los Angeles

- R134-1** | 1. The proposed facility would be within a few hundred feet of multiple schools, including Bethune School, Cabrillo High School, and Hudson School. Other nearby schools include Webster School and Stephens Middle School.
- R134-2** | 2. The proposed facility is within a few hundred feet of Hudson Park and Admiral Kidd Park, as well as two community gardens.
- R134-3** | 3. The proposed facility is adjacent to the Villages at Cabrillo, one of the nation's top facilities for breaking the cycle of homelessness as well as other programs that help with dependency problems and for veterans assistance. The trucks accessing SCIG would use the Terminal Island Freeway off ramp system, meaning over 5000 trucks a day would come within 10 feet of this facility.
- R134-4** | 4. Though the project claims to remove trucks from the 710 which is debatable, it would merely relocate those trucks from the 710 to SCIG, meaning all the schools, parks, senior centers, health clinics, and homeless/veteran centers and the community would have a dramatically increased impact as those 5000 trucks would now be, literally, on their doorstep.
- R134-5** | 5. SCIG claims to remove trucks from the 710. If so, why is BNSF also proposing to increase the size of their Hobart railyard? If SCIG is built and Hobart is expanded as planned, not only will West Long Beach face increased traffic on a localized basis as a result of the 5-6k truck trips from the ports to SCIG, but the 710 freeway and all nearby communities will face increased truck traffic going to Hobart. Thus, the community would get the worst of both worlds and WLB would be faced with 5-6K trucks a day on its western border (SCIG) and the additional truck trips on the 710 as a result of the Hobart expansion on its eastern border.
- R134-6** | 6. The community of WLB has been referred to for years as the "diesel death zone". Hudson School is where scientists come to study the affect of pollution on kids. Hudson School and other nearby schools, already facing this reality, would be subjected to increased pollution.

R134-7 7. Though the EIR does take a small effort to consider Zero Emissions technology, there is no timetable and no obvious enforcement mechanism to make sure Zero Emissions is incorporated as soon as possible. Natural Gas vehicles, as proposed, emit pollution and early science shows that they emit a large number of ultra-fine particulate matter. Only a future with NO emissions can provide the residents on West Long Beach, Wrigley, Downtown Long Beach and most the western part of the city relief from the pollution that is negatively affecting their health every day. The language on Zero Emissions needs a timetable and needs to be enforceable.

R134-8 8. It is unconscionable that we would consider repeating the horrible land-use decisions of the past. We should have learned from our prior mistakes, that building heavy industrial facilities next to homes, schools, and parks is folly. This facility should not be built at this location.

R134-9 9. Considering the increase in pollution this facility will provide the local community, the mitigations proposed need to be dramatically increased. When the Port of LA was building projects that affect their own residents (Wilmington, Trapac expansion), the ports invested over \$50 million dollars in creating a buffer to protect their residents from pollution as well as spending millions more to create a community mitigation fund for health improvements, etc. However, when the Port proposes a project that affects largely Long Beach residents, there is basically no mitigation. The Port of LA should continue to follow the example they set in Trapac. Long Beach needs a buffer between SCIG and the community, at the very least. Is the health of Long Beach residents worth less than LA residents?

R134-10 10. With all this pollution being proposed to school children, who are sensitive receptors, the POLA needs to the same mitigations for Long Beach residents as it did for Los Angeles.

R134-11 The Port of LA is not re-evaluating their systems. Their status quo is very polluting , which translates into \$50 million dollar mitigations for them, and bad public relations. I have been tracking several zero emission technologies including The GRID Project (Green Rail Intelligent Development). If the POLA were honest with themselves, they would focus their business plan on cleaner, more-efficient systems of moving goods rather than the real estate expansion method that worked well for them decades ago, but is no longer good for them or good for their POLA's neighbors.

I. CONSTRUCTION AND OPERATION OF SCIG WILL VIOLATE THE CIVIL RIGHTS OF THE ENVIRONMENTAL JUSTICE COMMUNITIES NEAR THE PROJECT

A. Approval Of SCIG Will Be An Intentional Decision To Disproportionately Harm The Low Income, Minority Communities Near The Project

R134-12 The RDEIR frankly admits that the construction and operation of SCIG will violate the civil rights of nearby minority and low-income residents.
The proposed Project's individual impacts are described for each resource in Chapter 3, and contributions to cumulative impacts in Chapter 4. The proposed Project would have significant impacts related to aesthetics (AES-1), air quality (AQ-1, AQ-2, AQ-4, AQ-7), cultural resources (CR-2), land use (LU-4), and noise (NOI-6) that would remain significant after mitigation. With

these unavoidable impacts, the Proposed Project would have new, significant effects with respect to minority and low-income populations. *Those impacts would fall disproportionately on minority and low-income populations because the census block groups adjacent to the point of impact (the eastern edge of the Project site) constitute minority populations, and some (i.e., all or parts of census tracts 5727, 5728, 5729, and 5755) constitute low-income populations.*

RDIER 6-11-6-12 (emphasis added).

With respect to air quality, the RDEIR admits that, even after the proposed mitigation measures, significant impacts will remain—impacts that are disproportionately high on nearby minority and low-income populations. RDEIR 6-12-6-13. In particular:

Construction of proposed Project will generate emissions that exceed SCAQMD significance thresholds for VOC, CO, NOx, PM10 and PM2.5, representing a significant impact. In addition, these emissions combined with emissions from other concurrent construction projects in the area will represent a cumulatively considerable contribution to a significant cumulative impact. The mitigation measures proposed in the RDEIR (MM AQ-1 through MM AQ-6) will fail to keep construction emissions below the significance thresholds. These emissions will constitute a disproportionately high and adverse effect on minority and low-income populations.

Construction of proposed Project will also generate off-site ambient pollutant concentrations that exceed SCAQMD significance thresholds for 1-hour and annual NO2, 24-hour and annual PM10, and 24-hour PM2.5 representing a significant impact. In addition Project construction activities combined with other concurrent construction projects in the area would also represent a cumulatively considerable contribution to a significant cumulative impact for ambient pollutant concentrations. The mitigation measures proposed in the RDEIR (MM AQ-1 through MM AQ-3) will fail to keep construction-related emissions of NO2 and 3

PM10 below the one-hour and annual significance thresholds (for NO2) and the annual threshold for PM10. Again, these emissions will constitute a disproportionately high and adverse effect on minority and low-income populations.

R134-12

Operation of the project – expected to last until 2066 or later – will generate local, off-site ambient pollutant concentrations that exceed SCAQMD significance thresholds for 1-hour and annual NO2, 24-hour and annual PM10, and 24-hour PM2.5, representing significant impacts. In addition, Project operations combined with other past, present and reasonably foreseeable future projects in the area (possibly including the ICTF enlargement and the I-710 widening) will represent a cumulatively considerable contribution to a significant cumulative impact for ambient pollutant concentrations. The mitigation measures proposed in the RDEIR will fail to keep the 1-hour and annual NO2, 24-hour and annual PM10, and 24-hour PM2.5 levels below significance levels.

Again, these emissions will constitute a disproportionately high and adverse effect on minority and low-income populations.

Construction and operation of the proposed Project will also expose receptors to significant levels of toxic air contaminants resulting in increased cancer risk above the significance threshold for residential, occupational, sensitive, student and recreational receptors. In addition Project construction and operational activities combined with other concurrent projects in the area will represent a cumulatively considerable contribution to a significant cumulative health risk impact. Even after application of the proposed mitigation measures, considering the cancer risk from toxic air contaminants in the Port region, the Project will make a cumulatively considerable contribution to the significant health risk impact to the predominantly minority and low-income population in the Port region; this impact will constitute a disproportionately high and adverse effect on minority and low-income populations.

B. The Public Health Impact On The Neighboring Communities Will Be Severe

Most of the equipment that would be used to build SCIG and to transport freight to and from SCIG, including trucks, trains, ships, and cranes, are powered by diesel engines. These engines emit fine particulate matter (particles that are 2.5 microns or less in diameter or “PM2.5”), nitrogen oxides (NOx), and volatile organic compounds (VOCs) along with many other toxic chemicals.

Health effects of particulate matter: Numerous studies have documented a wide range of adverse

health impacts from exposure to PM, including increased rates of respiratory illness and asthma, cardiovascular disease, heart attacks, strokes, emergency room visits, and premature death.¹ Near-roadway exposure to particulate matter has also been linked to birth defects, low birth weights, and premature births.² Emerging studies have shown a potential connection between exposure to fine PM and diabetes, as well as cognitive decline and other serious impacts to the brain.³

¹ Kuenzli, N., M. Jerrett, W.J. Mack, B. Beckerman, L. LaBree, F. Gilliland, D. Thomas, and H.N. Hodis. "Ambient Air Pollution and Atherosclerosis in Los Angeles," *Environmental Health Perspective* 113 (February 2005):201-6.

Miller, K.A., D.S. Siscovick, L. Sheppard, K. Shepherd, J.H. Sullivan, G.L. Anderson, and J.D. Kaufman. "Long-term Exposure to Air Pollution and Incidence of Cardiovascular Events in Women," *New England Journal of Medicine* 1:356 (February 2007):447-58.

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Pope, C.A., J.B. Muhlestein, H.T. May, D.G. Renlund, J.L. Anderson, and B.D. Horne. "Ischemic Heart Disease Events Triggered by Short-term Exposure to Fine Particulate Air Pollution," *Circulation* 114 (December 5):20062443-8.

Schwartz, J., D. Slater, T.V. Larson, W.E. Person, and J.Q. Koenig. "Particulate Air Pollution and Hospital Emergency Room Visits for Asthma in Seattle," *American Review of Respiratory Disease* 147 (April 1993):826-31.

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Wellenius, G.A., et al. "Ambient Air Pollution and the Risk of Acute Ischemic Stroke," *Archives of Internal Medicine*, Vol. 172, No. 3, February 13, 2012.

² Ritz, B., M. Wilhelm, and Y. Zhao. "Air Pollution and Infant Death in Southern California, 1989–2000," *Pediatrics* 118 (August 2000):493-502.

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Wilhelm, M., and B. Ritz. "Local Variations in CO and Particulate Air Pollution and Adverse Birth Outcomes in Los Angeles County, California, USA," *Environmental Health Perspectives* 113 (September 2005):1212-21.

³ Volk, H. "Residential Proximity to Freeways and Autism in the CHARGE Study," *Environmental Health Perspectives*, 2010. Available online December 16, 2010, DOI: 10.1289/ehp.1002835, at <http://dx.doi.org>.

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<http://care.diabetesjournals.org/content/early/2011/11/03/dc11-1155.abstract>.

Calderón-Garcidueñas, L., et al. "Neuroinflammation, Hyperphosphorylated Tau, Diffuse Amyloid Plaques, and Down-Regulation of the Cellular Prion Protein in Air Pollution Exposed Children and Young Adults," *Journal of Alzheimer's Disease*, Vol. 28, No. 1, 2012. Available at: 5

<http://iospress.metapress.com/content/vux3g01201610607/?p=2437bdf11554408d8cc9060c28d77f1c&pi=82>.

Weuve, J., et al. "Exposure to Particulate Air Pollution and Cognitive Decline in Older Women," *Archives of Internal Medicine*, Vol. 172, No. 3, February 13, 2012.

⁴ Davies, R.J., C. Rusznak, M.A. Calderon, J.H. Wang, M.M. Abdelaziz, and J.L. Devalia.

"Allergen-Irritant Interaction and the Role of Corticosteroids," *Allergy* 52, (Suppl. 38) (1997):59–65.

Davies, R.J., C. Rusznak, and J.L. Devalia. "Why Is Allergy Increasing?—Environmental Factors," *Clinical & Experimental Allergy* 28, (Suppl. 6) (1998):8–14.

5 U.S. Environmental Protection Agency. *Provisional Assessment of Recent Studies on Health and Ecological Effects of Ozone Exposure*, Washington, D.C., EPA/600/R-09/101, 2009.

6 Hodgkin, J.E., D.E. Abbey, G.L. Euler, and A.R. Magie. "COPD Prevalence in Nonsmokers in High and Low Photochemical Air Pollution Areas," *Chest* 86 (1984):830-838.

Abbey, D.E., F. Petersen, P.K. Mills, and W.L. Beeson. "Long-term Ambient Concentrations of Total Suspended Particulates, Ozone, and Sulfur Dioxide and Respiratory Symptoms in a Nonsmoking Population," *Archives of Environmental Health* 48 (1993):33–46.

7 Diesel exhaust contains the following toxic constituents: acetaldehyde, acrolein, aniline, antimony compounds, arsenic, benzene, beryllium compounds, biphenyl, bis[2-ethylhexyl]phthalate, 1,3-butadiene, cadmium, chlorine, chlorobenzene, chromium compounds, cobalt compounds, cresol isomers, cyanide compounds, dioxins and dibenzofurans, dibutylphthalate, ethyl benzene, formaldehyde, hexane, inorganic lead, manganese compounds, mercury compounds, methanol, methyl ethyl ketone, naphthalene, nickel, 4-nitrobiphenyl, phenol, phosphorus, POM including PAHs and their derivatives, propionaldehyde, selenium compounds, styrene, toluene, xylenes. www.oehha.ca.gov/public_info/facts/dieselfacts.html;

www.oehha.ca.gov/air/toxic_contaminants/html/Diesel%20Exhaust.htm.

8 www.oehha.ca.gov/prop65/prop65_list/files/P65single021712.pdf; http://press.iarc.fr/pr213_E.pdf.

Health effects of nitrogen oxides: NO_x can have a toxic effect on the airways, leading to inflammation, asthmatic reactions, and worsening of allergies and asthma symptoms.⁴ In addition, NO_x reacts with VOCs in sunlight to form ozone—also known as smog. This layer of brown haze contributes to decreased lung function and increased respiratory symptoms, asthma, emergency room visits, hospital admissions, and premature deaths.⁵ Ozone can also cause irreversible changes in lung structure, eventually leading to chronic respiratory illnesses, such as emphysema and chronic bronchitis.⁶

Health effects of diesel exhaust: The soot in diesel exhaust—diesel PM—is especially toxic, not only because of the very small size of the soot particles (*see above*), but also because these particles contain roughly 40 different toxic air contaminants, 15 of which are recognized carcinogens.⁷ In fact, diesel PM itself has been identified as a carcinogen (cancer-causing agent) by the World Health Organization as well as the State of California,⁸ which lists it as a "Toxic Air Contaminant." Dozens of studies have shown a high risk of lung cancer for those in occupations with high diesel exposures, including rail workers, truck drivers, and miners. Recent studies of miners indicate that the most heavily exposed workers have a risk of lung cancer ⁶ approaching that of heavy smokers; studies also show that elevated risks of lung cancer apply not only to workers but to the general population in areas with high levels of diesel PM (e.g., near freeways and busy freight corridors).⁹ Moreover, diesel pollution is estimated to contribute to more than half of the 9,200 premature deaths attributable to outdoor air pollution in California.¹⁰

⁹ Silverman, D.T., et al. "The Diesel Exhaust in Miners Study: A Nested Case-Control Study of Lung Cancer and Diesel Exhaust," *Journal of the National Cancer Institute*, Vol. 104, No. 11, June 6, 2012, www.oxfordjournals.org/our_journals/jnci/press_releases/silvermandjs034.pdf.

¹⁰ Personal communication, Alvaro Alvarado, California Air Resources Board, March 2012.

¹¹ Kim, J., et al. "Traffic-Related Air Pollution and Respiratory Health: East Bay Children's Respiratory Health Study," *American Journal of Respiratory and Critical Care Medicine* 2004;170:520-526.

McConnell, R., et al. "Childhood Incident Asthma and Traffic-Related Air Pollution at Home and School," *Environmental Health Perspectives* 2010; 118(7):1021-1026.

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Nicolai, T., D. Carr, S.K. Weiland, H. Duhme, O. Von Ehrenstein, C. Wagner, and E. von Mutius.

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 People who live or go to school near ports, rail yards, distribution centers, freight roadways and other diesel “hot spots“ face disproportionate exposure to diesel exhaust and associated health impacts, including increased risks of asthma and other respiratory effects, cancer, adverse birth outcomes, adverse impacts to the brain (including potentially higher risk of autism), heart disease, and premature death.^{11 7}
 Wilhelm et al.. Environmental Public Health Tracking of Childhood Asthma Using California Health Interview Survey, Traffic, and Outdoor Air Pollution Data. *Environmental Health Perspectives* 2008;116(8):1254-1260.
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 12 SCAQMD, Revised Draft 2012 Air Quality Management Plan, at IV-A-37, available at <http://www.aqmd.gov/aqmp/2012aqmp/RevisedDraft/appIV-A.pdf> (emphasis added).

Moreover, in addition to the huge impacts on residents and workers closest to the sources of

emissions, freight operations pose a particularly acute threat to regional air quality. The South Coast Air Basin (SCAB), where the project area is located, consistently ranks near the top of the lists for the nation's most polluted air. Freight transport, including the operations at the Ports, greatly contributes to the persistent failure of the SCAB to meet clean air standards established by EPA. In fact, the SCAQMD has determined that freight movement poses a seriously risk to attainment of air quality standards.

The ports of Los Angeles and Long Beach are the largest in the nation in terms of container throughput, and collectively are the *single largest fixed sources of air pollution* in Southern California. Emissions from port-related sources, such as marine vessels, locomotives, trucks, harbor craft and cargo handling equipment, adversely affect air quality in the local port area as well as regionally. Without substantial control of emissions from port-related sources, it will not be possible for this region to attain federal ambient air quality standards for ozone. Port sources also contribute to cancer risks.^{12 8}

C. Approval Of SCIG Will Violate State Civil Rights Law

The Port is rushing to build a project that will not be needed until 2046, by the Port's own analysis, and that can be built elsewhere with minimal air pollution—in full knowledge that the project will have a disparate and more devastating impact on neighboring minority, low income populations.

As we noted in our comment letter on the first DEIR, the State of California has defined “environmental justice” as:

For the purposes of this section, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Government Code Sec. 65040.12(e). California has addressed this problem in part by enacting Government Code 11135(a), which states that:

No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

Here, the Port receives bond proceeds and other funds from the State and proposed project will be on land that the Port was given by the State to hold in trust for the people of the state—thus triggering the provisions of Section 11135. The RDEIR, by its own words, shows a flat-out violation of this state civil rights law.

D. Approval Of SCIG Will Violate Federal Civil Rights Law

The Port of Los Angeles receives funding from the federal Department of Transportation (DOT), including TIGER funds, and the City of Los Angeles receives an enormous amount of funding from DOT. Future DOT funds for the Port and the City will be at risk under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7, if SCIG is approved.

DOT Title VI implementing regulations prohibit any agency that receives DOT funding from taking actions that will have a discriminatorily disparate impact. *E.g.*, 49 C.F.R. 21.5(b)(3) (“In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin . . .”).¹³ Persons who believe they have been subjected to discrimination may file a written complaint with the Transportation Secretary no later than 180 days within the date of the alleged discrimination. *Id.* at 21.11(b).

¹³ See also federal Executive Order 12898, which provides in part that: “Pursuant to Title VI of the Civil Rights Act, agencies must ensure that programs or activities receiving federal financial

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assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.”

The Secretary must “make a prompt investigation.” *Id.* at 21.11(c). This investigation “will include, where appropriate, a review of the pertinent practice and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.” *Id.* The regulations encourage DOT to try to settle complaints informally but, failing that, to refuse or end funding or take certain other steps. 49 C.F.R. 21.13. If SCIG is approved as proposed, we intend to file an administrative complaint under Title VI against the Port and the City.

II. THE RDEIR ADMITS THAT THE SCIG PROJECT IS NOT NEEDED UNTIL 2046 OR LATER

The civil rights and environmental justice impacts of the proposed project are thrown into even sharper focus by the admission in Appendix G4 of the RDEIR that that no new capacity (beyond the “modified maximum” for the currently built facilities) will be needed to accommodate projected cargo demand, whether or not the SCIG project is constructed, through the year 2046 at the minimum.

For example, on page G4-6, a projection using 2010 baseline conditions with projected 2035 cargo volume levels, the RDEIR shows “Additional BNSF Yard Capacity Needed” as zero (in red). Page G4-11, the 2035 “No Project” scenario, also shows zero for additional BNSF yard capacity needed. Indeed at page G4-14, the 2046 “No Project” scenario, the need for additional BNSF yard capacity is again zero.

Thus, by the Port’s own admission, there is no need to build this project for the next 34 years. If it is build, the low-income, minority neighbors of the project will be breathing dirty, polluted air for 34 years for nothing.

III. THE ALTERNATIVES ANALYSIS IS AGAIN FLAWED

The RDEIR has added text to the DEIR’s dismissal of the on-dock and zero emission container movement alternatives but has not altered the DEIR’s conclusions. This is an error, particularly since the SCIG project will not be needed until 2046, if then.

On-dock rail. The RDEIR does not discuss the alternative of building new on-dock intermodal capacity by creating new land by dredging and filling in the harbor, as the Port has done in the 10 past for Pier 300/400 and is doing now for the Pier 500 project.¹⁴ If the political will were there, the needed capacity, if any, could be built on new or extended land in the harbor. If the Port disputes this, it needs to show why in its CEQA review of SCIG.

¹⁴ See <http://articles.latimes.com/2012/jul/19/business/la-fi-ports-projects-20120720/2> re: Pier 500.

¹⁵ See http://www.portoflosangeles.org/ctp/idx_ctp.asp.

¹⁶ The original DEIR assumed a trip per lift ratio of 1.33, again with no substantiation. DEIR App. C, page 2-2.

Zero emission container movement. The RDEIR now recognizes the substantial work that the Ports of Los Angeles and Long Beach, the South Coast Air Quality Management District, and the Southern California Association of Governments have done to create a zero emission container movement system for imports and exports to and from the Los Angeles ports. But still the RDEIR does not analyze the possibility of requiring—not just hoping for—a progressive requirement for zero emission container movement to and from SCIG beginning when the project begins operation. A similar, graduated program worked to clean up the diesel truck fleet at the Port of Los Angeles¹⁵ and can work at SCIG also, especially given the long time-frame in which the facility is planned to operate.

IV. THE TRAFFIC PROJECTIONS IN THE RDEIR ARE SIGNIFICANTLY LOW BECAUSE THEY ARE BASED ON AN ARBITRARY AND UNSUPPORTED TRIP PER LIFT RATIO

The truck traffic projections in the RDEIR are skewed to be very low because the Port chose to use a fanciful and unsupported “trip per lift” ratio. This ratio measures how many truck trips are associated with each “lift,” or movement of a cargo container between a truck and a railcar. For

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example, a ratio of 2 means that there are two truck trips per every container lift—typically one to deliver the container, and a second to drive back to the Port or somewhere else off site.

The RDEIR states that truck trips per lift at the SCIG will be substantially less than they are currently at the Hobart-Commerce yard—1.3 vs. 2.1, or a 54% reduction from current conditions. RDEIR, p. 3.10-26.¹⁶ Simply put, if the RDEIR had used a realistic 2.1 ratio, the truck traffic projections would have been 61.5% higher, with accompanying increases in diesel pollution. But it did not.

The RDEIR justifies the reduced ratio on the basis that, under the proposed Project conditions, containers would be moved directly on and off bare chassis, and that these operations would minimize bobtail (tractors with no chassis) generation from the proposed Project site, which ostensibly accounts for 0.826 truck trips per lift at existing intermodal sites, and therefore result in fewer overall truck trips per intermodal lift. RDEIR, p. 3.10-25. Assuming a high TEU volume but relatively few trips per lift allows the RDEIR to simultaneously justify the facility as providing regional benefits in terms of trucks removed from I-710 while projecting no local traffic impacts—a clear logical and practical impossibility.

The description of SCIG's proposed operations seems to imply that a container on flatcar 11 (COFC) arrangement will be used. COFC typically involves dray drivers arriving empty with a truck and chassis, picking up a container transferred from rail and leaving the intermodal yard. Delivery of a container in a COFC arrangement would involve leaving the yard with an empty truck and chassis or a bobtail if the chassis was left at the yard. In a California Air Resources Board (CARB) report¹⁷ on Hobart-Commerce's diesel mitigation efforts, intermodal operations are described as follows:

17 <http://www.arb.ca.gov/railyard/hra/drftmitplanbnsfhob.pdf>, page 1.

18 Average trips per lift in excess of two may be experienced through deadhead movements of chassis, containers, or bobtails.

19 McGuckin, N. and E. Christopher, *Intermodal Truck Traffic: Description and Results of a Survey in Chicago*. ITE Journal, 2000. 70(12): 38-41.

BNSF gathers and delivers containers and some truck trailers on rail, and transfers containers and other freight from and onto rail cars with cargo handling equipment.

This description is consistent with COFC being the dominant freight handling method at Hobart-Commerce. It is possible that existing trailer on flatcar (TOFC) movements at Hobart-Commerce will be completely eliminated at SCIG. In a TOFC arrangement, a dray driver arrives with a bobtail, a container with chassis or a semi-trailer is unloaded from rail and attached to the driver's vehicle. Delivery of a container or a semi-trailer in a TOFC arrangement would involve dropping off a chassis with container or a semi-trailer and leaving the yard with a bobtail. The container with chassis or the semi-trailer would be loaded on rail for delivery.

Fundamentally, however, using a container on flatcar (COFC) as opposed to trailer on flatcar (TOFC) approach does not necessarily reduce trips per lift, and the RDEIR presents no evidence that it will. Instead, the RDEIR premises its analysis on the (unsupported) assumption that fewer bobtails will be generated; however, it does not allow for the possibility that additional chassis would be generated instead. If containers transferred to rail directly on and off chassis replace trailers that were previously transferred to rail on and off bobtails, empty chassis must replace bobtails that were previously generated. The RDEIR fails to recognize this.

The switch to COFC will only result in reduced trips per lift if deadhead (i.e. non-revenue or empty) movements to and from the SCIG or onsite at SCIG are minimized. Several authors have noted that reducing deadhead drayage movements would increase operating efficiency [4, 5].

However, most drayage trips are undertaken by independent owner-operators (IOOs) that have no incentive to balance container movements or to arrive precisely when a container is required to be loaded. Their rates are typically based on a trip that involves arriving empty and picking up a loaded container, or vice versa. Because IOOs rates are based on empty arrival, every intermodal lift translates to about one roundtrip, or two trips per lift, consistent with the 2.1 figure at the Hobart Commerce yard.¹⁸

Moreover, based on recent literature, typical values for trips per lift are approximately two. In a

study¹⁹ of intermodal yards in the Chicago area, McGuckin and Christopher found average trips per lift at 10 sites to equal 2.4. Only one site experienced less than 2 trips per lift. A consultant¹² for Environ has noted²⁰ that their experience was that rates range between 0.9 and 1.2 round trips per lift (i.e. 1.8 – 2.4 trips per lift), consistent with McGuckin and Christopher. A memorandum included in Appendix G1 from the original DEIR also discussed trip rates, reporting counts from the existing Intermodal Container Transfer Facility (ICTF) operated by Union Pacific Railroad. Trip rates per lift for ICTF range between 1.90 – 2.01.¹¹ A traffic study for a proposed new BNSF intermodal railyard near Gardner, Kansas proposes a 2.4 trip per left ration for 2010, when that project was expected to commence operations.²¹

²⁰ Lindhjem, C. *Intermodal Yard Activity and Emissions Evaluation*. 2008; Available from: http://www.epa.gov/ttnchie1/conference/ei17/session11/lindhjem_pres.pdf.

²¹ See page 11 in Appendix A of the Traffic Technical Report (Attachment A to this comment letter) prepared in support of a NEPA environmental assessment for the proposed Gardner, Kansas project; see also <http://www.scribd.com/doc/17299099/NEPA-Review-Draft-Environmental-Assessment-for-the-BNSF-Inter-Modal-Facility-Proposed-by-BNSF-Railway-Company-Near-Gardner-In-Johnson-County-Kansas> for the entire EA including the Traffic Technical Report (Appendix C).

In sum, the RDEIR selected an unjustified and arbitrary trips per lift number, and thus the projection of future project-related truck trips is too low by a factor of 60% or more. Because the air quality and health risk analyses are each based on the RDEIR's traffic projections, they are invalid as well.

V. THE RDEIR USES A CEQA BASELINE THAT IS FIVE YEARS LATER THAN THE BASELINE USED IN THE DEIR, BUT THE EFFECT OF THIS CHANGE IS NOT ANALYZED

CEQA Guidelines 15125(a) provides:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

The notice of preparation in this case was published in 2005, and the original DEIR, published in September, 2011, purported to describe traffic and other conditions on the proposed SCIG site as of that date.

However, the RDEIR, published roughly one year later, switched to a 2010 baseline on the theory that: ¹³

[T]he time that has elapsed between the release of the NOP and the release of the Draft EIR is long enough such that 2005 is no longer an appropriate baseline to use for the purpose of this analysis... The year 2010 was selected based on a complete data set that was readily available and accessible for the entire calendar year when this revised analysis was initiated in early 2012.

RDEIR, Appendix H, p. H-2. Of course, one year of the elapsed time cited is due to the Port's decision to publish a legally indefensible DEIR in 2011 and then take a year to recirculate it. The RDEIR does not analyze what difference, if any, this change in baseline made to the traffic and air quality analyses—even though it stands to reason that truck traffic on the site was higher in 2010 than in 2005 as economic conditions improved after the 2008 recession. A too-high baseline combined with too-low future traffic projections (because of the trips per lift problem) distorts and reduces the environmental impacts of a project and lessens the need for possibly expensive mitigation. Because of this, the RDEIR is inadequate and should have analyzed the difference between using a 2005 and 2010 baseline as it affects air quality and public health.

VI. THE RDEIR INCORRECTLY STATES THAT AIR QUALITY AND HEALTH RISK WILL IMPROVE BECAUSE OF SCIG, WHEN IN FACT ANY IMPROVEMENTS WILL HAPPEN WHETHER SCIG IS BUILT OR NOT

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↑ The South Coast Air Quality Management District commented on the original SCIG DEIR and said, in part, that CEQA requires a determination of significant impacts that does not inaccurately credit the project with unrelated improvements in air quality that will occur anyway, and that would be even greater without the project. For example, the California Air Resources Board has enacted a rule to make diesel powered trucks in the drayage industry near California ports and railyards cleaner, and so port-serving trucks will be less polluting whether SCIG is built or not. So if we look at a future year and say that, without the project, diesel particulate emissions in the area will be 1000 pounds per year, and then 1.5 million new truck trips are added, there is no way that these new truck trips will make particulate matter emissions less than 1000 pounds. In fact, they will make the number higher and make the air dirtier than it otherwise would have been. The RDEIR repeats this error in its calculation of cancer risk associated with the project at Table C3-7-4 (page C3-65) which shows a negative cancer risk (i.e., lower risk) because of the project. Whatever the cancer risk will be without SCIG, it will be greater with SCIG—but the RDEIR does not recognize this. Instead, we are presented with spurious negative risk numbers.

VII. THE TRAFFIC AND CIRCULATION ANALYSES IN THE RDEIR ARE INVALID

A. The Project Year Analysis

It is not clear what project year of analysis is used in the Transportation/Circulation section of the RDEIR (Section 3.10). The analysis in this section compares baseline traffic volumes to the baseline plus project traffic volumes, essentially focusing on the project's contribution to traffic volumes, or the incremental contribution. The project's estimated completion date is 2016, it is 14 estimated to reach capacity in 2035 (RDEIR, p. 3.10-31), and its estimated lifetime is through 2066 (RDEIR Appendix H). Appendix G1 provides an intersection level of service analysis in the baseline year, 2016, 2023, 2035, and 2046 (the project lifetime that was used in the DEIR), but not 2066. Appendix G4 provides intermodal rail analysis in 2010, 2016, 2020, 2023, 2030, 2035, and 2046.

In the few text mentions of a project year in Section 3.10 of the RDEIR, it seems as though the project impacts were analyzed assuming either that the project operates at capacity in an unspecified year, or that 2035 is the analysis year (which is also the year at which capacity is reached). For example, in a description of the analysis of rail activity, the proposed project is characterized by activities in 2035. RDEIR, pp. 3.10-32, 3.10-53.

Additionally, the RDEIR states that the proposed Project trip generation was determined by using the proposed Project lifts (container trips) from the average weekday of the peak month of port operation at port buildout, the QuickTrip outputs, and adjustments for bobtail and container trips based on the rates shown in Table 3.10-21. RDEIR, p. 3.10-40. Although 'port buildout' is not described in RDEIR Section 3.10, it may be that this description means that the project trip generation assumes 2035 operations²², (i.e. that the SCIG facility operates at capacity). Figure 3.10-6 contradicts this interpretation because the truck trip distribution percentages shown are described as being "determined by Baseline port intermodal demand" (RDEIR, p. 3.10-28); these values for trip distribution do not match any of the truck trip distribution percentages for years 2016, 2023, or 2035-2066 shown in Figures 4-2, 4-3, and 4-4 of the Cumulative Impacts Section of the RDEIR. It is therefore unclear and unsupportable that the analysis in Section 3.10 seems to assume 2035 truck volumes traveling along the same routes they would in the baseline year, even though different trip distributions were estimated for 2035.

²² Page 4.61 of the RDEIR states that "as described in Section 1.1.5, at port build out the total San Pedro Bay container capacity is estimated to be 39.4 million TEUs", while page 1-21 of the RDEIR (in Section 1.1.5.2) states that "the results show cargo volumes increasing from approximately 34.6 million TEUs in 2030 to approximately 39.4 million TEUs by the year 2035, thereby reaching the capacity of the Port terminals. Accordingly, the 2009 forecast predicts that 2035 is the last year in which the Ports will accommodate the actual demand." Thus, the quote from page 3.10-40 of the RDEIR also indicates a 2035 'at capacity' analysis of the project increment.

B. Treatment of Local Conditions In The Project Year

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The Traffic/Circulation section does not appear to account for local background conditions in future years when assessing project impacts. The RDEIR states that: “Impacts were assessed by quantifying differences between CEQA Baseline conditions and CEQA Baseline conditions plus the proposed Project.” RDEIR, p. 3.10-20.

Similarly, values shown in the traffic data tables are for the baseline and ‘baseline plus proposed project.’ This analysis ignores changes in local conditions that will occur in the future by simply adding the project’s incremental effects to the 2010 baseline, rather than accounting for 2035 or 2066 background conditions. 15

Conversely, Section 4.0 of the RDEIR analyzes the cumulative effects of the project in the context of future changes in local conditions. RDEIR p. 4-61. The analyses of cumulative impacts at intersections and freeway monitoring stations each have two parts. In the first part of each analysis, the 2010 baseline is compared to future years with the project for 2016, 2023, 2035, 2046, and 2066, yielding estimates of significant impacts. In the second part of each section, the future year without the project is compared to the future year with the project for the same years, yielding no estimates of significant impacts. This is discussed in more detail below.

Part 1: Here, the 2010 baseline is compared to future years with the project. ‘Significant impacts’ are noted for several intersections and freeway locations (see Tables 4-7 through 4-11 for intersection analysis and Tables 4-22 through 4-26 for freeway analysis). Section 4.0 mentions the findings of significant impacts at several locations for intersections (TRANS-2): Cumulative impacts are shown to occur at two intersections in 2016, at two locations in 2023, at three locations in 2035, and at eight locations in 2046 and 2066. RDEIR, p. 4-70. And in reference to highway traffic (TRANS-4), the past, present, and reasonably foreseeable future projects would add traffic to the freeway system and at the CMP monitoring stations, resulting in significant cumulative impacts to monitoring stations operating at LOS F or worse. RDEIR, p. 4-82.

Part 2: Here, the future year without the project is compared to the future year with the project for the same years, yielding no estimates of significant impacts for intersections or highway traffic. The closing discussion of both intersection and freeway project impacts appears to rely only on the latter analysis as it closes with a discussion of finding no significant impacts in reference to intersections (TRANS-2): “Accordingly, the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact at other locations.... there would be no residual cumulative impacts. (RDEIR, p. 4-81).”

And in reference to highway traffic (TRANS-4): “the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact.... there would be no residual cumulative impacts.” RDEIR, p. 4-83.

In addition, the RDEIR executive summary also does not indicate any transportation cumulative impacts for the proposed project alternative. RDEIR, p. ES-87. This is consistent with the idea that: “Cumulative impacts were assessed by quantifying differences between future Baseline conditions and future conditions with the proposed Project to determine the Project’s contribution to the cumulative impact.” RDEIR, p. 4-61.

Thus, it appears that the analysis makes a distinction between two different kinds of impacts: those impacts determined by comparing the baseline to the future with project, and those project impacts determined by comparing the future without the project to the future with project. It is unclear why neither Section 3.10 nor 4.0 rely on the 2010 baseline compared to the projections for future years to determine significant impacts. Failure to explain this and to analyze transportation impacts using different baselines is a CEQA violation.16

C. Traffic Count Data

The analysis of traffic impacts relies on traffic counts collected for this study. Local jurisdictions provide guidelines for collecting traffic counts for traffic studies in the area. In the City of Los Angeles, the LA DOT Traffic Study Policies and Procedures²³ state that traffic counts should be collected in 15-minute intervals during the hours of 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00

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p.m., unless LADOT specifies other hours. The study intersection counts should also include vehicle classifications, pedestrian (including school children) volume counts, and bicycle counts. The traffic study should not use any traffic counts (for intersections and roadway segments) that are more than two years old. Additionally, unless otherwise required, all traffic counts should generally be taken when local schools or colleges are in session, on days of good weather, on Tuesdays through Thursdays during non-Summer months, and should avoid being taken on weeks with a holiday.

²³ LA DOT, *Traffic Study Policies and Procedures, May 2012*, City of Los Angeles Department of Transportation, Editor. 2012.

²⁴ Metro, *2010 Congestion Management Program*, Los Angeles County Metropolitan Transportation Authority, Editor.

For intersection analysis in the Cities of Long Beach and Carson, the RDEIR states that guidelines from the 2010 Los Angeles County Congestion Management Plan²⁴ are used to determine the LOS. This document also provides guidelines for collecting traffic count data, reflecting similar principles as the City of Los Angeles guidelines: Traffic counts included in the local jurisdiction's Highway Monitoring Report must be less than one year old as of May 31 of each monitored (odd-numbered) year. Traffic counts must be taken on Tuesdays, Wednesdays or Thursdays (these need not be consecutive days). Traffic counts must exclude holidays, and the first weekdays before and after the holiday. Traffic counts must be taken on days when local schools or colleges are in session. Traffic counts must be taken on days of good weather, and avoid atypical conditions (e.g., road construction, detours, or major traffic incidents). Traffic counts must be taken on two days and a third day of counts may be required (see Section A.7 Acceptable Variation of Results). Traffic counts must be taken for both the AM and PM peak period. Unless demonstrated otherwise by actual local conditions, peak period traffic counts will include the periods 7–9 AM and 4–6 PM. The local agency must contact MTA if current conditions prevent the collection of representative count data during the required period (for example, major construction lasting over a year).

The section on acceptable variation of results referred to above states that: "Compare the two AM period counts. Do the same for the PM data. The volume to capacity (V/C) computations resulting from the two days of traffic counts should not vary more than 0.08 for either peak hour period. Please note the following: Report the average V/C ratio for the two days of counts if the variation in V/C is less than 0.08, and the average V/C ratio is less than or equal to 0.90 (LOS A-E). If the V/C ratios vary more than 0.08 and the resulting V/C ratio is at LOS F, a third day of counts is required for the respective peak period. In reporting LOS using three days of counts, take either the average of the three counts, or exclude the most divergent V/C and take the average of the two remaining days' counts. 17

The City of Los Angeles traffic study guidelines apply to non-CMP intersections, but the document does not specifically note their application to CEQA analysis. The Los Angeles County traffic study guidelines apply to traffic studies evaluating CMP monitoring stations and the document notes that traffic studies are generally required of projects that prepare an EIR. However, both guidelines provide an indication of traffic count methods that are considered valid in the local jurisdictions.

The RDEIR analysis includes intersections, CMP freeway monitoring stations, freeway ramps, and existing uses.

Intersections

The RDEIR states that: "Existing truck and automobile traffic along study roadways and intersections, including automobiles, port trucks, and other truck and regional traffic not related to the Port, was determined by taking vehicle turning movement classification counts (classification by size of vehicle) at 25 study locations. For all analysis locations, A.M. (6:00 – 9:00 A.M.), Mid-day (1:00 – 4:00 P.M.) and P.M. (4:00 – 6:00 P.M.) period traffic volumes were counted in February 2012 and are presented in Appendix G." (RDEIR page 3.10-7)

The only intersection traffic count information provided in Appendix G of the RDEIR are the peak passenger car equivalents and V/C ratios used to determine LOS in Appendix G1 (pp. G1-1

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– G1-948). In other words, a count methodology is not provided, nor are raw data counts provided in the RDEIR, both of which are critical to review and understand the traffic analysis in the RDEIR.

Appendix G3 of the DEIR does provide raw traffic count data for intersections (pp. G3-111 – G3-155), but it was not revised with the RDEIR (it is only available with the DEIR) and does not include any 2012 data. An examination of the traffic counts in Appendix G3 indicates that counts were taken during times ranging from 2005 to 2010, with several occurring during the summer (there are dates in June, July and August), and at least one count occurring on a Saturday during a holiday week (July 10, 2010). Counts of bike/pedestrian traffic are not provided.

Updated intersection count data was obtained from the Port in October, 2012. While the SCIG RDEIR features 24 study intersections (p. 3.10-11), updated data for only 18 intersections was provided. Whether data for the additional six intersections was not updated or simply was not included is unclear. The six missing intersections, which are all located in the City of Los Angeles, are:

- Henry Ford Ave / Pier A Way / SR-47/103 Ramps
- Harry Bridges Blvd / Broad Ave
- Harry Bridges Blvd / Avalon Blvd
- Harry Bridges Blvd / Fries Ave
- Harry Bridges Blvd / King Ave
- Harry Bridges Blvd / Figueroa St

18

For the 18 updated data counts, the RDEIR used the same procedure in gathering data counts, regardless of whether the intersection was located in the City of Los Angeles, City of Long Beach, or City of Carson. Traffic counts for each intersection were taken on a single day in fifteen minute increments for the hours between 7–9 a.m., 1–3 p.m., and 4–6 p.m. They were taken within the last two days of February or the first day of March 2012 (Tuesday through Thursday) in sunny weather. Counts were broken down by vehicle classification based on size, with passenger vehicles, bobtail trucks, chassis only trucks, container trucks, and other trucks all accounted for separately.

The traffic counts as described above thus do not conform with the City of Los Angeles methodology (specified in LA DOT Traffic Study Policies and Procedures) in two ways: 1) counts were not taken from 9–10 a.m. and 3–4 p.m., and 2) bicycle and pedestrian (including school children) volume counts were not included. It is unclear why there were no pedestrian or bicycle counts, especially given that at least six of the seven City of Los Angeles intersections have pedestrian crosswalks and sidewalks, and one intersection had a bike lane. Even if no pedestrians used any of these facilities during the duration of the vehicle count study, this should have been noted.

Figure 1: Bikeways and SCIG truck routes. The bike plan maps on the left and at center are from Appendix D of the Los Angeles 2010 Bike Plan. SCIG project truck routes on the right are from Figure 3.10-6 in the RDEIR.¹⁹ Additionally, for all intersections, including those within the City of Long Beach and City of Carson, the counts do not conform to Los Angeles County guidelines as they were not taken on multiple days for the same intersections. Because only a single day of counts were collected at each intersection, it is not possible to determine whether the values collected are representative of the traffic conditions onsite because the day to day variability of traffic levels is unknown. None of the traffic counts included the mid-day peak period; although mid-day counts are not generally required by either guideline, it would have provided a more comprehensive picture of traffic conditions at each of the intersections in light of the RDEIR statement that regional traffic occurring during the A.M. and P.M. peak hours is mainly due to commute trips, school trips and other background trips; while the peak hour for port related truck traffic generally occurs during the mid-day peak hour. RDEIR p. 3.10-7.

CMP Freeway Monitoring Stations

The RDEIR states that the traffic counts used to analyze Congestion Monitoring Plan (CMP) monitoring stations (freeways and arterials) are based on 2009 Caltrans data. These data are

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within two years of the baseline year (2010) but are not within two years of the RDEIR analysis (2012).

Freeway Ramps

The RDEIR uses an analysis of freeway ramps from “the Traffic Operations Report prepared for the Pacific Coast Highway Bridge Replacement (#53-399) and SCIG Site Driveway Alternatives Project (see Appendix G1)” (page 3.10-13 of the RDEIR). From pages G1-948 to G1-983 in the RDEIR Appendix G1, it appears that the analysis year referenced is 2008. The raw traffic count data are not provided in the RDEIR, but the analysis outputs in Appendix G1 list the “date” and “date performed” as Tuesday 1/29/2008, Wednesday 2/13/2008, Thursday 10/14/2010, and Monday 10/18/2010. If these dates are the date the traffic counts were collected, we note that while all of these dates are within two years of the baseline year (2010), the 2008 dates are not within two years of the RDEIR analysis (2012), and two issues arise in relation to the October 2010 dates. First, Monday the 10/18/2010 is not a Tuesday, Wednesday, or Thursday, as specified in both the City of Los Angeles guidelines and in the Los Angeles County CMP guidelines. The analyses that list 10/18/2010 as the “date” or “date performed” are described in Appendix G1 of the RDEIR as follows: The multilane highway analysis of PCH: e/o SR-103 NB Ramp, PCH: w/o E Rd Ramp, (all described as City of Long Beach & Wilmington); the basic freeway segments analysis of SR-103 NB: n/o NB PCH On Ramp, SR-103 NB: s/o NB PCH Off Ramp, SR-103 SB: n/o SB PCH Off Ramp, SR-103 SB: s/o SB PCH On Ramp, (all described as City of Long Beach & Wilmington).

Second, Thursday 10/14/2010 is the Thursday following a Federal holiday (Columbus Day was on Monday October 11, 2010), which is not recommended by the City of Los Angeles guidelines. The analyses that list 10/18/2010 as the “date” or “date performed” are described in Appendix G1 of the RDEIR as follows: The freeway weaving analysis of SB-103:SB 103-20 EBSR-1&WBSR1-SB 103, NB 103: NB SR103-WBSR1&EBSR1-NBSR103 (all described as City of Long Beach and Wilmington).

Existing Uses

The RDEIR states that trip generation count data for existing businesses are from 2012. However, raw traffic counts were not provided. The traffic counts obtained from the Port in October, 2012 did not include driveway counts, so it is not possible to evaluate the methodology used.

VIII. PROJECT EFFECTS ON BICYCLE AND PEDESTRIAN USES ARE NOT ANALYZED

The RDEIR’s evaluation of impacts states that the project “will not conflict with policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities” RDEIR at 3.10-60. However the RDEIR also states that although there are “currently no on-street bicycle facilities” on designated truck routes, the “City of Los Angeles Master Bike Plan identifies Pacific Coast Highway as a Class II designated bikeway that will include bicycle lanes in the future.” RDEIR at 3.10-16. The RDEIR also states that Lomita Blvd and Anaheim Street are also designated as Class II bikeways and are in the five-year implementation plan as second highest priority components, although the Pacific Coast Highway is not included in the 5-year implementation plan.

An examination of the 2010 City of Los Angeles Bike Plan²⁵ indicates that existing and proposed bikeways coincide with several of the SCIG proposed truck routes. The proposed truck route includes portions of the Pacific Coast Highway, Seaside Avenue, Anaheim Blvd, and Harry Bridges Road that have existing or future bike lanes which are part of the City’s planned “Backbone Bikeway Network.” According to the City of Los Angeles Director of Planning, on July 1, 2010, 1.3 miles of bike lanes were installed along Anaheim Blvd from Henry Ford Ave to Long Beach City limit (coinciding with a SCIG truck route)²⁶, over two years before the RDEIR was completed.

²⁵ Los Angeles Department of City Planning, *2010 Bicycle Plan: A Component of the City of Los Angeles Transportation Element, Council File No. 10-2385-S2, CPC-2009-871-GPA*, Department of City Planning, Editor. 2011: City of Los Angeles.

²⁶ Logrande, M.J., *Bicycle Plan Implementation Team Quarterly Report, Letter to Los Angeles*

City Council, 8/3/2011, City of Los Angeles Department of City Planning, Editor. 2011. A portion of this bike lane is clearly visible on Google Street View for the address 1760 E. Anaheim Street, Los Angeles, CA.

27 FHWA, *The Bicycle Compatibility Index: A Level of Service Concept, Implementation* Moreover, the Transportation/Circulation section of the RDEIR does not provide a technical evaluation of the project's impacts on bicyclists and pedestrians. The RDEIR states only that pedestrian crosswalks are present at intersections. The Federal Highway Administration (FHWA) indicates that when heavy truck traffic increases, bicyclists are less comfortable riding on-street²⁷ When heavy truck traffic is present, the 2010 Los Angeles Bike Plan technical 21

Manual, FHWA-RD-98-095, Federal Highway Administration, Editor. 1998.

28 Los Angeles Department of City Planning, *2010 Bicycle Plan: Technical Design Handbook, Council File No. 10-2385-S2, CPC-2009-871-GPA*, Department of City Planning, Editor. 2011: City of Los Angeles.

29 Transportation Research Board, *Highway Capacity Manual 2010*. 2010: Washington, D.C.

30 LA DOT, *Traffic Study Policies and Procedures, May 2012*, City of Los Angeles Department of Transportation, Editor. 2012, page 6.

guidelines recommend considering additional width for bike lanes next to parallel parking and bicycle routes with a wide outside lane²⁸ This is consistent with FHWA indices of bikeway facility performance: with heavy truck traffic, the FHWA's Bicycle Compatibility Index (BCI) worsens, leading to a worsening of the FHWA's bicycle level of service (LOS). Similarly, the 2010 Highway Capacity Manual (HCM)²⁹ includes a measure of bicycle LOS, which accounts for the proportion of heavy vehicle traffic, as well as overall motorized vehicle volumes. However, the RDEIR does not assess pedestrian or bicycle level of service.

Furthermore, the intersection traffic count information described in the RDEIR (described in Section 3.10 and used in estimates shown in Appendix G1) and posted in the DEIR (raw traffic count data in Appendix G3) does not include information about bicyclists and pedestrians at any location despite the LA DOT Traffic Study Policies and Procedures requirement that "the study intersection counts should also include vehicle classifications, pedestrian (including schoolchildren) volume counts, and bicycle counts"³⁰ Bicycle counts on the intersection of E. Anaheim Blvd and N Henry Ford Ave would be especially relevant, given their location in the City of Los Angeles and the presence of bike lanes along E Anaheim Blvd.

Finally, even if the GPS enforcement system noted in the RDEIR is effective at restricting SCIG truck traffic to designated routes, traffic may be affected on nearby roads, if non-SCIG cars and trucks change their route to avoid traffic from SCIG trucks. This may affect bicyclists and pedestrians along non-truck routes, but was not analyzed in the RDEIR.

IX. INCORPORATION OF FIRST LETTER

We incorporate herein by reference the contents of the comment letters on the original DEIR submitted by NRDC and others on January 31, 2012 and February 1, 2012, as well as all the documents cited herein.

X. REQUEST FOR TIME TO REVIEW ADDITIONAL STUDIES

Should the Port or Real Party produce any new studies or documents in response to this or other comments on the RDEIR, we request adequate time to review and respond to such studies or documents before the hearing on the final EIR. ²²

XI. CONCLUSION

The fundamental question for the Harbor Commission, City Council and the Mayor is whether they want to participate in violating the civil rights of the residents of the predominantly Latino working class neighborhood near the Port by approving a project that will be not be needed, by the RDEIR's own account, until 2046 or later.

R134-12

Gabrielle Weeks
2919 E 5th Street
LB CA 90814

1 Comment Letter R134: Gabrielle Weeks**2 Response to Comment R134-1**

3 This comment reiterates material in the RDEIR without raising issues needing a response.

4 Response to Comment R134-2

5 This comment reiterates material in the RDEIR without raising issues needing a response.

6 Response to Comment R134-3

7 This comment does not constitute a comment on the RDEIR. This comment reiterates
8 material in the RDEIR without raising issues needing a response. As a note, the
9 commenter has misstated the number of trucks that would utilize the ramp nearest the
10 Century Villages at Cabrillo. The approximate 5,500 trips per day represent one-way
11 trips and only half of these would use this ramp (northbound to the SCIG facility).

12 Response to Comment R134-4

13 Please see the response to Comment R115-2.

14 Response to Comment R134-5

15 Please see Master Response 3, Hobart. As discussed in the master response, BNSF needs
16 to expand Hobart in order to accommodate cargo resulting from growth in the regional
17 and national economy, which would consist primarily of domestic and transloaded cargo.
18 The improvements at Hobart are also related to increasing efficiency, as described in
19 Section 5.4 of the RDEIR (No Project Alternative).

20 Response to Comment R134-6

21 While existing air quality is an important issue to POLA, fixing existing issues are
22 beyond the scope of the CEQA analysis. (See *Watsonville Pilots Association v. City of*
23 *Watsonville* (2010) 183 Cal. App. 4th 1059 [“The FEIR was not required to resolve the
24 [existing] overdraft problem, a feat that was far beyond its scope.”]) Please see RDEIR
25 Chapter 3.2 for discussion of air quality impacts associated with SCIG.

26 Response to Comment R134-7

27 Please see Master Response 7, ZECMS. Mitigation Measure AQ-8 (Low-emission
28 Drayage Trucks, see Section 3.2.4.5) specifies a timetable by which trucks calling at the
29 SCIG facility must be low-emission trucks. With regard to zero-emission trucks,
30 Mitigation Measure AQ-9 requires periodic review, and incorporation into the SCIG
31 facility as appropriate, of new emissions control technologies, which would include zero-
32 emission trucks. Project Condition PC AQ-11, if adopted by the Board of Harbor
33 Commissioners, would establish a long-term goal of 100 percent zero-emission trucks by
34 2020, but because the feasibility of the technology is not known at this time, it is not
35 feasible to establish an absolute timetable for achieving that goal.

36 Response to Comment R134-8

37 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
38 and is therefore before the decision-makers for their consideration prior to taking any

1 action on the SCIG project. The comment is general and does not reference any specific
2 section of the DEIR or RDEIR, therefore no further response is required (Public
3 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

4 **Response to Comment R134-9**

5 The comment makes general references to pollution and health issues, and suggests, at a
6 conceptual level, incorporation of a buffer between the proposed Project and the
7 community. The comment does not specifically identify the benefits the suggested buffer
8 should achieve. The RDEIR analyzed the impacts of the proposed Project and imposed
9 all feasible mitigations for the significant impacts that were identified, which included
10 impacts related to aesthetics, air quality, cultural resources, and noise (see Section 3.1,
11 3.2, 3.4, and 3.9 of the RDEIR). Consistent with the commenter's suggestion, the Project
12 also includes PC AES-1 as a project condition subject to approval. PC AES-1 is a
13 proposal to provide an area of intensive landscaping between the Terminal Island
14 Freeway and the SCE right of way that would serve as a visual buffer. (RDEIR Section
15 3.1.5) Project conditions subject to approval are not required as CEQA mitigation
16 measures, rather, these conditions are recommended to address issues that are important
17 to the community and the LAHD. The Board may not elect to adopt this condition, but if
18 it is adopted it will be enforceable and will be incorporated into the MMRP, in a table
19 that is separate and distinct from CEQA mitigation measures, for tracking and reporting
20 purposes. Please see the responses to comments R89-2 and R114-12 and Master
21 Response 4, Feasibility of Mitigation Measures, for more detail.

22 **Response to Comment R134-10**

23 Please see RDEIR Section 3.2 for an analysis of the proposed project's air quality
24 impacts. The only significant and unavoidable impact associated with air quality is a
25 result of construction. The commenter's suggestion of creating a buffer would therefore
26 not reduce or avoid this significant impact.

27 **Response to Comment R134-11**

28 Please see Master Response 7, ZECMS.

29 **Response to Comment R134-12**

30 This comment is an excerpt from the Natural Resources Defense Council's comment
31 letter. Accordingly, please see the responses to comments R92-1 through R92-28.

32

November 13, 2012

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Delivered via e-mail to ceqacomment@portla.org

RE: Recirculated Draft EIR - Southern California International Gateway (SCIG) Project (SCH 2005091116)

This letter documents Century Housing's comments on the Recirculated Draft Environmental Impact Report prepared for the Southern California International Gateway (SCIG) Project proposed by the Port of Los Angeles, and the Burlington Northern and Santa Fe Railroad Company immediately west of the Terminal Island Freeway, north of Pacific Coast Highway and south of Sepulveda Boulevard.

Century Housing is the owner of the property immediately to the east of the proposed project known as Villages at Cabrillo, a 26-acre former Navy housing facility currently partially developed as housing serving previously homeless veterans, youth and families, as well as educational facilities serving the children living on the site. The existing Villages at Cabrillo facilities served over 1,830 persons in 2011, of which over 30 percent were children. At the time of publication of the Notices of Preparation in 2005, and again at the time of the circulation of the original draft EIR, Century provided comments, including the programmed development of additional housing in the immediate future consistent with the approved 1997 Planned Development Plan, and the preparation of a long-term plan for development of the unutilized portion of the property over the coming years.

Consistent with its mission, Century remains strongly committed to providing the best living conditions feasible for the residents of Villages at Cabrillo. As a result, we are concerned about the potential environmental impacts which the SCIG Project may have upon the Villages at Cabrillo and its residents. To further that goal, we have enhanced the Villages at Cabrillo campus by adding a new playground for the resident children, leased an acre of property between our property and the Terminal Island Freeway from the City of Long Beach to provide for an expanded landscape barrier between the Freeway and the educational and residential facilities on the campus (now a 27 acre campus), and begun to add

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↑
landscaping along the western boundary of the Villages at Cabrillo. In addition, we are moving forward, in cooperation with the City of Long Beach, with the fourth phase of housing development on the Villages at Cabrillo campus, an 81-unit apartment complex which will be constructed immediately north of West 20th Street, between San Gabriel and River Avenues, which will house and serve homeless families.

We offer the following comments on the Recirculated Draft EIR, and request that they be addressed in preparation of the Final Environmental Impact Report.

General Comment: Identity of Century Villages at Cabrillo

R135-2

In several sections of the Draft EIR, the Century Villages at Cabrillo campus is referred to with different names. The Recirculated Draft EIR has corrected this nomenclature, but the nonrecirculated portions of the Draft EIR may continue to include this confusing naming variability. It would assist the reader to use the same nomenclature throughout in order to avoid confusion.

Baseline Conditions: Notice of Preparation

R135-3

In our response to the original Draft EIR, we commented that the use of 2005 data for the baseline conditions was inappropriate and requested that the EIR be updated. The Recirculated Draft EIR appropriately utilizes a more appropriate baseline date of 2010.

Section 2.2: Existing Conditions

R135-4

While the descriptions of the existing conditions on and near the project site are generally accurate, the map included as Figure 2-2 mislabels the Century Villages at Cabrillo as “Commercial” with a pale green color. The property should be labeled as “Residential” to reflect its use (turquoise color). The boundary between the Century Villages at Cabrillo and the business-industrial park to the south is West 20th Street.

Section 3.1: Aesthetics/Visual Resources

R135-5

↓
As noted in the Initial Study, the SCIG Project is expected to create a new source of substantial light and glare that would adversely affect use of nearby residential properties, including the Villages at Cabrillo. Because the baseline environmental setting does not include the four-story Family Commons at Cabrillo development, there is no discussion of the effect the light emitted from the SCIG project site will affect residents in their bedrooms on the upper stories of this complex. The Recirculated Draft EIR should be revised to reflect the current baseline environmental setting and the impact light from the SCIG project site will have upon the residents occupying the upper stories of the Family Commons at

R135-5

↑ Cabrillo. Please note that future residential developments at the Villages are expected to be four stories as well, including Phase IV.

R135-6

The Recirculated Draft EIR also assumes that some mitigation of the aesthetic impact of the SCIG project would occur due to the construction of a noise mitigation wall along the easterly boundary of the Terminal Island Freeway right of way. However, the property lines and noise wall location illustrated in Figure 3.9-6, and the visual impact illustrated in Figure 3.1-15, do not reflect the action of the City of Long Beach to lease approximately one acre of that property, lying between the illustrated westerly property line of the Villages at Cabrillo campus and the drainage swale along the easterly side of the Terminal Island Freeway. (See attached map taken from City of Long Beach City Council report for details.)

This leased property is being used for a landscape barrier being funded, in part, by a Port of Long Beach Community Mitigation Grant. The Recirculated Draft EIR should be revised to reflect the current baseline environmental setting and the effect of a noise mitigation wall that is located either (a) along the westerly boundary of the Villages at Cabrillo landscaped barrier, incorporating the land leased from the City of Long Beach or (b) on the Terminal Island Freeway right of way land owned by the City of Long Beach,. That revised analysis may show that a taller noise mitigation wall will be required, and that the sound wall should be located on one of these two pieces of land..

Section 3.2: Air Quality and Meteorology

R135-7

It is noted that the Recirculated Draft EIR identifies several significant unavoidable impacts related to the project, impacting the six sensitive receptor locations located on the Villages at Cabrillo campus. The particulate (PM₁₀ and PM_{2.5}) pollutants are of particular interest, given their localized deposition patterns and the relative ease of abating these forms of health hazard, and their adverse health effects upon the residents of Villages at Cabrillo, especially the children.

In an attempt to partially offset the particulate pollution on the Villages at Cabrillo campus, we planted a landscape barrier along the western boundary of our property adjacent to the Terminal Island Freeway (SR 103). While it is hoped that the proposed noise mitigation sound wall will assist in this effort, we assert that more mitigation of these adverse air quality impacts is necessary.

Section 3.8: Land Use

R135-8

The discussion included under Section 3.8.2.4 Redevelopment Areas in the Site Vicinity should include acknowledgement that, while the project areas and plans for redevelopment in surrounding communities may persist, the primary resource previously available for implementation of those plans, tax increment financing, has been terminated.

R135-9

The Recirculated Draft EIR discusses and displays the relevant land use plans of the cities of Carson, Los Angeles as well as the Port of Los Angeles, but only includes a description of that small portion of the City of Long Beach General Plan which is within the project site, with a very generalized description of the land use designations to the east of the project site. The Villages at Cabrillo is being developed pursuant to a Planned Development Plan (PD-31) which is a component part of the City of Long Beach General Plan Land Use Element, and the analysis should be compared with that plan to determine impacts. While the proposed SCIG Project may be compatible with the land use designations of the relevant land use jurisdictions for the project property, completion of the project as proposed will have external deleterious effects upon the permissible and advisable use of nearby properties, including the Villages at Cabrillo. While the Villages at Cabrillo site is partially improved, there is sufficient capacity remaining to permit substantial additional development and redevelopment to serve adults, youth and children.

Section 3.9: Noise

The Recirculated Draft EIR now incorporates facilities located at the Villages at Cabrillo, and discloses that residual impacts remaining after construction of the proposed noise mitigation sound wall would remain significant for nighttime operation of the SCIG.

R135-10

As described below in Section 3.10, the truck traffic moving from and to Northbound SR-103 is required to slow or stop during the move to or from SR-1 due to the configuration of the ramps and intersection of San Gabriel Avenue and West 20th Street. As traffic increases because of the SCIG project, the noise from the trucks making these moves will increase, affecting primarily the southwest portion the Villages at Cabrillo property, the site of an 81-unit apartment development on the campus which is currently in the predevelopment and financing phase. This could be mitigated by changes in the circulation system outlined below.

The Villages at Cabrillo is home to many sensitive noise receptors, including children and veterans, many of whom have been afflicted with PTSD. The existence of continuous, pervasive noise stemming from the operation of the SCIG is detrimental and injurious to these sensitive populations.

Section 3.10: Transportation/Circulation

R135-11

The analysis of traffic effects incorporates an error in classifying the Westbound SR-1 (Pacific Coast Highway) transition to Northbound SR-103 (Terminal Island Freeway) as a highway ramp move. In fact, this move takes traffic from Westbound SR-1 onto Northbound San Gabriel Avenue, a two-lane street that

↑ serves as the primary entrance to the Villages at Cabrillo campus. That traffic proceeds north one block to San Gabriel's controlled intersection with West 20th Street at which point the traffic must execute a 90° left turn after stopping. This location should have been analyzed as an intersection, not a freeway ramp.

R135-11

As noted above, this stopping and turning movement emits noise as well as additional particulate pollution (more prevalent for diesel trucks upon initial acceleration from a standing stop), which will rise as traffic levels increase due to the SCIG project. The tables showing Baseline and CEQA Baseline Plus Proposed Project Conditions indicate increases in traffic levels on San Gabriel and the ramps from Westbound SR-1 to Northbound SB-103 and Northbound SR-103 to Westbound SR-1.

The transition from Northbound SR-103 (Terminal Island Freeway) to Westbound SR-1 (Pacific Coast Highway) is a ramp move, but a portion of that move is along Southbound San Gabriel Avenue and requires the freeway ramp traffic to merge with the Southbound San Gabriel traffic from two lanes to one, and weave across traffic seeking to transition from Southbound San Gabriel to Eastbound Technology Place in order to reach Eastbound SR-1 (Pacific Coast Highway) because turns directly from Southbound San Gabriel to Eastbound SR-1 are not permitted.

R135-12

The geometry of these streets and ramps, and the mixing of the heavy truck traffic projected to be traveling from the Ports of Long Beach and Los Angeles to the SCIG project with traffic from Villages at Cabrillo and the adjacent Technology Park will cause confusion and dangerous conditions. The mixing of traffic will also cause the truck traffic to slow significantly, adding to noise, air pollution and traffic hazards.

At the very least, this "ramp" should be analyzed as a "weaving section" based on the actual configuration of the freeway ramp and San Gabriel Avenue.

R135-13

The Recirculated Draft EIR should analyze the construction of a fly-over ramp from Northbound SR-103 to Westbound SR-1 similar to the one being proposed from the Southbound SCIG access road to Eastbound SR-1 (as described in Section 2.4.2.5 and illustrated in Figure 2.6). This would eliminate the mixed traffic hazards, and permit the reconfiguration of the Westbound SR-1 to Northbound SR-103 connection along San Gabriel Avenue to provide for a true uncontrolled highway-to-highway ramp for that move, with separate controlled lanes for local traffic.

R135-14

↓ It must also be noted that the Recirculated Draft EIR contains numerous instances of confusing the name and state route numbers assigned to the Terminal Island Freeway. The Terminal Island Freeway begins at the I-710 on Terminal Island,

and travels north, crossing the Commodore Schuyler F. Heim Bridge across the Cerritos Channel. During this length, the Terminal Island Freeway is designated as State Route 47 and State Route 103—that is, the routes overlap. North of the bridge, the Terminal Island Freeway curves east. At this point, State Route 47 continues north via ramps to N. Henry Ford Ave. and thence to Alameda St., continuing along that route until it reaches the Gardena Freeway, State Route 91, several miles to the north. The State Route 103 designation continues along the alignment of the Terminal Island Freeway until it intersects with State Route 1, the Pacific Coast Highway. The Terminal Island Freeway, no longer a state route, but a City of Long Beach roadway, then continues north to Sepulveda Blvd./Willow St.

There are some instances of the right of way north of the split of SR-47 and SR-103 being described as “Terminal Island Freeway SR-47” which may confuse readers unfamiliar with the actual roadway naming and highway numbering (e.g., page 3.10-28 describing the designated truck route). Admittedly, the overlap of SR-47 and SR-103 from the I-710 across the Schuyler Heim Bridge to N. Henry Ford Ave. can be confusing, the incorrectly identifying the route names may call into question the underlying analysis of traffic and related impacts of the proposed project.

Section 4.1.2: Projects Considered in the Cumulative Analysis

As described above, the Villages at Cabrillo campus is being developed pursuant to a Planned Development Plan, which is a component part of the City of Long Beach General Plan Land Use Element, and the analysis of cumulative effects should, at the very minimum, include that already-planned-for development. Within the purview of that plan, the newly constructed Family Shelter opened in April 2012, housing the Elizabeth Seton Residence operated by Catholic Charities. The Family Shelter houses about 56 homeless persons at a time, with average turnover from this emergency shelter facility to transitional or permanent housing resulting in an annual capacity of about 450. The Family Shelter facility is located on the southeast corner of San Gabriel Avenue and Williams Street.

In addition, Century Villages at Cabrillo has engaged a contractor to assist in developing plans for 81-unit Phase VI development of the campus, encompassing about 6 acres. Information can be provided about the general framework of that development for inclusion in the Cumulative Analysis.

Section 5: Alternatives

There is an apparently feasible alternative which was not evaluated. Commonly referred to as “The Yards: Proposal for Open Space Development” (Draft Version 3.1 is dated October 2010), this alternative would reconfigure the SCIG and ICTF

R135-14

R135-15

R135-16

proposals, and would appear to meet all of the transportation goals of the SCIG and related ICTF project proposals while also achieving other community goals, primarily development of significant new recreational open space opportunities for the surrounding communities. In brief, The Yards alternative would:

- **ACQUIRE PROPERTY**--Secure eight properties in the cities of Long Beach and Carson. Six properties within Carson to be incorporated into the modernized Intermodal Container Facility are largely without improvements. The two properties in Long Beach are not essential for the park's development but could provide existing structures for recreation facilities and connectivity between separate parcels.
- **RELOCATE ICTF (INTERMODAL CONTAINER TRANSFER FACILITY)**-- Instead of modernizing the existing Union Pacific rail facility on the current site in seven phases over three years, develop a new facility immediately to the west. The land remaining from the current Intermodal Container Transfer Facility would be incorporated into the larger park development.
- **REALIGN SAN PEDRO BRANCH RAILROAD**--As part of the new Southern California International Gateway (SGIG) Burlington Northern Santa Fe Railroad proposes improvements to the San Pedro Branch right-of-way including new tracks and railroad bridge. The YARDS proposal moves those improvements to the west, adjacent to the SCIG and Intermodal Container Transfer Facility away from residents.
- **REMOVE TERMINAL ISLAND FREEWAY**--With the reduced traffic on the Terminal Island Freeway due to the SR-47 Expressway project and modernized Intermodal Container Transfer Facility, terminate the city-owned portion of the corridor north of Pacific Coast Highway. Connection to Willow Street would then be provided by a continued San Gabriel Avenue.
- **REPURPOSE SCE (SOUTHERN CALIFORNIA EDISON) RIGHT-OF-WAY**-- Through purchase or lease agreement, incorporate the ground plane of Southern California Edison block-wide, three mile long transmission corridor into the larger park development.
- **SHARE LBUSD (LONG BEACH UNIFIED SCHOOL DISTRICT) CAMPUSES**--Establish shared-use agreement for public access to five Westside Long Beach Unified School District Campuses. In exchange the student bodies would have access to additional recreation facilities as well as a quarter-mile wide open space buffer between the campuses and the rail facilities.

The Recirculated Draft EIR should be revised to evaluate The Yards alternative.

Section 6: Environmental Justice

The Recirculated Draft EIR has been revised to reflect more current demographic information, more accurately reflecting the ethnic and income characteristics of the surrounding community and the Villages at Cabrillo (Census Block Group 5728001).

R135-16

R135-17

Section 7: Socioeconomics and Environmental Quality

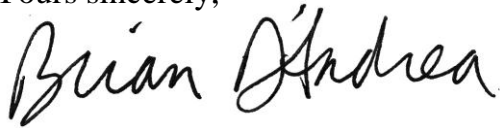
R135-18

Once again, the Recirculated Draft EIR now reflects more current data and more accurately discloses the significant changes which have occurred since 2005.

R135-19

In closing, Century Housing has serious concerns about the significant, unavoidable impacts, including environmental justice impacts, the proposed project will impose, particularly on neighboring communities such as the Villages at Cabrillo. Given these expansive impacts, the “as designed” project is deficient and its proposed mitigation is insufficient. As such, the proposed project and/or its mitigation methods should be modified to address these impacts. Again, thank for the opportunity to provide comments on the Recirculated Draft EIR for the Southern California International Gateway (SCIG) Project. I look forward to reviewing the responses to this and other comments.

Yours sincerely,



Brian D'Andrea
President
Century Villages at Cabrillo

Attachment: Map of City of Long Beach Lease Parcel

ATTACHMENT



1 **Comment Letter R135: Century Villages at Cabrillo**

2 **Response to Comment R135-1**

3 The comment offers introductory remarks describing the Century Villages at Cabrillo,
4 current use of the property as housing serving previously homeless veterans, youth and
5 families and on-site children's educational facilities, as well as its future plans. The
6 Project site is in an area that is already heavily industrial, and the proposed Project would
7 be consistent with that use, as described in Section 3.8.4.3, Land Use, of the RDEIR.
8 Accordingly, notwithstanding the expansion plans of the Century Villages at Cabrillo, the
9 proposed Project is consistent with existing land use and the RDEIR's analysis and
10 conclusions comply with CEQA.

11 **Response to Comment R135-2**

12 The DEIR has been revised in accordance with the commenter's request.

13 **Response to Comment R135-3**

14 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
15 and is therefore before the decision-makers for their consideration prior to taking any
16 action on the SCIG project. The comment is general and does not reference any specific
17 section of the DEIR or RDEIR, therefore no further response is required. (Public
18 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

19 **Response to Comment R135-4**

20 The depiction of land uses in Figure 2-2 is general in nature. It is not meant to delineate
21 exact boundaries or to reflect details of actual uses, but rather to give a general overview
22 of land uses in the portion of west Long Beach near the project site. The Century
23 Villages at Cabrillo may function as a residential use, but neither its land use designation
24 nor its zoning are residential. As described in the City of Long Beach Planning
25 Department's website, the Century Villages at Cabrillo and the adjacent light industrial
26 uses are in General Plan land use district 7, which is designated LUD No. 7, Mixed Use
27 District (Land Use District Map 8) (POLB, 2009). LUD No. 7 is a subcategory of
28 "Commercial Districts" in the General Plan (City of Long Beach, 1997). The area is
29 zoned PD-31, Technology Center/Century Villages at Cabrillo, rather than one of the "R"
30 zoning designations that would indicate residential zoning. Accordingly, the
31 characterization of the Century Villages at Cabrillo as a commercial land use is
32 technically correct, and no revision of the FEIR is necessary.

33 **References**

34 Port of Long Beach (POLB). 2009. "Land Use District Map 8." Accessed online at:
35 <http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=12345>

36 City of Long Beach. 1997. "Land Use Element of the Long Beach General Plan."
37 Department of Planning and Building. July 1, 1989, revised and reprinted April 1997. p.
38 51. Accessed online at:
39 <http://www.lbds.info/civica/filebank/blobdload.asp?BlobID=2815>

1 Response to Comment R135-5

2 Neither existing nor proposed private views are afforded regulatory protection under
3 State or Federal environmental legislation. As discussed above in Response to Comment
4 R89-77, under CEQA, the question is whether a project will affect the environment of
5 persons in general, not whether a project will affect particular persons. Accordingly, it
6 would be inappropriate for the RDEIR to consider potential effects on specific private
7 property caused by changes to the general viewshed. Section 3.1, Aesthetics, of the
8 RDEIR does consider the potential impacts of the Project on views accessible to the
9 public, which are afforded protection, and concluded that impacts would be less than
10 significant. Section 4.2.1.3 evaluates the proposed project' contribution to cumulative
11 light and glare and concludes that the contribution would be less than cumulatively
12 considerable. These analyses adequately address and inform the public of the project's
13 impacts.

14 Response to Comment R135-6

15 The soundwall identified in MM NOI-1 and illustrated in Figure 3.9-6 of the SCIG
16 RDEIR and Noise Technical Study accurately reflects the "one acre property lying
17 between the illustrated westerly property line of the Villages at Cabrillo Campus and the
18 drainage swale along the easterly side of the Terminal Island Freeway" and is consistent
19 with the boundaries depicted in the map provided in the comment letter. Moreover, as
20 discussed in Section 3.9.4.3, MM NOI-1 requires that, before implementation, the height
21 and location of the soundwall must be verified by an acoustical consultant as part of the
22 final engineering design of the soundwall.

23 The existing noise setting and baseline noise levels have been appropriately evaluated
24 and discussed in Section 3.9.2.3 Existing Noise Environment of the RDEIR. The
25 location of the soundwall shown in Figure 3.9-6 was selected to optimize the noise
26 reduction at the Century Villages at Cabrillo Campus and other noise sensitive receivers
27 located east of the Terminal Island Freeway. Relocation of a portion of the soundwall to
28 the area directly adjacent to the drainage swale would reduce the noise reduction
29 provided by the barrier and subsequently increase noise levels at the Century Villages at
30 Cabrillo Campus, Bethune School, Cabrillo Child Development Center and other nearby
31 noise sensitive receivers. This change could also result in significant construction and
32 operations noise impacts that may not be mitigated to less than significant.

33 Response to Comment R135-7

34 Please see Master Response 4, Feasibility of Mitigation Measures. As required by
35 CEQA, the RDEIR identified and imposed all feasible mitigation measures to reduce the
36 significant air quality impacts of the proposed Project (see Section 3.2 and Table 3.2-36
37 of the RDEIR). Specifically, mitigation measures AQ-1 through AQ-6 would reduce
38 impacts associated with construction, and measures AQ-1, AQ-2, and AQ-7 through AQ-
39 10 would reduce impacts associated with operation. Additional mitigation measures were
40 considered, but were found to be infeasible to impose as enforceable mitigation and
41 instead were recommended as project conditions PC-11 (Zero-Emission Technologies
42 Demonstration Program) and PC-12 (CAAP Measure RL-3). These measures are
43 described in Section 3.2.5 of the RDEIR. The comment does not offer specific
44 suggestions as to what additional measures could be imposed; accordingly, the RDEIR
45 complies with CEQA.

1 Response to Comment R135-8

2 The RDEIR acknowledges the demise of redevelopment agencies (3.8.2.2); their former
3 sources of funding are not relevant to the analysis of impacts. Accordingly, the analysis
4 in the RDEIR complies with CEQA.

5 Response to Comment R135-9

6 The proposed Project as described in Section 3.8.4.3, Land Use, of the RDEIR, would
7 have no significant direct impacts on land uses within or adjacent to the Project site. The
8 types of impacts the comment is implying are properly described as secondary impacts.
9 CEQA requires an EIR to identify and describe the reasonably foreseeable significant
10 indirect environmental impacts that will result from the project. (CEQA Guidelines §
11 15126.2(a).) An indirect environmental impact is a change in the physical environment
12 that is not immediately related to the project but that is caused indirectly by the project.
13 (CEQA Guidelines § 15064(d)(2)) Indirect impacts that are speculative or unlikely to
14 occur are not reasonably foreseeable. As required by CEQA, Section 3.8.4.3 of the
15 RDEIR (p. 3.8-27) acknowledges that the Project would have significant secondary
16 impacts related to air quality and noise. The RDEIR cites the mitigation that was
17 imposed, but concludes (p. 3.8-28) that the secondary air quality and noise impacts on
18 land use would be significant and unavoidable. Accordingly, the RDEIR's analysis and
19 conclusions comply with CEQA.

20 Response to Comment R135-10

21 The SCIG RDEIR evaluated the potential noise impacts of the proposed Project at the
22 Century Villages at Cabrillo, taking into account traffic. (See Table 3.9-18 and Section
23 3.9.4.3 of the RDEIR) As noted therein, none of the roadways in Long Beach, except at
24 segments of W Willow St., would experience a project-related increase in traffic noise
25 levels exceeding 1 dB. In fact, the majority of roadways would experience a decrease in
26 traffic noise. (Section 3.9.4.3 of the RDEIR)

27 The RDEIR and Noise Technical Study employed a conservative methodology consistent
28 with industry practice to analyze and assess the potential impact from traffic noise
29 associated with the Project. The results of the analysis are a direct result of the traffic
30 data provided in the Transportation section and supporting studies. The results of the
31 traffic noise analysis indicate that future traffic noise levels would not result in a
32 significant impact at the Villages at Cabrillo Campus.

33 Please see the response to Comment R95-42-1 for a discussion of veterans with Post
34 Traumatic Stress Disorder.

35 Response to Comment R135-11

36 As shown in Tables 3.10-29 to 3.10-31, all state highway ramps, weaving sections, and
37 segments included in the proposed project truck routes would operate at LOS "B" or
38 better with operation of the proposed Project.

39 The proposed Project would not have any impact on the intersection of San Gabriel
40 Avenue and 20th Street. As described in RDEIR Section 3.10, no trucks associated with
41 the Project would utilize the westbound Pacific Coast Highway transition to the
42 northbound SR-103 ramp. (Figure 3.10-5 of the RDEIR.) Outbound project trips would
43 be destined for port terminals and would proceed from the eastbound Pacific Coast
44 Highway to southbound SR-103. The inbound trucks utilizing the northbound SR-103

1 connection to the westbound Pacific Coast Highway (SR-1) would negotiate the right
2 turn at the intersection of San Gabriel Avenue at the SR-103 ramps. However, because
3 that movement is a free-flow (no impediment such as a stop or yield sign) movement
4 with a merge, intersection analysis would not incorporate the free-flow movement
5 (containing the proposed Project trips) in the intersection level of service calculation as
6 the intersection analysis methodology only accounts for controlled traffic movements.
7 Therefore the weaving analysis is the appropriate analysis in order to determine the
8 traffic impacts of the proposed Project at this location.

9 **Response to Comment R135-12**

10 The commenter is correct that the exit from Northbound SR-103 to Westbound SR-1
11 (PCH) utilizes San Gabriel Ave. San Gabriel Avenue is a one lane road which merges
12 with the freeway off-ramp prior to PCH. Contrary to the suggestion in the comment
13 traffic from the SR-103 exit and south bound San Gabriel Avenue have merged prior to
14 Technology Place and PCH (therefore there will be no weaving). Furthermore, there are
15 not many trips anticipated to be on San Gabriel Avenue south that would merge with the
16 SR-103 off-ramp traffic (San Gabriel Avenue serves a small residential area to the north).

17 The Transportation Impact analysis was based on Travel Demand Modeling, as described
18 in Section 3.10.3.1, which was validated against existing conditions. This model
19 accounts for existing lane configurations such as the one described above. While the
20 comment suggests that the proposed project would cause “confusion and dangerous
21 conditions...[and]...the mixing of traffic will also cause the truck traffic to slow
22 significantly...”, the comment provides no evidence to support this conclusion. Baseline
23 Conditions at this ramp were provided in Table 3.10-8 which show that the AM Peak
24 Hour Density is 10.9 (LOS B), and that the PM Peak Hour Density is at 12.9 (LOS B)
25 under existing conditions. Conditions with implementation of the proposed Project are
26 anticipated to slightly improve in the AM Peak Hour (Density of 10.2 and LOS B), and
27 are not significantly degraded during the PM Peak Hour (Density of 16.8, LOSB). (See
28 RDEIR Table 3.10-29.) The off-ramp would continue to operate at LOS B, which is
29 defined in the EIR as “Very Good. Slight Congestion.” The level of safety of this off-
30 ramp would not change with the implementation of the proposed project.

31 The comment also suggests that the project’s changes at this off-ramp would add noise
32 and air pollution. The air quality analysis provided in RDEIR Section 3.2.2.3, account
33 for all transportation activities. The analysis utilized the trip generation rates and travel
34 routes from the traffic modeling in the transportation analysis in Section 3.10. (See
35 RDEIR page 3.2-12) Furthermore, RDEIR Chapter 3.9 addresses impacts associated
36 with road traffic noise.

37 **Response to Comment R135-13**

38 As discussed in Section 3.10.3.5 of the RDEIR, the project would not have a significant
39 impact on either (1) any intersections or (2) the freeway system. (See Impact TRANS-4.)
40 If there is no significant impact, the EIR need not propose and adopt a mitigation
41 measure. (Public Resources Code § 21100; CEQA Guidelines § 15126.4.) The existing
42 infrastructure of the Terminal Island Freeway (SR-103)/Pacific Coast Highway (SR-1)
43 interchange with a maximum movement level of service “B” is adequate to accommodate
44 project-related traffic.

1 Please see R135-11 for a discussion of the interchange at Westbound SR-1 to
2 Northbound SR-103, including why the project would have no impact on that
3 intersection.

4 **Response to Comment R135-14**

5 The commenter is correct that the state highway designations in the project area are
6 complicated with many designation changes mid-roadway. The main east/west roadway
7 from the Vincent Thomas Bridge to the Gerald Desmond Bridge is called Seaside
8 Avenue (or freeway) in the City of Los Angeles and Ocean Boulevard in the City of Long
9 Beach. It is designated as SR-47 and I-710 along portions of the roadway.

10 The Terminal Island Freeway is designated State Route 103 from near the Henry Ford
11 Boulevard Interchange to Sepulveda Boulevard/Willow Street at the northern terminus of
12 the roadway.

13 State Route 47 connects the south end of the I-110 freeway in San Pedro at Gaffey Street
14 to Ferry Street on Terminal Island. The designation picks up again at New Dock Street,
15 proceeds across the Schuyler Heim Bridge and continues north to an arterial signed State
16 Route 47 along Alameda Street, diverging from SR-103 south of the Henry Ford
17 Boulevard interchange.

18 The RDEIR includes graphics that help ensure the reader understand the locations
19 described in the document.

20 **Response to Comment R135-15**

21 The lead agency thanks the commenter for the additional information regarding future
22 development at the Century Villages at Cabrillo. Table 4-1 will be updated in the FEIR to
23 include those developments. The analysis of cumulative impacts does not need to be
24 revised, however, because those developments would be considered part of overall
25 regional growth, which is already incorporated into the air, traffic, noise, and other
26 analyses. See Response to Comment R135-5 for discussion of cumulative impacts related
27 to light and glare.

28 **Response to Comment R135-16**

29 Please see the response to Comment 114-6.

30 **Response to Comment R135-17**

31 Thank you for your comment. The comment is noted and is hereby part of the Final EIR
32 and is therefore before the decision-makers for their consideration prior to taking any
33 action on the SCIG project. The comment is general and does not reference any specific
34 section of the DEIR or RDEIR. Therefore no further response is required (Public
35 Resources Code § 21091(d), CEQA Guidelines § 15204(a))

36 **Response to Comment R135-18**

37 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
38 and is therefore before the decision-makers for their consideration prior to taking any
39 action on the SCIG project. The comment is general and does not reference any specific
40 section of the DEIR or RDEIR, therefore no further response is required. (Public
41 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

1 **Response to Comment R135-19**

2 Thank you for your comment. The comment is noted and is hereby part of the Final EIR
3 and is therefore before the decision-makers for their consideration prior to taking any
4 action on the SCIG project. The comment is general and does not reference any specific
5 section of the DEIR or RDEIR, therefore no further response is required. (Public
6 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7



November 7, 2012

Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Comments on the SCIG Project RDEIR

Dear Mr. Cannon:

R136-1

According to the RDEIR, there are still two private businesses and one public agency that would be relocated as a result of the Project. We understand that the relocation sites identified for the two private businesses in the Recirculated DEIR have been deemed inadequate, particularly for the purpose of preserving the jobs for the employees of these companies as well as operational deficiencies. The impact on the loss of these businesses needs to be more thoroughly evaluated and addressed. The assumptions made in the RDEIR are incomplete.

R136-2

Additionally, the RDEIR still does not analyze how the Port of Long Beach Pier B On-Dock Rail Support Project could impact the use of the alternate sites for relocation. As proposed, the boundary of the Pier B project may overlap with the boundary of the alternate sites which would significantly reduce the size and utility of the alternate sites. This needs to be further evaluated in the Cumulative Analysis section of the Final EIR.

We hope these concerns can be addressed expeditiously as the uncertainty surrounding the project has created a sense of insecurity for employees and a hesitancy to invest in facilities and infrastructure due to the ambiguous future of these businesses.

R136-3

Again, we support the SCIG project and the continued efforts of the Port of Los Angeles and BNSF Railway in making this project an example of job retention, growth and environmental stewardship. If there is any way we can help facilitate this process please know that you can count on us.

Sincerely,

Dan Hoffman
Executive Director

1 **Comment Letter R136: Wilmington Chamber of Commerce**

2 **Response to Comment R136-1**

3 Please see Master Response 8, Displaced Businesses.

4 **Response to Comment R136-2**

5 Please see the response to Comment R70-6 and Master Response 8, Displaced
6 Businesses.

7 **Response to Comment R136-3**

8 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
9 and is therefore before the decision-makers for their consideration prior to taking any
10 action on the SCIG project. The comment is general and does not reference any specific
11 section of the DEIR or RDEIR, therefore no further response is required. (Public
12 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

13

From: [Irene Mendoza](#)
To: [Ceqacomment](#)
Cc: pwilson@fastlanetrans.com
Subject: SCIG Recirculated Draft EIR
Date: Tuesday, November 13, 2012 11:47:21 AM

Christopher Cannon
Director of Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon,

I am writing with great concern for the future of Fast Lane Transportation, Inc. , a Wilmington business that could be relocated as a result of the SCIG Project. Fast Lane Transportation needs no less than the amount of land they currently use for the efficient storage, stacking and repair of containers, timely replacement of infrastructure such as offices, warehouse, maintenance facilities with no interruption of business. They cannot afford to have unimpeded access by railroad obstructions.

R137-1

As a Board Member of the Wilmington Chamber of Commerce, I have witnessed Fast Lane's contributions and support for the Wilmington Community, i.e. Los Angeles Harbor Boys and Girls Wilmington Club, Harbor Area YMCA (Wilmington), Gang Alternative Program (GAP), Banning Residence Museum, local schools and many other Wilmington programs. Fast Lane employs many Wilmington residents. Displacement of these local job would have a great impact on local economy.

Alternate sites identified in the Recirculated Draft EIR would have significant traffic impacts by rerouting 107,000 annual truck trips from Pacific Coast Highway to other Wilmington streets, and would result in containers being dislocated by this project going to other Wilmington container yards close to residential neighborhoods.

I hope that these concerns will be addressed.

Irene Mendoza
1290 W. 3rd Street
San Pedro, CA 90732

Cell 310-961-7025

1 **Comment Letter R137: Irene Mendoza**

2 **Response to Comment R137-1**

3 Please see Master Response 8, Displaced Businesses. Trucks operated by the displaced
4 businesses currently use both PCH and Sepulveda Boulevard to access those businesses.
5 The commenter is correct that many of those trucks would use other routes if the
6 businesses they serve were to move to other sites, as most would. However, it is
7 speculative to assume that they would therefore end up on Wilmington streets, and
8 CEQA does not require an EIR to indulge in speculation (State Water Resources Control
9 Bd. Cases (2006) 136 Cal. App. 4th 674, 797). As Section 3.8.4.4 discusses, it is not
10 known where those businesses might move to, but the EIR assumes they would find
11 appropriately zoned sites within about 25 miles of the ports. With regard to container
12 parking and handling affecting neighborhoods, please see the response to Comment R91-
13 7.
14

Normont Terrace Coordinating Council
PO Box 331
Harbor City, CA 90710-0331
ntcc90710@yahoo.com

To: Port of Los Angeles

Sent via: ceqacomment@portla.org

**Motion in Support
SCIG Project**

At our combined Board/General Membership Meeting of November 6, 2012 the Board of Directors unanimously voted and our membership fully endorsed by acclamation to support the SCIG project proposed by BNSF.

The Normont Terrace Coordinating Council (NTCC) has represented tenants in Harbor City for over 20 years. We currently have over 700 members in Harbor City and is probably the largest tenant membership organizations in the greater Los Angeles area. Our community and the needs of our members are often overlooked in port matters as San Pedro, Wilmington and Long Beach get all the attention but we are just as affected by port projects.

Our membership lives in the Harbor Village community on the northwest corner of PCH and Vermont. Adjacent to us are uncontrolled trucks which imperil our health and the safety of the Normont Elementary School, see <http://youtu.be/kKBkzpeahh0> . The SCIG project will create much needed operational change and hopefully lessen the need for such trucking operations in our community.

Our members live in 400 units of subsidized housing for low income families. It is our goal to help such families find meaningful employment so that they can afford to move out and buy their own homes. The SCIG project will make it possible for our members to find jobs that pay more than minimum wage and offer stability and opportunity.

Sincerely,

Alberto Guevara
President

R138-1

1 **Comment Letter R138: Normont Terrace Coordinating Council**

2 **Response to Comment R138-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

From: [John S. Peterson](#)
To: [Ceqacomment](#)
Cc: [Pat Wilson](#); [Bahram F. Mahdavi](#); [Stanley Cheng](#); [Joseph A. Schwarz](#)
Subject: Comments to Recirculated Draft Environmental Impact Report for the Southern California International Gateway Project
Date: Tuesday, November 13, 2012 10:52:30 AM

Please make this part of the record. Please acknowledge receipt.

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Re: Comments and Objections to Revised Draft Environmental Impact Report (“RDEIR”) for the Southern California International Gateway Project (the “Project”)

Dear Mr. Cannon:

This office represents Fast Lane Transportation, Inc. (“Fast Lane”), with respect to the referenced project. Fast Lane is the property owner of APN #7428-009-001, 7428-009-002, 7428-010-003, 7428-010-004 (the “fee owned property”) and lessee, licensee or revocable permittee of approximately 50 other legal parcels (the “contiguous property”) located proximate to the fee owned property.

The fee owned property consists of 3.36 acres and the contiguous parcels consist of 26.95 acres so that in total Fast Lane controls more than 30 acres of contiguous property. The proposed displacement of Fast Lane due to the Project will substantially impair Fast Lane’s ability to utilize even those parcels of contiguous property that are not taken because the heart of Fast Lane’s operations will have been taken. We submit these comments and objections to the RDEIR. Please make these comments part of the record. Please provide us with any response at the address above. Also, by this letter we hereby request notice of any hearing or public meeting related to this matter and, we request the right to appear and be heard at any such hearing or meeting. Any return mail may be addressed to me at the address shown at the bottom of this email.

INTRODUCTORY POINTS

Fast Lane is the only owner occupied property proposed to be displaced by the Project.

Fast Lane is in the container storage and maintenance business. It is Port related and requires Port proximity. Fast Lane, owned and operated by Patrick Wilson has grown in 30 years from a one man operation to a business that has created over 100 jobs, with headquarters at the subject property.

Operationally, Fast Lane must remain in the Port area. In addition, Mr. Wilson has been active in the community both civically and charitably.

R139-1



Given the symbiosis between Fast Lane's business and the Port related nature of the business, Fast Lane has historically supported the Port and the agencies that exist for and through the Port.

The Draft Environmental Impact Report ("DEIR") for the Project acknowledged the special impact to Fast Lane by specifically identifying Fast Lane by name and proposing Fast Lane's relocation site as part of the Project.

The RDEIR acknowledges the special impact to Fast Lane by specifically identifying Fast Lane by name and "assuming" Fast Lane's relocation site as part of the discussion, but the RDEIR is deficient because it fails to provide for Fast Lane's relocation as a mitigation element of the Project.

The RDEIR does not adequately or realistically address the impacts or mitigation of Fast Lane's displacement.

The assumed relocation site is irregularly shaped, poorly configured, bisected and undersized. Any proposed relocation site for Fast Lane must closely approximate the utility, size and configuration of Fast Lane's existing site.

The Port as lead agency is in a position to mitigate Fast Lane's relocation site concerns and Project related impacts. BNSF as the acquiring entity is not.

DISCUSSION

2.4.2.1 Property Acquisition and Disposition of Businesses

Fast Lane notes with concern the substantial change in tenor and position, as it relates to Fast Lane, between the RDEIR and the DEIR. In the DEIR, Fast Lane's relocation was addressed as part of the Project. "Of the existing businesses within the proposed Project site, only three (. . . Fast Lane Transportation. . .) **would be relocated to nearby properties as part of the proposed Project.**" SCIG DEIR, September, 2011, Sec. 2.4.2.1. This would have assured Fast Lane's continued viability as an element of the Project notwithstanding the Project's substantial impacts to Fast Lane's operations. In the RDEIR, this position has changed dramatically. "Of the existing businesses within the proposed Project site, only three (. . . portion of Fast Lane Transportation. . .) **are assumed to move to alternate sites on nearby properties for purposes of this analysis.**" SCIG RDEIR, September, 2012, Sec. 2.4.2.1. Thus the Project took certain relocation as an element of the Project and converted it into a mere assumption to the substantial detriment of Fast Lane. Now in the RDEIR, all aspects of Fast Lane's Project related displacement and mitigation are mere assumptions for which Fast Lane is entirely responsible.

Fast Lane is in a unique location relative to the Project. Fast Lane has unique impacts inflicted on it due to the Project. This was acknowledged in the DEIR: Fast Lane was identified in the initial DEIR as a component of the Project that required relocation as an element of mitigation. During the initial comment period, Fast Lane identified issues with the proposed mitigation (relocation) in an effort to assist the Project and its proponents to anticipate and solve potential problems before the Project was committed to a specific direction. The Project's response to Fast Lane's earnest and practical comments submitted for the DEIR is for the Project proponents and consultants to come back in the RDEIR and to

↑ cast off Fast Lane as an assumption without a required solution.

R139-1

The quantum shift of positions is *prima facie* evidence of the RDEIR's failure to mitigate or attempt to mitigate the substantial Project impacts inflicted on Fast Lane. The attempt by the Project to convert Fast Lane from a project impact requiring mitigation to a mere assumption to be dealt with by Fast Lane alone is more than a subtle change. It is a blatant attempt to avoid identifying and mitigating significant impacts of the Project. The result of the Project to fail to address these impacts is that CEQA has not been complied with and Fast Lane may be made unviable. If that occurs, dozens of Fast Lane employees and contractors supporting hundreds of voting family member constituents in the greater Port area could be dramatically and negatively impacted.

Fast Lane's special position was clearly spelled out in the DEIR as an element of the Project. In the RDEIR Fast Lane's special position is still acknowledged in section 2.4.2.1., as it is one of only three businesses that are "assumed" to be relocated. The difference, as discussed above, is that under the RDEIR is Fast Lane's relocation is made Fast Lane's problem as opposed to the Project's mitigation issue to help solve.

R139-2

Of the three businesses assumed to be relocated, Fast Lane is the only business being displaced from land that it owns in fee. The assumed relocation site presents substantial problems to the extent that as a mitigation measure, it is potentially illusory. Additional mitigation is required. While Fast Lane's fee owned property within the project area consists of approximately 3.36 acres, the unique benefits of Fast Lane's location include the ability of Fast Lane to lease or license approximately 26.95 acres that are in addition to and contiguous or adjacent to the fee owned parcel. This enables Fast Lane's business to be conducted on an assembled parcel consisting of approximately 30.31 total acres that is well configured for Fast Lane's operations.

The assumed mitigation simply assumes Fast Lane may use 4.5 acres south of its existing location within the existing ACTA maintenance facility. While such a proposal may be politically expedient, it is not nearly sufficient as mitigation. While Fast Lane would not refuse 4.5 acres at that location, the fact remains that a 4.5 acre parcel is not mitigation. It is the beginning of a proposed mitigation. First, the configuration of the proposed 4.5 acre parcel is largely unworkable for Fast Lane's operations as they now exist. After constructing office, warehouse, and repair and maintenance areas, the remaining area would leave very little in the way for container storage and operations.

R139-3

In addition, Section 2.4.2.1 assumes construction activities to be undertaken by Fast Lane and even makes assumptions at page 2-20 about the type of materials to be used in construction, but nowhere does the RDEIR discuss: (i) how the land will be made available to Fast Lane, (ii) how or if relocation benefits will be provided or (iii) how or if any other means for payment of these improvements that are assumed to be required will be made available. This is another clear difference between the DEIR and RDEIR. Rather than mitigate the problems the Project creates, the Project now ignores the issue as an element of the Project and puts the problems the Project creates squarely in the lap of Fast Lane. In general, the changes to Section 2.4.2.1 between the DEIR and the RDEIR fall below the requirements of the CEQA review process.

R139-4

↓ Fast Lane must be provided with substantially more nearby land to maintain its business operations than the land contemplated in the assumption. Fast Lane's container repair and

R139-4

storage operations are clearly Port related. Fast Lane's existing operations fall within the stated objectives and policies of the Port of Los Angeles Plan of the City of Los Angeles General Plan (3.8.3.1) and of the Wilmington-Harbor City Community Plan (3.8.3.2). Fast Lane is the type of job creating business the City and the Port want to preserve in this area. Forcing Fast Lane to try to operate on 4.5 acres is tantamount to putting Fast Lane out of business. Conversely, given the Port's control of substantial land in the vicinity, and the diminishing supply of suitably zoned land (3.8.3.3), if the Lead Agency does not provide suitably sized and configured land for Fast Lane's operations, Fast Lane could be confronted with being forced out of business because of the inability to procure sufficiently sized, properly zoned and proximately located land from other sources.

3.8 Land Use

Without limitation, Fast Lane asserts the following specific comments and objections:

LU-3

Impact LU-3 contends "The proposed Project would not isolate or divide existing neighborhoods, communities, or land uses. Based on an erroneous analysis, the RDEIR concludes the impact on Fast Lane's operations would be less than significant. This is wrong and it is disingenuous. It was written with no recognition of reality. Certainly it was written with a blind eye turned toward the real world operations of Fast Lane.

The RDEIR acknowledges, "Fast Lane, if it elected to move a portion of its operations as proposed, would be divided by the proposed Project and would experience operational constraints due to rail crossing delay, but operations could occur on the site and would not be isolated." The uttered conclusion flowing from the stated premise is false, misleading and mean spirited. Simply because something is a physical possibility (and that is not clear in this case) does not mean it is practical, feasible or advisable. In this case it is none of the above.

R139-5

The proposed relocation site for Fast Lane is shown in Figure 2-5. The proposed relocation site is irregularly shaped thereby yielding limited utility for Fast Lane's container storage operations. In addition, it is bisected by a rail line with no apparent ability to cross same.

The RDEIR raises the new circuitry and operational constraints that Fast Lane would face at the assumed relocation sites, but concludes that business operations could occur on the site as they do today and would not be isolated. This is eyewash without substance. There is no basis to fairly conclude Fast Lane could operate as it does today with the assumed relocation sites. There is also no basis to conclude impacts to Fast Lane will be less than significant other than mere utterances without substance.

The EIR is also misleading to the extent it proposes to replace Fast Lane's existing land with 4.5 acres of land. Fast Lane's existing fee owned land is a small portion of the assemblage of land Fast Lane has controlled for decades. The locational benefit of the fee owned land is the ability of Fast Lane to assemble adjacent and contiguous leases and licenses to provide for a 30+ acre contiguous site.

The result of the proposed relocation site which results in substantially less proposed acreage, irregular lot shapes and bisected parcels is a substantially diminished proposed site which

R139-5

falls short of a realistic relocation site for Fast Lane. This proposed site falls short of the mitigation contemplated in the DEIR, given the DEIR's acknowledgement that Fast Lane was to be relocated as part of the Project. (2.4.2.1) "Of the existing businesses within the proposed Project site, only three (. . . [including] Fast Lane Transportation . . .) would be relocated to nearby properties as part of the proposed Project."

The RDEIR fails to address mitigation for the significant impacts caused by the Project. Exclusion of Fast Lane's displacement as an element of the Project in the RDEIR, even though it remains as a Project Impact as discussed above, is not a proper basis to fail to properly mitigate the Land Use Impacts of the Project. The impacts to Fast Lane remain mitigatable, but not mitigated.

3.10 Transportation/Circulation

Fast Lane's comments to the DEIR were as follows:

R139-6

"A comparison of the Baseline Tenant Peak Hour Trip Generation (Table 3.10-12) to Proposed Project Site and Relocation Site Peak Hour Trip Generation (Table 3.10-23) discloses Fast Lane will be the largest source of Trip Generation at the proposed relocation site. Compared to Fast Lane's existing site with adequate access off of Pacific Coast Highway, the proposed relocation site has inferior access off of secondary streets. The circulation element of the proposed plan should be required to adequately address mitigation for the additional trip generation in the relocation site area including such measures as street widening and paving, drainage, lighting, signage and traffic planning to ensure adequate flow."

The RDEIR purports to exclude Fast Lane's relocation from the Project by converting it into an assumption. It appears that many of the impacts asserted by Fast Lane have been broadbrushed in the RDEIR by tailoring the Project to exclude those concerns even though they remain as Project Impacts. As an example, see TRANS-2, 6 and 7 below. In the DEIR the roads required to serve Fast Lane would have been part of the Project since Fast Lane's relocation was part of the Project. In the RDEIR, the analysis remains essentially the same. The difference is that now that Fast Lane has been excluded from the Project, the explanation for TRANS-2, 6 and 7 may be technically more accurate due to the clever omission of Fast Lane from the Project (even though it remains as a Project Impact), but the RDEIR still has not attempted to mitigate the real concerns raised in our original comment letter and again herein. Accordingly, Fast Lane incorporates by reference all previously asserted concerns.

TRANS-2

R139-7

The long-term traffic associated with the operation of the proposed Project will significantly impact at least one study location volume/capacity ratio or level of service. The EIR concludes there will be no significant impacts due to traffic at any study locations. The closest study location to the proposed relocation site is Farragut and Anaheim. Although Appendix G includes a traffic count for that intersection, it is not clear that the analysis includes all of the proposed truck trips generated for the proposed relocation site through that intersection. If they are not counted at that intersection, at which intersection were they counted? It is evident the Traffic/Circulation section is generally written from the

R139-7 perspective of the traffic anticipated at the SCIG Project proper, but traffic generated at the relocation site is necessarily part of the required analysis. As noted elsewhere, Tables 3.10-12 and 3.10-23 identify Baseline and proposed Relocation Site Traffic Generation, however, it is not clear how or if the additional traffic in the relocation area proper is addressed and mitigated. A proper analysis is required to ensure Fast Lane and any other business relocated to the proposed relocation area is not subject to impaired circulation due to inadequate mitigation of reasonably anticipated conditions.

R139-8 TRANS 6-
Increased traffic hazards-The EIR concludes the proposed project operations will not substantially increase hazards due to a design feature by stating the proposed project site does not include any public roadways. On the contrary, the assumed relocation sites for Fast Lane and others, do include public roadways, some of which will be subject to substantially increased truck traffic. Appropriate mitigation of this impact must be developed.

R139-9 TRANS 7-
Emergency Access-The entire focus is on the SCIG project proper. There is no analysis of emergency access to the potentially congested relocation area after implementation of the relocation of Fast Lane and others.

4.2 Cumulative Impacts

R139-10 The RDEIR attempts to side step several impacts to Fast Lane by simply writing Fast Lane out of the Project and dealing with Fast Lane as an “assumption.” In turn, and as discussed above, several responses to Fast Lane’s concerns were likewise given little analysis. This carries through to the Cumulative Impacts. Accordingly, Fast Lane incorporates the Cumulative Impacts concerns previously articulated as if set forth in full hereat.

Cumulative Impact LU-3

Fast Lane objects to the conclusions in Cumulative Impact LU-3 for the same reasons stated above under Fast Lane’s comments to LU-3.

Cumulative Impact LU-4

R139-11 The project contributes to cumulatively significant secondary impacts to surrounding land uses. Absent from the EIR’s analysis and proposed mitigation is the impact arising from a possible displacement of Fast Lane and its principal Patrick Wilson from Wilmington. Fast Lane and its principal have been civically active and/or financially supportive of several community endeavors. Displacement of Fast Lane and Mr. Wilson from the Wilmington area would have far reaching secondary and cumulative impacts beyond the impacts to Fast Lane itself.

Cumulative Impact TRANS 2

R139-12 The same objections and comments as stated above to TRANS 2 are incorporated by this reference.

↑ Cumulative Impact TRANS 6 and TRANS 7

R139-12

The same objections and comments as stated above to TRANS 6 and 7 are incorporated by this reference.

Conclusion

R139-13

The RDEIR is deficient. It is especially deficient when compared to the DEIR. The DEIR acknowledged Fast Lane's special position and need for relocation as a result of and as part of the Project, but it did not adequately address Fast Lane's relocation requirements. The apparent solution in the RDEIR was to eliminate Fast Lane from the Project and convert Fast Lane and its newly mandated self directed mitigation to an "assumption." This about face is *prima facie* evidence of the deficiency in the RDEIR. Rather than address impacts and mitigation, the RDEIR attempts to change the definition of the Project by writing Fast Lane out of the Project even though all impacts remain the same. The problem remains however that a change in that definition does not avoid the very real impacts of the Project and required mitigation for those impacts as the same relate to Fast Lane. The Project essentially extricates Fast Lane's heart while leaving its corpse to twist in SCIG's wind. The real world Project impacts inflicted on Fast Lane as elements of this Project can and must be addressed by way of mitigation. This warrants further study and analysis in the RDEIR to provide for the meaningful mitigation of Fast Lane's Project Impacts as part of the Project.

Very truly yours,

John S. Peterson

JSP:m

John S. Peterson

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1 Comment Letter R139: Peterson Law Group PC**2 Response to Comment R139-1**

3 Thank you for your comments on the property occupied by Fast Lane and on Fast Lane's
4 owner, Patrick Wilson. The Fast Lane property is discussed in RDEIR Sections 2.2.2 and
5 2.4.2.1 and Table 2-1. Contrary to the commenter's statements, neither the DEIR nor the
6 RDEIR referred to Fast Lane as subject to a "special impact" nor did the identification of
7 Fast Lane as one of three businesses offered alternative locations denote it as specially
8 impacted or that such offer of an alternate location was "mitigation." Under CEQA, there
9 is no obligation to provide relocation assistance or to mitigate economic issues when
10 there is no physical effect on the environment. The commenter has described economic
11 or business concerns, but has not described any environmental effects of the displacement
12 of business. To the extent the commenter's main concerns are a request for assistance to
13 find a suitable alternate business site and/or to pay for relocation costs, such requests are
14 not required mitigation under CEQA. The commenter is also referred to Master Response
15 8, Displaced Businesses.

16 Response to Comment R139-2

17 Please see Master Response 8, Displaced Businesses, which explains why the alleged
18 shortcomings of the alternate business sites are not a CEQA issue. As a note, the RDEIR
19 does not present the alternate business sites as mitigation because there is no impact
20 under CEQA to mitigate.

21 Response to Comment R139-3

22 Please see Master Response 8, Displaced Businesses.

23 Response to Comment R139-4

24 The comment incorrectly states that the Project would require "Fast Lane to try to operate
25 on 4.5 acres of land". In fact, as explained in the response to comment R139-2, the
26 RDEIR assumes that Fast Lane would continue most of its operations on the 24.5 acres
27 that would not be taken by the Project; the 4.5-acre alternate site would only replace the
28 5.5 acres of Fast Lane property lost to the Project.

29 While it is true that Fast Lane, as an industrial activity, is consistent with local plans and
30 zoning, the same is true of the Project. Furthermore, the LAHD has no obligation under
31 CEQA to provide Fast Lane with "substantially more nearby land...than...contemplated
32 in the assumption". There is no reason to assume that Fast Lane would be forced out of
33 business by the need to find several acres of suitable land in the port area, and in any case
34 such an eventuality is not a CEQA issue. Accordingly, the RDEIR's analysis complies
35 with CEQA. See Master Response 8, Displaced Businesses.

36 Response to Comment R139-5

37 Please see response to Comment R139-4 and Master Response 8, Displaced Businesses.

38 Response to Comment R139-6

39 The proposed Project site tenant Fast Lane is included as part of the alternate business
40 site analysis and its traffic is accounted for in all analysis scenarios.

1 Response to Comment R139-7

2 The analysis does include all trips generated from the proposed alternate business site for
3 all scenarios. RDEIR Section 3.10.3.5.1 describes both the baseline and proposed Project
4 condition for the project site from the Pacific Coast Highway entrance and Sepulveda
5 Boulevard entrance as well as the Alternative Business site.

6 Response to Comment R139-8

7 With respect to the condition of roadways accessing the alternate sites, BNSF represents
8 that suitable roadways will be provided. The affected tenants will be part of the planning
9 process. The planning process is not at that level of detail at this time.

10 Response to Comment R139-9

11 Please see the responses to comments R55-2 and R55-3.

12 Response to Comment R139-10

13 The comment claims that the RDEIR is “simply writing Fast Lane out of the Project”. Far
14 from omitting Fast Lane from the Project, the RDEIR explicitly includes the
15 displacement of Fast Lane as a project element. For example, Section 2.4.2 of the
16 RDEIR specifically lists “Property Acquisition and Disposition of Businesses” as an
17 element of the Project, and specifically includes Fast Lane as one of the businesses
18 considered. Section 2.4.2.1 describes how and where Fast Lane is assumed to move as
19 part of the Project, and the analyses throughout the document include Fast Lane’s future
20 activities in the impact analyses. Accordingly, the RDEIR complies with CEQA. With
21 regard to the alleged impacts under LU-3, see responses to comments R139-4 and R139-
22 5.

23 Response to Comment R139-11

24 The RDEIR does acknowledge (RDEIR Section 4.2.8.5) that the Project would contribute
25 to significant cumulative secondary impacts on surrounding land uses, which can
26 reasonably be assumed to include Fast Lane. CEQA does not require an exhaustive listing
27 of every property that may experience a secondary impact, if a geographic region that
28 encompasses those properties (i.e., “nearby uses”, RDEIR Section 4.2.8.5) has been
29 analyzed. Accordingly, the analysis and conclusions in the RDEIR comply with CEQA.

30 Response to Comment R139-12

31 Traffic generated by Fast Lane’s operations is accounted for in all CEQA and
32 Cumulative scenarios either at the existing site in the baseline or at the alternate
33 business site.

34 Response to Comment R139-13

35 Please see response to Comment R139-1 and Master Response 8, Displaced Businesses.
36



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November 9, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, California 90731

Re: Grow the Port with Green Projects Including the Southern California International Gateway

Dear Mr. Cannon:

On behalf of the Los Angeles Police Protective League (LAPPL) and representing 9,900 members, I am writing to reiterate our strong support for the Draft Environmental Impact Report prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects.

The updated DEIR, which was developed by an independent third party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in one million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 Freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 Corridor and around BNSF's Hobart Yard in Commerce.

R140-1



In building SCIG, BNSF will improve an existing industrial site and replace it with a state-of-the-art facility featuring wide-span all-electric cranes, ultra-low emission-switching locomotives and low-emission rail yard equipment.

Mr. Chris Cannon
November 9, 2012
Page Two of Three

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero-emission-container-movement systems.

BNSF has gone well beyond what is required to invest \$500 million in our regional economy at a time when it is urgently needed. More importantly, BNSF has shown that green growth is possible by meeting (and exceeding) the Port's standards for new projects.

There is currently a shortage of on-dock capacity, and the ability to expand that capacity is limited. There will always be a need for near-dock facilities, and expansion of this capacity is necessary to accommodate expected growing-cargo volumes.

SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the Gulf and East Coast Ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and the ports consistent with the Port's rail policy.

With unemployment chronically high in Los Angeles County, creating well-paying local jobs is a high priority. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 14,000 new direct and indirect jobs in Los Angeles and 22,000 new direct and indirect jobs in Southern California by 2036, according to a study by HIS Global Insight.

The LAPPL supports green growth. SCIG is an ideal example of green growth and will be an important economic asset for the Southern California region, supporting

R140-1

Mr. Chris Cannon
November 9, 2012
Page Three of Three

R140-1 ↑ thousands of good-paying jobs in the greater Los Angeles area. We look forward to approval of the EIR.

Sincerely,

BOARD OF DIRECTORS
Los Angeles Police Protective League



TYLER IZEN
President

Tl:sp

CC: Mayor Antonio Villaraigosa
Geraldine Knatz, Ph.D
Los Angeles Board of Harbor Commissioners

1 **Comment Letter R140: Los Angeles Police Protective League**

2 **Response to Comment R140-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



November 6, 2012



Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Majestic Realty's Support for the Southern California International Gateway

Dear Mr. Cannon:

I am writing to re-iterate Majestic Realty's strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility. With real estate holdings across the United States, we understand the value of private investment and we believe that our region needs the collaboration of all our supply chain partners to remain competitive in the global economy.

First and foremost, the SCIG project represents private dollars being invested in our region and at the same time, SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects. SCIG will improve operational efficiency and make the best use of existing public infrastructure, including the Alameda Corridor and 710 Freeway.

R141-1

A recent state report on infrastructure highlighted that public funds are vastly insufficient to support our growing infrastructure needs. The Prop.1B bond investments have all been obligated and still our state is billions of dollars short of meeting our infrastructure needs over the next 10 years. Not only has BNSF offered to invest \$500 million of private funds in to our regional economy, SCIG will provide necessary infrastructure to help keep the Southern California ports competitive with gulf and east coast ports competing for cargo movements.

In addition to enhancing our regional supply chain, the immediate economic impacts will occur at a time when our economic recovery is still fragile at best. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California, including 14,000 new direct and indirect jobs in Los Angeles by 2036, according to a study by IHS Global Insight.

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment. Change is often difficult and tenant relocation can be a challenge. However, given the size of industrial market in Southern California, I can assure you that relocation



November 6, 2012
Mr. Chris Cannon
Page Two

R141-1

occurs on a regular basis. There are millions of square feet of industrial properties in the South Bay area alone. Transloading operations occur throughout the region and we have found that these businesses are very competitive. We are confident that the transloading currently done at the proposed SCIG site will quickly adjust and adapt, and the region would be even more vibrant.

SCIG is an ideal example of partnership, green growth and investment in our region. SCIG will be an important economic asset, supporting thousands of good-paying jobs in our area. We ask that you finalize and approve the EIR for SCIG in a timely manner.

Sincerely,

Edward P. Roski, Jr.
Chairman and Chief Executive Officer

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R141: Majestic Realty**

2 **Response to Comment R141-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).
8
9

1431 S. Walker Avenue
San Pedro, CA 90731



November 5, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a 25 year resident and former Honorary Mayor of San Pedro, I wish to express my support for the Southern California International Gateway (SCIG).

BNSF's proposal answered my concerns about unemployment, traffic congestion and air quality and I am satisfied that the project will actually improve air quality by increasing the use of trains to move cargo from our ports, reducing truck traffic on the 710 freeway and bringing needed jobs to our area.

As I understand, SCIG trucks will be prohibited from using local streets and instead must use the designated truck routes. I also support locating a wall and landscaping along the Terminal Island Freeway and applaud the hiring preference for new jobs for qualified local applicants. Our communities are so in need of this additional employment opportunity.

The updated report showed that SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.

I support BNSF's project because it will bring clean technology to the area and, at the same time, reduce traffic congestion and provide meaningful, good jobs for our residents.

Sincerely,

Helene Pizzini

CC:

Mayor Antonio Villaraigosa
Geraldine Knatz, Ph.D
Los Angeles Board of Harbor Commissioners

R142-1

1 **Comment Letter R142: Helene Pizzini**

2 **Response to Comment R142-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

Coalition For A Safe Environment

1601 N. Wilmington Blvd., Wilmington, California 90744
wilmingtoncoalition @ prodigy.net 310-704-1265

November 13, 2012

Port of Los Angeles (POLA)
Los Angeles Harbor Department
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Re: BNSF- Southern California International Gateway Project
Draft Environmental Impact Report (DEIR)
SCH No. 200555091116
ADP No. 041027-199

Su: Public Comments Regarding The Recirculated DEIR

The Coalition For A Safe Environment (CFASE) wishes to request the Port of Los Angeles Board of Harbor Commissioners (POLABOHC) direct the Port management and staff to rewrite the Recirculated DEIR or Rescind the DEIR and BNSF SCIG Project application due to non-compliance with CEQA.

R143-1 The Draft Environmental Impact Report (DEIR) fails to comply with the California Environmental Quality Act (CEQA) Statue (Public Resources Code 21000-21177) and CEQA Guidelines (California Code of regulations, Title 14 Division 6, Chapter 3, Sections 15000-15387) as identified in the following public comments:

1. §21000. LEGISLATIVE INTECT

R143-2 The Legislature finds and declares as follows:

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- (a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.
 - (b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

- (c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.
- (d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.
- (e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.
- (f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.
- (g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

DEIR Omission Details:

The DEIR does not provide or guarantee that there will be a high quality, healthful, pleasing to the senses environment or has it taken all immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

CFASE, many organizations and individuals have identified significant deficiencies, errors, omissions of information, inadequate assessments, missing required assessments, misrepresentations of facts, unsubstantiated information, invalidated data, missing assessments, inappropriate assumptions, fails to eliminate where feasible all negative impacts, fails to mitigate negative impacts where feasible to less than significant and fails to include all reasonable and available feasible mitigation measures, discriminates against Environmental Justice Communities composed of people of color, high poverty and low income.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

2. §21001. ADDITIONAL LEGISLATIVE INTENT

The Legislature further finds and declares that it is the policy of the state to:

- a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.
- (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
- (c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major

periods of California history.

(d) Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

DEIR Omission Details:

The DEIR does not provide or guarantee that there will be a high quality environment, taken all action necessary to protect, rehabilitate, and enhance the environmental quality, taken all action necessary to provide the people of this state with clean air and water, freedom from excessive noise, can ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions, Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality and require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment

CFASE, many organizations and individuals have identified significant deficiencies, errors, omissions of information, inadequate assessments, missing required assessments, misrepresentations of facts, unsubstantiated information, invalidated data, missing assessments, inappropriate assumptions, fails to eliminate where feasible all negative impacts, fails to mitigate negative impacts where feasible to less than significant and fails to include all reasonable and available feasible mitigation measures, discriminates against Environmental Justice Communities composed of people of color, high poverty and low income.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

3. CCR§15002. GENERAL CONCEPTS

(a) Basic Purposes of CEQA. The basic purposes of CEQA are to:

(1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.

(2) Identify the ways that environmental damage can be avoided or significantly reduced.

DEIR Omission Details:

The DEIR left out the terms avoided and significantly reduced. The DEIR does not state what environmental damages could be avoided if other alternatives or mitigation measures were proposed.

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Decision makers and the public have a right to know that not all options especially those proposed by the public and governmental agencies were not assessed, no cost-benefit analysis or feasibility study was prepared. Decision makers and the public have a right to know that the POLA/BNSF did not contact alternative technology and mitigation technology companies to submit their technological data, engineering studies and any certifications or approvals by governmental agencies. The DEIR fails to disclose that the POLA was a co-sponsor of demonstration projects and that test data validated the technology, yet POLA Refused to adopt the technology and mitigation.

(3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.

DEIR Omission Details:

The POLA failed to include comprehensive feasibility studies or technology assessments in the DEIR to support its basis for rejecting the incorporation of a project alternative, alternative technology or mitigation measure. The public recommended alternative SCIG site locations and the POLA failed to disclose what would have to be modified to make it feasible. A slightly shorter train length for example would fit in locations the port rejected. It is a fact that the railroad industry keeps increasing the lengths of trains, but the DEIR gives the impression that a 4,000' length track is a mandatory requirement when it is not. The DEIR failed to state how the proposed Pier 500 could be modified to meet all of the project objectives. The DEIR failed to state that American MagLev Technology, Inc offered to build a zero emissions all electric MagLev Train Demonstration Project at no cost to the port of public for the past 4 years and the POLA has refused. The POLA only mentions that it considered it. A demonstration project would have proven the technology was feasible now or feasible within a few years.

(4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21000-21177, Public Resources Code; *No Oil, Inc. v. City of Los Angeles*, (1974) 13 Cal. 3d 68; *Running Fence Corp. v. Superior Court*, (1975) 51 Cal. App. 3d 400.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

4. CCR§15003. POLICIES

In addition to the policies declared by the Legislature concerning environmental protection and administration of CEQA in Sections 21000, 21001, 21002, and 21002.1 of the Public Resources Code, the courts of this state have declared the following policies to be implicit in CEQA:

(a) The EIR requirement is the heart of CEQA. (*County of Inyo v. Yorty*, 32 Cal. App. 3d 795.)

(b) The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected. (*County of Inyo v. Yorty*, 32 Cal. App. 3d 795.)

DEIR Omission Details:

The DEIR fails to demonstrate to the public that it is being protected, because the public has requested and provided information on Health Impact Assessments (HIA) which are a more comprehensive assessment of the public current health status and future health status changes than a Health Risk Assessment (HRA). The POLA gives the impression that it can only rely on Health Risk Assessments, when the fact is that an HRA cannot tell you how many people in the project area have asthma or COPD. So how can the POLA claim its mitigation for current health mitigation or future health mitigation is adequate when they do not know how many people are sick, how sick, where they are located, what the health care cost is and other negative socio-economic impacts.

(c) The EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project. (*No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68.)

(d) The EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. (*People ex rel. Department of Public Works v. Bosio*, 47 Cal. App. 3d 495.)

(e) The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should a majority of the voters disagree. (*People v. County of Kern*, 39 Cal. App. 3d 830.)

(f) CEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (*Friends of Mammoth v. Board of Supervisors*, 8 Cal. 3d 247.)

DEIR Omission Details:

The POLA has only selected technologies and mitigation it prefers and its potential client prefers not the best available technologies and mitigation to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. Zero emission trucks and trains are only to be considered in the future. The Balquon electric truck is zero emissions and excellent for short length destinations but is not required or proposed. The Vision Motor Corp hydrogen gas fuel cell truck is zero emissions and excellent for long hauls but is not required or proposed. It is only a future consideration. The fact that the POLA has ordered 2 trucks to test did not come with any commitment to require them once they are proven and the POLA has provided no proven technology criteria. The DEIR failed to state that American MagLev Technology, Inc offered to build a zero emissions all electric MagLev Train Demonstration Project at no cost to the port of public for the past 4 years and the POLA has refused. The POLA only mentions that it considered it. A demonstration project would have proven the technology was feasible now or feasible within a few years.

(g) The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (*Bozung v. LAFCO* (1975) 13 Cal.3d 263)

(h) The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151)

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and

↑ a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692)

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (*Laurel Heights Improvement Assoc. v. Regents of U.C.* (1993) 6 Cal.4th 1112 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553)

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21000-21177, Public Resources Code.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

5. CCR§15021. DUTY TO MINIMIZE ENVIRONMENTAL DAMAGE AND BALANCE COMPETING PUBLIC OBJECTIVES

(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.

(1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.

(2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

(b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.

DEIR Omission Details:

The POLA and DEIR only considered and disclosed the positive benefits of a project, project alternatives, technologies and mitigation it selected. There was no negative cost-benefit assessment of public recommended and requested project alternatives, technologies and mitigation provided so that decision makers and the public could understand both side of the equation and make a proper decision. CFASE and the public have identified that the POLA and DEIR failed to conduct a public health care cost assessment as part of a Health Impact Assessment to disclose what is the public health care negative socio-economic costs that the project would cause due to increased air pollution and climate change. This was ignored and not completed. CFASE has stated that that the Vision Motor Corp hydrogen gas fuel cell truck is more cost-effective in the long term vs a diesel truck, yet it is not a required mitigation.

(c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.

(d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of

↑ overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Public Resources Code Sections 21000, 21001, 21002, 21002.1, and 21081; *San Francisco Ecology Center v. City and County of San Francisco*, (1975) 48 Cal. App. 3d 584; *Laurel Hills Homeowners Association v. City Council*, (1978) 83 Cal. App. 3d 515.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

6. CCR§15041. AUTHORITY TO MITIGATE

Within the limitations described in Section 15040:

(a) A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard*, (1994) 512 U.S. 374, *Ehrlich v. City of Culver City*, (1996) 12 Cal. 4th 854.).

DEIR Omission Details:

The POLA and DEIR only considered and proposed mitigation that POLA and BNSF prefers. CFASE and the public have identified and provided information on numerous types of feasible mitigation which the POLA and DEIR failed to assess as feasible even when documentation was provided. In addition, the POLA failed to request additional information from manufacturers to clarify any information or provide test studies. In some instances the POLA has test studies and data and failed to disclose that they have it and the information validates all or specific manufacturer claims or the POLA concerns.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002, 21002.1, and 21159.26, Public Resources Code; *Golden Gate Bridge, etc., District v. Muzzi*, 83 Cal. App. 3d 707.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

7. CCR§15064. DETERMINING THE SIGNIFICANCE OF THE ENVIRONMENTAL EFFECTS CAUSED BY A PROJECT

(a) Determining whether a project may have a significant effect plays a critical role in the CEQA process.

(1) If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft

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EIR.

(2) When a final EIR identifies one or more significant effects, the Lead Agency and each Responsible Agency shall make a finding under Section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project.

(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

DEIR Omission Details:

The POLA and DEIR have failed to provide scientific and factual data to justify its environmental and public health significant impacts and claims that it is adequately mitigating the projects impacts. CFASE has submitted in its previous DEIR public comments a copy of our Public Health Impact Studies Index which provides overwhelming scientific and medical information of documented public health impacts from the project construction and operations. CFASE's information discloses that the environmental public health impacts are more serious than the POLA and the DEIR claims, therefore the proposed mitigation is inadequate to reduce the project impacts to less than significant.

CFASE additionally submitted a legal expert opinion with supporting documentation to justify why a Health Impact Assessment should be required in the DEIR.

(c) In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, the Lead Agency must still determine whether environmental change itself might be substantial.

(d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

(3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

(e) Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a

physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

(1) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68).

(2) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared.

(3) If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App. 3d 988).

(4) The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.

(5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.

(6) Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.

(7) The provisions of sections 15162, 15163, and 15164 apply when the project being analyzed is a change to, or further approval for, a project for which an EIR or negative declaration was previously certified or adopted (e.g. a tentative subdivision, conditional use permit). Under case law, the fair argument standard does not apply to determinations of significance pursuant to sections 15162, 15163, and 15164.

(g) After application of the principles set forth above in Section 15064(f)(g), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.

↑ (h) (1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(2) A lead agency may determine in an initial study that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.

(3) A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

(4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, 21083 and 21100, Public Resources Code; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *San Joaquin Raptor/Wildlife Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

8. CCR§15097. MITIGATION MONITORING OR REPORTING.

↓ (a) This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required

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in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

(b) Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.

(c) The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:

(1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.

(2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

(3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the approving agency is informed of compliance with mitigation requirements.

(d) Lead and responsible agencies should coordinate their mitigation monitoring or reporting programs where possible. Generally, lead and responsible agencies for a given project will adopt separate and different monitoring or reporting programs. This occurs because of any of the following reasons: the agencies have adopted and are responsible for reporting on or monitoring different mitigation measures; the agencies are deciding on the project at different times; each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.

(e) At its discretion, an agency may adopt standardized policies and requirements to guide individually adopted monitoring or reporting programs. Standardized policies and requirements may describe, but are not limited to:

(1) The relative responsibilities of various departments within the agency for various aspects of monitoring or reporting, including lead responsibility for administering typical programs and support responsibilities.

(2) The responsibilities of the project proponent.

(3) Agency guidelines for preparing monitoring or reporting programs.

(4) General standards for determining project compliance with the mitigation measures or

revisions and related conditions of approval.

- (5) Enforcement procedures for noncompliance, including provisions for administrative appeal.
- (6) Process for informing staff and decision makers of the relative success of mitigation measures and using those results to improve future mitigation measures.
- (f) Where a trustee agency, in timely commenting upon a draft EIR or a proposed mitigated negative declaration, proposes mitigation measures or project revisions for incorporation into a project, that agency, at the same time, shall prepare and submit to the lead or responsible agency a draft monitoring or reporting program for those measures or revisions. The lead or responsible agency may use this information in preparing its monitoring or reporting program.
- (g) When a project is of statewide, regional, or areawide importance, any transportation information generated by a required monitoring or reporting program shall be submitted to the transportation planning agency in the region where the project is located and to the California Department of Transportation. Each transportation planning agency and the California Department of Transportation shall adopt guidelines for the submittal of such information.

R143-15 *DEIR Omission Details:*

The POLA and DEIR have failed to provide a reporting and monitoring mechanism for validating that its proposed mitigation measures are in fact working and the project has not contributed to an increase in public health impacts.

Note: Authority cited: Section 21083, Public Resources Code. References: Sections 21081.6 and 21081.7, Public Resources Code.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

9. CCR§15126.2 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.

(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.

(b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without

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↑ imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

(c) Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented. Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

(d) Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

DEIR Omission Details:

The POLA and DEIR have failed to provide comprehensive assessments of the public health impacts of the project. A Health Risk Assessment provides limited public health information as compared to a health Impact Assessment. Without an HIA the DEIR has underestimated all of the significant environmental effects of the proposed project and as a result has underestimated the amount of mitigation needed to eliminate an impact or reduce it to less than significant.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21002, 21003, and 21100, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California*, (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; and *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112; *Goleta Union School Dist. v. Regents of the Univ. of Calif* (1995) 37 Cal. App.4th 1025.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

10. CCR§15126.4 CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS.

↓ (a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures

R143-16

R143-17

proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.

(D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

(3) Mitigation measures are not required for effects which are not found to be significant.

(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an *ad hoc* exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

(b) Mitigation Measures Related to Impacts on Historical Resources.

(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

(2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

(3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

(A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

(B) Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites;
2. Incorporation of sites within parks, greenspace, or other open space;
3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
4. Deeding the site into a permanent conservation easement.

(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

(D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

DEIR Omission Details:

The POLA and DEIR have failed to provide comprehensive assessments of the public health impacts of the project. A Health Risk Assessment provides limited public health information as compared to a health Impact Assessment. Without an HIA the DEIR has underestimated all of the significant environmental effects of the proposed project and as a result has underestimated the amount of mitigation needed to eliminate an impact or reduce it to less than significant.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 5020.5, 21002, 21003, 21100 and 21084.1, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112; and *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

11. CCR§15126.6 CONSIDERATION AND DISCUSSION OF ALTERNATIVES TO THE PROPOSED PROJECT.

(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of

the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376).

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

(c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

(d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. (*County of Inyo v. City of Los Angeles* (1981) 124 Cal.App.3d 1).

(e) "No project" alternative.

(1) The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see Section 15125).

(2) The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

(3) A discussion of the "no project" alternative will usually proceed along one of two lines:

↑ (A) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

(B) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the “no project” alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this “no project” consequence should be discussed. In certain instances, the no project alternative means “no build” wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.

(C) After defining the no project alternative using one of these approaches, the lead agency should proceed to analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

(f) Rule of reason. The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

(1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; see *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1753, fn. 1).

(2) Alternative locations.

(A) Key question. The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

(B) None feasible. If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a geothermal plant or mining project which must be in close proximity to natural

↓

resources at a given location.

(C) Limited new analysis required. Where a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for projects with the same basic purpose, the lead agency should review the previous document. The EIR may rely on the previous document to help it assess the feasibility of potential project alternatives to the extent the circumstances remain substantially the same as they relate to the alternative. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 573).

(3) An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal. App.3d 274).

DEIR Omission Details:

The POLA has only selected technologies and mitigation it prefers and its potential client prefers not the best available technologies and mitigation to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. Zero emission trucks and trains are only to be considered in the future. The Balquon electric truck is zero emissions and excellent for short length destinations but is not required or proposed. The Vision Motor Corp hydrogen gas fuel cell truck is zero emissions and excellent for long hauls but is not required or proposed. It is only a future consideration. The fact that the POLA has ordered 2 trucks to test did not come with any commitment to require them once they are proven and the POLA has provided no proven technology criteria. The DEIR failed to state that American MagLev Technology, Inc offered to build a zero emissions all electric MagLev Train Demonstration Project at no cost to the port of public for the past 4 years and the POLA has refused. The POLA only mentions that it considered it. A demonstration project would have proven the technology was feasible now or feasible within a few years. The POLA and DEIR failed to include technology assessments and feasibility studies of public proposed project and technology alternatives

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21002, 21002.1, 21003, and 21100, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California*, (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; and *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112.

CFASE request that the POLA and DEIR disclose how it complies with these guidelines and statutory requirements.

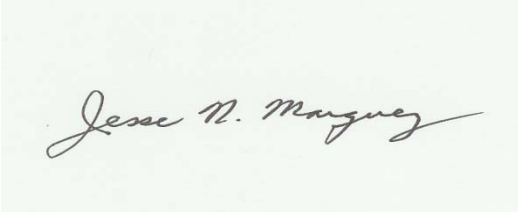
Coalition For A Safe Environment Mission Statement is - To protect, promote, preserve and restore our Mother Earth's delicate ecology, environment, natural resources and wildlife. To attain Environmental Justice in international trade marine ports, goods movement transportation corridors, petroleum and energy industry communities. CFASE has members in over 25 cities Los Angeles County.

The Coalition For A Safe Environment declares that these public comments submitted include all preference submitted public comments in their entirety as part of the official record.

↑ The Coalition For A Safe Environment reserves the right to submit additional public comments as may be deemed necessary.

R143-19

Respectfully Submitted,

A handwritten signature in black ink on a light green background. The signature reads "Jesse N. Marquez" in a cursive script.

Jesse N. Marquez

Executive Director

1 **Comment Letter R143: Coalition for a Safe Environment #1**

2 **Response to Comment R143-1**

3 The commenter has copied various sections of the CEQA Guidelines, with no reference
4 to any specific section of the DEIR or RDEIR. Therefore no further response is required
5 (Public Resources Code § 21091(d), CEQA Guidelines § 15204(a).) The comment is
6 noted and is hereby part of the Final EIR and is therefore before the decision-makers for
7 their consideration prior to taking any action on the SCIG project.

8 **Response to Comment R143-2**

9 The commenter has copied various sections of the CEQA Guidelines, with no reference
10 to any specific section of the DEIR or RDEIR. Therefore no further response is required
11 (Public Resources Code § 21091(d), CEQA Guidelines § 15204(a).) The comment is
12 noted and is hereby part of the Final EIR and is therefore before the decision-makers for
13 their consideration prior to taking any action on the SCIG project.

14 **Response to Comment R143-3**

15 The commenter has copied various sections of the CEQA Guidelines, with no reference
16 to any specific section of the DEIR or RDEIR. Therefore no further response is required
17 (Public Resources Code § 21091(d), CEQA Guidelines § 15204(a).) The comment is
18 noted and is hereby part of the Final EIR and is therefore before the decision-makers for
19 their consideration prior to taking any action on the SCIG project.

20 **Response to Comment R143-4**

21 Please see Master Response 4, Feasibility of Mitigation Measures, which discusses the
22 criteria for determining that technologies and mitigation measures are feasible, and
23 Master Response 7, ZECMS, which describes the developmental status of the various
24 alternative technologies that are being evaluated by the ports and others. In addition,
25 Project Condition PC AQ-11, if adopted, would make participation in the Port's
26 Technology Advancement Program and other technology evaluation and application
27 programs mandatory for the applicant (see Section 3.2.5 of the RDEIR). The RDEIR also
28 provides a detailed discussion of alternatives to the proposed project in Chapter 5,
29 Alternatives.

30 **Response to Comment R143-5**

31 Please see Master Response 5, Alternatives. The RDEIR considered a number of alternate
32 locations, including several inside the two ports. All of those alternatives were rejected
33 for technical reasons, as described in the referenced master response and summarized in
34 the response to Comment R45C-23-6. Please also see Chapter 5, Alternatives, of the
35 RDEIR for a detailed discussion of alternatives to the proposed project. An EIR need not
36 consider every conceivable alternative to the project. (*In re Bay-Delta Programmatic
37 Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1163)
38 As discussed in Chapter 5, the EIR evaluated a reasonable range of alternatives, and
39 included sufficient information about each alternative to allow meaningful evaluation,
40 analysis, and comparison with the proposed project. (CEQA Guidelines § 15126.6(a))

41 The comment's suggestion that the LAHD force railroads to operate shorter trains is
42 economically impracticable and environmentally undesirable. Class 1 railroads operate

1 8,000-foot and longer intermodal trains for long-haul trips because it is economically
2 desirable to do so. No matter the size of the railyard, the railroad will strive to assemble
3 and receive 8,000-foot trains so that there is no need to stop at a regional railyard to
4 assemble a full-length long-haul train from shorter trains. The primary reason short
5 loading tracks are undesirable, therefore, is that it takes more locomotive moves to
6 assemble or spot a full-length train. That, in turn, means that it takes more time to handle
7 the shorter cuts of railcars, which reduces the number of trains that can be handled in a
8 given period of time. Environmentally, more locomotive moves are undesirable because
9 they result in more air emissions and noise.

10 For the commenter's information, the LAHD is studying the concept of creating a new
11 terminal at a new Pier 500 but has no current plans to develop the concept into a project,
12 and thus its consideration as an alternative site would be inappropriate.

13 American MagLev's concept for a port-area demonstration project was evaluated by the
14 ports via the Port of Long Beach/Port of Los Angeles Alternative Container
15 Transportation Technology Study, described in detail in Section 5.2.2.3. The
16 commenter's parroting of the promoter's statement that the system would be at no cost to
17 the ports ignores the findings of that study, which identified a number of probable port
18 costs including right of way and subsidies to terminal operators. Please see also Master
19 Response 7, ZECMS.

20 **Response to Comment R143-6**

21 The commenter asks that the reasons why the agency approved the project be disclosed.
22 The comment is premature; the project has not been before the decision makers for
23 action.

24 The commenter also requests that the agency disclose how it complied with the CEQA
25 Guidelines and CEQA. This comment constitutes a general comment, and does not raise
26 any specific issues with the analysis or conclusions reached in the RDEIR. Therefore, no
27 response is required. (Public Resources Code § 21091(d), CEQA Guidelines § 15204(a).)

28 **Response to Comment R143-7**

29 Please see Master Responses 1, Baseline, and 9, HIA. These Master Responses explain
30 why a floating (future) baseline was used for the HRA. Note, however, that the POLA
31 (2011) methodology for assessing the impacts of PM, which was used in the EIR,
32 includes asthma and COPD as endpoints, and if the concentration threshold for
33 implementing that methodology is exceeded, utilizes existing baseline data on the
34 incidence of these diseases (and others) to assess the contribution of the project to total
35 disease incidence for select PM-associated illnesses.

36 **References**

37 Port of Los Angeles (POLA). 2011. "Methodology for Addressing Mortality and
38 Morbidity in Port of Los Angeles CEQA Documents." July 22.

39 **Response to Comment R143-8**

40 Please see Master Response 4, Feasibility of Mitigation Measures, which discusses the
41 criteria for determining that technologies and mitigation measures are feasible, and
42 Master Response 7, ZECMS, which describes the developmental status of the specific

1 electric/hybrid truck projects the commenter cites. The American MagLev proposal is
2 discussed in the response to Comment 143-5.

3 **Response to Comment R143-9**

4 The commenter has copied various sections of the CEQA Guidelines, with no reference
5 to any specific section of the DEIR or RDEIR. Therefore no further response is required
6 (Public Resources Code § 21091(d), CEQA Guidelines § 15204(a)) The comment is
7 noted and is hereby part of the Final EIR and is therefore before the decision-makers for
8 their consideration prior to taking any action on the SCIG project.

9 **Response to Comment R143-10**

10 The commenter requests a “negative cost-benefit assessment of the public recommended
11 and requested alternatives, technologies, and mitigation measures.” There is no definition
12 of a “negative cost-benefit assessment.” In addition CEQA does not require that an EIR
13 include studies comparing the project’s environmental costs with its benefits; it only
14 requires direct comparison of the project alternatives and analysis and disclosure of the
15 proposed project’s environmental impacts. The SCIG RDEIR includes information and
16 analysis sufficient to allow for informed decision-making and public participation.
17 Regarding the comments on a Health Impact Assessment, the commenter is referred to
18 Master Response 9, HIA. Regarding the comment on Vision Motor Corporation’s
19 hydrogen gas fuel cell truck, its feasibility was analyzed in the TIAX, 2011 report, cited
20 in RDEIR Section 5.2.2.5 and Master Response 7, ZECMS.

21 **Response to Comment R143-11**

22 The commenter has copied various sections of the CEQA Guidelines, with no reference
23 to any specific section of the DEIR or RDEIR. In the event the EIR is certified and the
24 project approved, the commenter is referred to the Findings of Facts and Overriding
25 Considerations, the FEIR and the Board of Harbor Commissioners’ Board Reports.

26 **Response to Comment R143-12**

27 The commenter has copied various sections of the CEQA Guidelines, with no reference
28 to any specific section of the DEIR, RDEIR or to specific studies. The commenter does
29 not cite any specific mitigation measures identified and fails to provide any evidentiary
30 support for the assertion that publicly suggested mitigation measures were not evaluated
31 in the RDEIR. Regarding information from Manufacturers, no specific manufacturer is
32 cited in this comment. The commenter is referred to Master Response 7, ZECMS and
33 RDEIR section 5.2.2.

34 **Response to Comment R143-13**

35 Please see Master Response 9, HIA. As discussed in Master Response 9, the analysis of
36 the potential project’s possible health impacts were evaluated thoroughly, and in
37 compliance with CEQA. All comments on the RDEIR submitted to the LAHD are part of
38 the public record, incorporated into the administrative record for this EIR, and are before
39 the decision-makers for their consideration prior to taking any action on the SCIG
40 project. However, in determining the contents of an EIR, a lead agency is entitled to rely
41 on its own experts’ opinions as to what studies and analysis are appropriate to evaluate
42 impacts. (*Association of Irrigated Residents v. County of Madera*, 107 Cal.App.4th
43 1383,1396-1398.) CEQA does not require a lead agency to conduct every recommended

1 test and perform all recommended research to evaluate the impacts of a proposed project.
2 (*Id.*) An EIR is not required to perform every analysis requested by concerned persons.
3 (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 245.)
4 Disagreement among experts does not make an EIR inadequate. (CEQA Guidelines §
5 15151.)

6 **Response to Comment R143-14**

7 The commenter has copied various sections of the CEQA Guidelines, with no reference
8 to any specific section of the DEIR or RDEIR. Therefore no further response is required
9 (Public Resources Code § 21091(d), CEQA Guidelines § 15204(a)) The comment is
10 noted and is hereby part of the Final EIR and is therefore before the decision-makers for
11 their consideration prior to taking any action on the SCIG project.

12 **Response to Comment R143-15**

13 The CEQA sections cited in the comment do not require that a Mitigation Monitoring and
14 Reporting Program (MMRP) be developed and adopted prior to circulation of the draft
15 EIR. Rather, an MMRP is required to be adopted when CEQA findings are made. (CEQA
16 Guidelines § 15097(a).) Also, please note that the Guidelines require the MMRP to
17 assure that adopted mitigation measures are implemented as described, which is different
18 than assuring they are “in fact working.”

19 It is common practice to develop the MMRP once all comments have been received and
20 responded to and the Final EIR prepared, so that the MMRP can include any changes
21 made to mitigation measures between the draft and final documents. That said, draft
22 MMRPs are included in the RDEIR (e.g., sections 3.1.6, 3.2.6, and 3.9.4.5), so the
23 comment is incorrect in stating that the DEIR failed to provide “a reporting and
24 monitoring program.”

25 **Response to Comment R143-16**

26 Please see the Master Response 9, HIA. The request for the RDEIR to disclose how it
27 complies with certain CEQA Guidelines and case law is a request for legal conclusions to
28 be reached in the RDEIR. CEQA and the CEQA Guidelines do not require such legal
29 analyses and conclusions to be included in EIRs.

30 **Response to Comment R143-17**

31 Please see Master Response 9, HIA.

32 **Response to Comment R143-18**

33 Please see Master Response 7, ZECMS and the response to Comment R143-8.

34 **Response to Comment R143-19**

35 All public comments submitted on the DEIR and RDEIR will be included in the official
36 record.

37

November 13, 2012

Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

Re: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a active community member, I wish to express my support for the Southern California International Gateway (SCIG).

BNSF's proposal answered my concerns about unemployment, traffic congestion and air quality and I am satisfied that the project will actually improve air quality by increasing the use of trains to move cargo from our ports, reducing truck traffic on the 710 freeway and bringing needed jobs to our area.

As I understand, SCIG trucks will be prohibited from using local streets and instead must use the designated truck routes. I also support locating a wall and landscaping along the Terminal Island Freeway and applaud the hiring preference for new jobs for qualified local applicants. Our communities are so in need of this additional employment opportunity.

The updated report showed that SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.

I support BNSF's project because it will bring clean technology to the area and, at the same time, reduce traffic congestion and provide meaningful, good jobs for our residents.

Sincerely,

Shirley D. Atencio

Shirley D. Atencio
President
Wilmington Coordinating Council

R144-1

1 **Comment Letter R144: Shirley D. Atencio**

2 **Response to Comment R144-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

9



ACHIEVE REGULATORY COMPLIANCE:
Consume air emissions and waterborne pollutants

PO BOX 1221
Wilmington, CA, 90744
Toll Free: 855 ALGAE TECH
Office: 310 513-0969
www.advancedalgae.com

To: ceqacomment@portla.org

This letter is to ask for consideration towards Fast Lane Transportation and their current situation regarding the California International Gateway Project.

I have been to the Fast Lane property numerous times, and have personally seen how it fits their requirements. Advanced Algae plans to purchase its shipping containers from Fast Lane, and it would be very unfortunate to see their business diminished or obstructed.

R145-1

As our business grows and develops here in the POLA, Fast Lane Transportation is going to be an important vendor for the shipping of our products as well.

If the Decision Makers can consider the true needs of a new site for Fast Lane, and be sure that wherever the location ends up, it will not interrupt business or diminish their capacity, then we at Advanced Algae will be very appreciative and will benefit as well from the effects on our business.

Regards,

Dale Hinkens

CEO, Advanced Algae Inc.
CELL: 714 264-9422
dhinkens@advancedalgae.com
advancedalgaeceo@gmail.com

1 **Comment Letter R145: Advanced Algae**

2 **Response to Comment R145-1**

3 Please see Master Response 8, Displaced Businesses.

4

*Community Outreach and Engagement Program
University of Southern California - Keck School of Medicine
Southern California Environmental Health Sciences Center
2001 N. Soto Street, MC 9237
Los Angeles, CA 90089*

Director: Andrea Hricko, MPH

November 13, 2012

To: Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
Los Angeles, CA

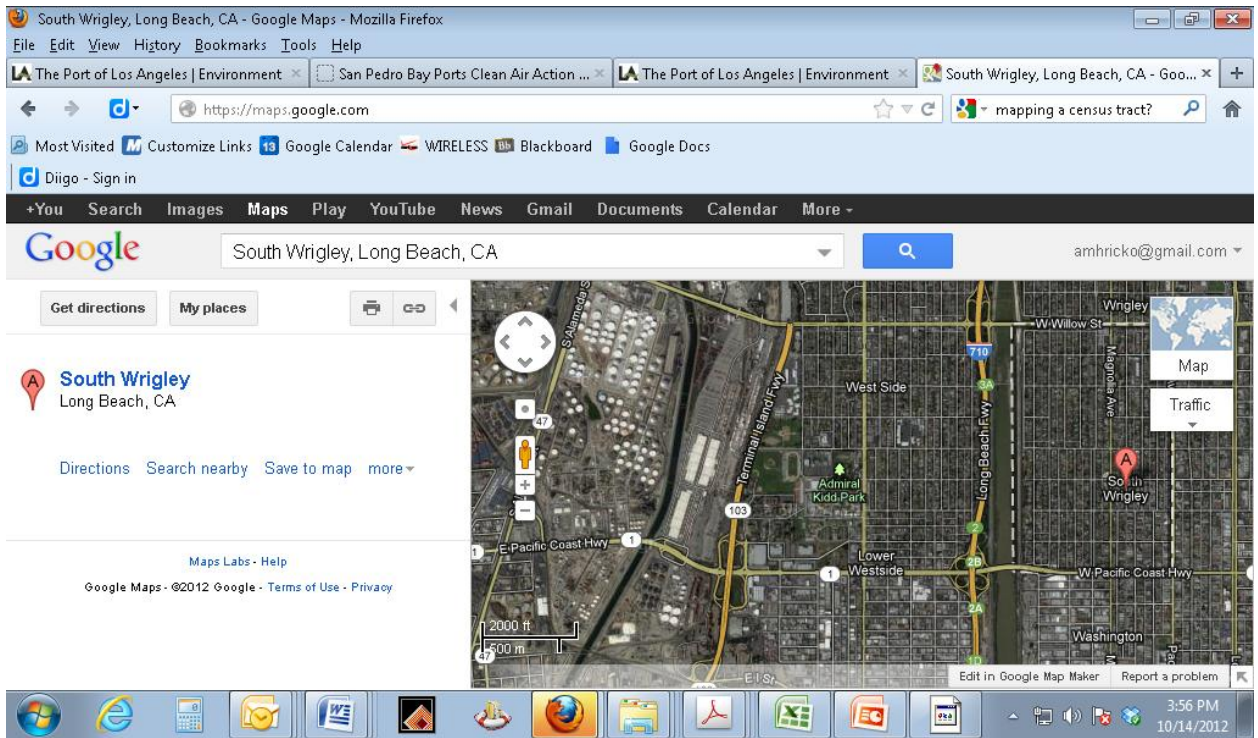
Re: Serious Problems with POLA’s Recirculated Draft Environmental Impact Report (RDEIR) and its Appendices for the BNSF SCIG Project; Request to Withdraw the Project or to Issue Another Recirculated RDEIR (R-RDEIR?)

Dear Mr. Cannon:

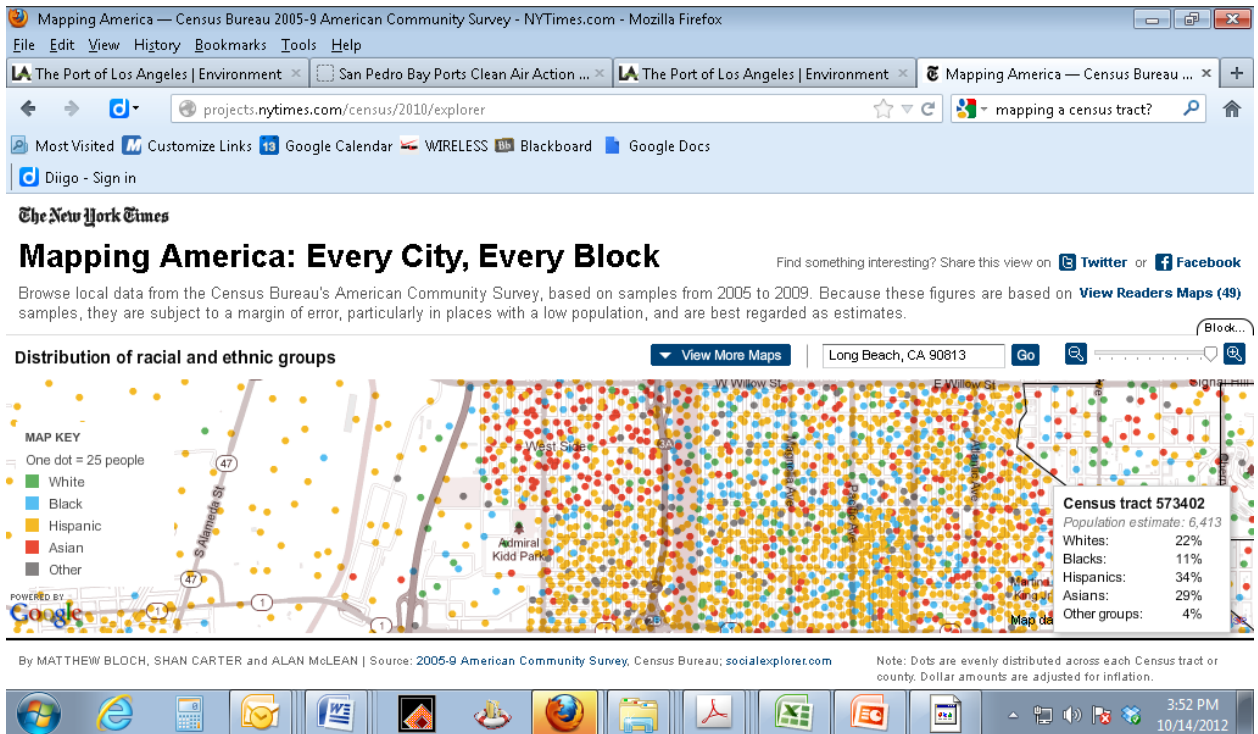
We respectfully request that the Port of Los Angeles consider our concerns detailed below concerning the Recirculated Draft Environmental Impact Report (RDEIR) and its Appendices for the BNSF Southern California International Gateway Project (BNSF SCIG). Please note that the outreach and engagement program of our Center aims to ensure that public officials understand the health impacts of exposure to air pollution, particularly as they relate to close proximity to traffic-related pollution.

In summary, after reviewing the RDEIR, we note that:

- R146-1** |
- After building the BNSF SCIG rail yard, the region will suffer increased air pollution from NO₂ and other pollutants.
 - After building the BNSF SCIG rail yard facility, significant health impacts from air pollution will remain on lower-income, minority communities – which the POLA/BSNF in the RDEIR admits for the very first time, and which identifies four census tracts immediately east of the proposed facility as disproportionately impacted communities. See the area called “West Side” in the Google map below, which includes these these four census tracts.
- R146-2** ↓



R146-2



From the map above produced by the *New York Times*, it is clear that the area above Admiral Kidd Park on the West Side of Long Beach has many Asians, Hispanics and

R146-2

Blacks and many fewer Whites. This is an extremely diverse, lower income community – as documented in great detail in NOP comments submitted by NRDC and USC in 2005.

R146-3

- The RDEIR fails to review research findings on the health effects of air pollution, especially diesel exhaust on health. Included in the DEIR and RDEIR is NOT REFERENCE TO A STUDY showing the specific connection between exposure to diesel exhaust and lung cancer, despite this issue having been raised in the comments on the NOP and again in the DEIR – and despite new internationally recognized conclusions on this issue.

R146-4

- The RDEIR still fails to carefully examine – and does not mitigate – the wide range of health impacts on children, pregnant women, and the elderly from living in close proximity to traffic related air pollution, despite all of the data and research findings from USC/UCLA and others that have been previously presented to the Port as part of this proceeding. We request that ALL previous submissions to the POLA (from AQMD, USC, NRDC and others) from the NOP/DEIR/and RDEIR) be specifically considered as part of the final record of this proceeding.

R146-5

- The RDEIR still fails to appropriately address or mitigate the health impacts of ultrafine particles from this project, which the Ports said they would begin to control as part of the San Pedro Bay Ports CAAP, adopted in 2006. We request that all previous submissions to the POLA that pertain to health effects of ultrafine particles (including submissions as part of the record for the NOP, the DEIR, and the RDEIR) be considered as part of the final record in this proceeding. This is the language that appeared in the 2006 CAAP (see below, from <http://www.polb.com/civica/filebank/blobload.asp?BlobID=3465>), language which has somehow “disappeared” in the CAAP 2010 update:

Second, we think we need to recognize that ultrafine particles are probably the most damaging of the fossil-fuel related air pollutants to human health. Accordingly, we propose that the staffs of the two Ports be directed to work with the USC Research Group on Ultrafine Particles to present the results and suggested next steps to the two Commissions no later than July 1, 2007. In addition, our new Technology Advancement Program must include ways to eliminate emissions of ultrafine particles, which in reality, in our view, means moving towards carbon-free fuels.

R146-6

- The RDEIR continues to deceptively claim that air quality will be improved because an alleged “1.3 or even as many as 1.5 million truck trips” “will be removed from the I-710 Freeway” when the BNSF SCIG is fully operational.” while its own hired consulting firm documents in the RDEIR’s Appendix G4 that there will be even more transloaded truck trips with imported goods from the Ports traveling up the I-710 to the BNSF Hobart Yard after the SCIG is fully operational because BNSF is planning a huge expansion of the Hobart Yard. This means more air pollution for residents along the I-710 and more air pollution for residents in City of Commerce, where the BNSF Hobart Yard is located. Please see Hricko “Transload Report” from DEIR comments and Hricko written and verbal comments submitted to POLA as part of the RDEIR hearing.

R146-7

- The RDEIR and POLA still fail to adequately seek a more health protective alternative site to construct a rail yard which has been suggested by dozens of groups, including on on-dock harbor/port property in Wilmington or Long Beach, which would not create such

R146-7



significant health impacts on the nearby communities – a request first put forward in 2005 and submitted again and again and again and again by community, environmental, environmental justice, government and public health experts.

R146-8

- In the RDEIR, POLA still fails to carefully examine zero-emission alternatives for trucks, instead continuing to allow diesel-fueled trucks as part of the new project, despite claims made in the CAAP about the need for carbon-free fuels.

R146-9

- The RDEIR fails to examine the impacts that servicing and load testing hundreds more locomotives from the BNSF SCIG each month will create at the Sheila Maintenance Facility in City of Commerce, arguing that such “off site impacts” of SCIG do not have to be counted in the DEIR/RDEIR. This is incomprehensible to this reviewer, since the Sheila Yard and residents surrounding it will suffer serious impacts as a result of increasing the number of locomotives serviced at that yard – on behalf of the BNSF SCIG. These serious impacts on the City of Commerce residents must be counted in the future project impacts of the RDEIR. Note that serious concerns were raised in Hricko comments submitted for the DEIR about the potential use of the Sheila Yard and the additional emissions that this would create. The calculations this commenter submitted as part of DEIR comments were not mentioned in the RDEIR (See previous comments and Table I).

R146-10

- The RDEIR includes a presentation by Constantinios Sioutas, engineering professor at UdddddSC, that shows that freeway sound walls impact the dispersion of ultrafine particles, but then the RDEIR neglects to estimate how the sound walls suggested in this RDEIR would impact exposure of residents and school children to UFPs.ⁱ

R146-11

- The RDEIR fails to explain why a 50-year lease should be offered to BSNF Railway, when BNSF has been a “bad neighbor” to local communities throughout California (e.g., BNSF San Bernardino, BNSF Hobart, Commerce, and more). The Port of LA is well aware of the concerns of these communities, as well as protests against BNSF for the diesel air pollution that it is not controlling in these rail yard communities. See the following:



Search Results

1. Long Beach Press-Telegram-Nov 8, 2012
SCIG Wilmington *railyard* battle continues as Long Beach area residents ... such as the Long Beach Area Chamber of *Commerce* said that the ... http://www.presstelegram.com/news/ci_21959602/scig-wilmington-railyard-battle-continues-long-beach-area

2. [Cancer risk rises for those near rail yards - Los Angeles Times](#)

articles.latimes.com/2007/may/25/local/me-smog25

May 25, 2007 | *Janet Wilson* | Times Staff Writer. Residents who live in the shadow of Southern California's booming *rail yards* face cancer risks from soot as ...

[Agency to detail rail yard risks - Los Angeles Times](#)

articles.latimes.com/2007/may/23/local/me-air23

Agency to detail *rail yard* risks. May 23, 2007 | *Janet Wilson* | Times Staff Writer. New data about the potential health risks of living near Southern California's ... [Rail yards: Clean-up plan prompts contempt allegation | Breaking ...](#)

[Rail yard clean up plan prompts contempt charge... www.pe.com/.../20120214-rail-yards-clean-up-plan-prompts-contem...](#)

Feb 14, 2012 – Railroads contend that including *rail yards* in a pollution clean-up plan violates a d2007 court order. ... *rail yard* in Colton. BY DAVID DANELSKI ...

• [Pollution by railroads in state is targeted - The Orange County Register](#)

www.ocregister.com/articles/bernardino-323594-child-breathing.html

Oct 25, 2011 – By DAVID DANELSKI / THE PRESS-ENTERPRISE. SAN BERNARDINO -- Estela Hernandez stood outside the bustling BNSF *Railway yard* in ...

- neighborhood cancer risk from diesel exhaust of all *rail yards* in ...

• [Judge Rejects Rule Intended to Limit Train-Yard Pollution - redOrbit](#)

www.redorbit.com › [News](#) › [Business](#)

Judge Rejects Rule Intended to Limit *Train-Yard* Pollution. May 3, 2007. *Repost This*. By David *Danelski*, The Press-Enterprise, Riverside, Calif. May 3—A federal ...

• •

R146-11

Community members speak out against BNSF's proposed Los ...



Natural Resources Defense Council (blog)-Oct 19, 2012

The proposal is for the BNSF Railway Company to build a new rail yard ... cargo around the yard together emit a lot of harmful diesel pollution, ...

Additional details follow.

1. THE RDEIR CONTAINS NO RESEARCH FINDINGS ABOUT THE LINKS BETWEEN DIESEL EXHAUST EXPOSURE AND LUNG CANCER.

The RDEIR fails to review research findings on the health effects of air pollution, especially diesel exhaust on health. Included is NOT ONE STUDY showing the connection between exposure to diesel exhaust and lung cancer, despite this issue having been raised in the comments on the NOP and again in the DEIR.

The RDEIR fails to demonstrate an understanding of the lung cancer risks of diesel exhaust exposure, not even mentioning in the document that the World Health Organization's (WHO)'s International Agency for Research on Cancer [IARC] declared in June 2012 *[during the time of redoing the RDEIR for the BNSF SCIG]* that diesel exhaust is now recognized, without question, as a cause of lung cancer. The words "lung cancer" do not appear in the main part of the RDEIR.

The IARC action on diesel and lung cancer occurred during the time that the RDEIR was being developed – and still no mention of diesel exhaust causing lung cancer in the RDEIR.

In June 2012, diesel exhaust was named a Class I carcinogen ("causes human lung cancer") by the World Health Organization's International Agency for Research on Cancer (IARC). This landmark decision was reported all over the world. The RDEIR simply ignores the most current information from IARC. *(See press release and scientific article attached to these comments.*ⁱⁱ We note that there were 10 "observers" at the IARC meeting, one of whom represented the American Association of Railroads. <http://monographs.iarc.fr/ENG/Meetings/vol105-participants.pdf>.

The failure for Environ to include any of the scientific studies showing that diesel engine exhaust causes lung cancer is intriguing in light of the fact that BNSF has hired Environ International in the past on diesel issues to argue that "... the approach adopted by California for quantifying [diesel] cancer risk is not valid." See *Environ memo to BNSF, attached.*ⁱⁱⁱ As noted in comments on the DEIR, this is a perceived conflict of interest between Environ and BNSF in terms of Environ having been hired to conduct the DEIR/RDEIR. *(Note that at least one author of the Environ memo on quantifying cancer risk is also on the Environ team for the BNSF SCIG DEIR/RDEIR).* In addition, the failure for the DEIR/RDEIR to include the scientific research findings showing that diesel engine exhaust causes lung cancer is also intriguing in light of the fact that BNSF actually hired another consulting firm to try to refute claims that diesel engine exhaust causes cancer or any other chronic effects. See Center for Environmental Toxicology

R146-11

R146-12

memo attached.^{iv} Could the “opinions” of BNSF or Environ be influencing the factual content of the DEIR? All one can say for sure is that this commenter (Hricko) has consistently requested (in both NOP and DEIR comments) that the EIR include scientific documentation that diesel causes cancer – but still, no information on research findings (nor the IARC conclusion) has made it into the RDEIR.

IARC statement:

IARC: DIESEL ENGINE EXHAUST CARCINOGENIC

Lyon, France, June 12, 2012 -- After a week-long meeting of international experts, the International Agency for Research on Cancer (IARC), which is part of the World Health Organization (WHO), today classified diesel engine exhaust as **carcinogenic to humans (Group 1)**, based on sufficient evidence that exposure is associated with an increased risk for lung cancer.

Background

In 1988, IARC classified diesel exhaust as *probably carcinogenic to humans (Group 2A)*. An Advisory Group which reviews and recommends future priorities for the IARC Monographs Program had recommended diesel exhaust as a high priority for re-evaluation since 1998.

There has been mounting concern about the cancer-causing potential of diesel exhaust, particularly based on findings in epidemiological studies of workers exposed in various settings. This was re-emphasized by the publication in March 2012 of the results of a large US National Cancer Institute/National Institute for Occupational Safety and Health study of occupational exposure to such emissions in underground miners, which showed an increased risk of death from lung cancer in exposed workers (1).

Evaluation

The scientific evidence was reviewed thoroughly by the Working Group and overall it was concluded that there was *sufficient evidence* in humans for the carcinogenicity of diesel exhaust. The Working Group found that diesel exhaust is a cause of lung cancer (*sufficient evidence*) and also noted a positive association (*limited evidence*) with an increased risk of bladder cancer (Group 1).

- 2. THE RDEIR CONTAINS NO DISCUSSION ABOUT THE EXTREMELY HIGH LEVELS OF ELEMENTAL CARBON AS A MARKER FOR DIESEL PARTICULATE MATTER ALREADY MEASURED IN THE IMPACTED NEIGHBORHOOD ADJACENT TO THE PROPOSED RAILYARD.**

The DEIR and RDEIR fail to mention the many years of study by the AQMD of air pollution near Hudson School, adjacent to the BNSF SCIG, which show that this area has the highest levels of EC ever measured by the AQMD, as described in detail in the USC submission for the BNSF SCIG NOP.

- 3. The RDEIR CONTAINS NO DISCUSSION ABOUT HEALTH IMPACTS FROM PROXIMITY TO TRAFFIC-RELATED POLLUTION.** First and foremost, the location that the POLA has selected to build the BNSF SCIG could not be worse in terms of the potential for harming the health of toddlers, children, youth, adults, the middle-aged, the elderly and the sick, including those who already have asthma.

R146-14

Near-roadway health impacts are critical to consider because of this project's location. We have been raising serious health and environmental justice concerns about the BNSF SCIG project since 2005, noting that it will subject nearby residents, toddlers and school children to the exhaust of thousands more trucks and more than a dozen more trains daily – and that the rail yard would be located within 250 feet of a daycare center, 500 feet of a school playground and ball field, and 1000 feet from multiple schools. We have already submitted for the BNSF SCIG record dozens of scientific articles detailing research findings from USC, UCLA and elsewhere on the health effects of ultrafine particles and on the impacts of living or going to school in close proximity to heavy traffic. This research on near-roadway exposure to diesel and other traffic related pollution continues to be simply ignored by POLA and its consulting firm Environ International in terms of the need to reduce near roadway pollution.

R146-15

Three of the USC papers (Gauderman, McConnell, Jerrett) on health effects of children living in close proximity to traffic-related pollution are cited in the References, but these papers are not discussed in the RDEIR nor is there mention of this whole body of near-roadway and health effects research in the DEIR nor in the RDEIR. There is a “slight” mention of this issue when the RDEIR mentions the CARB land use guidelines, which specify that schools should not be built “within 1000 feet of a rail yard” – but these guidelines are “twisted” in the RDEIR so that BNSF/ENVIRON/POLA argue that if the SCIG is built, no schools should be built nearby! This is the ultimate of being disingenuous... to claim that building this polluting rail yard nears homes and schools is “fine,” but after it is built, no schools or homes should locate nearby.

R146-16

The proposed Project site is within 1,000 feet of Hudson Elementary and Cabrillo High School, Hudson Park, a Buddhist temple, and residential areas in West Long Beach (Table 3.8-1). The North Lead Track runs less than 1,000 feet from Stephens Middle School and residential uses in the Upper Westside Neighborhood of Long Beach. The

If near roadway impacts cannot be reduced to protective levels by mitigation measures, then the Port should abandon its proposal to build the BNSF SCIG project in this location. See attachments and comments and documents submitted in 2005 and 2011 by NRDC and USC.

4. **THE RDEIR ADMITS FOR THE FIRST TIME THAT LOWER-INCOME MINORITY RESIDENTS LIVING AND GOING TO SCHOOL NEAR THE RAIL YARD WILL BE DISPROPORTIONATELY IMPACTED.**

R146-17

The census tracts east of the project, as carefully documented by both USC and NRDC in those groups’ 2005 BNSF SCIG NOP comments, consist of lower-income minority residents – along with multiple schools, daycare centers, community gardens and parks. It is not a location where a polluting rail yard should ever have been considered. See comments submitted on the NOP in 2005. We note, however, that the 2011 BNSF SCIG DEIR failed to reflect any of these concerns. They were noted only after public comments on the DEIR again pointed them out. After six years of community, EJ,

environmental and academic groups urging an examination of EJ concerns, the RDEIR finally admits that the proposed rail yard would violate EJ principles and disproportionately impact nearby residents.

R146-17

We ask the following question: *Who from the POLA/BNSF/Environ can possibly explain how/why these significant impacts on lower-income minority communities in the RDEIR were not identified previously in the DEIR? What has statistically changed in this document? Where can one find the new justifications? Had community/environmental/public health/government organizations not weighed in on criticizing the analysis in the DEIR, would these impacts have simply been ignored? Was the previously DEIR somehow concealing the impacts? We note that Andrea Hricko of USC asked the Port of L.A. Environmental Management Division for a redlined version to see what changes had been made in the thousands of pages of the RDEIR and its Appendices, but the request was denied.*

5. **ALTHOUGH THE RDEIR HAS ADDED NEW INFORMATION ABOUT THE POTENTIAL HEALTH EFFECTS OF ULTRAFINE PARTICLES, A COMPLETELY INCORRECT STATEMENT HAS BEEN ADDED TO THE RDEIR CLAIMING THAT THAT “ULTRAFINE PARTICLES ARE ADDRESSED BY STANDARDS FOR PM2.5 AND PM10.” ULTRAFINE PARTICLES ARE MEASURED BY PARTICLE NUMBER CONCENTRATION AND PM2.5 AND PM10 ARE MEASURED BY MASS.** The statement added is completely incorrect and makes a mockery of the science by those who have developed this RDEIR at POLA and Environ.

Please see that the DEIR contained the following correct first sentence in the two paragraphs it had about ultrafine particles:

R146-18

Ultrafine Particles
Although USEPA and the State of California currently monitor and regulate PM₁₀ and PM_{2.5}, they do not currently regulate ultrafine particles (UFP). New research is being done on UFP, which are particles classified as less than 0.1 micron in diameter. UFPs are

In the RDEIR, that first sentence has been replaced with the following completely erroneous statement. “Ultrafine particles are addressed by standards for PM2.5 and PM10, and are addressed by using toxicity factors for DPM (RDEIR, p. 3.2-10).” **This statement in the RDEIR is absolutely incorrect.** (See 2011 report by ICF International to Gateway Cities Council of Governments, pages 17-18, at http://gatewaycog.org/publications/2-FINAL_Task%202b3-ultrafine_particle_report_100611.pdf and attached. Also see comments submitted by USC <http://www.arb.ca.gov/research/apr/past/05-317.pdf> to the NOP and DEIR. See powerpoint presentation by Costas Sioutas. See <http://www.arb.ca.gov/research/apr/past/05-317.pdf>

R146-19

The trucks that BNSF will employ to bring millions of containers to the SCIG will be diesel-fueled, and their emissions of ultrafine particles and other pollutants remain of serious concern, as noted in numerous scientific articles published by USC and UCLA. We note that the CAAP adopted in 2006 stated that the Ports’ “... new Technology

Advancement Program must include ways to eliminate emissions of ultrafine particles, which in reality, in our view, means moving towards carbon-free fuels.” In the proposed BNSF SCIG project, nothing is being done to reduce, eliminate or mitigate the emissions and impacts of ultrafine particles.

R146-19

Levels of UFPs measured by USC Engineering program (Sioutas et al) were already higher in the census tracts next to the TI Freeway and the BNSF proposed SCIG. Ironically, the RDEIR cites this study in the RDEIR, but apparently does not understand what its finding were! *See power point by Sioutas in attachments cited earlier.*

Also please note that after-treatment devices for trucks do not solve the UFP problem.^{vi}

6. **POLA, BNSF AND ENVIRON CONTINUE TO CLAIM THAT AIR QUALITY WILL BE IMPROVED AFTER THE BSNF SCIG IS OPERATIONAL BECAUSE “1.3 MILLION TRUCK TRIPS WILL BE TAKEN OFF THE I-710” AS A RESULT OF THE BNSF SCIG RAIL YARD PROJECT.** THE RDEIR ADMITS FOR THE FIRST TIME THAT THIS IS SIMPLY NOT TRUE, IN ITS APPENDIX G4. BY 2035, THE SCIG WILL BE FULL AND SO WILL THE HOBART YARD, WHICH WILL HAVE THOUSANDS OF TRANSLOADED CONTAINERS COMING INTO HOBART FROM THE PORTS OF L.A. AND LONG BEACH INCLUDING ON THE I-710 FREEWAY.

R146-20

Since 2005, BNSF has provided conflicting information on its capacity and what it expects to do with the Hobart Yard if the SCIG is built. BNSF has provided completely inconsistent information on capacity and expansion plans in (a) its reports to the California Air Resources Board about its capacity at the Hobart Yard and the number of lifts; (b) in the DEIR, and (c) in the RDEIR, making it impossible for the public to understand where the truth lies. Every time BNSF’s claims about the Hobart Yard are challenged by outsiders, the team of POLA/BNSF/Environ comes up with a new scenario to explain what BNSF’s plans are.

April 2011. What BNSF told the California Air Resources Board (CARB): BNSF told the ARB in May 2011 that its capacity at the Hobart Yard is 1.5 million TEUs. The railroad also told the ARB in January 2011 that the actual number of lifts in 2010 was only 1,090,000. (See <http://www.arb.ca.gov/railyard/commitments/suppcomceqa070511.pdf> p. A-8.) BNSF did NOT tell CARB that it planned a major expansion (*email communication between the author and CARB*).

September 2012. What BNSF is now saying in the RDEIR for the scenario if the SCIG is NOT built... It claims that the Hobart Yard would reorganize to handle only international 40-foot containers. There is NO mention of expansion plans.

BNSF would handle the additional intermodal traffic expected from future increases in cargo volumes at its Hobart/Commerce railyard in East Los Angeles, approximately 24 miles north of the Ports. BNSF would undertake physical and operational changes at the Hobart/ Commerce Yard to allow the facilities to handle 8,000-foot trains and the associated increased volume of containers. BNSF would re-organize its Southern California operations to handle primarily international (i.e., port) cargo at Hobart/Commerce and shift domestic cargo currently occupying a share of Hobart's capacity to other regional intermodal facilities.

September 2012: But then the RDEIR adds that Hobart will be expanded *whether or not SCIG is constructed* – and that if SCIG is constructed it will handle a mix of domestic, transloaded and international cargo. See Box below for quotation from RDEIR. Also please see DEIR and RDEIR public hearing written and verbal comments from Hricko.

1998; CARB, 2005). Furthermore, BNSF represents that the expansion of Hobart/Commerce Yards will occur whether or not SCIG is constructed; the difference would be whether the facility would handle primarily domestic and transloaded cargo (if SCIG is built) or a mixture of domestic, transloaded, and international cargo (if SCIG is not built) (BNSF, 2012).

R146-20

wide-span cranes, addition of 250 wheeled parking spaces on property currently owned by or otherwise available to BNSF, and an additional 3,700 container stacking spaces under the wide-span cranes. The operational changes and the approved expansions would allow Hobart/Commerce to handle approximately 3 million lifts (5.4 million TEUs) per year by 2035, which is approximately 1 million lifts more than its existing capacity. The Port independently undertook engineering analyses of the Hobart/Commerce Yard that confirmed BNSF's representations of the potential to expand capacity at these facilities (AECOM, 2012).

Direct and transloaded intermodal cargo is forecasted to continue to grow in accordance

September 2012. This is what BNSF is still claiming: that 1.5 million trucks will (somehow) be taken off the I-710 freeway and that as a result, traffic congestion and air pollution will be reduced.

September 2012. The Cambridge Systematics analysis shows in Appendix G4 of the RDEIR that as the SCIG gets built up and is has more capacity to operate, more and more trucks will be transferred from Hobart Yard to the SCIG. Please refer to previous comments by Hricko to the RDEIR at its hearing.

By 2020, the I-710 freeway will have at least as many trucks from the Ports heading to the Hobart Yard than it had in 2016 – it is just that they will have been transloaded. Statements by BNSF that the SCIG will remove 1.5 million trucks from the I-710 Freeway

are based on completely faulty assumptions that are not borne out by the RDEIR's Appendix G4.

7. **REQUEST BY BNSF FOR A 50 YEAR LEASE**

This should not be granted because all indications are that BNSF has not been a “good neighbor” in the following communities in California: Barstow (highest diesel emissions calculated in the state); Commerce: high diesel emissions and calculated high diesel cancer risk for residents; San Bernardino: highest diesel cancer risk in the state! See HRAs for rail yards at: <http://www.arb.ca.gov/railyard/hra/hra.htm>. It would be incomprehensible to agree to a 50-year lease for a company with such a bad record of community exposure. In addition, BNSF has a significant history of hazardous materials contamination – in fact, according to its own Annual Report – with more than 200 contamination sites!

In addition, the UP ICTF JPA has found it impossible to demand a reduction in current emissions at the UP ICTF, which has a 50 year lease. We do not need to repeat that experience with another 50 year lease for the adjacent BNSF SCIG. As technologies change, and we learn more about the health effects of pollution, we need to be able to ACT to reduce exposures. A 50-year lease reduces the ability of the Port of L.A. to protect residents once new research surfaces. 50 years ago we did not know that diesel exhaust causes lung cancer, that ultrafine particles were more dangerous than PM2.5 and PM10 (we didn't even know about the health effects of those pollutants)!

8. **OTHER PUBLIC HEALTH CONCERNS**

Public health statement:

There is growing evidence of the high levels of air pollutants emitted from major highways, motorways, and freeways. These specific pollutants include: ultrafine particulates (UFP), black carbon (BC) (a marker for diesel exhaust), oxides of nitrogen (NOx), and carbon monoxide (CO). People living or otherwise spending substantial time close to busy roads and freeways, especially within approximately 300 meters are exposed to these pollutants more so than persons living at a greater distance, even compared to living on busy urban streets. New studies show that during the early morning, elevated levels of exposure to ultrafine particles may extend to 1 ½ miles from a freeway.

Key studies/ research about elevated levels of pollutants near freeways:

The following study compared previous measurements of ultrafine particles in urban environments with those made on Interstate 710 freeway in Los Angeles. Particle number concentration and size distribution in the size range from 6 to 220nm, as well as concentrations of carbon monoxide (CO) and black carbon (BC), were measured. These data may be used to estimate exposure to ultrafine particles in the vicinity of highways.

*Yifang Zhu, William C. Hinds, Seongheon Kim, Si Shen, Constantinos Sioutas.
Study of ultrafine particles near a major highway with heavy-duty diesel traffic.
Atmospheric Environment 36 (2002) 4323–4335.*

The concentration and size distribution of ultrafine particles in the vicinity of major highways measured at night in Los Angeles 30 m downwind from the freeway were found to be 80% of previous daytime measurements. Discrepancy between changes in traffic counts and particle number concentrations is apparently due to the decreased temperature, increased relative humidity, and lower wind speed at night. Particle size distributions change more dramatically during the daytime. These data may be used to help estimate exposure to ultrafine particles in the vicinity of major highways.

Yifang Zhu, Thomas Kuhn, Paul Mayo, William Hinds. Comparison of Daytime and Nighttime Concentration Profiles and Size Distributions of Ultrafine Particles near a Major Highway. Environmental Science Technology, 2006. 40, 2531-2536.

Researchers have observed a wide area of air pollutant impact downwind of a freeway during pre-sunrise hours in both winter and summer seasons. This has important exposure assessment implications since it demonstrates extensive roadway impacts on residential areas during pre-sunrise hours, when most people are at home.

Shishan Hu, Scott Fruin, Kathleen Kozawa, Steve Mara, Suzanne E. Paulson, Arthur M. Winer. A wide area of air pollutant impact downwind of a freeway during pre-sunrise hours. Atmospheric Environment 43 (2009) 2541–2549.

Emissions from tire wear, brake wear and resuspended road dust should not be overlooked in assessments of vehicle emissions and their impact on human health. These non-combustion vehicle emissions are becoming an increasingly large proportion of total vehicle emissions, and they contain chemical compounds, such as trace metals and organics that may contribute to human health impacts.

Health Effects Institute. 2009. Traffic-Related Air Pollution: A Critical Review of the Literature on Emissions, Exposure, and Health Effects. Chapter 3.

Review articles on both emissions and health effects of traffic-related pollution: *Health Effects Institute. 2009. Traffic-Related Air Pollution: A Critical Review of the Literature on Emissions, Exposure, and Health Effects (full report).*

Brugge D, Durant J, Rioux C. Near-highway pollutants in motor vehicle exhaust: A review of epidemiologic evidence of cardiac and pulmonary health risks. Environmental Health, 2007. 6:23.

Question: Will the project result in adverse health impacts for those residents living in close proximity to the project and for school children and staff of the schools within close proximity of the project?

Public health statement: There is a growing body of evidence documenting the health hazards of exposure to the traffic-related pollutants, including elevated risk for development of asthma and reduced lung function in children who live near major

↑ highways, and increasing risk of cardiac and pulmonary injury and mortality near major highways.

Local exposure to traffic on a freeway has adverse effects on children's lung development, which is independent of regional air quality, and which could result in important deficits in attained lung function in later life. Although both local exposure to freeways and regional air pollution has been found to have detrimental, and independent, effects on lung-function growth, pronounced deficits in attained lung function at age 18 years were recorded for those living within 500 meters of a freeway.

W. James Gauderman, Hita Vora, Rob McConnell, Kiros Berhane, Frank Gilliland, Duncan Thomas, Fred Lurmann, Edward Avol, Nino Kunzli, Michael Jerrett, John Peters. Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study. The Lancet, 2007. Volume 369, Issue 9561, Pages 571-577.

This study examined the relationship of local traffic-related exposure and asthma and wheeze in southern California school children (5-7 years of age). Residential exposure was assessed by proximity to a major road and by modeling exposure to local traffic-related pollutants. Residence within 75 m of a major road was associated with an increased risk of lifetime asthma, prevalent asthma and wheeze. These results indicate that residence near a major road is associated with asthma.

McConnell R, Berhane K, Yao L, Jerrett M, Lurmann F, Gilliland F, Künzli N, Gauderman J, Avol E, Thomas D, Peters J. Traffic, susceptibility, and childhood asthma. Environ Health Perspect. 2006 May;114(5):766-72.

There is sufficient evidence to support that asthma is more common among children growing up in close proximity to the highest traffic-related pollutants. There is sufficient evidence that asthmatic children living in "hot spots" of traffic-related pollution experience more symptoms and exacerbations. ... The aggregate evidence for cardiovascular mortality points strongly toward a causative role for traffic-related pollution. See:

Health Effects Institute. 2009. Traffic-Related Air Pollution: A Critical Review of the Literature on Emissions, Exposure, and Health Effects. Chapter 4.

Also see: Selected review articles on the health effects of traffic-related pollution: *Health Effects Institute. 2009. Traffic-Related Air Pollution: A Critical Review of the Literature on Emissions, Exposure, and Health Effects.*

Brugge D, Durant J, Rioux C. Near-highway pollutants in motor vehicle exhaust: A review of epidemiologic evidence of cardiac and pulmonary health risks. Environmental Health, 2007. 6:23.

↓

↑ The following review article highlights the scientific results from the EPA’s five academic centers investigating the health impacts of Ultrafine Particulate Matter and traffic-related impacts. It contains within it the toxicological pathways of inhaled particulate matter and the cardiovascular and respiratory health endpoints.

R146-22

Fanning E, Froines J, Utell M, Lippmann M, Oberdorster G, Frampton M, Godleski J, and Larson T. Particulate Matter (PM) Research Centers (1999-2005) and the Role of Interdisciplinary Center-Based Research. Environmental Health Perspectives, 2009, 117 (2).

The text below identifies a key study about the inability of after-treatment devices to solve the UFP problem: An article by Biswas et al,¹ reporting on a study at USC Engineering Department, states that after-treatment devices on heavy duty diesel trucks significantly reduce the mass emission rates but not necessarily the number-based particle emissions – and some studies show that aftertreatment technology can increase the formation of UFPs. This clearly means that PM2.5 cannot be used as a surrogate for UFPs, as has been done in the RDEIR. See quote from Biswas (2009) below:

“The after-treatment devices significantly reduce the mass emission rates ([McGeehan et al., 2005](#)), but not necessarily the number-based particle emissions ([Biswas et al., 2008](#)). Several studies have shown that under certain conditions, enhanced formation of ultrafine particles occurs for vehicles equipped with after-treatment by heterogeneous nucleation ([[Biswas et al., 2008](#)], [[Kittelson et al., 2006](#)] and [[Vaaraslahti et al., 2004](#)]).”²

R146-23

A 2006 presentation by Constantinos Sioutas at the AQMD conference on ultrafine particles described what his USC research found in a study of the Caldecott Tunnel in Berkeley, CA.³ That study was specifically designed to look at what has happened with ultrafine particle number concentrations and PM mass since the addition of aftertreatment devices to heavy duty diesel trucks. His power point presentation states:

“Our recent studies at the Caldecott tunnel showed that while PM mass emitted by LDV and HDV decreased by 50-70% over the past 7 yrs in California, particle numbers increased by 2-3 fold.”⁴

↓ He continues:

¹ Biswas, S, Verma V, Schauer JJ, and Sioutas C. Chemical speciation of PM emissions from heavy-duty diesel vehicles equipped with diesel particulate filter (DPF) and selective catalytic reduction (SCR) retrofits. [Atmospheric Environment. Volume 43](#), 2009, 1917–1925. NOTE: this paper is in the Appendix.

² Ibid.

³ Geller, M.D., Sardar, S., Fine, P.M. and Sioutas, C. Measurements of particle number and mass concentrations and size distributions in a tunnel environment. *Environmental Science and Technology* 39, 8653–8663

⁴ Presentations by Sioutas at the AQMD meeting can be found at these URLs: http://www.aqmd.gov/tao/Ultrafine_Presentations/Pre-Conference_1_Coustas.pdf and https://www.aqmd.gov/tao/Ultrafine_Presentations/Session2_2_Sioutas.pdf

“Particle traps remove non-volatile soot particles but not always the precursors of the smaller semi-volatile particles. Also, the reduction of the larger, non-volatile particles from the exhaust may increase the formation-emission of the smaller, semi-volatile PM.

R146-23

Additional studies that how illustrate what happens to ultrafine particles versus PM mass from heavy duty diesel vehicles are in the literature.⁵ Reviewers with an understanding of this scientific literature will be able to determine that using PM2.5 as a surrogate for UFPs is inappropriate. **As a result, the conclusions in the RDEIR about low levels of UFPs in 2035 when the expansion is completed are not based on sound science.**

9. CONCLUSION:

R146-24

We request that the Port of L.A. withdraw the RDEIR because of glaring errors and lack of key information – or that it issue a NEW recirculated, recirculated DEIR (RRDEIR) and hold an additional public hearing.

⁵See, e.g.,

(a) Harish C. Phuleria, Rebecca J. Sheesley, James J. Schauer, Philip M. Fine, and Constantinos Sioutas. [Roadside measurements of size-segregated particulate organic compounds near gasoline and diesel-dominated freeways in Los Angeles, CA](#). Atmospheric Environment, Volume 41, Issue 22, July 2007, Pages 4653-4671;

(b) Zhi Ning, Andrea Polidori, James J. Schauer, Constantinos Sioutas [Chemical speciation of PM emissions from heavy-duty diesel vehicles equipped with diesel particulate filter \(DPF\) and selective catalytic reduction \(SCR\) retrofits](#). Atmospheric Environment, Volume 43, Issue 11, April 2009, Pages 1917-1925.

(c) Subhasis Biswas, Vishal Verma, James J. Schauer, Constantinos Sioutas; [Emission factors of PM species based on freeway measurements and comparison with tunnel and dynamometer studies](#). Atmospheric Environment, Volume 42, Issue 13, April 2008, Pages 3099-3114.

(d) Subhasis Biswas, Leonidas Ntziachristos, Katharine F. Moore, Constantinos Sioutas [Particle volatility in the vicinity of a freeway with heavy-duty diesel traffic](#). Atmospheric Environment, Volume 41, Issue 16, May 2007, Pages 3479-3493.

(e) Zhi Ning, Andrea Polidori, James J. Schauer, Constantinos Sioutas. Atmospheric Environment, Volume 41, Issue 16, May 2007, Pages 3479-3493; and

(f) Subhasis Biswas, Leonidas Ntziachristos, Katharine F. Moore, Constantinos Sioutas. [Emission factors of PM species based on freeway measurements and comparison with tunnel and dynamometer studies](#). Atmospheric Environment, Volume 42, Issue 13, April 2008, Pages 3099-3114.

Sincerely yours,

Andrea Hricko, USC

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ⁱ Sound wall citation attached.

ⁱⁱ Articles cited attached.

ⁱⁱⁱ Environ memo attached

^{iv} Center for Toxicology memo attached

^v Sioutas power point presentation attached.

1 **Comment Letter R146: University of Southern California**

2 **Response to Comment R146-1**

3 The proposed Project's air quality impacts are described in RDEIR Section 3.2. The
4 comment is introductory material that does not raise issues under CEQA requiring a
5 further response. Responses to subsequent comments addressing specific issues are
6 provided below.

7 **Response to Comment R146-2**

8 The proposed project's health impacts from air pollution are described in RDEIR Impact
9 AQ-7, and environmental justice concerns are described in RDEIR Chapter 6. Please see
10 Master Response 10, Environmental Justice and response to comment R45C-48-3.

11 **Response to Comment R146-3**

12 The RDEIR does not fail to review research findings on the health effects of air pollution.
13 For example, Chapter 3.2 of the RDEIR includes discussion of the health effects of
14 criteria pollutants (Table 3.2-1, page 3.2-5); toxic air contaminants (page 3.2-10); and
15 ultrafine particles (page 3.2-10). Appendix C3 of the RDEIR contains a discussion (page
16 C3.42) of the potential health effects of particulate matter (PM), and cites a number of
17 recent scientific studies that have linked PM to heart and/or lung disease, asthma onset,
18 and the exacerbation of existing asthma. Further, the RDEIR treated DPM as a
19 carcinogen in calculating potential cancer risks associated with the different alternatives.
20 This approach explicitly acknowledges the carcinogenicity of DPM, and cited
21 California's OEHHA as the source of the cancer slope factor used to quantify DPM-
22 associated risks.

23 However, the FEIR includes additional text that reflects the current scientific thinking on
24 DPM's carcinogenicity, including discussion of the fact that in the summer of 2012, the
25 International Agency for Research on Cancer (IARC) classified diesel exhaust as
26 Carcinogenic to Humans (Group 1).

27 **Response to Comment R146-4**

28 Traffic-related air pollution is a combination of DPM, PM, TACs, and criteria pollutants.
29 The RDEIR evaluated the emissions of each of these components for each alternative,
30 and quantitatively assessed the health impacts of DPM and TACs to multiple receptor
31 populations in accordance with the policies of POLA (2008) and the SCAQMD (2011).
32 PM_{2.5} concentrations were evaluated as per the POLA methodology for PM-attributable
33 morbidity and mortality (POLA, 2011); PM_{2.5} and PM₁₀ concentrations were also
34 evaluated by comparison to SCAQMD Ambient Air Quality Concentration thresholds, as
35 were SO_x and NO_x. However, the commenter is correct that not all impacts could be
36 mitigated below CEQA significance thresholds; specifically, air quality impacts would
37 remain significant and unavoidable for 1-hour and annual NO₂, 24-hour and annual PM₁₀,
38 and 24-hour PM_{2.5} for the Project and Reduced Project.

39 Regarding the administrative record, the Port will be compiling the EIR administrative
40 record consistent with CEQA requirements. The record will include previous submissions
41 as required by CEQA. (See Public Resources Code § 21167.6(e))

42 **References**

1 Port of Los Angeles (POLA). 2008. Draft Protocol for Emissions Estimation, Dispersion
2 Modeling and Human Health Risk Assessment for the Southern California Intermodal
3 Gateway. October 31, 2008.

4 Port of Los Angeles (POLA), 2011. Methodology for Addressing Mortality and
5 Morbidity in Port of Los Angeles CEQA Documents. July 22, 2011.

6 South Coast Air Quality Management District (SCAQMD). 2011. SCAQMD Air Quality
7 Significance Thresholds. Website: <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>.

8 **Response to Comment R146-5**

9 Please see the Master Response 12, UFPs, and Response to Comment R146-4 regarding
10 contents of the administrative record. The record will include the contents of this
11 comment letter.

12 **Response to Comment R146-6**

13 Please see Master Response 3, Hobart, which explains that the Project would result in
14 fewer trucks on I-710 than would be the case under the No Project condition. The RDEIR
15 does not claim that there would be fewer trucks than under baseline conditions, since
16 regional growth unrelated to the Project will cause traffic to increase. The master
17 response also explains that expansion of Hobart would occur with or without the Project
18 because of the anticipated growth – again unrelated to the Project – in domestic and
19 transloaded cargo. Accordingly, the EIR’s assumptions concerning future intermodal
20 truck traffic are appropriate and the analysis is adequate under CEQA.

21 **Response to Comment R146-7**

22 Please see Master Response 5, Alternatives, and Master Response 6, On-Dock Rail.

23 **Response to Comment R146-8**

24 Please see Master Response 7, ZECMS.

25 **Response to Comment R146-9**

26 Please see Master Response 3, Hobart, which explains why the RDEIR’s analysis,
27 appropriately, did not include activities at the Sheila Mechanical Facility. The
28 commenter’s previous comments and calculations were not included in the RDEIR
29 because they were based upon an incorrect understanding of the proposed Project and its
30 relationship to the Sheila facility.

31 **Response to Comment R146-10**

32 The RDEIR does not refer to a PowerPoint presentation by Dr. Constantinos Siouta. Dr.
33 Sioutas’ work to which the RDEIR refers is a study conducted by the University of
34 Southern California in which Dr. Sioutas was the principal investigator. This source was
35 cited in Section 3.2.2.2 and the full citation is listed in Chapter 10, Section 10.3.2.

36 With regard to the issue of UFPs, please see Master Response 12, UFPs. There is no
37 CEQA threshold for UFPs, and significant uncertainty in estimating and modeling the
38 dispersion of UFP emissions. The comment does not indicate that there is any likelihood
39 that the soundwall’s influence on UFPs, whatever that might be, would result in a
40 significant impact. In determining the contents of an EIR, a lead agency is entitled to rely

1 on its own experts' opinions as to what studies and analysis are appropriate to evaluate
2 impacts. (*Association of Irrigated Residents v. County of Madera*, 107 Cal.App.4th
3 1383,1396-1398.) CEQA does not require a lead agency to conduct every recommended
4 test and perform all recommended research to evaluate the impacts of a proposed project.
5 (*Id.*) An EIR is not required to perform every analysis requested by concerned persons.
6 (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 245.)
7 Disagreement among experts does not make an EIR inadequate. (CEQA Guidelines §
8 15151.) Accordingly, absent evidence to the contrary, the EIR's analysis complies with
9 CEQA.

10 **Response to Comment R146-11**

11 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
12 and is therefore before the decision-makers for their consideration prior to taking any
13 action on the SCIG project. The comment is general and does not reference any specific
14 section of the DEIR or RDEIR, therefore no further response is required. (Public
15 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

16 **Response to Comment R146-12**

17 The RDEIR includes considerable discussion on the health effects of air pollutants. See
18 for example, Table 3.2-1 in Section 3.2.2.2; the discussion of toxic air contaminants and
19 ultrafine particles in Section 3.2.2.2; the discussion of the health effects of PM in Section
20 3.2.4.3; and Section 5.2 in Appendix C3. Also see response to Comment R146-3, and
21 note that the discussion of DPM's carcinogenicity has been expanded in the FEIR as set
22 forth in the response to Comment R146-3.

23 The commenter may wish to note that the RDEIR assessed DPM as a carcinogen, and
24 used OEHHA's inhalation unit risk factor in those calculations in complete accordance
25 with the State of California's approved methodology.

26 The commenter misunderstands the role of consultants in drafting EIRs. The EIR reflects
27 the independent judgment of the lead agency, not the consultant. The EIR was prepared
28 pursuant to CEQA Guidelines §15084 (e), which requires that: "Before using a draft
29 prepared by another person, the Lead Agency shall subject the draft to the agency's own
30 review and analysis. The draft EIR which is sent out for public review must reflect the
31 independent judgment of the Lead Agency. The Lead Agency is responsible for the
32 adequacy and objectivity of the draft EIR."

33 **Response to Comment R146-13**

34 The Environmental Setting for Air Quality, presented in Section 3.2.2, adequately
35 describes the air quality and meteorology existing environment in the area around the
36 project. This includes measurements of pollutant concentrations. Hudson School is
37 identified in the RDEIR as a sensitive receptor for which health risk impacts are
38 evaluated appropriately in the RDEIR. However, as requested by the commenter the
39 RDEIR Section 3.2.2.2 has been revised to include references to SCAQMD air
40 monitoring studies that have been conducted at the Hudson School.

41 **Response to Comment R146-14**

42 Please see the Master Response 9, HIA, Master Response 12, UFPs, and response to
43 Comment R146-4.

1 The RDEIR did not ignore the fact that sensitive receptor locations (such as schools,
2 daycare centers, parks, etc.) exist in the vicinity of SCIG. To the contrary, in Impact AQ-
3 7 the RDEIR disclosed the identity of, and mapped the location of, all sensitive receptors
4 within a one-mile radius of the proposed facility and within a one-mile radius of the
5 proposed ICTF project. Further, the RDEIR calculated and disclosed potential cancer
6 risks, chronic non-cancer hazard, and acute non-cancer hazard for these locations. Those
7 calculations showed that with mitigation, cancer risks to sensitive receptor populations
8 attributable to the (mitigated) Project were -3.5×10^{-6} , well below the significance
9 threshold of 10×10^{-6} . All non-cancer hazard indices for sensitive receptor locations
10 were substantially below the threshold of 1. The RDEIR also applied the Port's
11 methodology for evaluating potential non-cancer effects of PM_{2.5} – a methodology that
12 was developed separately from the SCIG EIR for application to all Port projects, and
13 which incorporated methods accepted by the CARB for assessing non-cancer effects of
14 PM (CARB, 2006). By applying that methodology to PM_{2.5} concentrations from SCIG,
15 the Port demonstrated that PM_{2.5} impacts were not expected to adversely impact
16 residential or sensitive receptor locations. All of these analyses were made for the
17 express purpose of identifying potential impacts to sensitive receptors (and other
18 populations).

19 **References:**

20 California Air Resources Board (CARB). 2006. "Proposed Emission Reduction Plan for
21 Ports and Goods Movement in California. Appendix A: Quantification of the Health
22 Impacts and Economic Valuation of Air Pollution from Ports and Goods Movement in
23 California." March.

24 **Response to Comment R146-15**

25 The Gauderman and Jerrett articles to which the commenter refers are cited in RDEIR
26 Section 3.2.4.3. No article authored by McConnell et al. is cited in the RDEIR as
27 suggested by the commenter. Also see the Master Response 12, UFPs, and the response
28 to Comment R146-4.

29 **Response to Comment R146-16**

30 The commenter mischaracterizes the LAHD's analysis and discussion of the project's
31 impacts on schools. Please see Master Response 11, Locating a Railyard Near Sensitive
32 Receptors.

33 **Response to Comment R146-17**

34 Please see Master Response 10, Environmental Justice and Master Response 11, Locating
35 a Railyard Near Sensitive Receptors. The change in impacts to the low-income and
36 minority communities in the Project vicinity (which were, in fact, identified in the
37 RDEIR) is due to the change in the methodology used for the health risk assessment
38 between the DEIR and RDEIR. As described below, the selection of a 2010 baseline year
39 and the use of the floating baseline analysis for evaluating health risk impacts is a
40 revision that has been made in the analysis for the RDEIR and leads to the findings
41 described in Chapter 6 Environmental Justice. These findings differ from those in the
42 DEIR analysis which used a static baseline.

43 The Port in good faith made revisions to the DEIR's health impact assessment in the
44 RDEIR, partially in response to comments such as those provided by the commenter and

1 other members of the public on the Draft EIR. What would have happened had the DEIR
2 health impact analysis been revised is speculative and irrelevant to the adequacy of the
3 RDEIR's health impact analysis. The RDEIR followed a revised methodology, as
4 described above, that did identify significant impacts, and those impacts were duly
5 reported in the RDEIR (Section 3.2.4.3, AQ-7).

6 Regarding the request for a redlined version of the RDEIR, the commenter is referred to
7 Appendix H which describes the reasons for recirculating the DEIR and major changes in
8 the RDEIR.

9 **Response to Comment R146-18**

10 Please see the Master Response 12, UFPs.

11 The text has been revised in the FEIR to reflect the fact that ultrafine particulates are not
12 addressed by standards for PM2.5 or PM10.

13 **Response to Comment R146-19**

14 For additional discussion of UFPs, please see the Master Response 12, UFPs. The
15 commenter is correct that the EIR does not include mitigation measures for UFPs; that is
16 because, as the master response discusses, there is no peer-reviewed methodology to
17 quantify the health effects attributable to specific concentrations of UFPs. Therefore,
18 consistent with the Port's reliance on scientifically accepted and proven methods for air
19 quality impact assessment, the Port's protocol does not quantify health effects from
20 UFPs, and therefore cannot draw conclusions concerning impacts.

21 Dr. Sioutas' work to which the RDEIR refers is a study conducted by the University of
22 Southern California with Dr. Sioutas as the principal investigator (Sioutas, et al. 2002a;
23 Sioutas, et al. 2002b). That source provided information on the variability of UFP
24 concentrations near the Ports and suggested that centrally-located PM monitoring data
25 was not applicable for estimating population exposures to UFP. The conclusions outlined
26 in the text are those drawn by the authors in the original source.

27 **References:**

28 Zhu, Yifang, William C. Hinds, Seongheon Kim, Si Shen, and Constantinos Sioutas.
29 2002a. Study of Ultrafine Particles Near a Major Highway with Heavy-duty Diesel
30 Traffic. *Atmospheric Environment* 36 (2002) 4323-4335.

31 Zhu, Yifang, William C. Hinds, Seongheon Kim, Si Shen, and Constantinos Sioutas.
32 2002b. Concentration and Size Distribution of Ultrafine Particles Near a Major Highway.
33 *Air & Waste Management Association* 52:1032-1042.

34 **Response to Comment R146-20**

35 Please see Master Response 3, Hobart. The Master Response documents that there is no
36 inconsistency between Appendix G4 and the RDEIR's text discussions of Hobart. The
37 RDEIR's assumptions about Hobart are reasonable, supported by substantial evidence,
38 and based on the best available information at the time the RDEIR was prepared

39 The comment's allegations that the RDEIR "admits" that the Project would not take
40 trucks off I-710 is simply not true. The commenter is completely misrepresenting the
41 RDEIR, including Appendix G4. As summarized clearly in Master Response 3, Hobart,
42 the RDEIR does not represent that future traffic on I-710 would be less than at present,

1 with or without the Project, only that with the Project it would be less, by about 1.5
2 million trips, than without, since those trucks would no longer go to Hobart. Neither the
3 DEIR or the RDEIR has concealed the possible expansion of Hobart. Section 2.5.3.1 of
4 the DEIR specifically described the expansion of Hobart and reorganization of BNSF's
5 intermodal business under the No Project Alternative, and the RDEIR, in Section 5.4.1
6 (No Project), describes essentially the same scenario; the only difference is that the
7 RDEIR has more detail concerning the nature of the expansions and operational changes.
8 Both documents mention that BNSF has already undertaken expansion and other changes
9 at Hobart. Accordingly, the commenter's suggestion that BNSF and LAHD have changed
10 their scenarios in the course of this process is incorrect.

11 The commenter also raises the spectre of "thousands of transloaded containers coming
12 into Hobart from the ports", but neglects to mention that, as described in Section 5.4.1 of
13 the RDEIR, those containers would come to Hobart whether or not the Project is built
14 (and not from the ports – by definition transloaded containers come from transloading
15 facilities outside the ports). As Master Response 3 explains, there is no hidden reservoir
16 of transloaded cargo that will suddenly materialize if SCIG is built. The commenter has
17 erroneously attributed regional growth in domestic and transloaded cargo to the Project,
18 rather than to the cumulative background where it belongs.

19 **Response to Comment R146-21**

20 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
21 and is therefore before the decision-makers for their consideration prior to taking any
22 action on the SCIG project. The comment is general and does not reference any specific
23 section of the DEIR or RDEIR, therefore no further response is required. (Public
24 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

25 **Response to Comment R146-22**

26 The RDEIR addresses the health concerns raised by this comment consistent with CEQA
27 requirements. The comment does not allege any specific deficiencies in the RDEIR's
28 health impact analysis related to the information presented.

29 Please see the Master Response 9, HIA, and Master Response 12, UFPs.

30 Emissions from tire wear, brake wear and resuspended road dust were not overlooked in
31 the DEIR and RDEIR. The health effects of the metals and chemicals in these materials
32 were included in the health risk assessment. (See Impact AQ-7)

33 Regarding the "Question:" posed by the commenter, the maximum incremental impacts
34 predicted for the mitigated project are outlined in Section 3.2.4.3 in Table 3.2-35. As
35 shown in Table 3.2-35, with mitigation the maximum increments for residents (0.2 in a
36 million), students (0.6 in a million), and staff (occupational – 9.5 in a million) are all
37 below the significance threshold of 10 in a million. As outlined in Chapter 3.2 on page
38 3.2-43, "[t]hese health effects thresholds were established by the SCAQMD and adopted
39 by the Port for evaluating new projects under CEQA (SCAQMD, 2011). The San Pedro
40 Bay Ports Clean Air Action Plan (POLA and POLB, 2006) has also identified the 10 in a
41 million incremental cancer risk for residential receptors as a Project Specific Standard for
42 CEQA analyses conducted by the Port." Similarly, the chronic and acute hazards shown
43 in Table 3.2-35 are well below the significance threshold of 1.0 and deemed acceptable
44 under SCAQMD guidance. Accordingly, despite the studies cited by the commenter, the

1 answer to the “question” under CEQA is that health effects on children attributable to the
2 Project would represent a less than significant impact.

3 With respect to the studies cited by the commenter, the lead agency thanks the
4 commenter for the information, but notes that in determining the contents of an EIR, a
5 lead agency is entitled to rely on its own experts’ opinions as to what studies and analysis
6 are appropriate to evaluate impacts. (*Association of Irrigated Residents v. County of*
7 *Madera*, 107 Cal.App.4th 1383,1396-1398.) CEQA does not require a lead agency to
8 conduct every recommended test and perform all recommended research to evaluate the
9 impacts of a proposed project. (*Id.*) An EIR is not required to perform every analysis
10 requested by concerned persons. (*Clover Valley Foundation v. City of Rocklin* (2011)
11 197 Cal.App.4th 200, 245.) Disagreement among experts does not make an EIR
12 inadequate. (CEQA Guidelines § 15151)

13 **References:**

14 Ports of Los Angeles and Long Beach (CAAP). 2006. “San Pedro Bay Ports Clean Air
15 Action Plan (CAAP).”

16 South Coast Air Quality Management District (SCAQMD). 2011. SCAQMD Air Quality
17 Significance Thresholds. Website: <http://www.aqmd.gov/ceqa/handbook/signthres.pdf>.

18 **Response to Comment R146-23**

19 The RDEIR has not indicated that PM_{2.5} is an appropriate surrogate for UFPs, or that
20 UFP emissions would be reduced in the future. The text has been revised in the FEIR to
21 reflect the fact that ultrafine particulates are not addressed by standards for PM_{2.5} or
22 PM₁₀.

23 For additional discussion of UFPs, please see the Master Response 12, UFPs. The
24 commenter’s point about after-treatment devices is unclear, since the Project is not
25 proposing such devices as mitigation or project conditions once construction is
26 completed, nor is it taking credit for UFP reductions from after treatment devices. Please
27 also see the response to comment R89-43.

28 **Response to Comment R146-24**

29 The RDEIR contains all of the information and analyses required by CEQA and is
30 adequate under CEQA. The comment is hereby part of the Final EIR, and is therefore
31 before the decision-makers for their consideration prior to taking any action on the SCIG
32 project. The comment is general and does not reference any specific section of the DEIR
33 or RDEIR, therefore no further response is required (Public Resources Code §21091(d);
34 CEQA Guidelines §15204(a)). RDEIR recirculation is not required because none of the
35 events that would require recirculation have occurred. (See CEQA Guidelines §
36 15088.5.)

37 The commenter attached eight additional documents, totaling approximately 84 pages.
38 These documents do not specifically address sections of the RDEIR or its adequacy.
39 Therefore, no responses are provided. Copies of the commenter’s attachments are
40 included in the electronic versions (CD and POLA website) of the Final EIR. The
41 commenter’s attachments:

- 42 1. Carcinogenicity of diesel-engine and gasoline-engine exhausts and some nitroarenes
- 43 2. The Lancet Oncology: Supplementary appendix

- 1 3. “Impact of roadside noise barriers on particle size distributions and pollutant
- 2 concentrations near freeways”, Atmospheric Environment
- 3 4. Memorandum to Mark Stehly from Rob Scofield and Linda Hall, Subject: Draft
- 4 Environmental Assessment for the BNSF Intermodal Facility Proposed by BNSF
- 5 Railway Company near Gardner, in Johnson County Kansas
- 6 5. September 2, 2009 Letter from Center for Toxicology and Environmental Health to Mark
- 7 Stehly, BNSF Railway
- 8 6. State-of-the Science for Modeling and Monitoring Ultrafine Particles and Implications
- 9 for Gateway Cities Region, 2011
- 10 7. “Physical properties of particulate matter (PM) from late model heavy-duty diesel
- 11 vehicles operating with advanced PM and NOx”, Atmospheric Environment
- 12 8. San Pedro Bay Ports, Clean Air Action Plan: Overview, 2006
- 13
- 14



February 1, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project

Dear Mr. Cannon:

Southern California Edison (SCE) appreciates the opportunity to provide comment on the DEIR for the SCIG Project. The project is described as a proposal to construct and operate an intermodal rail yard that would transfer containerized cargo between trucks and railcars at a location approximately four miles north of the ports of Los Angeles and Long Beach. The subject site is owned primarily by the Los Angeles Harbor Department, but also includes properties under private ownership in the cities of Los Angeles, Carson, and Long Beach.

The proposed project will impact SCE's facilities and fee-owned properties and other rights-of-way (ROWs), including SCE's power lines, SCE's access to its fee-owned ROW, and two of SCE's ROW licensees, California Cartage and Three Rivers Trucking. Specifically, the proposed project will require:

- Removal and replacement of SCE 220 and 66-kilovolt (kV) transmission lines and towers.
- Improvement and maintenance of north and south end access roads to SCE's fee-owned right-of-way ("ROW"), including the construction of a new access road under the proposed elevated Burlington Northern Santa Fe Railroad Company (BNSF) rail bridge crossing SCE's property.
- The establishment of access to SCE's fee-owned ROW at its approximate midpoint, north of the proposed rail bridge structure and retaining walls.
- Removal of a BNSF spur track traversing SCE's fee-owned ROW.
- Formal agreements with SCE for easements through SCE's fee-owned ROW and to address the disposition of SCE's licensees (Three Rivers Trucking and California Cartage).

R147-1

General Comments Regarding SCE Land Rights

SCE fee-owned properties and other rights of way are purchased for the use of SCE to operate and maintain its present and future electric system facilities. Any proposed use of SCE properties, including encroachments and impacts to SCE's access, will be reviewed on a case-by-case basis by the appropriate SCE departments. Approvals or denials will be in writing based upon review of the plans provided and compatibility with SCE ROW constraints and rights.

The project as described will impact SCE's ROWs and/or fee-owned properties, which may also affect SCE's transmission, distribution, and/or substation facilities. Therefore, while the project applicant BNSF has been working with SCE to ensure that adequate descriptions of SCE's scope of work and associated environmental information are included for review under CEQA, the impacts will need to be reviewed and approved by SCE's Operating Departments to ensure the proposal is ultimately compatible with SCE's operational requirements and associated rights prior to finalizing the plan of development. Please forward five (5) sets of project plans depicting SCE's facilities and its associated land rights to the following Operating Departments for review as noted above:

Real Properties Department
Southern California Edison Company
2131 Walnut Grove Avenue
G.O.3 – Second Floor
Rosemead, CA 91770
Attn: David Christian

Transmission Project Delivery – Project Management
Southern California Edison Company
1924 Cashdan Street
Compton, CA 90220
Attn: Christian Adams

ROW Access

Based on the DEIR project description, BNSF will replace the existing bridge crossing Sepulveda Boulevard and create an overpass crossing SCE property on the north end of the project site. BNSF will construct said overpass (SCE underpass) to SCE specifications to allow SCE full access to its ROW and facilities. In addition, BNSF will be required to construct and maintain an access road to SCE facilities below the underpass and to maintain the underpass/access tunnel at their expense, including flood control, trash/debris removal, and graffiti abatement, etc. Additionally, BNSF will be required to provide access at the south end of SCE's ROW either by maintaining the existing access road or by designing an alternate route. Furthermore, BNSF will be

R147-2

R147-3

↑ required to provide SCE access to its ROW at its approximate midpoint, north of the proposed rail bridge structure and retaining walls. BNSF has also committed to removing the spur track that bisects SCE's property to ensure SCE has access to the entire length of its ROW. Please note all BNSF plans to construct and maintain SCE ROW access roads must meet SCE design specifications and be reviewed and approved by SCE's Operating Departments.

R147-3

Please incorporate the above project details regarding SCE's access to its ROW into the DEIR text and into its figures. Also, please depict on Figure 7, Page 2-24, where the SCE access road to be improved and maintained will be located and include language in the DEIR clearly noting that the work will be located within the existing project boundaries.

Three Rivers Trucking

The project description includes demolishing buildings within SCE's ROW that are used by Three Rivers Trucking for docking operations and reconstructing them at a new location within SCE ROW. Please be advised SCE's operating policies do not allow the construction of permanent structures in its ROW; therefore, Three Rivers Trucking will not be permitted to reconstruct SCE's permanent facilities within SCE's ROW and, as a result, may have to relocate or cease its operations.

R147-4

Please update the DEIR text, tables, and figures, as applicable, to indicate Three Rivers Trucking will not be allowed to relocate these facilities within SCE ROW and provide a discussion regarding Three Rivers Trucking's status. The ultimate impacts of the project on Three Rivers' operations are not clear to SCE and should be assessed by interview with Three Rivers.

California Cartage

The DEIR indicates that while a portion of California Cartage's operations will be relocated to a parcel outside of SCE's ROW in the southerly portion of the BNSF project site, California Cartage will also continue its current operations on a 19-acre parcel within SCE's ROW. In addition, page 2-18, lines 22-24, and page 2-24, lines 8-13, of the DEIR indicate that California Cartage is being provided a new access point from Sepulveda Boulevard that will run through the Three Rivers Trucking facility. It further states "The SCE access road at the north end of SCE's property would be upgraded to the standards of AASHTO Edition 5 (2004) to allow it to serve as the primary access for Three Rivers Trucking and the portion of California Cartage that is assumed to stay on the property leased from SCE." SCE is concerned about the potential traffic impacts to SCE's ROW and to SCE's operations if Three Rivers Trucking and California Cartage both use Sepulveda Boulevard as their primary access point. Additionally, SCE is unclear how joint use of the access road by both entities will impact their operations. BNSF, SCE, Three Rivers Trucking and California Cartage will need to discuss appropriate access to all operations, before agreeing to final access arrangements.

R147-5

R147-6

SCE will require that BNSF provide SCE with both northerly and southerly access to its operations on SCE's ROW (from Pacific Coast Highway and Sepulveda Boulevard). The location, configuration, and use of SCE's access roads are subject to the review and approval of SCE's Operating Departments as indicated above. Since SCE does not have clarity on the ultimate impacts of the SCIG project on California Cartage's operations, this will need to be further assessed by interview with California Cartage.

Relocation of SCE Towers & SCE Licensing Requirements

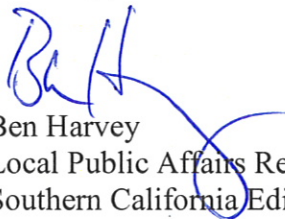
SCE's relocation of its transmission towers is subject to the California Public Utilities Commission (CPUC) General Order (GO) 131-D, which sets forth the requirements and the CPUC's authority for, among other things, the construction and relocation of facilities operating at 50 kilovolts (kV) or above. In addition, SCE's transmission line clearance requirements above railroads are subject to GO 95. Since final development plans for SCE to build new, or relocate existing SCE electrical facilities have yet to be completed and may result relocation work, SCE recommends that the current language concerning the CPUC found in Table 1-6 (Agencies Expected to use this EIR) on page 1-26 of Chapter 1 be revised to more accurately state the CPUC responsibilities as follows:

R147-7

The CPUC regulates privately owned electric, natural gas, telecommunications, water, railroad, rail, transit, and passenger transportation companies. SCE's relocation or construction of facilities operating at 50 kilovolts (kV) or above and transmission line clearances above railroads are subject to CPUC jurisdiction and regulation including CPUC General Orders ("GO") 131-D and GO 95, respectively.

Once again, SCE appreciates the opportunity to review and respond to the DEIR for the SCIG Project and looks forward to working with the Port of Los Angeles to meet the electrical infrastructure needs of this project. If you have any questions, do not hesitate to contact me at (562) 981-8216.

Sincerely,



Ben Harvey
Local Public Affairs Region Manager
Southern California Edison Company

1 Comment Letter R147: Southern California Edison**2 Response to Comment R147-1**

3 The comment is introductory material that does not raise issues under CEQA requiring a
4 response. Responses to subsequent comments addressing specific issues are provided
5 below.

6 Response to Comment R147-2

7 The comment does not raise any issues about the adequacy of the environmental analysis
8 under CEQA, and therefore does not require a response. (Public Resources Code §
9 21091(d); CEQA Guidelines § 15204(a)). However, for informational purposes, the
10 BNSF Railway would be the entity to obtain SCE approval for use of SCE's property in
11 accordance with SCE's operational requirements and would submit project plans to
12 SCE's Operating Departments for review as noted in the comment letter.

13 Response to Comment R147-3

14 Section 2.4.2.5 of the RDEIR describes the proposed access road through SCE's property
15 and Figure 2-8 depicts the location where the proposed access road would be constructed
16 within the Project boundaries. BNSF is the responsible entity to obtain SCE approval for
17 use of SCE's property in accordance with SCE's design specifications and operational
18 requirements. The comment does not raise any issues about the adequacy of the
19 environmental analysis under CEQA. (Public Resources Code § 21091(d); CEQA
20 Guidelines § 15204(a)).

21 Response to Comment R147-4

22 The RDEIR does not assume that Three Rivers Trucking would construct any facilities in
23 the SCE right of way. As Table 2-3 and the accompanying text of Section 2.4.2.1 make
24 clear, Three Rivers Trucking is assumed to be displaced from the project site given that
25 SCE's policies do not allow construction in its right of way of the structures that would
26 be necessary to Three Rivers Trucking's continued operation. This comment letter is a
27 resubmission of a comment letter on the DEIR, and does not address the revisions that
28 have been made in the RDEIR. See Master Response 13, DEIR and RDEIR Comment
29 Letters.

30 Response to Comment R147-5

31 Please see the response to Comment R147-3. This comment letter is a resubmission of a
32 comment letter on the DEIR, and does not address the superseding revisions that have
33 been made in the RDEIR. See Master Response 13, DEIR and RDEIR Comment Letters.
34 The commenter cites specific language in DEIR page 2-18, lines 22-24 which has been
35 superseded by the following language in RDEIR Section 2.4.2.1, page 2-20, lines 29-33:
36 "California Cartage's access to the 19-acre SCE parcel would be through a new driveway
37 and access road from Sepulveda Boulevard through the SCE right of way which is further
38 discussed in Section 2.4.2.5. BNSF would negotiate a new lease with SCE in order to
39 accomplish the necessary roadway improvements." The commenter cites specific
40 language in DEIR page 2-24, lines 8-13 which has been superseded by an extensive
41 explanation in RDEIR Section 2.4.2.5, commencing on Page 2-27, line 5 through Page 2-

1 28, line 5, which describes the SCE Access Road in detail, and includes Figure 2-8
2 depicting the SCE Access Road.

3 **Response to Comment R147-6**

4 The environmental impacts of the proposed project are discussed and addressed in the
5 RDEIR. The comment does not raise any issues as to the adequacy of the analysis under
6 CEQA. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

7 The primary entrance into SCE’s right of way, including California Cartage’s leasehold
8 area, would be via the proposed access road on Sepulveda Boulevard depicted in Figure
9 2-8. In addition, emergency access to the SCE right of way would be provided at several
10 points throughout the SCIG railyard (see Section 2.4.2.5 of the RDEIR). It would not be
11 appropriate for that planning process to proceed until after formal action on the Project is
12 taken by the Board of Harbor Commissioners at the time of FEIR certification.

13 **Response to Comment R147-7**

14 Table 1-6 of the RDEIR reflects the language requested by the comment.

15

Coalition For A Safe Environment

P.O. Box 1918, Wilmington, California 90748
wilmingtoncoalition @ prodigy.net 310-834-1128

February 1, 2012

Port of Los Angeles (POLA)
Los Angeles Harbor Department
Christopher Cannon
Director of Environmental Management
Environmental Management Division
425 S. Palos Verde St., San Pedro, CA 90733-0151
ccannon@portla.org
310-732-3675 Office
310-547-4643 Fax
ceqacomment@portla.org

Re: BNSF- Southern California International Gateway Project
Draft Environmental Impact Report (DEIR)
SCH No. 200555091116
ADP No. 041027-199

Su: Public Comments Regarding Significant Deficiencies & Unacceptability of DEIR (V2)

The Coalition For A Safe Environment (CFASE) wishes to request the Port of Los Angeles Board of Harbor Commissioners (POLABOHC) direct the Port management and staff to completely rewrite the DEIR or Rescind the DEIR and BNSF SCIG Project application do to significant deficiencies, errors, omissions of information, inadequate assessments, missing required assessments, misrepresentations of facts, unsubstantiated information, invalidated data, missing assessments, inappropriate assumptions, fails to eliminate where feasible all negative impacts, fails to mitigate negative impacts where feasible to less than significant and fails to include all reasonable and available feasible mitigation measures, discriminates against Environmental Justice Communities composed of people of color, high poverty and low income.

The following information, data, points, concerns, references, examples, issues, recommendations and requests describe the deficiencies and inadequacies of the DEIR:

Chapter ES.4 - Alternatives to the Project

1. **Section ES.4.3 – Alternatives Analyzed in this DEIR. Discusses key features but fails to discuss the key significant negative impacts of the project or justified public objections of the project.**

In ES 4.3 Alternatives Analyzed in this DEIR, the DEIR fails to present a fair and unbiased summary and discussion of the project. THE DEIR information and TABLE ES-2 fails to include a listing of public and scientific research identified significant negative impacts of the project and public objections and rational against the project. Decision makers and the public can get the impression that all of the Ports rational were in fact true and accurate when they are 100% biased for the project, do not represent the public's best interests and in fact not all true and accurate as evidenced during the public hearings, submitted public comments and CFASE's submitted written public comments. The Port claims it must balance the public's interest vs industries but never does, industry always gets what it wants.

R148-1



The DEIR repeatedly states that the Port Alternative Sites are also limited to the property the Port of Los Angeles owns or the Port of Long Beach owns, but fails to state and discuss that the Port of Los Angeles has purchased hundreds of acres of land off-port tidelands trust designated lands in the City of Los Angeles communities of Wilmington and San Pedro, The Port has not disclosed how many acres exactly, but the public believes that it owns over 500 acres throughout Wilmington. We believe that the Port is not entitled by the State Lands Commission or California Coastal Commission to use public trust funds to just expand its activities whenever it wants too, to avoid inclusion of these lands in the port master plan, the city master and community plans and avoid compliance with CEQA EIR requirements.

R148-1

CFASE requests: That the DEIR when listing summaries of information or data that they also include the negative impacts such as Environmental, Public Health, Public Transportation, Socio-Economic etc. and public objections such as Off-Port Tidelands Projects, Purchasing of City Property to Support Port Sprawl, Proximity to Residential Areas, Proximity to Sensitive Receptors, Decreased Property Values etc.

That the DIER discuss that the Port of Los Angeles has purchased hundreds of acres of land off-port tidelands trust designated lands in the City of Los Angeles communities of Wilmington and San Pedro, The Port disclose how many acres exactly is owned off-tidelands, there current status if it is developed or undeveloped, current usage, current lessee, current estimated value and there locations in all communities and cities. We want the State Attorney Generals, State Lands Commission and California Coastal Commission legal opinion on the Ports ability to purchase off-tidelands property, especially land that is not immediately adjacent to the Port or a Port community waterfront project waterfront with public trust funds and a discussion on what jurisdiction these three agencies have over these properties and the requirements of the Port to comply with all applicable government agency legal requirements.

2. **Section ES.4.3.1 – Alternatives 1 – No Project Alternative. Does not present a factual or accurate assessment of the facts and Port options.**

Section ES.4.3 – Alternatives 1 – No Project Alternative, fails to state that the Port of Los Angeles does not need to expand its current capacity, the Port has failed to mitigate all of its past and current negative impacts which will now cause further negative environmental and public impacts, the Ports container and cargo handling is not efficient, the Port refuses to master plan an intermodal facility on Port Tidelands Property, the Ports continue to build on-dock rail not shipside for direct efficient unloading and loading and automated, the Port purchases community city property therefore depriving these community lands for future city growth in non-port and goods movement industries and the Ports current freight transportation system technologies are 19th century not 21st.

R148-2

Additionally the Port hires engineering consultants to justify its opinions and plans and refuses to include public stakeholders such as: residents, homeowners associations, public health organizations, environmental organizations and academic institutions etc. who now possess a wealth of knowledge and expertise on ports, international logistics, port designs, port equipments and freight transportation systems equal to the ports staff and consultants.

CFASE requests: That the DEIR portray an accurate assessment of the Ports capacities, tidelands property efficiency land use, public support, potential technology solutions and viable project alternatives. The Port address and include the examples provided in these public comments. That the Port of Los Angeles utilize the Ports Community Advisory Committee and expand its membership to include the City of Long Beach and City of Carson and other cities if its projects will negatively impact them to assist in the master planning of the Port of Los Angeles future growth or off-port tidelands property expansion.

3. **Section ES.4.3.2 – Alternatives 2 – Reduced Project Alternative. Fails to disclose that this alternative will still have significant negative environmental, public health and socio-economic impacts on the public.**

R148-3

R148-3

Section ES.4.3.2 – Alternatives 2 – Reduced Project Alternative, as written gives the impression that it also has reduced negative environmental, public health and socio-economic impacts etc. on the public, when in fact impacts will remain high and significant.

CFASE requests: That the DEIR provide an accurate description that also discusses the significant negative environmental, public health and socio-economic impacts etc. on the public.

4. **Section ES.4.4.2 – Alternative Sites Inside the Ports. Misrepresents numerous facts regarding Alternative Sites and Alternative Technologies.**

Section ES.4.4.2 – Alternative Sites Inside the Ports, misrepresents and omits numerous facts regarding Alternative Sites and Alternative Technologies. The DEIR gives the impression that an Inside Port Site cannot be a joint Port of Los Angeles and Port of Long Beach Project, when in fact the two Ports makeup up the Union Pacific ICTF Joint Power Authority, Clean Air Action Plan, Clean Truck Plan and Technology Advancement Program, all of which have major public support.

The DEIR states that “All sites inside the ports would meet at least some of the project objectives,” when in fact the majority would meet 80%-90% of the project objectives when you compare them side-by-side which the DEIR failed to do, in order to give you the impression they were significantly deficient.

R148-4

The DEIR states that, “Construction of new land for a railyard for the TIJT would have substantial biological impacts and require the use of mitigation credits that the LAHD does not possess. Accordingly, this alternative was rejected on the basis of its incompatibility with the Clean Water Act and the unavailability, to the LAHD, of mitigation credits for the necessary fill,” but fails to state that when the Port wanted Pier 400 it made it happen even though it was incompatibility with the Clean Water Act then as it would be now. The DEIR fails to discuss how mitigation credits can be obtained, created or negotiated, which would allow the project alternate site to move forward.

The Pier S is a viable site and even though considered smaller would meet 90%+ of the project objectives and even though it is being considered by the Port of Long Beach as a container terminal the public supports this site as an Alternative Site and/or additional intermodal facility site which when combined with a second location would meet 95+ of the project objectives. It is the public’s opinion that both the Port of Los Angeles and the Port of Long Beach are intentionally obviscating their responsibility to find an on-port tidelands property location(s) and conspiring with each other to not nominate or select a location.

The Port of Los Angeles also failed to mention another potential site location which has been recommended to both Ports, the Port of Long Beach Pier B Toyota Logistics Services Terminal which is 168 acres of which 2 or more parking structures could be built to free up over 100 acres for an intermodal facility. This site location is also adjacent to a multi-track railway which borders Anaheim Street. The Port of Long Beach in order to eliminate any additional public comment on this location recently renewed a long-term lease 6-7 year early with Toyota to intentionally prevent this from happening and being considered.

A new project does not have to use conventional cargo-handling and cargo moving technology. Diesel fuel locomotives can be replaced with Zero Emissions Electric Trains and American MagLev Technology, Inc., (AMTI) Environmental Mitigation & Mobility Initiative “EMMI” Logistics Solutions all Electric Maglev Trains. On-Dock Rail can be built dockside to ships so that containers can be directly unloaded and dropped to waiting trains. Containers can be moved with Vision Motor Corp Zero Emissions Near Noiseless Tyrano a Class VIII 80,000lbs. Drayage Truck and ZETT (Zero Emission Terminal Tractor) a Class VIII 130,000 lbs. Terminal Tractor (yard dog) for off-road port terminal, rail yard and intermodal facility operations.

The EIR fails to disclose in the DEIR that American MagLev Technology, Inc., (AMTI) has volunteered for four years to build a test demonstration project at its own expense to prove its feasibility and the port of Los Angeles in collusion with the Port of Long Beach have refused and conspired to prevent them to do so. Every excuse and rational provided by the Ports Staff and hired consultants has not proven that it cannot be accomplished, when in fact AMTI has an operating test track in Atlanta, GA. The demonstration project

can be built at terminals that operate at only 50% of the year such as the two Ports import car terminals or can also be built at an off-port site container storage yard with connecting tracks to the main rail lines to the Ports and Alameda Corridor.

R148-4

CFASE requests: That the DEIR provide an accurate assessment and complete disclosure of Alternative Sites and Alternative Technologies as discussed herein and in previous submitted public comments and information provided.

5. **Section ES.4.4.3 – Alternative Layouts for the Proposed Project Sites. Fails to disclose what are the alleged less efficient operations and why would there be an increase in impacts on air quality and traffic for Alternative layouts.**

R148-5

Section ES.4.4.3 – Alternative Layouts for the Proposed Project Sites, fails to disclose what are the alleged less efficient operations and why would there be an increase in impacts on air quality and traffic for Alternative layouts. Basically you would have shorter tracks and would have to probably add another track to make up the desired longer length train which would mean less than 30 minutes to connect the shorter trains together. The DEIR fails to state that shorter length trains were the normal only a few years ago and there is no absolute reason they have to be the lengths demanded for this project. This in fact, is considered by CFASE and the general public a 19th century outdated transportation technology restriction and less efficient freight transportation method when a MagLev Train cars can individually travel without waiting for 300 cars to connect and can travel 3x-4x faster than locomotive engines. A MagLev Train is also zero emissions and near noiseless.

CFASE requests: That the DEIR discuss, list, assess and compare all alleged reasons Alternative Layouts would be less efficient, increase air pollution and traffic.

6. **Section ES.4.5.1 – Approaches to Avoid Building a Near-Dock Railyard. Fails to include all public requested and discussed alternatives.**

Section ES.4.5.1 – Approaches to Avoid Building a Near-Dock Railyard, failed to include, identify and assess other public requested and discussed alternative such as:

R148-6

- a. Maximizing the usage of the Alameda Corridor by its current Tenants. The Port of Los Angeles has failed to make it mandatory for Tenants to use the Alameda Corridor and as a result it is only being used at 35% of its capacity last year 2011 and at times down to 24% of its capacity.
- b. Establishing a CAP on Port of Los Angeles growth and expansion. The majority of Port Communities and Transportation Corridor Communities oppose any further Port expansion and growth due to its significant negative environmental, public health, public safety, traffic and socio-economic impacts and the failure to mitigate its past and current impacts to less than significant.

CFASE requests: That the DEIR discuss, list, assess and compare all public requested and discussed alternatives as discussed herein and in previous submitted public comments and information provided.

7. **Section ES.4.5.1.1 – Additional On-Dock Railyards. Fails to disclose that it has been past Port of Los Angeles policy not to build on-dock railyards and therefore they have never been included in the master plan and new terminal plans resulting in the problems we face today, further evidence of Port Management and Board of Harbor Commissioners political influence by the rail industry and Boards of Harbor Commissioners refusal to listen to and accept excellent and efficient public comment recommendations.**

R148-7

Section ES.4.5.1 – Additional On-Dock Railyards, fails to disclose that it has been past and present Port of Los Angeles policy not to build on-dock railyards and therefore they have never been included in the master plan and new terminal plans resulting in the problems we face today. Recent new terminals such

as the China Shipping Terminal were not built with on-dock rail. The public has continuously demanded that all Port terminals have on-dock rail and that the on-dock rail be built shipside, but the Port in its ??? refuses to design-in, require and build on-dock rail shipside to maximize the efficiency of unloading container ships directly to railcars.

We disagree with the DEIR statement, "that additional on-dock facilities would not yield higher capacity or greater utilization of rail transport." On-dock rail shipside will increase the logistical throughput of containers to rail via elimination of 2-3 lift movements and relocations and therefore faster transport to an intermodal facility, regional location or out-of-state destination.

R148-7

The Port of Los Angeles refuses to establish a CAP on Port of Los Angeles growth, expansion and container throughput. The majority of Port Communities and Transportation Corridor Communities oppose any further Port expansion and growth due to its significant negative environmental, public health, public safety, traffic and socio-economic impacts and the failure to mitigate its past and current impacts to less than significant.

The public does not accept the mayoral appointment of Commissioners who historically have 0% experience and therefore make numerous terrible policy and project decisions.

CFASE requests: That the DEIR include a comprehensive assessment and discussion of establishing a CAP on Port of Los Angeles growth, expansion and container throughput. The Port include on-dock rail shipside to every container and bulk terminal.

8. **Section ES.4.5.2 – Alternative Container Transport Systems. Fails to disclose that the main reason that Zero Emissions Container Movement System", or ZECMS has not reached the point of being technologically or economically feasible is because the Port of Los Angeles has refused to allow ZECMS Alternative Technology Companies to conduct their technology demonstrations and the failure of the Port to provide R& D and Project Demonstration Funds.**

R148-8

Section ES.4.5.2 – Alternative Container Transport Systems, fails to disclose the numerous public criticism of the process the ports have gone through to evaluate potential ZECMS technologies and summarizes the ZECMS concepts and the evaluation panel conclusions that none of the responses demonstrated that the intended ZECMS objectives could be achieved, and that none of the concepts could be deemed ready at this time for application in the port environment. The DEIR fails to disclose that the evaluation criteria used by USC School of Engineering is only used for military and aerospace applications which is not appropriate for a commercial application.

The DEIR fails to disclose that American MagLev Technology, Inc., (AMTI) Environmental Mitigation & Mobility Initiative "EMMI" Logistics Solutions all Electric Maglev Trains has volunteered to build a demonstration project at the Port of Los Angeles or any location at their expense for the past 4 years. Its success or failure could have already been known and history. The DEIR further fails to state that there is no crisis or emergency need to build the BNSF SCIG Project now, when all economic forecasts state that it will take the Port 7-8 years to regain its prior highest container throughput and based on the past 3 years data it may take longer.

As of today the Port has still refused to allow the AMTI MagLev Train demonstration project which is supported by the public, elected and appointed officials and governmental agencies. The DEIR fails to disclose that AMTI has an operating demonstration test track in Atlanta, GA and that General Atomics has a demonstration track in La Jolla, CA. The DEIR further fails to disclose that Port of Los Angeles and Port of Long Beach staff and commissioners have visited both test sites.

The demonstration project can be built at terminals that operate at only 50% of the year such as the two Ports import car terminals or can also be built at an off-port site container storage yard with connecting tracks to the main rail lines to the Ports and Alameda Corridor.

The Port can continue dragging its feet and test other technologies at its leisure. But the public supports moving forward.

R148-8

CFASE requests: That the DEIR include that any sponsor of a ZECMS technology who is willing to fund their own demonstration project should be approved immediately. That the DEIR require that appropriate commercial criteria be selected or developed to evaluate ZECMS technologies. That a committee or taskforce made up of ZECMS Technology experts be chosen to evaluate ZECMS technologies and/or the criteria to evaluate technologies vs. unqualified consultants, universities and port staff.

Chapter 2.5 Alternatives

1. **Section 2.5 Alternatives - Evaluation Criteria.** The DEIR states that, "of those alternatives, the EIR need examine in detail only the ones that LAHD determines could feasibly attain most of the basic objectives of the project," however, the Port of Los Angeles and BNSF cannot be trusted to tell the truth, because they have misrepresented information, have intentionally omitted information, failed to disclose all information and failed to adequately assess all alternatives as disclosed during public comment periods, submitted documentation and in these public comments.

Section 2.5 Alternatives-Evaluation Criteria, the DEIR does not present a fair, accurate and complete disclosure of information.

The DEIR Cost section. States that potential alternatives and other concepts were not subjected to formal detailed cost analyses and comparisons because too little data are available on the costs of advanced technology, which is not true. Two demonstration MagLev Train Test Tracks are already built and running with cost data available. One company American MagLev Technology, Inc., (AMTI) Environmental Mitigation & Mobility Initiative "EMMI" Logistics Solutions all Electric Maglev Trains has volunteered to build a demonstration project at the Port of Los Angeles or any location at their expense for the past 4 years and presented a detailed budget. Its success, failure and cost details could have already been known. AMTI has already presented a letter of commitment from its billion dollar financial partner and international major project construction company. The DEIR also fails to disclose that there are several MagLev Passenger Trains operating in different countries throughout the world and cost data is available. A MagLev Train would use the same chassis carrier design as a regular locomotive train. The DEIR further fails to disclose that there are all Electric Trains transporting containers in different countries through the world. The DEIR further fails to disclose that the Alameda Corridor is already designed to be retrofitted to an Electric Train.

R148-9

The DEIR fails to disclose that there are Balqon, Inc. Electric Battery Drayage Trucks and Vision Motor Corp. Hydrogen Gas Fuel Cell Drayage Truck currently in operation and being further refined to optimize their capabilities.

The DEIR Commercial Availability section. Fails to disclose that there are several commercial MagLev Passenger Trains operating in different countries throughout the world. A MagLev Train would use the same chassis carrier design as a regular locomotive train, carries the same weight and at 3x-4x the speed. The DEIR further fails to disclose that there are all Electric Commercial Trains transporting containers in different countries throughout the world. The DEIR fails to disclose that all MagLev and Electric Trains are ZERO Emissions and that MagLev Trains are near noiseless. A MagLev Container Train could be commercially available in 3-4 years. The currently is no near term demand for a container handling facility. The Alameda Corridor is currently at 35% of its capacity and last year at times down to 24% of its capacity.

The DEIR fails to disclose that there are Balqon, Inc. Electric Battery Drayage Trucks and Vision Motor Corp. Hydrogen Gas Fuel Cell Drayage Truck currently in operation and being further refined to optimize their capabilities. The Port has only purchased 22 Balqon trucks and 2 Vision Motor Corp trucks, hardly a dent in the 16,600+ diesel fuel polluting trucks currently operating at the twin ports.

The DEIR Compatibility with Existing Port and Railroad Infrastructure and Operations section. Fails to disclose that the current locomotive train system is 19th century and needs to be replaced with 21st century technologies. The current trains must connect upwards of 300 train cars, are time consuming to connect 1-2 days, are slow, major air polluting and noise source. The Port can easily master plan a phase-in schedule for a superior and more efficient alternative transportation system like any other project for a new terminal. New Electric Container Transportation Trains are being built at different ports throughout the world.

The DEIR Property Availability section, fails to disclose that the Port has failed to discuss with any land owner of its intention to purchase their land for the BNSF SCIG Project. This is based on discussion with these property owners.

The DEIR fails to disclose that properties would not necessarily have to be purchased, they could also be long term 30 years leases which are the norm for ports. Most of the right-of-way needed for a MagLev train is already owned by the Port of LA, the UP ICTF Joint Power Authority, the city or other government agency. The Port has conducted no assessment to validate this claim of not being reasonably acquirable. The DEIR fails to disclose that there is overwhelming support for a MagLev Train. The DEIR also fails to disclose that all freeways and highways are available as potential routes.

The DEIR also fails to disclose that on June 3, 2008, California voters approved Proposition 99, entitled the California Homeowners and Private Property Protection Act, which prohibits state and local governments from using eminent domain to take an owner-occupied, single-family home for the purpose of transferring it to another private party for the "public purpose" of economic development.

R148-9

The DEIR Environmental Benefits section. Fails to disclose the overwhelming significant environmental and long term cost-benefits of Zero Emission Transportation Technologies, Near Noiseless Transportation Technologies and More Efficient Transportation Technologies. The DEIR fails to state the energy balance could be achieved using Solar Panel Arrays at the Port, Port Terminals and above the MagLev Train route and in the bottom railway of a MagLev Train combined with Fuel Cell Technology.

Off-Tidelands Owned Properties. The DEIR repeatedly states that the Port Alternative Sites are also limited to the property the Port of Los Angeles owns or the Port of Long Beach owns, but fails to state and discuss that the Port of Los Angeles has purchased hundreds of acres of land off-port tidelands trust designated lands in the City of Los Angeles communities of Wilmington and San Pedro, The Port has not disclosed how many acres exactly, but the public believes that it owns over 500 acres throughout Wilmington. We believe that the Port is not entitled by the State Lands Commission or California Coastal Commission to use public trust funds to just expand its activities whenever it wants too, to avoid inclusion of these lands in the port master plan, the city master and community plans and avoid compliance with CEQA EIR requirements.

CFASE requests: That the DEIR when listing summaries of information or data that they also include the negative impacts such as Environmental, Public Health, Public Transportation, Socio-Economic etc. and public objections such as Off-Port Tidelands Projects, Purchasing of City Property to Support Port Sprawl, Proximity to Residential Areas, Proximity to Sensitive Receptors, Decreased Property Values etc.

That the DIER discuss that the Port of Los Angeles has purchased hundreds of acres of land off-port tidelands trust designated lands in the City of Los Angeles communities of Wilmington and San Pedro, The Port disclose how many acres exactly is owned off-tidelands, there current status if it is developed or undeveloped, current usage, current lessee, current estimated value and there locations in all communities and cities. We want the State Attorney Generals, State Lands Commission and California Coastal Commission legal opinion on the Ports ability to purchase off-tidelands property, especially land that is not immediately adjacent to the Port or a Port community waterfront project waterfront with public trust funds and a discussion on what jurisdiction these three agencies have over these properties and the requirements of the Port to comply with all applicable government agency legal requirements.

CFASE requests: That the DEIR provide full disclosure of all facts, information and long term cost-benefits.

R148-9

That the DIER discuss that the Port of Los Angeles has purchased hundreds of acres of land off-port tidelands trust designated lands in the City of Los Angeles communities of Wilmington and San Pedro, The Port disclose how many acres exactly is owned off-tidelands, there current status if it is developed or undeveloped, current usage, current lessee, current estimated value and there locations in all communities and cities. We want the State Attorney Generals, State Lands Commission and California Coastal Commission legal opinion on the Ports ability to purchase off-tidelands property, especially land that is not immediately adjacent to the Port or a Port community waterfront project waterfront with public trust funds and a discussion on what jurisdiction these three agencies have over these properties and the requirements of the Port to comply with all applicable government agency legal requirements.

10.0

Section 2.5.2.2 - Alternative Site Inside Ports. Fails to disclose the Port of Los Angeles also failed to mention another potential site location which has been recommended to both Ports, the Port of Long Beach Pier B Toyota Logistics Services Terminal.

R148-10

Section 2.5.2.2- Alternative Site Inside Ports, fails to disclose the Port of Los Angeles also failed to mention another potential site location which has been recommended to both Ports, the Port of Long Beach Pier B Toyota Logistics Services Terminal which is 168 acres of which 2 or more parking structures could be built to free up over 100 acres for an intermodal facility. This site location is also adjacent to a multi-track railway which borders Anaheim Street. The Port of Long Beach in order to eliminate any additional public comment on this location recently renewed a long-term lease 6-7 year early with Toyota to intentionally prevent this from happening and being considered. There is potential that the courts could nullify this action.

CFASE requests: The DEIR present a fair, accurate, complete disclosure of information and facts as discussed herein and in previous submitted public comments and information provided.

11.0

Section 2.5.2.2.1 - Pier S. The DEIR criticizes Pier S but the fact is that Pier S is a viable site and even though considered smaller would meet 90%+ of the project objectives.

R148-11

Section 2.5.2.2.1 - Pier S, the DEIR criticizes Pier S but the fact is that Pier S is a viable site and even though considered smaller would meet 90%+ of the project objectives and even though it is being considered by the Port of Long Beach as a container terminal the public supports this site as an Alternative Site and/or additional intermodal facility site which when combined with a second location would meet 95+ of the project objectives. The DEIR states, "the Pier S site, in particular, is unsuitable for a modern intermodal railyard.

The DEIR fails to disclose that the recent Port of Long Beach Pier S Project Proposal DEIR states the following," The proposed Pier S Marine Terminal would include an intermodal rail yard facility designed for operation using top-picks, reach stackers, and rail-mounted, electric-powered gantry cranes (RMGs). The facility would have the capability to exchange information electronically with terminal administration through OCR portal(s). The rail yard would consist of 10 single-ended loading tracks, varying from approximately 1,400 to 1,700 feet of working length, and would be able to accommodate two unit trains, each composed of the equivalent of twenty-four, 309-foot-long, double-stack, articulating, deep-well rail cars (Figure 1-6). The rail yard would be served via a new lead track running parallel to the Pier T East lead track along the terminal's southwest corner (see below). The loading tracks would be connected directly to this lead track, which would also accommodate train movements from elsewhere on Terminal Island. Construction of the rail yard and new lead track would require realignment of approximately 2,800 feet of the existing Pier T East lead track, which would be accomplished as part of the Terminal Island Wye improvements (see below). The Project would add a second track on the southern leg of the Terminal Island Wye and along a portion of the Pier T East lead track, and would realign that portion of the lead track to accommodate the new Pier S rail yard (Figure 1-3). As mentioned above, the north track of the lead

would serve as a lead track for the rail yard and allow two train movements to use the Terminal Island Wye at once, which is not possible under current conditions." This discloses that Pier S is already proposed to be part intermodal.

The rail simulation study commissioned by the LAHD (Parsons 2010) is significantly flawed because it assumes the same outdated 19th century locomotive technology will continue to be used in the next 50 years. It assumes the Port of Los Angeles will not be forced to establish a realistic CAP on Port of Los Angeles growth, expansion and container throughput. The majority of Port Communities and Transportation Corridor Communities oppose any further Port expansion and growth due to its significant negative environmental, public health, public safety, traffic and socio-economic impacts and the failure to mitigate its past and current impacts to less than significant.

It is the public's opinion that both the Port of Los Angeles and the Port of Long Beach are intentionally obfuscating their responsibility to find an on-port tidelands property location(s) and conspiring with each other to not nominate or select a location. The heavy congestion claim is not true, because the DEIR fails to disclose the Ports intention to replace the old Badger Train Bridge with a new bridge with additional tracks.

CFASE requests: That the DEIR present a fair, accurate, complete disclosure of information and facts as discussed herein and in previous submitted public comments and information provided.

12.0 Section 2.5.2.2.5 - Terminal Island Joint Intermodal Terminal (TIJIT). The DEIR fails to disclose that claim of incompatibility with existing Clean Water Act policy did not stop Pier 400 or any other Port terminal water fill-in project from being built.

Section 2.5.2.2.5 - Terminal Island Joint Intermodal Terminal (TIJIT), the DEIR states that, "Construction of new land for a railyard for the TIJIT would have substantial biological impacts and require the use of mitigation credits that the LAHD does not possess. Accordingly, this alternative was rejected on the basis of its incompatibility with the Clean Water Act and the unavailability, to the LAHD, of mitigation credits for the necessary fill," but fails to state that when the Port wanted Pier 400 it made it happen even though it was incompatibility with the Clean Water Act then as it would be now. The DEIR fails to discuss how mitigation credits can be obtained, created or negotiated, which would allow this project Alternate Site Proposal to move forward.

The DEIR fails to disclose that the two Ports makeup up the Union Pacific ICTF Joint Power Authority, Clean Air Action Plan, Clean Truck Plan and Technology Advancement Program which work together successfully, all of which have major public support.

The DEIR fails to disclose that the Terminal Island Joint Intermodal Terminal (TIJIT) is already called Pier 500 on the Port master plan and is earmarked to be a new container terminal.

CFASE requests: That the DEIR present a fair, accurate, complete disclosure of information and facts as discussed herein and in previous submitted public comments and information provided.

13.0 Section 2.6.1.1 - Additional On-Dock Railyards. The DEIR fails to state that the Port of Los Angeles have negligently refused to incorporate on-dock railyards in their port master plan and project designs for each new container terminal, even though requested by the public for the past 10 years.

Section 2.6.1.1 - Additional On-Dock Railyards, have negligently refused to incorporate on-dock railyards in their port master plan and project designs for each new container terminal such as the recently built new China Shipping Terminal. The Parsons study only reflects the Ports failure to plan on-dock railyards and intentions to avoid building them on port tidelands property. The Port continually plans to expand off its designate tidelands property. The Ports inefficient designs and outdated technologies will continue to limit

R148-11

R148-12

R148-13

the Ports growth potential and competitiveness. The DEIR fails to disclose that other international European and Asian ports have higher container throughput on smaller land foot-prints.

The DEIR fails to disclose that the Terminal Island Joint Intermodal Terminal (TIJIT) is already called Pier 500 on the Port master plan and is earmarked to be a new container terminal, which can have an on-dock railyard designed in.

R148-13

The Port of Los Angeles refuses to establish a CAP on Port of Los Angeles growth, expansion and container throughput. The majority of Port Communities and Transportation Corridor Communities oppose any further Port expansion and growth off tidelands property due to its significant negative environmental, public health, public safety, traffic and socio-economic impacts and the failure to mitigate its past and current impacts to less than significant.

CFASE requests: That the DEIR present a fair, accurate, complete disclosure of information and facts as discussed herein and in previous submitted public comments and information provided. We request that the DEIR contain a comparison of the Port of Los Angeles with the other major international ports. That the DEIR include a comprehensive assessment and discussion of establishing a CAP on Port of Los Angeles growth, expansion and container throughput. The Port include on-dock rail shipside to every container and bulk terminal.

14.

Section 2.6.2 – Alternative Container Transport Systems. The DEIR fails to disclose that the main reason that Zero Emissions Container Movement System”, or ZECMS has not reached the point of being technologically or economically feasible is because the Port of Los Angeles has refused to allow ZECMS Alternative Technology Companies to conduct their technology demonstrations and the failure of the Port to provide R&D and Project Demonstration Funds. There is no reason why BNSF cannot participate in a ZECMS demonstration program today, yesterday or last year.

Section 2.6.2 – Alternative Container Transport Systems, fails to disclose the numerous public criticism of the process the ports have gone through to evaluate potential ZECMS technologies and summarizes the ZECMS concepts and the evaluation panel conclusions that none of the responses demonstrated that the intended ZECMS objectives could be achieved, and that none of the concepts could be deemed ready at this time for application in the port environment. The DEIR fails to disclose that the evaluation criteria used by USC School of Engineering is only used for military and aerospace applications which is not appropriate for a commercial application.

R148-14

The DEIR fails to disclose that American MagLev Technology, Inc., (AMTI) Environmental Mitigation & Mobility Initiative “EMMI” Logistics Solutions all Electric Maglev Trains has volunteered to build a demonstration project at the Port of Los Angeles or any location at their expense for the past 4 years. Its success or failure could have already been known and history. The DEIR further fails to state that there is no crisis or emergency need to build the BNSF SCIG Project now, when all economic forecasts state that it will take the Port 7-8 years to regain its prior highest container throughput and based on the past 3 years data it may take longer.

As of today the Port has still refused to allow the AMTI MagLev Train demonstration project which is supported by the public, elected and appointed officials and governmental agencies. The DEIR fails to disclose that AMTI has an operating demonstration test track in Atlanta, GA and that General Atomics has a demonstration track in La Jolla, CA. The DEIR further fails to disclose that Port of Los Angeles and Port of Long Beach staff and commissioners have visited both test sites.

The demonstration project can be built at terminals that operate at only 50% of the year such as the two Ports import car terminals or can also be built at an off-port site container storage yard with connecting tracks to the main rail lines to the Ports and Alameda Corridor.

There is no reason why BNSF cannot participate in a ZECMS demonstration program today, yesterday or last year. The Port can continue dragging its feet and test other technologies at its leisure. But the public supports moving forward.

R148-14

CFASE requests: That the DEIR include that any sponsor of a ZECMS technology who is willing to fund their own demonstration project should be approved immediately. That the DEIR require appropriate commercial criteria be selected or developed to evaluate ZECMS technologies. That a committee or taskforce made up of ZECMS Technology experts be chosen to evaluate ZECMS technologies and/or the criteria to evaluate technologies vs. unqualified consultants, universities and port staff. That the Port move forward with or without BNSF in arranging a AMTI MagLev Train demonstration project.

15. **Section 2.6.2.3 - Ports of LB/LA Alternative Container Transportation Technology Study. The DEIR fails to include public comments criticizing the Ports Staff conclusions.**

R148-15

Section 2.6.2.3 - Ports of LB/LA Alternative Container Transportation Technology Study was highly criticized by Environmental Justice Organizations and many others, but the DEIR fails to disclose the numerous deficiencies, errors, omissions and misrepresentations that have been presented in public comments. The Ports staff is obviously biased against any zero emissions rail technology that challenges diesel fuel locomotives. It was not the intent for the Request for Concepts (RFC) to find and recommend a technology for full build out or industrial deployment. It was their mandate to select one or more applicants who were ready to build and conduct a demonstration project. The USC School of Engineering Study was flawed for the same reason as the Port staff report. In addition, they used a criteria that was designed for technologies that would be used in military and aerospace applications, when it should have been commercial applications,

CFASE requests: That the DEIR include all public comment criticisms of the Ports staff report and the USC School of Engineering study and identify which applicants have existing demonstration projects and were ready to conduct additional demonstrations.

16. **Section 2.6.2.4 - Constraints to Applying ZECMS Technologies in the Ports. Fails to disclose that ZECMS technology companies have proposed building demonstration projects to prove that they can be viable alternatives to train and truck-based drayage, none have made the claim that they are ready for full industrial deployment. Ports staff are prejudiced against these new emerging technologies and have been influenced by railroad representatives and industry lobbyist.**

R148-16

Section 2.6.2.3 - Constraints to Applying ZECMS Technologies in the Ports. Port staff 1st misrepresents the truth, no ZECMS technology company has claimed that they are ready for full industrial deployment. The DEIR fails to disclose that ZECMS technology companies have proposed building demonstration projects to prove that they can be viable alternatives to train and truck-based drayage systems. The staff misrepresents the truth that there are no operational prototypes anywhere in the world, two companies American MagLev Technology, Inc. (AMTI) and General Atomics both have operating MagLev Train Demonstration Projects. General Atomics has demonstrated that it can transport a container on its test track and American MagLev has demonstrated that it has a passenger train on its test track that can carry the equivalent weight of a container that can be easily retrofitted with a container chassis. The DEIR further fails to disclose that staff and commissioners from both Ports and numerous governmental agency personnel have witnessed demonstrations at both AMTI and General Atomics test track sites.

The DEIR fails to disclose that American MagLev Technology, Inc. is the only applicant that has volunteered to build the demonstration project at 100% of their own expense and have provided a financial letter of commitment from a multi-billion dollar international construction company partner. The DEIR further fails to disclose that AMTI has for four years proposed to build the demonstration project and Ports staff has done everything to prevent it, even though it is supported by the public an elected officials.

The DEIR 2nd fails to state that AMTI's operational test track is an elevated track and can provide prove of its actual construction costs, which was the basis for their submitted budget. The DEIR fails to state that Port staff favors General Atomics because of their relationship with a local university and should have chosen a non-conflict of interest company to assess cost estimates. The DEIR further fails to disclose that General Atomics is primarily a military contractor and military contractors historically are accustomed to provide padded high quotes and estimates. They would be further inclined to overly critique any potential future competitor, which they are at this time.

R148-16

The DEIR 3rd states that self-propelled railcars are currently prohibited by the United States Department of Transportation (USDOT) and the Federal Railroad Administration (FRA), which would preclude development of those variants of the LMS existing guideway concept, but fails to state that it is because these technologies did not exist at the time of these decisions and the fact that the existing rail companies lobbyist fought to eliminate future competition. The DEIR fails to state that both these rules can be changed once the technologies have been proven and does not prevent a driver to be present in the lead car if required in a zero emissions vehicle.

CFASE requests: That the DEIR disclose that ZECMS technology companies have proposed building demonstration projects to prove that they can be viable alternatives to train and truck-based drayage, none have made the claim that they are ready for full industrial deployment.

16. **Section 2.6.2.5 – Opportunities for ZECMS Technology.** The DEIR again fails to acknowledge that AMTI MagLev Train is a valid technology for demonstration which is supported by the public but again the Ports staff refuses to recommend moving forward with a demonstration. They are allowing a LSM proof of concept for a technology that has not even been demonstrated on a test track.

R148-17

Section 2.6.2.5 – Opportunities for ZECMS Technology, Fails to disclose that AMTI MagLev Train has an operating test track in Atlanta, GA.

CFASE requests: That the DEIR disclose that AMTI MagLev Train has an operating test track in Atlanta, GA and has offered to build a larger demonstration test track at the Port of Los Angeles at their expense but that the port refuses to do so for many reasons that the public has challenged. That the DEIR include all public comments on this technology and staff report.

Chapter 3.2 Air Quality & Meteorology

1. **Section 3.2.4.1 – Methodology.** The DEIR fails to state that CEQA requires a comprehensive analysis and discussion of health impacts, air emissions were significantly underestimated, not all air pollutants were included in the performed Health Risk Assessment, that HRA's provide limited public health information and the lack of complete health impacts information causes a significant underestimation of project health impacts and appropriate mitigation.

R148-18

Section 3.2.4.1 – Methodology fails to state that CEQA requires a comprehensive analysis and discussion of health impacts.

"The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." CCR§15065(a)

"The discussion should include relevant specifics of he ...health and safety problems caused by the physical changes." CCR§15126(a)

"If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining the physical change is significant." CCR§15064

The DEIR states that only a Health Risk Assessment (HRA) was performed, HRA's provide limited public health information. HRA's do not provide information as to how many people are ill, how many are ill with what illness, what is the cause of their illness, how long they have been ill, how grave their illness is, what type of health care do they have, what type of health care is available and what has been the cost of their health care. If you do not know this information how can the Port accurately determine what is the appropriate mitigation? The Port does not have a public health baseline from which to base its findings, mitigation and final decision making. The Port does not have a health professional on staff who is qualified to make appropriate public health decisions and recommendations.

The Port was requested to include a Health Impact Assessment (HIA) during the public scoping meeting and public comment period and has refused to include one in the DEIR, The International Association of Impact Assessment defines HIA as: a combination of procedures, methods and tools that systematically judges the potential and sometimes unintended effects of a policy, plan, program or project on the health of a population and the distribution of these effects within a population. HIA identifies appropriate actions to manage those effects.

CFASE has included in these public comments a Letter of Expert Witness from Dr. Jonathan Heller, PHD addressing the merits and significant new information in a HIA vs HRA. Included with his letter is his CV and a copy of the, "Minimum Elements and Practice Standards for HIA, published by the North American HIA Practice Standards Working Group. See Appendix AQ-1, AQ-2, AQ-3.

CFASE has included in these public comments our Public Health Studies List which list numerous medical health studies related to Ports and Goods Movement that the Port did not consider in their assessment of public health impacts and in their Health Risk Assessment. See AQ-4.

The DEIR fails to include all emissions from trains and trucks, This indicates that the traffic study is inadequate and incomplete, the traffic projections are not accurate therefore it has underestimated the significance of emissions, the future emissions, the public health impacts and necessary mitigation. It appears that there has been no accounting for the fact that trucks will age and in time release more emissions, The DEIR fails to include all train emissions from the time the train locomotives must leave their point of origin to the Port, when they must have their maintenance and after they leave the BNSF SCIG Facility. The DEIR fails to include all truck emissions from the time the trucks leave their point of origin to the Port, all other truck destinations such as:

- Off-Port Tidelands Property - Truck Transportation Corridors
- Off-Port Tidelands Property - Container Storage Yards
- Off-Port Tidelands Property - Chassis Storage Yards
- Off-Port Tidelands Property - Container Inspection Facilities
- Off-Port Tidelands Property - Fumigation Facilities
- Off-Port Tidelands Property - Truck Fuel/Gas Stations
- Off-Port Tidelands Property - Truck Maintenance Garages
- Off-Port Tidelands Property - Truck Storage Areas
- Off-Port Tidelands Property - Truck Staging Areas
- Off-Port Tidelands Property - Truck Lunch/Rest Stop Areas
- Off-Port Tidelands Property - Truck Idling Locations i.e. bridges & intersections
- Off-Port Tidelands Property - Truck Detour Locations
- Off-Port Tidelands Property - Train Transportation Corridors
- Off-Port Tidelands Property - Train Idling Locations

and after they leave the BNSF SCIG Facility to return home or company location. The claim that 2 million more trucks will have little to no impacts on air quality and public health is scientifically completely impossible and unsubstantiated.

R148-18

The DEIR failed to assess and include feasible and cost-effective air pollution control technologies that could be used at the BNSF SCIG Facility and BNSF SCIG Facility/Hobart Yard Maintenance Facility to capture emissions from idling locomotive engines and locomotive engines undergoing testing and maintenance, such as the Advanced Locomotive Emissions Control System (ALECS) which captures 92%-98% of all emissions and has been successfully tested at the Union Pacific Railroad Roseville Railyard. See the attached test report: Evaluation of the Advanced Locomotive Emissions Control System (ALECS), ALECS Proof of Concept at the Union Pacific J.R. Davis Railyard, Roseville, CA dated 4-2-2008 by TIAX, LLC.

The DEIR failed to assess and include feasible and cost-effective air pollution control technologies that could be used at Port terminals that will supply containers to the BNSF SCIG Facility to capture emissions from Container Ship Main Engines, Auxiliary Engines and Boilers such as the Advanced Maritime Emissions Control System (AMECS) which captures 92%-98% of all emissions and has been successfully tested at the Port of Long Beach on three ship. See the attached test report: Evaluation of the Advanced Maritime Emissions Control System (AMECS), AMECS Demonstration at the Port of Long Beach dated 11-19-2008 by TIAX, LLC.

The DEIR mentions the Zero Emissions Truck activities but fails to state a what point will Zero Emissions Trucks be approved for purchase. There is no discussion as to what constitutes meeting all port or industry requirements. We want all conditions to be disclosed in the DEIR. For example: must it conclude 50,000 miles of demonstrated operation, must all mileage be port container specific or can the demonstration time include UPS mail & package service time? If there is a certification process, what are the requirements? What will be the Zero Emissions Truck phase-in schedule to replace diesel trucks?

CEQA requires that you identify, assess and mitigate all direct and indirect secondary impacts.

CFASE requests: That the DEIR disclose that it failed to include all train and truck air emission sources and revise its data, data analysis methods and assumptions to reflect correct information. The DEIR must revise its data to reflect accurate traffic studies information, That the DEIR include a Health Impact Assessment and Public Health Survey in order to establish a Public Health Baseline.

CFASE requests that the Port of Los Angeles establish a Public Health Care and Socio-Economic Mitigation Trust Fund which can provide financial assistance for immediate, short term and long term health care and other negative socio-economic impacts:

- a. Public health care & treatment.
- b. Financial assistance to pay for health care at local clinics & county hospitals.
- c. Financial assistance to pay for health insurance.
- d. Financial assistance to pay for medical equipment.
- e. Financial assistance to pay for medical supplies.
- f. Financial assistance to pay for medical prescriptions.
- g. Financial assistance for funeral expenses.
- h. Financial assistance for short & long term convalescent care.
- i. Financial assistance for rehabilitation.
- j. Financial assistance for job retraining.
- k. Financial assistance for lost income.

CFASE requests that all applicable ZECMS Technologies be included in the DEIR discussion, such the Vision Motor Corp Hydrogen Gas Fuel Cell Drayage Trucks and the Advanced Cleanup Technologies, Inc. (ACTI) ALECS and AMECS Technologies be included as mitigation for the BNSF SCIG Project toxic air emissions and noise.

Chapter 3.9 Noise Public Comments

1. Section 3.9.1 - Introduction, the DEIR fails to mention that the Cities of Los Angeles, Long Beach and Carson Noise Ordinances, County, State and Federal Agency Standards do not meet current World Health Organization (WHO) Guidelines for Community Noise and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools and that there are sensitive receptors in the City of Carson and other cities who will be impacted by noise from the BNSF SCIG Facility.

In 3.9.1 Introduction, the DEIR fails to disclose that the Port of Los Angeles BNSF SCIG Project noise assessments and mitigation measures, Cities of Los Angeles, Long Beach and Carson Noise Ordinances, County, State and federal Standards do not meet current:

- a. World Health Organization (WHO) Guidelines for Community Noise
- b. The American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. There guidelines and standards provide the maximum protection of public health and children from noise.
- c. Noise Control Act of 1972," that inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas," and "Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare." See Appendix N-1, N-2, N-6, N-8.

R148-19

In 3.9.1 Introduction, the DEIR fails to disclose that there are sensitive receptors in the City of Carson, other cities, Los Angeles County and other counties who will be impacted by noise from the BNSF SCIG Facility and its supporting train and truck transportation corridors. Carson and other city and county elected officials, appointed Commissioners, residents and workers who would begin to read this introduction could easily get the impression that there was no noise impact to Carson and other residents and therefore not continue to read this section nor be concerned with the overall impacts of the BNSF SCIG Project. This is particularly relevant because a conclusion can be drawn that if there is no noise impact there would be no noise health impact and therefore no required mitigation, which is not true. The BNSF SCIG Facility noise from train and truck freight transportation corridors will cause increased noise and increased health impacts to Carson and numerous other transportation corridor residential communities.

Request: CFASE requests that the noise standards for the POLA BNSF SCIG Project comply with the World Health Organization (WHO) Guidelines for Community Noise and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

CFASE Request that all proposed and incorporated mitigation meet the requirements of the World Health Organization (WHO) Guidelines for Community Noise and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-6.

CFASE requests that the DEIR include an assessment and listing of all impacted communities that will be impacted by the project site and adjoining train and truck transportation corridors.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

2.. Section 3.9.2.1.3 - Human Responses to Noise, the DEIR states that the "World Health Organization and the USEPA consider LAeq = 70 dB (A) to be a safe daily average noise level for the ear," which is not true.

R148-20

In 3.9.2.13 Introduction, the DEIR fails to disclose that the World Health Organization (WHO) recommends in its "Guideline values for community noise in specific environments." Table 4.1 page 47 of the Guidelines

for Community Noise report that safe ranges for specific environments should be in the LAeq 30dBA< - 55< dBA. See Appendix N-1 and N-2.

R148-20

Request: CFASE requests that the DEIR include the World Health Organization (WHO) recommended "Guideline values for community noise in specific environments." Table 4.1 page 47. See Appendix N-1, N-2.

3.

Section 3.9.2.1.3 - Human Responses to Noise, the DEIR states that the "Research into these potential effects is still in its early stages, and there is not yet enough information to permit an evaluation of an individual project's impacts on public health," which is not true.

R148-21

There is an abundance of scientific medical research that the DEIR failed to research, reference, include and acknowledge. The DEIR failed to acknowledge that the Port of Los Angeles and BNSF Railway failed to sponsor additional research and assessments which would have disclosed a projects impacts on public health.

Request: CFASE requests that the DEIR include additional Port of Los Angeles and BNSF Railway public health studies and assessments. CFASE further recommends that a Health impact Assessment be included in the DEIR to additionally address this unacknowledged and unmitigated issue.

4.

Section 3.9.2.1.4 - Sound Propagation, discusses sound propagation over distance but fails to also provide a reasonable public reference such as that sound can be heard as far away as 3 miles away at night.

R148-22

While the DEIR provide numerous references information, it also fails to provide information that the average decision maker and public can understand and use as a basis of decision making.

Request: CFASE requests that the DEIR include a reference that sound can be heard at a distance of 3 miles or more at night. CFASE further requests, that the DEIR include a sound propagation distance GIS map so that the public can realize the total sound impact of the project and its connecting train and truck transportation corridors.

5.

Section 3.9.2.1.4 - Sound Propagation, discusses sound propagation and states that research by Caltrans and others has shown that atmospheric conditions can have a profound effect on noise levels. Wind, vertical air temperature gradients, humidity and turbulence all affect noise propagation, but fails to clearly disclose that these conditions will make sound higher than normal and therefore have more significant negative impacts on public health.

R148-23

The DEIR intentionally fails to accurately characterize the negative impacts of noise and conditions in which noise would be worse than normal. The DEIR further fails to disclose that these conditions are frequent and would increase the referenced estimates of both level of sound and duration of sound. The Port of Los Angeles harbor area has regular and long time atmospheric low inversion layers which would propagate and attenuate noise over longer distances.

Request: CFASE requests that the DEIR include accurate characterizations of noise from all sources and probable attenuations of noise. CFASE further requests that all increased noise estimates be included in the DEIR data and mitigate all negative impacts.

6.

Section 3.9.2.3 - Existing Noise Environment, discusses local and surrounding noise but fails to include all noise sources in its list.

R148-24

While the DEIR provides a list of typical and local noise sources, it fails to list all noise sources, both locally and regionally, such as:

Off-Port Tidelands Property - Truck Transportation Corridors
Off-Port Tidelands Property - Container Storage Yards

R148-24

Off-Port Tidelands Property - Chassis Storage Yards
Off-Port Tidelands Property - Container Inspection Facilities
Off-Port Tidelands Property - Fumigation Facilities
Off-Port Tidelands Property - Truck Fuel/Gas Stations
Off-Port Tidelands Property - Truck Maintenance Garages
Off-Port Tidelands Property - Truck Storage Areas
Off-Port Tidelands Property - Truck Staging Areas
Off-Port Tidelands Property - Truck Lunch/Rest Stop Areas
Off-Port Tidelands Property - Truck Idling Locations i.e. bridges & intersections
Off-Port Tidelands Property - Truck Detour Locations
Off-Port Tidelands Property - Train Transportation Corridors
Off-Port Tidelands Property - Train Idling Locations
Off-Port Tidelands Property - Train Stop Locations

Request: CFASE requests that the DEIR include all typical, local and regional noise sources and include a noise impact assessment of all sources both locally and regionally. CFASE further requests that all noise impacts be mitigated.

7. **Section 3.9.2.3 - Existing Noise Environment, the DEIR states that Noise-sensitive receivers are located near the proposed Project site and along the designated truck routes and rail segments that serve the proposed Project site, but fails to accurately identify those impacted.**

R148-25

The DEIR states that noise-sensitive receivers are located near the proposed Project site and along the designated truck routes and rail segments that serve the proposed Project site but fails to identify all the areas impacted and also states that, " although a portion of the proposed Project is located within the City of Carson, there are no noise sensitive receivers within the City of Carson that are directly exposed to the proposed Project. This is not true because the trains leaving the BNSF Facility will travel north passing Carson residential communities and other transportation city communities. In addition, trucks traveling to the Port of Los Angeles and leaving at the end of the day will travel through Alameda Street and other local streets and transportation corridors to go home. GPS units will not be used for trucks arriving at the Ports in the morning and leaving the BNSF Facility at the end of the day.

Request: CFASE requests that the DEIR include accurate information of impacted residents and sensitive receptors. CFASE requests that the DEIR include all typical, local and regional noise sources and include a noise impact assessment of all sources both locally and regionally. CFASE further requests that all noise impacts be mitigated.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

8. **Section 3.9.2.3.1 - Sensitive Receivers in Long Beach, discusses sensitive receivers but fails to state that noise studies conducted did not measure long term continuous public exposure, high frequency loud noise and low frequency noise sound levels up to 3 miles distance from the project site, other off-site truck destinations and transportation corridors the normal audible distance of sound.**

R148-26

The DEIR discusses sensitive receivers in Long Beach, Leq and CNEL noise levels, however, but fails to state that Leq and CNEL noise levels are not adequate to measure long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound. The DEIR fails to neither distinguish between day noise and night noise nor mention that all referenced sound levels do not comply with adopted night time standards and recommended guidelines. Failure to distinguish this information gives decision makers and public the impression that these noise levels are

acceptable since they are not red flagged. Other off-site truck destinations include those off-port tidelands property locations listed in # 6. The DEIR fails to identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Long Beach.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2

The Port of Los Angeles and BNSF Railway failed to establish a Community Advisory Committee (CAC) to discuss noise, noise sources, noise impacts, noise studies and noise mitigation which would have identified the deficiencies in the noise studies conducted, inadequate assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

The Port of Los Angeles and BNSF Railway failed to conduct a Community Advisory Committee Environmental Justice Community Preconstruction Noise Survey which would have revealed deficiencies in the noise studies conducted, assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

Request: CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destination locations and transportation corridors which is the normal audible distance of sound.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the DEIR clearly state that referenced and recorded sound level measurements do not comply with the Los Angeles Noise Ordinance Standards or the World Health Organization – Guidelines for Community Noise.

CFASE further requests that the DEIR require the establishment of a Community Advisory Committee (CAC) made up of Wilmington, Long Beach and Carson residents and consist of 90% community residents and 10% stakeholders and 10% Community Organizations. The CAC will be established prior to commencement of construction and will end at the completion of the project. The purpose of the CAC is to

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provide a forum to address DEIR, FEIR deficiencies, provide project statuses and address problems that may occur during construction and post operation. See Attachment N-4

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Appendix N-5

CFASE requests that the DEIR include, identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Long Beach.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally mislead the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for Environmental Justice Communities that have been historically disproportionately impacted and discriminated against. We submit the following as our EJ Community proposed Noise Standards:

Environmental Justice Community Noise Standards

Environment	Day 7:00am – 5:00pm	Night 5:00pm-7:00am	Night Sleep Time 9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA
Residence Indoor Low Frequency			25dBA

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9. Section 3.9.2.3.2 - Sensitive Receivers in San Pedro & Wilmington, discusses sensitive receivers but fails to state that noise studies conducted did not measure long term continuous public exposure, high frequency loud noise and low frequency noise sound levels up to 3 miles distance

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from the project site, other off-site truck destinations and transportation corridors the normal audible distance of sound.

The DEIR discusses sensitive receivers in San Pedro and Wilmington, Leq and CNEL noise levels, however, but fails to state that Leq and CNEL noise levels are not adequate to measure long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound. The DEIR fails to neither distinguish between day noise and night noise nor mention that all referenced sound levels do not comply with adopted night time standards and recommended guidelines. Failure to distinguish this information gives decision makers and public the impression that these noise levels are acceptable since they are not red flagged. Other off-site truck destinations include those off-port tidelands property locations listed in # 6. The DEIR fails to identify and list the locations of the numerous off-port tidelands property truck destinations in the communities of Wilmington and San Pedro.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

The Port of Los Angeles and BNSF Railway failed to establish a Community Advisory Committee (CAC) to discuss noise, noise sources, noise impacts, noise studies and noise mitigation which would have identified the deficiencies in the noise studies conducted, inadequate assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

The Port of Los Angeles and BNSF Railway failed to conduct a Community Advisory Committee Environmental Justice Community Preconstruction Noise Survey which would have revealed deficiencies in the noise studies conducted, assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

Request: CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound.

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CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the DEIR clearly state that referenced and recorded sound level measurements do not comply with the Los Angeles Noise Ordinance Standards or the World Health Organization – Guidelines for Community Noise the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

CFASE further requests that the DEIR require the establishment of a Community Advisory Committee (CAC) made up of Wilmington, Long Beach and Carson residents and consist of 90% community residents and 10% other stakeholders. The CAC will be established prior to commencement of construction and will end at the completion of the project. The purpose of the CAC is to provide a forum to address DEIR, FEIR deficiencies, provide project statuses and address problems that may occur during construction and post operation. See Appendix N-4

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Appendix N-5

CFASE requests that the DEIR include, identify and list the locations of the numerous off-port tidelands property truck destinations in San Pedro and Wilmington.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities. See Appendix N-3.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally mislead the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for Environmental Justice Communities that have been historically disproportionately impacted and discriminated against. We submit the following as our EJ Community proposed Noise Standards:

Environmental Justice Community Noise Standards

Environment	Day 7:00am – 5:00pm	Night 5:00pm-7:00am	Night Sleep Time 9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	

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R148-27	↑	Preschool Sleep Time	30dBA	
		Residence Indoor	35dBA	35dBA
		Residence Indoor Sleep Time		30dBA
		Residence Indoor Low Frequency		25dBA

10. Section 3.9.2.3.2 - Sensitive Receivers in Carson, discusses sensitive receivers but fails to state that noise studies conducted did not measure long term continuous public exposure, high frequency loud noise and low frequency noise sound levels up to 3 miles distance from the project site, other off-site truck destinations and transportation corridors the normal audible distance of sound.

R148-28

The DEIR discusses sensitive receivers in Carson, Leq and CNEL noise levels, however, but fails to state that Leq and CNEL noise levels are not adequate to measure long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound. The DEIR fails to neither distinguish between day noise and night noise nor mention that all referenced sound levels do not comply with adopted night time standards and recommended guidelines. Failure to distinguish this information gives decision makers and public the impression that these noise levels are acceptable since they are not red flagged. Other off-site truck destinations include those off-port tidelands property locations listed in # 6. The DEIR fails to identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Carson.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

The Port of Los Angeles and BNSF Railway failed to establish a Community Advisory Committee (CAC) to discuss noise, noise sources, noise impacts, noise studies and noise mitigation which would have identified

the deficiencies in the noise studies conducted, inadequate assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

The Port of Los Angeles and BNSF Railway failed to conduct a Community Advisory Committee Environmental Justice Community Preconstruction Noise Survey which would have revealed deficiencies in the noise studies conducted, assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

Request: CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound.

CFASE requests that the DEIR clearly state that referenced and recorded sound level measurements do not comply with the Los Angeles Noise Ordinance Standards or the World Health Organization – Guidelines for Community Noise.

CFASE further requests that the DEIR require the establishment of a Community Advisory Committee (CAC) made up of Wilmington, Long Beach and Carson residents and consist of 90% community residents and 10% other stakeholders. The CAC will be established prior to commencement of construction and will end at the completion of the project. The purpose of the CAC is to provide a forum to address DEIR, FEIR deficiencies, provide project statuses and address problems that may occur during construction and post operation. See Attachment N-4

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Attachment N-5

CFASE requests that the DEIR include, identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Carson.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally mislead the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for

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Environmental Justice Communities that have been historically disproportionately impacted and discriminated against. We submit the following as our EJ Community proposed Noise Standards:

Environmental Justice Community Noise Standards

Environment	Day	Night	Night Sleep Time
	7:00am – 5:00pm	5:00pm-7:00am	9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA
Residence Indoor Low Frequency			25dBA

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11. Section 3.9.2.3.4 - Baseline Exterior Lmax and SEL Noise Levels at Long Term Receivers in Long Beach, failed to state in the discussion that the long term testing was only 1-2 days which would not be considered long term by the public and not conducted during the peak port traffic months.

The DEIR discusses SEL and Lmax noise levels but fails to state in the discussion that the long- term testing was only 1-2 days which would not be considered long term by the public, would not provide accurate long term impact data and was not conducted during the peak port container traffic months. The Port should have conducted its noise level studies during the peak months of August, September and October with August being the traditional highest container volume month of the year as reported by the Port of Los Angeles website.

The DEIR further fails to state that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

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The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. Further, since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting. See Appendix N-1, N-2, N-6.

The DEIR fails to disclose that the City of Los Angeles Noise Ordinance has stricter noise standards than the City of Long Beach and Carson.

Request: CFASE requests that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

R148-29

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the DEIR discussion disclose that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance and the World Health Organization – Guidelines for Community Noise.

12. **Section 3.9.2.3.5 - Baseline Exterior Lmax and SEL Noise Levels at Long Term Receivers in San Pedro and Wilmington, failed to state in the discussion that the long term testing was only 1-2 days which would not be considered long term by the public and not conducted during the peak port traffic months.**

The DEIR discusses SEL and Lmax noise levels but fails to state in the discussion that the long- term testing was only 1-2 days which would not be considered long term by the public, would not provide accurate long term impact data and was not conducted during the peak port container traffic months. The Port should have conducted its noise level studies during the peak months of August, September and October with August being the traditional highest container volume month of the year as reported by the Port of Los Angeles website.

R148-30

The DEIR further fails to state that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. Further, since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting. See Appendix N-1, N-2, N-6.

Request: CFASE requests that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

CFASE requests that the DEIR discussion disclose that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance and the World Health Organization – Guidelines for Community Noise. See Appendix N-1, N-2.

13. **Section 3.9.2.3.6 - Baseline Exterior Lmax and SEL Noise Levels at Long Term Receivers in Carson, failed to state in the discussion that the long term testing was only 1-2 days which would not be considered long term by the public and not conducted during the peak port traffic months.**

R148-31

The DEIR discusses SEL and Lmax noise levels but fails to state in the discussion that the long-term testing was only 1-2 days which would not be considered long term by the public, would not provide accurate long term impact data and was not conducted during the peak port container traffic months. The Port should have conducted its noise level studies during the peak months of August, September and October with August being the traditional highest container volume month of the year as reported by the Port of Los Angeles website.

The DEIR further fails to state that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. Further, since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting. See Appendix N-1, N-2, N-6.

The DEIR fails to disclose that the City of Los Angeles Noise Ordinance has stricter noise standards than the City of Long Beach and Carson.

Request: CFASE requests that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

CFASE requests that the DEIR discussion disclose that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance and the World Health Organization – Guidelines for Community Noise. See Appendix N-1, N-2.

14. Section 3.9.2.3.7 - Estimated Baseline Interior Lmax and SEL Noise Levels at Long Term Receivers in Long Beach, failed to state in the discussion that the long term testing was only 1-2 days which would not be considered long term by the public and not conducted during the peak port traffic months.

The DEIR discusses SEL and Lmax noise levels but fails to state in the discussion that the long-term testing was only 1-2 days which would not be considered long term by the public, would not provide accurate long term impact data and was not conducted during the peak port container traffic months. The Port should have conducted its noise level studies during the peak months of August, September and October with August being the traditional highest container volume month of the year as reported by the Port of Los Angeles website.

The DEIR further fails to state that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2,

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RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

R148-32

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. Further, since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting. See Appendix N-1, N-2, N-6.

The DEIR fails to disclose that the City of Los Angeles Noise Ordinance has stricter noise standards than the City of Long Beach and Carson.

Request: CFASE requests that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

CFASE requests that the DEIR discussion disclose that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance and the World Health Organization – Guidelines for Community Noise. See Appendix N-1, N-2.

15.

Section 3.9.2.3.8 - Estimated Baseline Interior Lmax and SEL Noise Levels at Long Term Receivers in San Pedro and Wilmington, failed to state in the discussion that the long term testing was only 1-2 days which would not be considered long term by the public and not conducted during the peak port traffic months.

The DEIR discusses SEL and Lmax noise levels but fails to state in the discussion that the long-term testing was only 1-2 days which would not be considered long term by the public, would not provide accurate long term impact data and was not conducted during the peak port container traffic months. The Port should have conducted its noise level studies during the peak months of August, September and October with August being the traditional highest container volume month of the year as reported by the Port of Los Angeles website.

R148-33

The DEIR further fails to state that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. Further, since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting. See Appendix N-1, N-2, N-6.

R148-33

Request: CFASE requests that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

CFASE requests that the DEIR discussion disclose that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance and the World Health Organization – Guidelines for Community Noise. See Appendix N-1, N-2.

16. **Section 3.9.2.3.9 - Estimated Baseline Interior Lmax and SEL Noise Levels at Long Term Receivers in Carson, failed to state in the discussion that the long term testing was only 1-2 days which would not be considered long term by the public and not conducted during the peak port traffic months.**

The DEIR discusses SEL and Lmax noise levels but fails to state in the discussion that the long-term testing was only 1-2 days which would not be considered long term by the public, would not provide accurate long term impact data and was not conducted during the peak port container traffic months. The Port should have conducted its noise level studies during the peak months of August, September and October with August being the traditional highest container volume month of the year as reported by the Port of Los Angeles website.

The DEIR further fails to state that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

R148-34

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. Further, since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting. See Appendix N-1, N-2, N-6.

The DEIR fails to disclose that the City of Los Angeles Noise Ordinance has stricter noise standards than the City of Long Beach and Carson.

Request: CFASE requests that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

CFASE requests that the DEIR discussion disclose that the SEL and Lmax levels fail to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance and the World Health Organization – Guidelines for Community Noise. See Appendix N-1, N-2.

17. **Section 3.9.2.3.10, Existing Classroom Noise Reduction Measurements, failed to test for all sound conditions such as long term continuous noise, high frequency loud noise and low frequency sound levels.**

R148-35

The DEIR discusses existing traffic noise but fails to include information of measured noise levels at the peak container traffic months, failed to measure long term continuous public exposure noise levels, high

frequency loud noise and low frequency noise sound levels up to 3 miles distance from the project site, other off-site truck destinations and transportation corridors the normal audible distance of sound.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

R148-35

Request: CFASE requests that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the sound levels comply with the Los Angeles Noise Ordinance, EJ Community Noise Standards and the World Health Organization – Guidelines for Community Noise and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-3, N-6.

18. **Section 3.9.2.5 - Predicted Existing Traffic Noise Levels, are incomplete and inaccurate because they failed to measure noise levels at the peak container traffic months, failed to measure long term continuous public exposure noise levels, high frequency loud noise and low frequency noise sound levels up to 3 miles distance from the project site, other off-site truck destinations and transportation corridors the normal audible distance of sound.**

The DEIR discusses existing traffic noise but fails to include information of measured noise levels at the peak container traffic months, failed to measure long term continuous public exposure noise levels, high frequency loud noise and low frequency noise sound levels up to 3 miles distance from the project site, other off-site truck destinations and transportation corridors the normal audible distance of sound.

The DEIR discussion fails to neither distinguish between day noise and night noise nor mention that all referenced sound levels to not comply with adopted night time standards and recommended guidelines. Failure to distinguish this information gives decision makers and public the impression that these noise levels are acceptable since they are not red flagged. Other off-site truck destinations include those off-port tidelands property locations listed in # 6. The DEIR fails to identify and list the locations of the numerous off-port tidelands property truck destinations in the communities of Wilmington and San Pedro.

R148-36

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI

S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

While the DEIR provides a list of typical and local noise sources, it fails to list all noise sources, both locally and regionally, such as:

- Off-Port Tidelands Property - Truck Transportation Corridors
- Off-Port Tidelands Property - Container Storage Yards
- Off-Port Tidelands Property - Chassis Storage Yards
- Off-Port Tidelands Property - Container Inspection Facilities
- Off-Port Tidelands Property - Fumigation Facilities
- Off-Port Tidelands Property - Truck Fuel/Gas Stations
- Off-Port Tidelands Property - Truck Maintenance Garages
- Off-Port Tidelands Property - Truck Storage Areas
- Off-Port Tidelands Property - Truck Staging Areas
- Off-Port Tidelands Property - Truck Lunch/Rest Stop Areas
- Off-Port Tidelands Property - Truck Idling Locations i.e. bridges & intersections
- Off-Port Tidelands Property - Truck Detour Locations
- Off-Port Tidelands Property - Train Transportation Corridors
- Off-Port Tidelands Property - Train Idling Locations
- Off-Port Tidelands Property - Train Stop Locations

Request: CFASE requests that the DEIR include all typical, local and regional noise sources and include a noise impact assessment of all sources both locally and regionally. CFASE further requests that all noise impacts be mitigated.

CFASE requests that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

19. Section 3.9.3.6 - Sleep Disturbance and Speech Intelligibility, only references train noise and fails to include truck noise, other off-site truck destinations facility noise, transportation corridors noise and public health impacts.

The DEIR discusses increased community reaction to rail noise but fails to state clearly that all residential communities that border the port, other off-site truck destinations facilities, transportation corridors and other off-port tidelands property vehemently hate the Port of Los Angeles, ACTA and railroad companies noise and oppose the BNSF SCIG Project Proposal which will generate additional noise.

The DEIR fails to provide a list of typical and local noise sources, it fails to list all noise sources, both locally and regionally, such as:

- Off-Port Tidelands Property - Truck Transportation Corridors
- Off-Port Tidelands Property - Container Storage Yards
- Off-Port Tidelands Property - Chassis Storage Yards
- Off-Port Tidelands Property - Container Inspection Facilities
- Off-Port Tidelands Property - Fumigation Facilities

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- Off-Port Tidelands Property - Truck Fuel/Gas Stations
- Off-Port Tidelands Property - Truck Maintenance Garages
- Off-Port Tidelands Property - Truck Storage Areas
- Off-Port Tidelands Property - Truck Staging Areas
- Off-Port Tidelands Property - Truck Lunch/Rest Stop Areas
- Off-Port Tidelands Property - Truck Idling Locations i.e. bridges & intersections
- Off-Port Tidelands Property - Truck Detour Locations
- Off-Port Tidelands Property - Train Transportation Corridors
- Off-Port Tidelands Property - Train Idling Locations
- Off-Port Tidelands Property - Train Stop Locations

The DEIR fails to discuss the public health impacts of noise other than sleep disturbance and speech intelligibility.

Request: CFASE requests that the DEIR include and identify all typical, local and regional noise sources and include a noise impact assessment of all sources both locally and regionally.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the DEIR include and discuss all short and long term public health impacts from noise. CFASE further requests that all noise impacts be mitigated.

20. **Section 3.9.3.6.1 - Sleep Disturbance, the DEIR fails to reference relevant sleep disturbance scientific medical noise studies and fails to reference current scientific medical studies after 1995.**

R148-38

The DEIR writers have intentionally omitted relevant sleep disturbance scientific medical noise studies and failed to reference current scientific medical studies after 1995. See Appendix N-9.

Request: CFASE requests that the DEIR include relevant sleep disturbance scientific medical noise studies and current scientific medical studies after 1995 through 2011. See Appendix N-9.

21. **Section 3.9.3.6.2 - Speech Interference, the DEIR fails to reference relevant sleep interference noise studies and fails to reference current scientific medical studies after 1995.**

R148-39

The DEIR writers have intentionally omitted relevant sleep interference scientific medical noise studies and failed to reference current scientific medical studies after 1995. See Appendix N-9.

Request: CFASE requests that the DEIR include relevant sleep interference scientific medical noise studies and current scientific medical studies after 1995 through 2011. See Appendix N-9.

22. **Section 3.9.4 - Impacts and Mitigation Measures, fails to include a discussion on the legal requirements of CEQA to assess all direct and indirect secondary noise impacts and mitigate all noise impacts to less than significant.**

R148-40

The DEIR fails to discuss the legal requirements of CEQA to identify and assess all direct and indirect secondary noise impacts and to mitigate all noise impacts to less than significant.

Request: CFASE requests that the DEIR discuss the legal requirements of CEQA for EIR's to identify and assess all direct and indirect secondary noise impacts and to mitigate all noise impacts to less than significant.

23. **Section 3.9.4.1 - Methodology, fails to discuss long term continuous public exposure, high frequency loud noise and low frequency noise sound levels up to 3 miles distance from the project site. References the CERL but provides no evidence it was used in the DEIR.**

The DEIR discusses that the Construction Engineering Research Laboratory (CERL) methodology that was used but provides no evidence that it was in fact used. The DEIR fails to disclose that CERL is a division of the US Army Corp of Engineers and that 90%+ of its work applications are military related. The DEIR Chapter 3.9 Noise and Appendix F1 SCIG Noise Study fail to reference the claimed methodology that was used. We do not know if it was a computer model, test method or what? No Page, Figure or Table references CERL or CERL Data?

The DEIR references the use of the Cadna Noise Model and we would like to know why they chose this software program vs. SoundPlan which is used by 90% of American Acoustical Engineering Companies.

The DEIR discusses existing traffic noise but fails to include information of measured noise levels at the peak container traffic months, failed to measure long term continuous public exposure noise levels, high frequency loud noise and low frequency noise sound levels up to 3 miles distance from the project site, other off-site truck destinations and transportation corridors the normal audible distance of sound.

The DEIR discussion fails to neither distinguish between day noise and night noise nor mention that all referenced sound levels to not comply with adopted night time standards and recommended guidelines. Failure to distinguish this information gives decision makers and public the impression that these noise levels are acceptable since they are not red flagged. Other off-site truck destinations include those off-port tidelands property locations listed in # 6. The DEIR fails to identify and list the locations of the numerous off-port tidelands property truck destinations in the communities of San Pedro, Wilmington, Long Beach and Carson.

Request: CFASE requests that the Port validate what CERL methodology was used and what data was obtained and used.

CFASE would like to know why the Cadna Noise Model software was used vs. the Soundplan Noise Model software program and what were the distinguishing benefits are?

CFASE requests that the DEIR include all typical, local and regional noise sources and include a noise impact assessment of all sources both locally and regionally. CFASE further requests that all noise impacts be mitigated.

CFASE requests that the DEIR include a long-term noise level study period of a minimum 30 days and 24/7hrs. CFASE Requests that the noise level studies be conducted during the month of September.

24. **Section 3.9.4.2 - Thresholds of Significance, fails to acknowledge that the World Health Organization Guidelines for Community Noise Report Table 4.1 "Guideline values for community noise in specific environments" contains the best recommendations to protect public health and children of which the DEIR fails to incorporate.**

The DEIR fails to acknowledge that all stated thresholds do not comply with the World Health Organization Guidelines for Community Noise Report Table 4.1 "Guideline values for community noise in specific environments" and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-3, N-6.

R148-41

R148-42

The DEIR fails to state that all stated thresholds would be exceeded significantly higher than those quoted, therefore presenting a greater public health risk and hazard.

The DEIR tries to piece meal information and diminish public health impacts by trying to impose different and less stringent noise standards for the cities of Long Beach and Carson who are impacted by the City of Los Angeles project.

The DEIR makes a claim that there is no conclusive data to establish a proven statistical relationship between noise and the ability of children to learn in the classroom, when it fact the DEIR contains no recent research studies earlier than the year 1995 and does not include sufficient worldwide research studies. The DEIR fails to state that the Port of Los Angeles and BNSF Railway have failed to sponsor research that would provide this information.

The DEIR uses incomplete and inaccurate information, assessments, data and assumptions in order to dismiss noise impacts, diminish noise impacts and avoid required mitigation measures.

Request: CFASE requests that the DEIR incorporate the World health Organization Guidelines for Community Noise Report Table 4.1 "Guideline values for community noise in specific environments," the Los Angeles Noise Ordinance – Chapter XI Noise Regulation as the secondary reference and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-3, N-6.

R148-42 CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

Environmental Justice Community Noise Standards

Environment	Day	Night	Night Sleep Time
	7:00am – 5:00pm	5:00pm-7:00am	9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA
Residence Indoor Low Frequency			25dBA

CFASE requests that the noise research references include a worldwide search of studies and include recent research studies through 2011.

R148-42



CFASE requests the DEIR include complete and accurate information, assessments, data and assumptions in order to identify, assess and mitigate noise public health impacts, as identified in these public comments.

25. Section 3.9.4.3 - Impacts and Mitigation,

NOI-1

The claim that construction noise would not exceed the ambient noise level by 5dBA at a noise sensitive receiver is not true, the proposed construction hours are not acceptable and unmitigated noise is unacceptable.

Environmental Justice Communities do not accept the Ports and BNSF arbitrarily adopted hours of construction and therefore the claim that there is no noise impact is invalid. There will be a significant impact on residents and sensitive receivers.

The DEIR discusses sensitive receivers in the City of Los Angeles, Leq and CNEL noise levels, however, but fails to state that Leq and CNEL noise levels are not adequate to measure long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound.

R148-43



The DEIR fails to state that all referenced sound levels do not comply with proposed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

The only hours of construction acceptable to Environmental Justice Communities are the hours proposed in the Environmental Justice Community Noise Standards. These standards allow for a 10 hour work day. No weekend construction work is acceptable to Environmental Justice Communities. The Port of Los Angeles has had projects under construction for over 30 years non-stop and EJ Communities will no longer accept more noise pollution and unmitigated noise. Environmental Justice Communities will no longer accept projects that will take more than one year of continuous non-stop construction. The Ports non-stop 30 years of growth has eliminated and prevented the public from enjoying days of peace and complete silence.

Environmental Justice Community Noise Standards

Environment	Day 7:00am – 5:00pm	Night 5:00pm-7:00am	Night Sleep Time 9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	

Residence Indoor
Sleep Time

30dBA

Residence Indoor
Low Frequency

25dBA

Request: CFASE requests that the DEIR incorporate the World health Organization Guidelines for Community Noise Report Table 4.1 "Guideline values for community noise in specific environments," the Los Angeles Noise Ordinance – Chapter XI Noise Regulation as the secondary reference and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

R148-43

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the DEIR incorporate the Environmental Justice Community Noise Standards. See Environmental Justice Community Noise Standards Table.

CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound.

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the determination of appropriate noise mitigation.

CFASE request that the CAC be funded with \$ 200,000 to contract with an engineering consulting firm to determine appropriate noise mitigation.

NOI-2

The claim that construction activities would not exceed the ambient noise level by 5dBA at a noise sensitive receiver is not true, the proposed construction hours are not acceptable and unmitigated noise is unacceptable.

Environmental Justice Communities do not accept the Ports and BNSF arbitrarily adopted hours of construction and therefore the claim that there is no noise impact is invalid. There will be a significant impact on residents and sensitive receivers.

R148-44

The DEIR discusses sensitive receivers in the City of Los Angeles, Leq and CNEL noise levels, however, but fails to state that Leq and CNEL noise levels are not adequate to measure long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound. The DEIR fails to state that all referenced sound levels do not comply with proposed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise.

The only hours of construction acceptable to Environmental Justice Communities are the hours proposed in the Environmental Justice Community Noise Standards. These standards allow for a 10 hour work day. No weekend construction work is acceptable to Environmental Justice Communities. The Port of Los Angeles has had projects under construction for over 30 years non-stop and EJ Communities will no longer accept more noise pollution and unmitigated noise. Environmental Justice Communities will no longer accept projects that will take more than one year of continuous non-stop construction. The Ports non-stop 30 years of growth has eliminated and prevented the public from enjoying days of peace and complete silence.

Request: CFASE requests that the DEIR incorporate the World health Organization Guidelines for Community Noise Report Table 4.1 "Guideline values for community noise in specific environments," the Los Angeles Noise Ordinance – Chapter XI Noise Regulation as the secondary reference and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the DEIR incorporate the Environmental Justice Community Noise Standards. See Appendix N-3.

CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound.

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the determination of appropriate noise mitigation.

CFASE request that the CAC be funded with \$ 200,000 to contract with a noise engineering consulting firm to determine appropriate noise mitigation.

The proposed Project would have a significant impact on noise levels, but the noise levels would be higher than claimed, for longer duration, lower frequency, from other off-site sources and can be mitigated.

The DEIR discusses noise levels but fails to discuss circumstances why noise would increase from trains, trucks and equipment. The DEIR fails to mention that train lengths have been continuously increasing over the past 40 years and an increased need for additional locomotives and larger locomotive engines to pull the weight which will generate higher noise levels.

The DEIR references day noise levels when in fact trains will operate 24hrs., nights, weekends, holidays and exceed night and weekend noise standards and guidelines.



R148-44

NOI-3

R148-45



The DEIR fail to state that trucks and trains carrying empty containers or no containers makes more noise then loaded containers, therefore increasing the estimated noise levels?

The DEIR fails to identify and list all noise sources, both locally and regionally, such as:

- Off-Port Tidelands Property - Truck Transportation Corridors
- Off-Port Tidelands Property - Container Storage Yards
- Off-Port Tidelands Property - Chassis Storage Yards
- Off-Port Tidelands Property - Container Inspection Facilities
- Off-Port Tidelands Property - Fumigation Facilities
- Off-Port Tidelands Property - Truck Fuel/Gas Stations
- Off-Port Tidelands Property - Truck Maintenance Garages
- Off-Port Tidelands Property - Truck Storage Areas
- Off-Port Tidelands Property - Truck Staging Areas
- Off-Port Tidelands Property - Truck Lunch/Rest Stop Areas
- Off-Port Tidelands Property - Truck Idling Locations i.e. bridges & intersections
- Off-Port Tidelands Property - Truck Detour Locations
- Off-Port Tidelands Property - Train Transportation Corridors
- Off-Port Tidelands Property - Train Idling Locations
- Off-Port Tidelands Property - Train Stop Locations

R148-45

Request: CFASE requests that an outside noise engineering consultant firm be hired to research and identify all noise sources and conduct additional noise studies of those sources and locations

CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound.

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources and in the determination of appropriate noise mitigation. See Appendix N-4.

CFASE request that the CAC be funded with \$ 250,000 to contract with a noise engineering consulting firm to assist in the identification of all noise sources, sound levels and determine appropriate noise mitigation.

CFASE requests that the DEIR include all typical, local and regional noise sources, why noise sources could increase over time and include a noise impact assessment of all sources both locally and regionally.

CFASE requests that the DEIR include information on night and weekend levels of noise.

CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise. See Appendix N-1, N-2.

NOI-4



The operation of the proposed Project will result in interior nighttime SELs sufficient to awaken at least 10 percent of the residents, failed to assess long term continuous

R148-46

public exposure to noise, high frequency loud noise and low frequency sound levels.

The DEIR failed to identify all noise sources and assess long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

The DEIR fails to state that all referenced sound levels do not comply with the proposed Environmental Justice Community Noise Standards and our research shows that more than 10% of residents will be impacted due to underestimated sound levels.

Request: CFASE requests that an outside noise engineering consultant firm be hired to research and identify all noise sources and conduct additional noise studies of those sources and locations

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound.

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources, acceptable noise standards and in the determination of appropriate noise mitigation. See Appendix N-4.

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CFASE request that the CAC be funded with \$ 250,000 to contract with a noise engineering consulting firm to assist in the identification of all noise sources, sound levels and determine appropriate noise mitigation.

CFASE requests that the DEIR include all typical, local and regional noise sources, why noise sources could increase over time and include a noise impact assessment of all sources both locally and regionally.

CFASE requests that the sound levels comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

R148-46

CFSSE requests that the sound levels fail comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools. See Appendix N-1, N-2, N-6.

CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise. See Appendix N-1, N-2.

NOI-5

Exposure to exterior noise levels from the proposed Project during school hours will result in increased noise levels due to underestimated sound levels and failure to identify and assess all noise sources.

The DEIR fails to acknowledge that train and truck transportation corridors are part of the project. The DEIR fails to disclose that CEQA requires the identification and assessment of all direct and indirect secondary noise sources related to the project.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

R148-47

The DEIR fails to disclose that Wilmington Park Elementary School and Apostolic Faith Academy are near the Alameda Corridor, Pacific Coast Hwy. and Anaheim Street.

Request: CFASE requests that an outside noise engineering consultant firm be hired to research and identify all noise sources and conduct additional noise studies of all noise sources and locations

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destinations and transportation corridors which is the normal audible distance of sound.

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources, acceptable noise standards and in the determination of appropriate noise mitigation. See Appendix N-4

CFASE request that the CAC be funded with \$ 250,000 to contract with a noise engineering consulting firm to assist in the identification of all noise sources, sound levels and determine appropriate noise mitigation.

R148-47

CFASE requests that the DEIR include all typical, local and regional noise sources, why noise sources could increase over time and include a noise impact assessment of all sources both locally and regionally.

CFASE requests that the sound levels comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise and 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

NOI-6

Construction and operation of the proposed Project will result in noise levels significantly higher than those listed, DEIR references Long Beach Municipal Code whose standards are less than those then the City of Los Angeles and the World Health Organization.

R148-48

The DEIR tries to piece meal information and diminish public health impacts by trying to impose different and less stringent noise standards for the cities of Long Beach and Carson who are impacted by the City of Los Angles project.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day



dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting,” and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

The Port of Los Angeles and BNSF Railway failed to establish a Community Advisory Committee (CAC) to discuss noise, noise sources, noise impacts, noise studies and noise mitigation which would have identified the deficiencies in the noise studies conducted, inadequate assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

The Port of Los Angeles and BNSF Railway failed to conduct a Community Advisory Committee Environmental Justice Community Preconstruction Noise Survey which would have revealed deficiencies in the noise studies conducted, assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

R148-48

Request: CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destination locations and transportation corridors which is the normal audible distance of sound.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

The DEIR fails to state that all referenced sound levels do not comply with the proposed Environmental Justice Community Noise Standards.

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Appendix N-5.

CFASE requests that the DEIR include, identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Long Beach.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally mislead the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for Environmental Justice Communities that have been historically disproportionately impacted and discriminated against.

Environmental Justice Community Noise Standards

Environment	Day	Night	Night Sleep Time
	7:00am – 5:00pm	5:00pm-7:00am	9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA
Residence Indoor Low Frequency			25dBA

R148-48

CFASE requests that an outside noise engineering consultant firm be hired to research and identify all noise sources and conduct additional noise studies of all noise sources and locations

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources, acceptable noise standards and in the determination of appropriate noise mitigation.

CFASE request that the CAC be funded with \$ 250,000 to contract with a noise engineering consulting firm to assist in the identification of all noise sources, sound levels and determine appropriate noise mitigation.

CFASE requests that the DEIR include all typical, local and regional noise sources, why noise sources could increase over time and include a noise impact assessment of all sources both locally and regionally.



CFASE requests that sound levels comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

R148-48

CFASE requests the DEIR comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting,” and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise.

MM NOI-1

The proposed sound wall is not adequate to provide maximum noise reduction at the proposed location and is proposed for only one location when it should be applied to other locations.

The DEIR proposes only one sound wall location when sound walls should also be constructed along all train and truck transportation corridors, especially where schools and other sound source locations will impact other sensitive receivers. This includes transportation corridors near Wilmington Park Elementary School and Apostolic Faith Academy.

R148-49

The DEIR proposes only one sound prevention method for this residential location, when there are a variety of sound prevention, reduction and suppression mitigation methods available such as sound proof doors, windows, curtains and sound proofing walls and attics.

The DEIR failed to identify all noise sources and assess long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels.

The DEIR failed to indentify all impacted sensitive receivers locations such as Wilmington Park Elementary School, Wilmington Park Child Care Center, Mahar House, Apostolic Faith Academy and Apostolic Church etc..

Sound proofing materials shall have an STC Rating of 80 or above and as a minimum include ceilings, walls, doors, windows and attics as necessary to meet ASTM E-90: Standard Method for Laboratory Measurement of Airborne Sound Transmission, ASTM E413 Classification for Rating Sound Insulation and ASTM E1332 Standard Classification for Rating Outdoor-Indoor Sound Attenuation.

Request: CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destination locations and transportation corridors which is the normal audible distance of sound.

The DEIR fails to state that all referenced sound levels do not comply with the proposed Environmental Justice Community Noise Standards.

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Appendix N-5.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally mislead the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for Environmental Justice Communities that have been historically disproportionately impacted and discriminated against.

Environmental Justice Community Noise Standards

Environment	Day 7:00am – 5:00pm	Night 5:00pm-7:00am	Night Sleep Time 9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA

R148-49



CFASE requests that an outside noise engineering consultant firm be hired to research and identify all noise sources and conduct additional noise studies of all noise sources and locations

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources, acceptable noise standards and in the determination of appropriate noise mitigation. See Appendix N-4.

CFASE request that the CAC be funded with \$ 250,000 to contract with a noise engineering consulting firm to assist in the identification of all noise sources, sound levels and determine appropriate noise mitigation.

R148-49

CFASE requests that the DEIR include all typical, local and regional noise sources, why noise sources could increase over time and include a noise impact assessment of all sources both locally and regionally.

CFASE requests that all sound mitigation which includes sound proofing materials shall have an STC Rating of 80 or above and as a minimum include ceilings, walls, doors, windows and attics as necessary to meet ASTM E-90: Standard Method for Laboratory Measurement of Airborne Sound Transmission, ASTM E413 Classification for Rating Sound Insulation and ASTM E1332 Standard Classification for Rating Outdoor-Indoor Sound Attenuation.

MM NOI-2

The proposed noise control measures are not adequate to mitigate all noise impacts.

- a) The proposed construction hours are unacceptable. The acceptable hours are those listed in the Environmental Justice Community Noise Standards.
- b) The proposed construction days are unacceptable. Acceptable work days are Monday – Friday. Critical work such as concrete work should be mastered planned to take place during acceptable work days.
- c) The proposed temporary noise barriers should include sound suppression methods on operating equipment, classrooms, buildings, residential homes and all sensitive receiver locations.
- d) The proposed construction equipment mitigation fails to identify what methods shall be used to muffle sound and what criteria equipment shall be required to be maintained.
- e) The proposed idling prohibitions fail to disclose how idling will be monitored, enforced and what penalties shall be imposed for non-compliance.
- f) The proposed equipment location information fails to disclose how it will be monitored, enforced and what penalties shall be imposed for non-compliance.

R148-50



R148-50

- g) The proposed quiet equipment selection information fails to require the research, assessment, preparation and identification of a quiet equipment list. A contractor will use the excuse that what they have is what they will use and anything other than that will be cost prohibitive or will take time to research
- h) The proposed notification is inadequate because it fails to state how residents will be notified, what frequency and in what language. Writing can be a post card with little information vs. a detailed multipage brochure. It also fails to describe how many people will be notified and the distribution of the notification. Past Port of Los Angeles notifications have been unacceptable. A one-time notification during a 3 year construction time period is unacceptable. Advertising in a major regional newspaper is unacceptable.
- i) The potential use and need of portable generators should be identified in advance and the use of near noiseless generators should be indentified in advance.
- j) The noise complaint process is unacceptable. Posting information at the construction site is only the minimum way for a resident to find information and file a complaint. No residents live adjacent to the construction site.
- k) The stated pile driving days are unacceptable. The public and residents refuse to accept Saturdays as a pile driving day. Pile driving work should be mastered planned to take place during acceptable work days.
- l) The suggestion that a Construction Noise Monitoring & Management Plan will be required is unacceptable. The public and residents want to see in advance what the plan is. All past Port of Los Angeles plans have been unacceptable to Environmental Justice Communities.

NOI-8

Operation and construction of the proposed Project will result in noise levels significantly higher than those listed, the interior nighttime SELs will be exceeded, DEIR references Long Beach Municipal Code whose standards are less than those then the City of Los Angeles and the World Health Organization.

The DEIR tries to piece meal information and diminish public health impacts by trying to impose different and less stringent noise standards for the cities of Long Beach and Carson who are impacted by the City of Los Angeles project.

R148-51

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.



The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting,” and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

The Port of Los Angeles and BNSF Railway failed to establish a Community Advisory Committee (CAC) to discuss noise, noise sources, noise impacts, noise studies and noise mitigation which would have identified the deficiencies in the noise studies conducted, inadequate assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

The Port of Los Angeles and BNSF Railway failed to conduct a Community Advisory Committee Environmental Justice Community Preconstruction Noise Survey which would have revealed deficiencies in the noise studies conducted, assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

R148-51

Request: CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destination locations and transportation corridors which is the normal audible distance of sound.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Appendix N-5

CFASE requests that the DEIR include, identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Long Beach.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be

impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally mislead the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for Environmental Justice Communities that have been historically disproportionately impacted and discriminated against.

Environmental Justice Community Noise Standards

Environment	Day 7:00am – 5:00pm	Night 5:00pm-7:00am	Night Sleep Time 9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA
Residence Indoor Low Frequency			25dBA

R148-51

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources, acceptable noise standards and in the determination of appropriate noise mitigation. See Appendix N-4.

CFASE request that the CAC be funded with \$ 250,000 to contract with a noise engineering consulting firm to assist in the identification of all noise sources, sound levels and determine appropriate noise mitigation.

CFASE requests that the DEIR include all typical, local and regional noise sources, why noise sources could increase over time and include a noise impact assessment of all sources both locally and regionally.

CFASE requests that the sound levels comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

CFASE requests that the sound levels comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms

30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

R148-51

CFASE requests that the sound levels comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise.

NOI-9

Exposure to exterior noise levels from the proposed Project during school hours will exceed standards and guidelines, DEIR references Long Beach Municipal Code whose standards are less than those then the City of Los Angeles and the World Health Organization.

The DEIR tries to piece meal information and diminish public health impacts by trying to impose different and less stringent noise standards for the cities of Long Beach and Carson who are impacted by the City of Los Angeles project.

R148-52

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR fails to state that the measured sound levels fail to comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

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The Port of Los Angeles and BNSF Railway failed to establish a Community Advisory Committee (CAC) to discuss noise, noise sources, noise impacts, noise studies and noise mitigation which would have identified the deficiencies in the noise studies conducted, inadequate assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

The Port of Los Angeles and BNSF Railway failed to conduct a Community Advisory Committee Environmental Justice Community Preconstruction Noise Survey which would have revealed deficiencies in the noise studies conducted, assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

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CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Appendix N-5

CFASE requests that the DEIR include, identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Long Beach.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally mislead the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for Environmental Justice Communities that have been historically disproportionately impacted and discriminated against.

Environmental Justice Community Noise Standards

R148-52

Environment	Day 7:00am – 5:00pm	Night 5:00pm-7:00am	Night Sleep Time 9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA
Residence Indoor Low Frequency			25dBA

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources, acceptable noise standards and in the determination of appropriate noise mitigation. See Appendix N-4.

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CFASE requests that the sound levels comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

CFASE requests that the sound levels comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise

R148-52



with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

R148-52

CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise. See Appendix N-1, N-2.

NOI-10

Construction and operation of the proposed Project will result in noise levels significantly higher than those listed, DEIR references City of Carson maximum noise levels which are less than those then the City of Los Angeles and the World Health Organization.

The DEIR tries to piece meal information and diminish public health impacts by trying to impose different and less stringent noise standards for the cities of Long Beach and Carson who are impacted by the City of Los Angeles project.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

R148-53

The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting,” and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

The Port of Los Angeles and BNSF Railway failed to establish a Community Advisory Committee (CAC) to discuss noise, noise sources, noise impacts, noise studies and noise mitigation which would have identified the deficiencies in the noise studies conducted, inadequate assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

The Port of Los Angeles and BNSF Railway failed to conduct a Community Advisory Committee Environmental Justice Community Preconstruction Noise Survey which would have revealed deficiencies in the noise studies conducted, assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

Request: CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destination locations and transportation corridors which is the normal audible distance of sound.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

The DEIR fails to state that all referenced sound levels do not comply with the proposed Environmental Justice Community Noise Standards.

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Appendix N-5

CFASE requests that the DEIR include, identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Long Beach.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally mislead the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for Environmental Justice Communities that have been historically disproportionately impacted and discriminated against.

Environmental Justice Community Noise Standards

Environment	Day 7:00am – 5:00pm	Night 5:00pm-7:00am	Night Sleep Time 9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor			30dBA

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Sleep Time

Residence Indoor
Low Frequency

25dBA

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources, acceptable noise standards and in the determination of appropriate noise mitigation. See Appendix N-4.

CFASE request that the CAC be funded with \$ 250,000 to contract with a noise engineering consulting firm to assist in the identification of all noise sources, sound levels and determine appropriate noise mitigation.

CFASE requests that the DEIR include all typical, local and regional noise sources, why noise sources could increase over time and include a noise impact assessment of all sources both locally and regionally.

CFASE requests that sound levels comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

CFASE requests that the sound levels comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

CFASE requests that the sound levels comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise. See Appendix N-1, N-2, N-3.

Operation and construction of the proposed Project will result in noise levels significantly higher than those listed, the interior nighttime SELs will be exceeded, DEIR references City of Carson maximum noise levels which are less than those then the City of Los Angeles and the World Health Organization.

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NOI-12

R148-54



The DEIR tries to piece meal information and diminish public health impacts by trying to impose different and less stringent noise standards for the cities of Long Beach and Carson who are impacted by the City of Los Angeles project.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting,” and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

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The Port of Los Angeles and BNSF Railway failed to establish a Community Advisory Committee (CAC) to discuss noise, noise sources, noise impacts, noise studies and noise mitigation which would have identified the deficiencies in the noise studies conducted, inadequate assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

The Port of Los Angeles and BNSF Railway failed to conduct a Community Advisory Committee Environmental Justice Community Preconstruction Noise Survey which would have revealed deficiencies in the noise studies conducted, assumptions adopted and failure to incorporate noise mitigation measures in the DEIR.

Request: CFASE requests that the DEIR include a study and assessment of long term continuous public exposure to noise, high frequency loud noise and low frequency sound levels measurement up to 3 miles from the project site, other off-site truck destination locations and transportation corridors which is the normal audible distance of sound.

CFASE request that a Environmental Justice Community Fence-Line Monitoring Program be established and supervised by the Community Advisory Committee. See Appendix N-7.

CFASE further requests that the DEIR require that a Environmental Justice Community Preconstruction Noise Survey be conducted prior to construction. See Appendix N-5.

CFASE requests that the DEIR include, identify and list the locations of the numerous off-port tidelands property truck destinations in the city of Long Beach.

CFASE requests that the impact zone for noise sensitive receivers be a minimum 3 miles radius from the BNSF SCIF Facility and all train and truck transportation corridors and that

a new list of sensitive receptors be established that reflects an accurate record of those within 3 miles.

CFASE requests that you mitigate all noise impacts to less than significant as required by CEQA.

CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities. See Appendix N-3.

In all the proposed project alternatives and mitigation, sound noise levels are high, will continue to be high in perpetuity and are unacceptable to the communities who will be impacted significantly short term during construction and long term when fully operational. The project sponsors have intentionally misled the public and decision makers by inferring that they have considered all alternatives noise abatement measures when in fact they have they have not. They have referenced standards that allow high noise levels and fail to disclose that standards can be adopted which provide better health protection for Environmental Justice Communities that have been historically disproportionately impacted and discriminated against.

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Environmental Justice Community Noise Standards

Environment	Day	Night	Night Sleep Time
	7:00am – 5:00pm	5:00pm-7:00am	9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA
Residence Indoor Low Frequency			25dBA

CFASE requests that a Community Advisory Committee (CAC) be established to assist in the identification of all noise sources, acceptable noise standards and in the determination of appropriate noise mitigation.

CFASE request that the CAC be funded with \$ 250,000 to contract with a noise engineering consulting firm to assist in the identification of all noise sources, sound levels and determine appropriate noise mitigation.



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CFASE requests that the sound levels comply with the recommendations of World Health Organization – Guidelines for Community Noise, Table 1 & Table 4.1 Guidelines Values for Community Noise in Specific Environments – Specific Environment: Inside Bedrooms 30dBA, Preschool Sleep 30dBA and School Class Rooms 35dBA and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools, Table 1 pg. 5 for Learning space 35dBA. See Appendix N-1, N-2, N-6.

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CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise. See Appendix N-1, N-2, N-3.

R148-54

NOI-13

Exposure to exterior noise levels from the proposed Project during school hours will exceed standards and guidelines, DEIR references City of Carson maximum noise levels which are less than those then the City of Los Angeles and the World Health Organization.

The DEIR tries to piece meal information and diminish public health impacts by trying to impose different and less stringent noise standards for the cities of Long Beach and Carson who are impacted by the City of Los Angeles project.

The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance – Chapter XI Noise Regulation, Article 1 General Provisions Sec. 111.00 Declaration of Policy and Sec. 111.03 Minimum Ambient Noise Level Table II Zone A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, R5 Presumed Ambient Noise Level Day dBA 50 and Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

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The DEIR further fails to comply with the World Health Organization – Guidelines for Community Noise, 4.2.3 Sleep Disturbance Effects states, “For noise with a large proportion of low frequency sounds a still lower guideline lower than 30dBA is recommended,” and “Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

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CFASE requests that the following Environmental Justice Community Noise Standards be incorporated in the DEIR to protect Wilmington, Long Beach, Carson and Transportation Corridor EJ Communities.

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Environmental Justice Community Noise Standards

Environment	Day	Night	Night Sleep Time
	7:00am – 5:00pm	5:00pm-7:00am	9:00pm – 7:00am
Outdoor	50dBA	40dBA	
School Indoor	35dBA	35dBA	
Preschool Sleep Time	30dBA		
Residence Indoor	35dBA	35dBA	
Residence Indoor Sleep Time			30dBA
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Night 40dBA and Article 6 General Noise Sec.116.01 Loud, Unnecessary and Unusual Noise.

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CFASE further requests that the DEIR reference where the sound levels will exceed Environmental Justice Community Noise Standards and the World Health Organization recommended Guidelines For Community Noise. See Appendix N-1, N-2, N-3.

R148-56

26. Section 3.9.4.4 - Summary of Impact Determinations, conclusion is rejected by Environmental Justice Organizations as incomplete, inaccurate assessment, fails to acknowledge and incorporate the best public health standards and guidelines and fails to mitigate all noise impacts to less than significant as described in these public comments.

R148-57

27. Section 3.9.4.5 - Mitigation Monitoring, conclusion is rejected by Environmental Justice Organizations as incomplete, inaccurate assessment, fails to acknowledge and incorporate the best public health standards and guidelines and fails to mitigate all noise impacts to less than significant as described in these public comments.

R148-58

28. Section 3.9.5 - Significant Unavoidable Impacts, conclusion is rejected by Environmental Justice Organizations because it fails to acknowledge that significant unavoidable impacts will occur during both daytime and nighttime which can be mitigated to less than significant as described in these public comments.

Chapter 6.0 Environmental Justice

Section 6.3.2. – California Government Code and California Public Resources Code. The DEIR Cumulative Impacts Assessments and Environmental Justice Assessments do not comply with the California Government Code and Public Resources Code discussed and referenced and fails to include applicable CEQA public health requirements and California Health & Safety Code sections.

The DEIR Cumulative Impacts Assessments and Environmental Justice Assessments do not comply with the California Government Codes and California Public Resources Codes as described throughout these public comments. The DEIR fails to demonstrate how it has complied with each code requirement.

R148-59

The DEIR fails to identify and include a discussion on CEQA requirements such as CCR§15064, CCR§15065(a), CCR§15126.2(a) and other applicable California Health & Safety Code requirements. The DEIR fails to demonstrate how it has complied with each code requirement.

The DEIR fails to identify and include an assessment of the BNSF SCIG Project negative impacts to other Environmental Justice Communities and cities not in the City of Los Angeles, who border the project and border the Freight Transportation Corridors that will service the project.

The Port of Los Angeles through its decision making, actions, inactions, misrepresentations, assumptions and omissions of information has made premeditated decisions to willfully cause disproportionately higher risks, premature death, significant and permanent acute and chronic health impacts, negative socioeconomic impacts, mental and physical bodily harm, increased risk to hazards to port harbor, transportation corridor and warehouse distribution center residents, lower working-class people in general, low income, ethnic minorities, foreign language residents, the poor, children, pregnant woman, the elderly and sensitive receptors in Environmental Justice Communities without consideration, remorse, compensation, mitigation or adequate mitigation for the purpose of significant financial gain and economic benefits of others.

R148-59

The Port of Los Angeles, its management, staff and BNSF Railway is systemically a highly classist and racist private business interest entity because its political, business, economic and environmental decision making is structured and operates to systematically disadvantage lower working-class people in general, low income, ethnic minorities, foreign language residents, the poor, children, pregnant women, the elderly and sensitive receptors in particular and to systemically advantage a largely white upper class.

The DEIR fails to acknowledge, address and mitigate the fact that there is no Port or BNSF SCIG Project - Public Emergency, Disaster & Response Plan. The DEIR fails to discuss if there is adequate public liability and disaster insurance to protect the public and cities. The Port and BNSF have created no emergency funds pool, contracted no third party support services, contracted no relocation areas, contracted no food or water services etc. to assist EJ Communities that could be impacted by the BNSF SCIG Project, Facilities and Freight Transportation Corridors.

The Port has put every Harbor EJ Community and Freight Transportation Corridor EJ Community in extreme danger from its business operations. All planning that has been conducted has been to protect "Port Assets" not Harbor EJ Communities or Freight Transportation Corridor EJ Communities lives, livelihoods and property. If there is a Port or BNSF catastrophe"

- a. There are inadequate Port and City Police to protect and assist the public.
- b. There are inadequate Fire Department Personnel & Equipment to provide assistance.
- c. There are inadequate medical & hospital services & beds available.
- d. There is no relocation place for displaced families to go to.
- e. There are no emergency food & water resources for displaced families.
- f. There are no financial aid assistance programs available.

CFASE Request. That the DEIR identify all applicable city, county, regional, state and federal environmental, environmental justice, public health and public safety and community sustainability legal compliance requirements.

CFASE requests that the DEIR include an assessment, discussion and matrix chart that demonstrates compliance to all legal requirements.

CFASE request that the DEIR an assessment and discussion of other Environmental Justice Communities and cities not in the City of Los Angeles, who border the project and border the Freight Transportation Corridors that will service the project.

CFASE requests that the Port hire an Environmental Justice Attorney and Environmental Justice Consultant to advise and supervise the revision of Port policies, procedures, practices, rules, regulations, programs and projects to comply with all applicable civil rights, social justice, environmental, environmental justice, public health and public safety laws, rules, regulations, policies, programs and projects.

CFASE requests that the DEIR include an Environmental Justice Plan which includes a monitoring and compliance elements to reduce all negative individual environmental, public health, public safety, transportation and socioeconomic impacts, cumulative impacts and risks to less than significant.

CFASE requests that an Environmental Justice Advisory Committee be established with community residents and organization representatives from all impacted EJ Communities.

CFASE requests that the DEIR include a Health Impact Assessment, Public Health Survey, Off-Port Tidelands Port Property Community Impact Nexus Study, Micro-EJ Community Climate Change Impact Assessment, Negative Socio-Economic Impact Assessment and Public Emergency, Disaster & Response Plan.

CFASE requests that the DEIR include a Port and BNSF SCIG Project - Public Emergency, Disaster & Response Plan which has involved the proposed Environmental Justice Advisory Committee and residents.

Section 6.3.4 – City of Los Angeles General Plan. The DEIR fails to disclose that there is also a Wilmington-Harbor City Community Plan and the City has failed to comply with both the General Plan and Wilmington Community Plan and San Pedro Community Plan.

City of Los Angeles - General Plan for Environmental Justice - Framework Element

“Assure the fair treatment of people of all races, cultures, incomes and education levels with respect to the development, implementation and enforcement of environmental laws, regulations, and policies, including affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in early planning stages through notification and two-way communication.”

**Adopted by City Council December 11, 1996
Approved by City Planning Commission July 27, 1995**

The DEIR fails to disclose that the City and Port do not comply with the City General Plan Policy that is quoted and the Framework Element,“ strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements. The Element responds to State and Federal mandates to plan for the future.” The Port has never submitted its master plan elements and project proposals that involve growth in Wilmington to the City or the Wilmington Community for approval and inclusion in the Wilmington-Harbor City Community Plan. The City of Los Angeles has failed to comply with the past approved and adopted Wilmington-Harbor City Community Plan. The City has made no commitment to ever comply with what was adopted in the existing Wilmington-Harbor City Community Plan. The City has failed to comply with the updating of the Wilmington-Harbor City Community Plan and announced that it did not know when in the future it would begin the update process.

The DEIR fails to disclose that the City does not enforce environmental laws, rules and regulations and affirmative action to notify environmental groups, especially environmental justice groups in early planning

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R148-60

because it claims that those fall under other agency jurisdictions. If the issue involves a Port Project Proposal and EIR the City will support the Port Project and sacrifice the Harbor Environmental Justice Communities. The City rarely provides public comments to protect L.A. City EJ Communities on EIR's that disclose that they will significantly and negatively impact EJ Communities. The City policy is to support other city or county neighbor proposals good or bad.

The DEIR fails to disclose that the City has eliminated the Environmental Commission which further prevents EJ Communities from requesting that EJ Issues be investigated and addressed. It also eliminated the Environmental Commission from commenting on inadequacies of EIR's.

City of Los Angeles - General Plan for Environmental Justice - Transportation Element

“Assure the fair and equitable treatment of people of all races, cultures, incomes and education levels with respect to the development and implementation of citywide transportation policies and programs, including affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in the planning and monitoring process through notification and two-way communication.”

Adopted by City Council September 8, 1999
Approved by City Planning Commission July 24, 1997

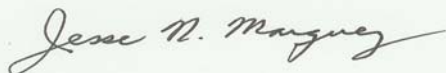
The DEIR fails to disclose that the City and Port do not comply with the City General Plan Policy that is quoted and Transportation Element. It is the City Policy to support Port Freight Transportation needs first over EJ Community transportation needs or address negative Port transportation community impacts. When EJ Organizations and EJ Communities have appealed Port approved projects and certified EIR's the City has never sided on behalf of the EJ Organization and EJ Community, it rubber stamps all Port Projects. It is a fact that Port Freight Transportation Corridors significantly and negatively impact EJ Communities as disclosed in these and past public comments.

The DEIR fails to disclose that the City has eliminated the Environmental Commission which further prevents EJ Communities from requesting that EJ Issues be investigated and addressed. It also eliminated the Environmental Commission from commenting on inadequacies of EIR's.

Coalition For A Safe Environment Mission Statement is - To protect, promote, preserve and restore our Mother Earth's delicate ecology, environment, natural resources and wildlife. To attain Environmental Justice in international trade marine ports, goods movement transportation corridors, petroleum and energy industry communities. CFASE has members in over 25 cities and every harbor city.

The Coalition For A Safe Environment reserves the right to submit additional public comments as may be deemed necessary.

Respectfully Submitted,



Jesse N. Marquez
Executive Director

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1 **Comment Letter R148: Coalition for a Safe Environment**

2 **Response to Comment R148-1**

3 An unbiased summary of the project is provided in Section 2.1, Project Description, of
4 the RDEIR. The discussion included therein, along with the discussion in Chapter 5 of
5 the RDEIR, provide sufficient information and analysis for informed decision-making
6 and public participation. The comment raises only generalized complaints, and fails to
7 articulate any particularized questions about the analysis and disclosure contained in the
8 RDEIR. Please see Master Response 5, Alternatives. The RDEIR lists the impacts of the
9 proposed Project and the alternatives and imposes mitigation as appropriate and feasible.
10 As the comment offers no specific information concerning which mitigations it considers
11 inadequate and which impacts it believes were not discussed, no further response is
12 possible. Please note that no land would be purchased by the LAHD for the proposed
13 Project, nor is tidelands land involved in the Project.

14 The commenter's request regarding lands purchased by POLA, and legal opinions by
15 various entities, is not a comment about the adequacy of the SCIG RDEIR, and is outside
16 the scope of CEQA. (CEQA Guidelines § 15204.)

17 **Response to Comment R148-2**

18 In accordance with CEQA Guidelines § 15126.6, the No Project Alternative analysis is
19 based on what would be reasonably expected to occur in the foreseeable future if the
20 project were not approved, based on current plans and consistent with available
21 infrastructure and community services. The No Project Alternative is a fact-based
22 forecast of the environmental effects of maintaining the status quo. (*Planning & Conserv.*
23 *League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 247.) The RDEIR
24 complies with the requirements of CEQA by analyzing what would likely occur at the
25 project site if SCIG were not built as described in Section 2.1. As such, it is not
26 appropriate to require that the No Project Alternative analyze the issues raised by the
27 commenter related to expanding the Port's capacity, mitigating past and current negative
28 impacts of Port operations, inefficiencies in cargo handling, master plan an intermodal
29 facility on Port tidelands property, build more on-dock rail and automated terminals, and
30 current freight transportation system technologies. Furthermore, the commenter has not
31 provided evidence to support why these issues would be part of the No Project
32 Alternative for this project and therefore, the analysis in the RDEIR is consistent with
33 CEQA.

34 The commenter's statement that many public stakeholders possess knowledge on goods
35 movement equal to port staff and consultants and that PCAC should be expanded to
36 include membership from the cities of Long Beach and Carson does not constitute a
37 comment on the RDEIR, and no further response is necessary.

38 **Response to Comment R148-3**

39 The commenter is wrong. The RDEIR clearly identifies significant and unavoidable
40 aesthetic, air quality, cultural, and noise impacts as a result of construction and operation
41 of the Reduced Project Alternative (see Sections 5.5.2.1, 5.5.2.2, 5.5.2.4, and 5.5.2.9 of
42 the RDEIR). These conclusions were reached after thorough evaluation of the potential
43 impacts from the Reduced Project Alternative, as described in 5.5.2 of the RDEIR.

1 The comment does not raise any specific questions about the description of the Reduced
2 Project Alternative. Nevertheless, while a detailed description was provided in Section
3 5.5 of the RDEIR, CEQA does not require alternatives to be described at the same level
4 of detail as the proposed Project, and therefore the RDEIR complies with CEQA.

5 **Response to Comment R148-4**

6 The comments regarding joint projects of the Port of Los Angeles and the Port of Long
7 Beach do not address the adequacy of the DEIR or RDEIR.

8 The comment appears to be referring to the DEIR rather than the RDEIR. Please note
9 that the RDEIR replaces the DEIR except in the case of the sections that were not
10 recirculated. Chapter 5, Alternatives, which the comment quotes, was recirculated, and
11 the quoted language with respect to the TIJIT was revised to eliminate the point the
12 comment addresses. The RDEIR evaluated a reasonable range of alternatives, including
13 POLB Pier S, the TIJIT, and Pier B. The commenter does not provide any specific
14 evidence, or raise any specific objections, to the adequacy of the analysis of these and the
15 other alternatives contained the RDEIR. The RDEIR does provide an accurate assessment
16 and complete disclosure of alternative sites and alternative technologies in Chapter 5, as
17 described in Master Response 5, Alternatives, and Master Response 7, ZECMS.

18 **Response to Comment R148-5**

19 A number of alternative layouts were discussed in the SCIG RDEIR. (See Section
20 5.1.3.3 of the RDEIR.) That section outlines, in detail, why the alternative layouts were
21 found to increase environmental impacts from the proposed project. Please see the
22 response to Comment 143-5 for a discussion of why shorter train and track lengths would
23 be less efficient and contribute to more severe noise and air quality impacts, and Master
24 Responses 5 (Alternatives) and 7 (ZECMS) regarding alternative technologies, including
25 a MagLev Train.

26 **Response to Comment R148-6**

27 Please see Master Response 5, Alternatives, for a discussion of the reasonableness of the
28 range of the alternatives included in the RDEIR. It is unclear what the commenter is
29 requesting in the “alternative” of maximizing usage of the Alameda Corridor. The
30 corridor was designed to meet future needs – the rail volumes anticipated in 2020 and
31 beyond, not the rail volumes of today, less than ten years after its opening. The current
32 utilization rate of the Alameda Corridor is irrelevant to the proposed Project or its
33 alternatives. The comment is presumably aimed at maximizing the usage of on-dock
34 facilities. Section 2.1 of the RDEIR and Master Response 6, On-Dock Rail, explain the
35 Port’s commitment to emphasizing on-dock rail for intermodal cargo and describe the
36 constraints to handling all intermodal cargo on-dock.

37 **Response to Comment R148-7**

38 Please see Master Response 6, On-Dock Rail. On-dock railyards are not and will not be
39 located directly on the wharf and even if they were, they would not eliminate lifts or the
40 need for off-dock facilities, even with the most optimized logistics system.

41 **Response to Comment R148-8**

42 Please see Master Response 7, ZECMS.

1 Response to Comment R148-9

2 The RDEIR's consideration of alternatives complies with CEQA; please see Master
3 Response 5, Alternatives and Master Response 7, ZECMS. CEQA does not require a
4 discussion of economic or social information, but an agency may include it. (CEQA
5 Guidelines § 15131.) The commenter has not explained why the LAHD's ownership of
6 property, whether or not purchased with Tidelands Trust funds, is relevant to this EIR;
7 accordingly, no further response on this issue is necessary (Public Resources Code §
8 21091(d); CEQA Guidelines § 15204(a)). Please also refer to the response to Comment
9 R148-1 for a discussion of property owned by POLA.

10 Section 2.4.2.1 of the RDEIR discusses the acquisition or lease of privately-owned
11 properties by the project applicant, BNSF. Additionally, whether the property is
12 purchased or leased is not relevant to the analysis of the proposed project's
13 environmental impacts, and therefore, not required under CEQA.

14 Response to Comment R148-10

15 The commenter does not provide any information on who may have recommended the
16 Toyota leasehold as a potential near-dock railyard site and what the details of the
17 recommendation are. The LAHD is unaware of any such proposal. The POLB Eighth
18 Street/Pier B site, which is adjacent to the Toyota leasehold, was evaluated as an
19 alternative in Section 5.1.3.2.2 of the RDEIR. As discussed therein, the site was found to
20 be infeasible because it is too small to provide adequate capacity. See Master Response 5,
21 Alternatives.

22 Response to Comment R148-11

23 The Pier S site was considered in the RDEIR (Section 5.1.3.2.1) and found to be
24 unsuitable for a near-dock facility for a variety of reasons, including the ones cited by the
25 comment. The POLB is considering a small on-dock facility for the proposed Pier S
26 marine terminal, but that facility would be part of the ports' commitment to maximize the
27 use of on-dock rail, which, as described in Section 2.1 of the EIR and in Master Response
28 6, On-Dock Rail, is separate and distinct from the need for near-dock facilities.

29 The commenter provides no support for the assertion that the Parsons (2010) study is
30 flawed; the study was intended to evaluate existing rail operations and technology, not to
31 study speculative future technologies with no current practical application to goods
32 movement logistics. The studies relied on for the RDEIR analysis are based on
33 reasonable assumptions about the nature of locomotive technology necessary for efficient
34 operation of the proposed project.

35 The commenter provides no evidentiary support for the assertion that the Port of Los
36 Angeles and the Port of Long Beach are intentionally limiting the analysis of alternatives.
37 As discussed in Master Response 5, Alternatives, the alternatives analyzed in the SCIG
38 RDEIR constitute a reasonable range, sufficient for informed decision-making and public
39 participation.

40 Response to Comment R148-12

41 As stated in Section 5.1.3.2.5 of the RDEIR, although construction of new fill for a
42 railyard under the TIJIT alternative would have substantial biological impacts that would
43 necessitate the application of fill credits to reduce such impacts, the Port does not
44 currently possess enough credits that would be needed for the size of the fill needed. As

1 such, the TIJIT alternative was considered but dismissed as infeasible. As stated in
2 Section 5.1.3.2.5 of the RDEIR, the TIJIT intermodal railyard alternative was also
3 determined to be infeasible because of logistical constraints, namely the impossibility of
4 handling the resultant train volumes over the additional trackage. Please also see Master
5 Response 5 for a discussion of TIJIT.

6 The commenter also states that the DEIR failed to disclose that the two ports make up the
7 UP ICTF Joint Powers Authority, the CAAP, CTP, and TAP, which work together
8 successfully. The RDEIR identifies the UP ICTF JPA as the lead agency for the UP ICTF
9 Modernization Project in Chapter 4 and includes a discussion of the joint collaboration of
10 the two ports that implement the CAAP, CTP, and TAP in Chapter 1 and Section 3.2.

11 **Response to Comment R148-13**

12 Please see Master Response 5, Alternatives and Master Response 6, On-Dock Rail.

13 The commenter is not correct. The LAHD has, in fact, incorporated on-dock facilities
14 into new container terminals as feasible; for example, the reconstructed TraPac terminal
15 will have a new on-dock yard, the China Shipping terminal was constructed with an on-
16 dock yard, and the APL terminal has an on-dock yard. All of those terminals were on
17 “port tidelands property”.

18 The commenter is incorrect about the TIJIT, which proposed construction on new land
19 along the Pier 400 Transportation Corridor. The Pier 500 concept to which the
20 commenter alludes is being studied by LAHD as a possible future location for a new
21 terminal, but it has no current plans to develop the concept into a project, and it is
22 unrelated to the TIJIT concept except insofar as a new container terminal on Terminal
23 Island would be supported by the TIJIT, if it were built.

24 Please see Response to Comment R148-6 for a discussion of why a cap on growth at the
25 Port of Los Angeles, as suggested by commenter, is not properly part of the proposed
26 project’s environmental analysis under CEQA.

27 The remainder of the comment does not reference any specific section of the DEIR or
28 RDEIR, therefore no further response is required (Public Resources Code § 21091(d);
29 CEQA Guidelines § 15204(a)).

30 **Response to Comment R148-14**

31 Refer to Master Response 7, ZECMS and Master Response 5, Alternatives.

32 **Response to Comment R148-15**

33 Refer to Master Response 7, ZECMS.

34 The commenter’s assertion that the RDEIR failed to include public comments received in
35 response to the Alternative Container Transportation Technology Study (ACTTS), does
36 not question the adequacy of the RDEIR.

37 **Response to Comment R148-16**

38 Please see Master Response 7, ZECMS. Allegations about the Port or applicant favoring
39 one ZECMS technology over another are not supported by facts or evidence, and not
40 related to adequacy of the EIR.

Response to Comment R148-17

The comment's claim that AMTI's technology is valid for demonstration may or may not be true, depending on the commenter's definition of "demonstration", but the fact is that an "operating test track in Atlanta, GA" does not constitute a technology that is feasible for implementation in a port environment under a real-world duty cycle. As described in Master Response 7, ZECMS, the fixed-guideway concepts represented by AMTI's and the LSM technology must undergo further testing and pilot demonstrations before they can be considered commercially viable. As the comment points out, the ports are participating in that process. The offers by AMTI to build various demonstration and pilot-scale projects are irrelevant to the RDEIR because, as described in the master response, the technology is not ready at this time for deployment, and thus is not feasible for the SCIG project.

Response to Comment R148-18

With respect to the comments related to the inclusion of an HIA in the RDEIR, and the adequacy of the RDEIR's health impact analysis, please see Master Response 9, HIA. ". . . an EIR need not include all information available on a subject. An EIR should be 'analytic rather than encyclopedic' and should emphasize portions 'useful to the decision-makers and the public'." (*Al Larson Boat Shop v. Board of Harbor Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729, 748)

With respect to comments raised on the inclusion of emissions from trains and trucks, the commenter is incorrect and the RDEIR has analyzed all sources of train and truck emissions appropriately as shown in RDEIR Section 3.2.4.3. The commenter suggests that the RDEIR analysis has not accounted for the effects of aging of trucks on their emission rates, however this effect is explicitly accounted for in EMFAC2011 and is referred to as "deterioration." All assumptions on deterioration are already incorporated into the EMFAC2011 model as they have been developed by CARB. With respect to truck activity, the RDEIR analyzes all truck activities associated with the SCIG facility including drayage of containers to and from the SCIG facility and the port marine terminals, and idling and on-site activity associated with the truck trips calling on the SCIG facility. On-terminal truck activity is not evaluated in the RDEIR as this has already been evaluated in EIRs associated with specific terminals (e.g. Berths 97-109 "China Shipping", Berths 136-147 "TraPac", Berths 302-306 "APL", Pier S Marine Terminal and Backchannel Improvement Project). BNSF will not own and operate drayage trucks at the SCIG facility; these trucks will be owned and operated by independent owner/operators or trucking companies. The activities of these trucks associated with their regular maintenance or trips associated with owner/operators returning home or to a company location are not "but for" the Project – these trips and maintenance activities would have occurred regardless of the construction of SCIG. Furthermore, the nature of these activities is speculative, as it is not possible to predict where and when independent truck owner/operators or trucking companies would conduct these maintenance activities and return trips home or to company locations. The RDEIR appropriately analyses those trips that are "but for" the SCIG facility. With respect to train activities, the RDEIR appropriately analyses emissions from train visits to and from the SCIG facility to the edge of the South Coast Air Basin. Minor servicing activities would occur at the SCIG facility, major maintenance of locomotives is not "but for" the project and would occur regardless of whether the project is built. This is addressed further in Master Response 3, Hobart.

1 The commenter suggests that the RDEIR failed to assess and include the ALECS system
2 as a feasible mitigation. The commenter is incorrect, in fact the feasibility issues
3 associated with the use of the ALECS system at the SCIG facility were explicitly
4 described in Section 3.2.4.3 including the finding that the ALECS system is infeasible at
5 SCIG. The commenter also suggests that the RDEIR should have considered mitigation
6 measures such as the AMECS system for container ships bringing cargo to the San Pedro
7 Bay Ports which would then be trucked to the SCIG facility. As noted above, the
8 activities at marine terminals have already been evaluated in previous EIRs and are not
9 “but for” the project – these containers would be handled by on-dock, near-dock or off-
10 dock facilities regardless of whether SCIG is built. The RDEIR appropriately does not
11 analyze emissions from marine terminals and cargo ship visits as part of the SCIG
12 RDEIR emissions analysis.

13 Finally with respect to comments on ZECMS, please see Master Response 7, ZECMS.

14 The commenter requests that POLA establish a “Public Health Care and Socio-Economic
15 Mitigation Trust Fund” to provide financial assistance related to health impacts and
16 socio-economic impacts to Harbor District residents. Master Response 9, HIA explains
17 some reasons why such as trust fund was not considered as an RDEIR mitigation
18 measure.

19 Additional reasons are as follows. The proposed mitigation fund is not sufficiently related
20 to the impacts identified in the EIR and not proportional in nature and extent to those
21 impacts. See Pub. Resources Code § 21002; CEQA Guidelines 15370; see generally
22 *Nollan v. California Coastal Commission*, 483 U.S. 825, 834-37 (1987) (condition
23 requiring a dedication of property along a beach rather than to the beach did not address
24 the harm at issue and was therefore invalid); *Dolan v. City of Tigard*, 512 U.S. 374, 391
25 (1994) (mitigation must be related in “rough proportion” both “in nature and extent” to
26 the impact of the proposed development); *Ehrlich v. City of Culver City*, 12 Cal. 4th 854
27 (1996) (California Supreme Court applied *Nollan* and *Dolan* to mitigation fees; “[t]he
28 amount of such fee...must be tied ... to the actual impact”).

29 **Response to Comment R148-19**

30 The DEIR, RDEIR and Noise Technical Study considered the current and applicable
31 noise standards, guidelines, and criteria adopted by the City of Los Angeles, City of Long
32 Beach, and City of Carson. Noise compatibility guidelines for the State of California,
33 Federal Rail Administration (FRA) and Federal Transit Administration (FTA) noise and
34 vibration guidelines, Federal Highway Administration (FHWA) Noise Abatement
35 Criteria, Federal Interagency Committee on Aircraft Noise (FICAN) Sleep Disturbance
36 Curves and US EPA Speech Intelligibility Curves were also considered in establishing
37 the noise and vibration significance thresholds applied in the DEIR, RDEIR, and Noise
38 Technical Study.

39 The World Health Organization (WHO) noise guidelines are not adopted by the City of
40 Los Angeles, the City of Long Beach, the City of Carson, the State of California,
41 Caltrans, the FRA/FTA, FHWA, and FICAN. Noise standards, guidelines and criteria are
42 adopted by local municipalities and state agencies and are developed to balance the needs
43 of the residences, the community, businesses, industry and the public agency. The noise
44 concerns of the City of Los Angeles, City of Long Beach, City of Carson, State of
45 California and Federal Agencies vary from each agency, and these differences are
46 reflected in the different noise policies adopted by each agency. Applying the WHO noise

1 guidelines to the proposed Project would be completely inappropriate because that would
2 ignore the adopted standards and guidelines of the cities that would be affected.
3 American National Standards Institute (ANSI) S12.60 is also not an adopted noise
4 standard by the City of Long Beach. The City of Los Angeles, City of Long Beach, and
5 City of Carson noise standards and guidelines were developed with consideration of the
6 Noise Control Act of 1972.

7 The discussion of noise impacts from the proposed Project is presented in Section 3.9.4.3
8 Impacts and Mitigation. Within this section, the presence of sensitive receptors and
9 calculated noise impacts within the City of Carson are clearly and adequately discussed
10 and assessed in NOI-10, NOI-11, NOI-12 and NOI-13.

11 The proposed Project would result in a decrease in truck movements along the 710
12 Freeway and a decrease in traffic noise directly associated with those vehicle movements.
13 The noise associated with train movements on the Alameda Corridor as they progress
14 north along the corridor through various municipalities was evaluated in the DEIR and
15 RDEIR. Please see the RDEIR starting on page 3.9-42 and page 3.9-74. Noise impacts
16 associated with train movements on the Alameda Corridor were previously addressed in
17 Section 4.4 of the Alameda Corridor Environmental Impact Report, and adoption of this
18 project would be within the growth assumptions made in that EIR (ACTA 1992: State
19 Clearinghouse No. 1990011169). The ACTA EIR assumed “total through train
20 movement to and from the ports are expected to reach 73 per day by the year 2010 and 97
21 per day by the year 2020. (ACTA EIR page 3-13.) As discussed on RDEIR page 3.9-42,
22 the proposed project would be well within those projections.

23 The DEIR identifies mitigation measure MM NOI-3 that requires a construction noise
24 monitoring and management plan to be developed for construction of the SCIG facility.

25 As discussed in Master Response 10, environmental justice is not a required analysis
26 under CEQA and not a physical impact on the environment, therefore the suggestion
27 should not be considered a mitigation measure. Nevertheless, the comment is before the
28 decision-makers for their consideration as part of the Final EIR.

29 **References:**

30 Alameda Corridor Transportation Authority (ACTA). 1992. *Alameda Corridor Draft*
31 *Environmental Impact Report*.

32 **Response to Comment R148-20**

33 The language in the comment was cited from the DEIR, and was not included in the
34 RDEIR. Furthermore, the language in the DEIR was discussing the health effects of
35 noise related to mechanical damage to the hair cells of the cochlea and hearing
36 impairment. It is clear, however, that the WHO standards discussed by the commenter do
37 not pertain to the topic of mechanical damage to the ear (the noise levels referenced by
38 the commenter are the rough equivalent of a “Quiet Urban Daytime” noise levels.” (See
39 RDEIR Table 3.9-2)

40 The World Health Organization (WHO) noise guidelines are not adopted by the City of
41 Los Angeles, the City of Long Beach, the City of Carson, the State of California,
42 Caltrans, the FRA/FTA, FHWA, or FICAN. Accordingly, applying the WHO noise
43 guidelines to the SCIG Project would be inappropriate.

1 Response to Comment R148-21

2 The RDEIR acknowledges that “A number of studies have linked increases in noise with
3 health effects, including hearing impairment, sleep disturbance, cardiovascular effects
4 (hypertension, heart disease, increased blood pressure), psychophysiological effects, and
5 potential impacts to fetal development (Babisch, 2005). Research into these potential
6 effects is still in its early stages, and there is not yet enough information to permit an
7 evaluation of an individual project’s impacts on public health. Accordingly, this summary
8 is provided as an acknowledgement that such impacts could occur, but that the possibility
9 cannot be evaluated for the Proposed Project.” (RDEIR Section 3.9.2.1.3.)

10 The presence of scientific publications and research does not automatically translate into
11 accepted facts that are adopted and recognized in noise standards by municipalities and
12 public agencies. An EIR needs not include all information available on a subject. An EIR
13 should be ‘analytic rather than encyclopedic’ and should emphasize portions ‘useful to
14 the decision-makers and the public.’” (*Al Larson Boat Shop v. Board of Harbor
15 Commissioners of the City of Long Beach* (1993) 18 Cal.App.4th 729, 748). Also, CEQA
16 guidelines do not require the Port of Los Angeles and BNSF to fund basic research as
17 part of the preparation of the noise section of the RDEIR. Please see Master Response 9,
18 HIA, which explains why an HIA is inappropriate for a project-level EIR.

19 References:

20 Babisch, Wolfgang. 2005. Noise and Health. *Environmental Health Perspectives*, 113
21 (1):14.

22 Response to Comment R148-22

23 Depending on how high a particular sound level is at the source, some sounds can be
24 audible at considerable distances (3 miles or greater) under extremely favorable
25 propagation conditions from weather (temperature, wind speed, direction, humidity) and
26 intervening topography (cold bodies of water, ice). However, a sound audible at a great
27 distance would almost certainly be faint. Just because a sound could be audible in the
28 most remote circumstances does not make it a noise impact. Far-field noise studies are
29 typically performed for extremely high-sound-level activities associated with activities
30 such as blasting and artillery and bombing exercises in remote areas with very low
31 ambient background noise levels. None of these characteristics describe the conditions of
32 the SCIG Project and the Cities of Los Angeles, Long Beach and Carson urban settings.
33 Given the impact thresholds that specify increases of several decibels, a far-field sound
34 propagation analysis of the SCIG Project is not warranted for the DEIR, RDEIR and
35 Noise Technical Study, and is not required by CEQA.

36 Furthermore, as discussed on RDEIR pages 3.9-1 through 3.9-2, noise levels are added
37 logarithmically and where “noise levels differ, the lower noise source may cause little
38 change relative to the louder noise source; for example when 70 dB and 60 dB sources
39 are added, the resulting noise level equals 70.4 dB.” As discussed on DEIR page 3.9-4,
40 noise level changes of 3 db are considered just noticeable. It would therefore not yield
41 useful information to discuss sound propagation distances. The level of detail provided in
42 the RDEIR is consistent with CEQA Guidelines Section 15124, which notes that the
43 project description “should not supply extensive detail beyond that needed for evaluation
44 and review of the environmental impact.” The level of detail provided in the RDEIR
45 allows the Port to assess the project’s impacts based upon the significance thresholds
46 provided for the noise analysis, additional details are not warranted.

1 Response to Comment R148-23

2 Atmospheric conditions can affect sound propagation. Specifically, wind velocity, wind
3 direction, temperature, and humidity can alter the level of noise experienced at a receiver.
4 However, atmospheric effects on noise would not focus on a particular source of noise in
5 an urban setting such as the Port of Los Angeles, but would affect all noise sources. The
6 analysis in the RDEIR did assume normal meteorological factors contained in the
7 CadnaA Noise Model and ISO 9613. Furthermore, the noise analysis made a number of
8 conservative assumptions, and CEQA does not require a lead agency to conduct every
9 test or perform all research, study, and experimentation recommended or demanded by
10 commenters.” (CEQA Guidelines § 15204(a); see also *San Joaquin Raptor Rescue*
11 *Center v. County of Merced* (2007) 149 Cal.App.4th 645 [“[Plaintiffs’] argument is
12 essentially that greater specificity was needed[for the traffic analysis] --i.e., that the EIR
13 should have specified whether trucks sometimes enter and leave the site "unevenly" over
14 time. We hold that such minute detail was not required in the analysis in question.”]

15 Response to Comment R148-24

16 The DEIR, RDEIR, and Noise Technical Study adequately describe the existing noise
17 environment and the sources of noise contributing to the existing setting. Noise
18 measurements were included in the RDEIR Section 3.9, which account for all sources of
19 noise. The discussion referenced by the commenter, was therefore not an exclusive list of
20 the noise sources that were included in these measurements. Quantification of each
21 individual local or regional noise source, including those specific to the “Off-Port
22 Tidelands Property” operations listed by the commenter, is not warranted because
23 baseline noise data included the general noise contribution of heavy trucks, container
24 storage yards, container inspection facilities, fuel stations, maintenance garages, storage
25 and staging areas, idling and transportation corridors. The noise sources observed during
26 the field surveys were determined to be representative of the existing environment.

27 Response to Comment R148-25

28 Section 3.9.2.3.3 of the RDEIR does, in fact, identify sensitive receivers in the City of
29 Carson (single-family residences, typified by location N33 in Table 3.9-4) and points out
30 that they are adjacent to the Alameda Corridor. The RDEIR accurately states that none of
31 the sensitive receivers are directly exposed to the Project; that is because the majority of
32 the site is south of Carson. The RDEIR characterizes noise sources in Carson as including
33 the Alameda Corridor and traffic on Alameda Street. Project-related trains would, as the
34 commenter points out, travel north from the site, but at that point they would be using the
35 Alameda Corridor as part of the train traffic considered in the Alameda Corridor EIR
36 (ACTA 1992). Accordingly, the EIR fully and accurately characterized the existing noise
37 environment and appropriately considered train-related noise.

38 The RDEIR identifies the dedicated truck routes that would be used by trucks
39 transporting cargo between the SCIG facility and port terminals. Those routes do not
40 include local streets in surrounding communities, but rather main arterials that are
41 currently used by trucks. With respect to the routes of trucks beginning or ending their
42 work day, there is no way to know what those routes might be and how many trucks
43 might use a given route. Accordingly, the issue is entirely speculative, and CEQA does
44 not require an EIR to indulge in speculation (State Water Resources Control Bd. Cases
45 (2006) 136 Cal. App. 4th 674, 797). Furthermore, many of these beginning of day or end
46 of day trips would have occurred regardless of the project (see Master Response 3;

1 RDEIR Table 3.10-23). The RDEIR's noise analysis with respect to sensitive receivers
2 in the City of Carson did consider all truck traffic that could reasonably be accounted for,
3 and therefore the EIR complies with the requirements of CEQA.

4 **References:**

5 Alameda Corridor Transportation Authority (ACTA). 1992. *Alameda Corridor Draft*
6 *Environmental Impact Report*.

7 **Response to Comment R148-26**

8 The RDEIR adequately described the ambient and existing noise environment within the
9 study area in Section 3.9.2.3 Existing Noise Environment. The ambient noise
10 measurement data includes contributions from low-, mid-, and high-frequency noise
11 sources, as well as truck noise traveling to off-site destinations on transportation
12 corridors. Both short-term (15-minute duration) and long-term (24-hour duration) noise
13 measurements were conducted, and are summarized in Table 3.9-4 of the RDEIR. The
14 Leq and CNEL data presented in Table 3.9-4 adequately and appropriately describe the
15 ambient noise environment around the Project Site, in accordance with CEQA
16 requirements. Both daytime and nighttime noise levels are discussed in the RDEIR.

17 However, providing a statement assessing the relationship of ambient noise levels to the
18 City of Los Angeles Noise Ordinance Standards would be inappropriate. The portion of
19 the ambient noise at each measurement location attributed to autos, trucks, trains, and
20 aircraft operations on public roads, rail corridors, and airspace is not regulated by the
21 noise ordinance standards. Assessing ambient noise levels, which are a combination of
22 transportation noise and fixed community noise, would be an incorrect application of the
23 noise ordinance standards.

24 Please see the response to Comment R148-19 with respect to WHO noise standards. The
25 comment also suggests the formation of a Community Advisory Committee. The
26 suggestion would not reduce or avoid a significant impact and should not be considered
27 mitigation under CEQA. Nevertheless, the suggestion would be forwarded to the decision
28 makers as part of the Final EIR. A noise study addressing long-term noise exposure, low-
29 and high-frequency noise up to 3 miles from the SCIG Site, and of other off-site truck
30 destinations locations and corridors is also not warranted for the same reason described in
31 Response to Comment R148-22. For evaluating noise impacts to sensitive receivers in
32 the City of Long Beach, the thresholds used were those from the City of Long Beach
33 Noise Ordinance.

34 Mitigation Measure MM NOI-2 requires a Construction Noise Monitoring and
35 Management Plan for the SCIG Project to address construction noise issues before,
36 during and after construction operations. Full implementation of Mitigation Measures
37 MM NOI-1, MM NOI-2, and MM NOI-3 would reduce construction noise impacts to less
38 than significant.

39 The Environmental Justice Community Noise Standards (EJCNS) put forward by the
40 commenter are not adopted by the City of Long Beach. Accordingly, applying the EJCNS
41 noise guidelines to the SCIG Project would be inappropriate and inconsistent with
42 CEQA. Please also see Response to Comment R148-19.

43 Please refer to previous responses to comments in this letter that address repetitive
44 comments on noise sources, noise standards, noise exposure, noise monitoring, and sound
45 propagation.

1 Response to Comment R148-27

2 The SCIG RDEIR adequately described the existing noise environment in Section 3.9.2.3
3 Existing Noise Environment. The ambient noise measurement data includes contributions
4 from low-, mid-, and high-frequency noise sources, as well as truck noise traveling to off-
5 site destinations on transportation corridors. Both short-term (15-minute duration) and
6 long-term (24-hour duration) noise measurements were conducted and summarized in
7 Table 3.9-4. The Leq and CNEL data presented in Table 3.9-4 adequately and
8 appropriately describes the ambient noise environment around the Project Site per CEQA
9 requirements. Both daytime and nighttime noise levels are discussed in the DEIR and
10 RDEIR.

11 Please see the response to Comment R148-19 with respect to WHO noise standards and
12 the response to Comment 148-26 with respect to a community advisory committee
13 (CAC), far-field noise monitoring, and inclusion of EJCNS in the EIR. Please refer to
14 previous responses that address repetitive comments on noise sources, noise standards,
15 noise exposure, noise monitoring, and sound propagation.

16 Response to Comment R148-28

17 Please see the responses to comments R148-19 through R148-27, which apply equally to
18 the City of Carson.

19 Response to Comment R148-29

20 The noise measurements were conducted in accordance with industry standards, which
21 specify a 24-hour measurement period to assess the long-term ambient baseline. This is
22 consistent with the long-term noise measurement duration specified in the Caltrans
23 Technical Noise Supplement, TENS. Accordingly, the RDEIR's analysis complies with
24 CEQA. The results are presented and discussed in Section 3.9.2.3.4 of the RDEIR.
25 Although the commenter states that predicted noise levels in the City of Long Beach
26 should comply with a City of Los Angeles ordinance, the EIR appropriately uses City of
27 Long Beach standards in assessing noise impacts.

28 Please refer to previous responses to comments in this letter that address repetitive
29 comments on noise sources, noise standards, noise exposure, and noise monitoring.

30 Response to Comment R148-30

31 Please see the response to Comment R148-29, which applies equally to the Los Angeles
32 communities of San Pedro and Wilmington.

33 Please refer to previous responses to comments in this letter that address repetitive
34 comments on noise sources, noise standards, noise exposure, and noise monitoring.

35 Response to Comment R148-31

36 Please see the response to Comment R148-29, which applies equally to the City of
37 Carson. Although the commenter states that predicted noise levels in the City of Carson
38 should comply with a City of Los Angeles ordinance, the EIR appropriately uses City of
39 Carson standards in assessing noise impacts.

40 Please refer to previous responses to comments in this letter that address repetitive
41 comments on noise sources, noise standards, noise exposure, and noise monitoring.

1 Response to Comment R148-32

2 The noise measurements were conducted in accordance with industry standards, which
3 specify a 24-hour measurement period to assess the long-term ambient baseline.
4 Accordingly, the RDEIR's analysis complies with CEQA. The results are presented and
5 discussed in Section 3.9.2.3.7 of the RDEIR. Although the commenter states that
6 predicted noise levels in the City of Long Beach should comply with a City of Los
7 Angeles ordinance, the EIR appropriately uses City of Long Beach standards in assessing
8 noise impacts.

9 Please refer to previous responses to comments in this letter that address repetitive
10 comments on noise sources and noise standards.

11 Response to Comment R148-33

12 Please see the response to Comment R148-32, which applies equally to the Los Angeles
13 communities of San Pedro and Wilmington.

14 Please refer to previous responses to comments in this letter that address repetitive
15 comments on noise sources and noise standards.

16 Response to Comment R148-34

17 Please see the response to Comment R148-29, which applies equally to the City of
18 Carson. It is unclear why the commenter believes that predicted noise levels in the City of
19 Carson should comply with a City of Los Angeles ordinance, but the EIR appropriately
20 uses City of Carson standards in assessing noise impacts.

21 Please refer to previous responses to comments in this letter that address repetitive
22 comments on noise sources and noise standards.

23 Response to Comment R148-35

24 The RDEIR appropriately and adequately measured Existing Classroom Noise Reduction
25 using existing continuous traffic noise or an artificial sound source generated by a
26 loudspeaker. Classroom noise reduction is discussed in Section 3.9.2.3.10 of the RDEIR.
27 The noise reduction measurements were conducted in general accordance with ASTM
28 test procedures for measuring noise reduction in field conditions. The loudspeaker tests
29 used the required "Pink Noise" sound spectrum that has equal sound energy in the low,
30 mid, and high frequency bands. Additional information on the noise reduction tests is
31 provided in the Methodology and Noise Technical Study. Table 3.9-6 summarizes the
32 classroom noise reduction test results.

33 Please refer to previous responses to comments in this letter that address repetitive
34 comments on noise sources, noise standards, and noise monitoring.

35 Response to Comment R148-36

36 The RDEIR and Noise Technical Study accurately and appropriately predicted Existing
37 Traffic Noise Levels using traffic data provided in the Transportation Section and
38 supporting Study. The existing traffic data would be expected to be representative of
39 existing conditions in the study area and include vehicle movements from autos, medium-
40 duty and heavy-duty trucks. Traffic noise levels were analyzed to consider the 24-hour
41 CNEL noise metric which is consistent with the noise guidelines adopted by the City of
42 Los Angeles, City of Long Beach and City of Carson.

1 Please refer to previous responses to comments in this letter that address repetitive
2 comments on sound propagation, noise sources, noise exposure, noise standards, and
3 noise monitoring.

4 **Response to Comment R148-37**

5 The alleged attitude of residents toward various governmental and industry entities is not
6 a CEQA issue and therefore need not be considered in the EIR. With respect to “off-port
7 tidelands property” sources, please see the response to Comment R148-24.

8 Section 3.9.3.6 of the RDEIR accurately and appropriately discusses the need to evaluate
9 sleep disturbance for the SCIG Project. Section 3.9.4.3 Impacts and Mitigation NOI-4,
10 NOI-8 and NOI-12 provide discussions on the analysis and impact assessment of both
11 construction and operations noise and the effect on sleep disturbance. For noise-sensitive
12 receivers located in the City of Los Angeles and the City of Carson, the highest source of
13 noise that could potentially affect sleep disturbance was determined to be from train horn
14 soundings. Receivers located in the City of Long Beach close to the Project Site could
15 potentially be affected by construction noise and train horn soundings. Therefore, each of
16 these sources were analyzed and assessed in the sleep disturbance evaluation.

17 Please refer to previous responses to comments in this letter that address repetitive
18 comments on noise sources, noise exposure, and noise monitoring.

19 **Response to Comment R148-38**

20 The RDEIR and Noise Technical Study considered studies and research on sleep
21 disturbance from the period ranging from Lukas (1975) to FICAN (1997) and Kawada
22 (2011). Section 3.9.3.6.1 provides additional information on the studies. Please also see
23 Response to Comment R90-48.

24 **References:**

25 FICAN. 1997. “Effects of Aviation Noise on Awakenings from Sleep.” Available at:
26 http://www.fican.org/pdf/Effects_AviationNoise_Sleep.pdf.

27 Kawada, Tomoyuki. 2011. Noise and Health—Sleep Disturbance in Adults. Department
28 of Hygiene and Public Health, Nippon Medical School, Japan.

29 Lukas, J. 1975. "Noise and Sleep: A Literature Review and a Proposed Criterion for
30 Assessing Effect." Journal of the Acoustical Society of America, 58(6).

31 **Response to Comment R148-39**

32 The RDEIR and Noise Technical Study appropriately used the established and
33 recognized USEPA Speech Intelligibility Curves from 1974. Section 3.9.3.6.2 provides
34 additional information on speech interference and the USEPA curves.

35 **Response to Comment R148-40**

36 The DEIR addressed direct and indirect impacts caused by the proposed project. (See
37 also Master Response 3, Hobart). The commenter does not specify what direct or indirect
38 impacts they do not believe were adequately addressed. To the extent the commenter is
39 referencing their previous comments, please see the previous response to comments.
40 Furthermore, CEQA requires identification of “feasible mitigation measures.”(See CEQA
41 Guidelines § 15126.4.). There is no legal requirement to reduce impacts to less than

1 significant if it is infeasible to do so. The RDEIR and Noise Technical study
2 appropriately analyzed, assessed, and identified feasible mitigation measures for the
3 project. Accordingly, the analysis in the RDEIR complies with CEQA.

4 **Response to Comment R148-41**

5 The Construction Engineering Research Laboratory (CERL) methodology is an industry-
6 recognized approach to modeling noise sources over a wide area such as the proposed
7 construction at the proposed Project. Clarifications have been made to Section 3.9.4.1
8 Methodology to provide additional details on the assumptions and methodologies used in
9 the construction and operations noise analyses.

10 The CadnaA noise computer model is an industry-recognized software model that
11 incorporates industry-standard algorithms and protocols (ISO 9613, CONCAWE
12 meteorology, and FRA/FTA) to perform acoustical calculations. This model has been
13 verified in thousands of acoustical studies world-wide, and its accuracy and precision is
14 documented. The SoundPlan computer model is a software model compatible with the
15 CadnaA model. An analysis performed using the SoundPlan model, would be expected
16 to yield results similar to the CadnaA results because they both use the same or similar
17 standards.

18 Please refer to previous responses to comments in this letter that address repetitive
19 comments on noise exposure, noise sources, and mitigation measures.

20 **Response to Comment R148-42**

21 With respect to WHO noise guidelines and the Environmental Justice Community Noise
22 Standards (EJCNS), please see the response to Comment R148-19.

23 Please refer to previous responses to comments in this letter that address repetitive
24 comments on noise standards, speech interference, and methodology.

25 **Response to Comment R148-43**

26 Construction noise from the proposed Project has been accurately analyzed and
27 appropriately discussed in Section 3.9.4.3 of the RDEIR (Impacts and Mitigation). The
28 analyses are based on reasonable worst-case conditions provided in the Project's
29 construction documentation assumptions. Impact NOI-1 clearly discusses noise from
30 construction and operation, and properly concludes that noise impacts would be less than
31 significant because no noise-sensitive uses were identified within the portion of the City
32 of Los Angeles near the proposed Project Site.

33 The RDEIR and Noise Technical Study have properly considered the relevant noise
34 criteria, guidelines, and standards to establish appropriate noise significance thresholds
35 for the proposed Project. Mitigation Measure MM NOI-2 requires a noise monitoring and
36 management plan for construction operations.

37 Please refer to previous responses to comments in this letter that address repetitive
38 comments on noise exposure, noise standards, noise monitoring, and CAC.

39 **Response to Comment R148-44**

40 Please refer to the response to Comment R148-43.

1 Response to Comment R148-45

2 The RDEIR and Noise Technical Study accurately analyzed and assessed future noise
3 levels associated with the SCIG Project. The methodology used for the analyses is
4 conservative, reasonable and appropriate, and relies on industry standard algorithms and
5 protocols to provide the predicted noise levels. The comment provides no evidence to the
6 contrary. Noise impacts associated with future construction and operations have been
7 properly disclosed and mitigation measures have been identified in accordance with the
8 requirements of CEQA.

9 Please refer to previous responses to comments in this letter that address repetitive
10 comments on methodology, analysis, assumptions, noise sources, noise exposure, sound
11 propagation, and CAC.

12 Response to Comment R148-46

13 The RDEIR accurately and adequately evaluated Interior Nighttime SELs for sleep
14 awakenings. Section 3.9.4.3 Impacts and Mitigation NOI-4, NOI-8 and NOI-12 discuss
15 the potential Interior Nighttime SELs within residences in the City of Los Angeles, City
16 of Long Beach, and City of Carson, respectively. Interior nighttime SELs would not be
17 loud enough to awaken at least 10 percent of residents assuming windows remain open.
18 Interior Nighttime SELs associated with the SCIG Project would not exceed impact
19 thresholds.

20 Please refer to previous responses to comments in this letter that address repetitive
21 comments on noise sources, noise exposure, noise standards, noise monitoring, mitigation
22 measures, sound propagation, and CAC.

23 Response to Comment R148-47

24 The RDEIR accurately and adequately evaluated noise impacts from construction and
25 operation of the proposed Project at nearby school campuses. Section 3.9.4.3 Impacts and
26 Mitigation NOI-6 through NOI-9 provides an extensive analysis, assessment and
27 identification of mitigation measures for noise-sensitive school campus receivers.
28 Wilmington Park Elementary School is located well away from the Project Site and set
29 back in a residential neighborhood away from the main transportation corridors. The
30 location of Apostolic Faith Academy referred to in the comment cannot be determined.

31 Please refer to previous responses to comments in this letter that address repetitive
32 comments on traffic data, noise sources, noise standards, additional schools, noise
33 monitoring, noise exposure, sound propagation, mitigation measures, and CAC.

34 Response to Comment R148-48

35 The RDEIR and Noise Technical Study accurately analyzed and assessed future
36 construction and operational noise levels associated with the proposed Project. The
37 methodology used for the analyses is conservative, reasonable, and appropriate, and relies
38 on industry standard algorithms and protocols to provide the predicted noise levels.
39 Noise impacts associated with construction and operation of the proposed Project were
40 appropriately disclosed, and all necessary mitigation measures were identified in the
41 RDEIR, in accordance with the requirements of CEQA.

42 The significance thresholds for the City of Long Beach and City of Carson were
43 established based on each City's adopted noise standards and guidelines.

1 Please refer to previous responses to comments in this letter that address repetitive
2 comments on noise standards, CAC, noise exposure, sound propagation, noise
3 monitoring, mitigation measures, and noise sources.

4 **Response to Comment R148-49**

5 The RDEIR and Noise Technical Study accurately analyzed mitigation measures where
6 noise impacts were identified. MM NOI-1 and MM NOI-3 combine to identify and
7 require two soundwalls for the proposed Project, not one. The larger soundwall would
8 extend for several thousand feet along the west side of the west Long Beach areas, as
9 shown in Figure 3.9-6 of the RDEIR, not “in one location” as alleged by the comment.
10 Additional soundwalls and mitigation measures above those identified in MM NOI-1,
11 MM NOI-2, and MM NOI-3 are not warranted by identified significant impacts, and thus
12 are not required by CEQA. Furthermore, the commenter’s requirement for sound
13 mitigation meeting minimum STC ratings of 80 and satisfying ASTM-E90, -E413 and -
14 E1332 are not necessary to achieve adequate sound abatement and thus are not required
15 by CEQA.

16 Please refer to previous responses to comments in this letter that address repetitive
17 comments on noise sources, noise exposure, additional schools, sound propagation,
18 mitigation measures, and CAC.

19 **Response to Comment R148-50**

20 The RDEIR imposes appropriate mitigation for identified significant noise impacts;
21 mitigation measures NOI-1, NOI-2, and NOI-2 would mitigate construction noise, which
22 is the subject of the comment, to a less than significant impact. Accordingly, the
23 commenter’s characterizations of construction mitigation measures as “unacceptable” and
24 the demands for additional information and procedures are not consistent with, or
25 required by, CEQA.

26 As to points a) and b) of the comment, the noise standards to which the commenter
27 wishes to hold the Project (“Environmental Justice Community Noise Standards”,
28 EJCNS) have not been adopted by any of the municipalities that would be affected by
29 project construction, and thus are not appropriate for imposition under CEQA. Please
30 note that neither the City of Los Angeles Municipal Code (§41.40) nor the City of Long
31 Beach Noise Ordinance (Chapter 8.80, §202 of the Long Beach Municipal Code) prohibit
32 construction on Saturdays, and both establish different hours for day and night than the
33 EJCNS.

34 As to point c), the controls imposed in mitigation measure MM NOI-2 would reduce the
35 impacts to less than significant; accordingly, the additional measures suggested by the
36 commenter are unnecessary and therefore not required by CEQA.

37 As to points d), e), and f), the exact noise suppression, maintenance measures, and idling
38 monitoring procedures will depend upon the specific pieces of equipment that are
39 employed. The details are appropriately developed in the contracting and construction
40 management phases of the project and incorporated into the MMRP as they are finalized.

41 As to point g), the measure specifically states that quiet equipment is to be selected
42 “whenever possible.” Obviously, the “list” demanded by the commenter cannot be
43 developed before the contractor is selected, and in any case, the commenter does not
44 explain how a “list” is necessary for the measure to be effective.

1 As to point h), additional information on public notification as requested by the
2 commenter has been added to mitigation measure MM NOI-2 in the FEIR. However, the
3 level of detail demanded by the commenter is appropriately developed in the contracting
4 and construction management phases of the project.

5 As to point i), the comment offers no information beyond that already stated in the
6 mitigation measure.

7 As to point j), additional information on posting of contact information for the
8 construction liaison and filing noise complaints has added to mitigation measure MM
9 NOI-2 in the FEIR.

10 As to point k), the commenter's opposition to the stated measure is noted, but because
11 pile driving on Saturdays is not, in fact, prohibited by the ordinances cited above, the
12 measure is appropriate. Please note that the measure restricts pile driving to a narrower
13 range of time than construction as a whole, thereby providing residents with an additional
14 level of protection.

15 As to point l), the required plan cannot be developed until final design is complete and
16 the construction contractors have been selected, since the equipment that will be
17 employed in construction cannot be known until then.

18 **Response to Comment R148-51**

19 The RDEIR and Noise Technical Study accurately analyzed and assessed interior
20 nighttime SELs from construction and operational noise associated with the proposed
21 Project. The methodology used for the analyses is conservative, reasonable, and
22 appropriate, and relies on industry standard algorithms and protocols to provide the
23 predicted noise levels. As the commenter provides no evidence to substantiate the claim
24 that the Project's noise would be higher than the RDEIR's predictions, no further
25 response is necessary.

26 The significance thresholds for the City of Long Beach were established based on the
27 City's adopted noise standards and guidelines, as described in Section 3.9.4.2, not the
28 City of Los Angeles noise standards and guidelines.

29 Please refer to previous responses to comments in this letter that address repetitive
30 comments on noise standards, noise monitoring, mitigation measures, CAC, noise
31 exposure, sound propagation, noise sources, methodology and significance thresholds.

32 **Response to Comment R148-52**

33 The RDEIR accurately and adequately evaluated construction and operations related
34 noise for the proposed Project at nearby schools that could be affected by the Project.
35 Section 3.9.4.3 Impacts and Mitigation NOI-6 through NOI-9 provides an extensive
36 analysis, assessment and identification of mitigation measures for noise-sensitive school
37 receivers where necessary.

38 Please refer to previous responses to comments in this letter that address repetitive
39 comments on noise standards, CAC, noise sources, noise exposure, noise monitoring,
40 mitigation measures, and sound propagation.

1 Response to Comment R148-53

2 The RDEIR accurately and adequately evaluated construction and operations related
3 noise for the proposed Project for noise-sensitive receivers in the City of Carson. Section
4 3.9.4.3 Impacts and Mitigation NOI-10 through NOI-13 provides an extensive analysis
5 and assessment of project-generated noise for noise-sensitive receivers located in Carson
6 and demonstrates that the impact of project noise would be less than significant at noise-
7 sensitive receivers in Carson.

8 Please refer to previous responses to comments in this letter that address repetitive
9 comments on noise standards, CAC, noise exposure, noise monitoring, mitigation
10 measures, sound propagation, noise sources, and transportation corridors.

11 Response to Comment R148-54

12 The RDEIR and Noise Technical Study accurately analyzed and assessed interior
13 nighttime SELs from construction and operations noise associated with the proposed
14 Project. Note that, as stated in Section 3.9.2.3 of the RDEIR, there are no noise-sensitive
15 receivers in the City of Carson immediately adjacent to the SCIG Project site that would
16 be adversely affected by noise from construction and operation. The methodology used
17 for the analyses is conservative, reasonable and appropriate, and relied on industry
18 standard algorithms and protocols to provide the predicted noise levels. Project-generated
19 interior nighttime SELs would not result in significant noise impacts at more distant
20 noise-sensitive residences in the City of Carson.

21 The significance thresholds for the City of Carson were established based on the City's
22 adopted noise standards and guidelines and not the City of Los Angeles noise standards
23 and guidelines.

24 Please refer to previous responses to comments in this letter that address repetitive
25 comments noise standards, noise exposure, CAC, sound propagation, noise monitoring,
26 noise sources, mitigation measures, and transportation corridors.

27 Response to Comment R148-55

28 The RDEIR accurately and adequately evaluated noise at nearby schools related to
29 construction and operation of the proposed Project. However, as stated in Section 3.9.2.3
30 of the RDEIR, there are no sensitive receptors (including schools) in the City of Carson
31 immediately adjacent to the proposed Project site that would be adversely affected by
32 noise from construction and operations.

33 Please refer to previous responses to comments in this letter that address repetitive
34 comments on noise standards, CAC, noise monitoring, mitigation measures, noise
35 exposure, sound propagation, and transportation corridors.

36 Response to Comment R148-56

37 The RDEIR Summary of Impact Determinations for noise has been accurately and
38 appropriately discussed per CEQA requirements. The comment does not specify how the
39 analysis is deficient; accordingly, no further response is necessary and the RDEIR
40 complies with CEQA. To the extent the commenter is referencing the previous
41 comments, please see the previous responses.

1 Response to Comment R148-57

2 The mitigation monitoring for noise that was imposed on the proposed Project in the
3 RDEIR was accurately and appropriately presented in accordance with CEQA
4 requirements. The comment does not specify how the analysis is deficient; accordingly,
5 no further response is necessary and the RDEIR complies with CEQA. To the extent the
6 commenter is referencing the previous comments, please see the previous responses.

7 Response to Comment R148-58

8 The proposed Project's significant unavoidable impacts related to noise were accurately
9 and appropriately discussed and disclosed in the RDEIR, consistent with CEQA
10 requirements. The comment does not specify how the analysis is deficient; accordingly,
11 no further response is necessary and the RDEIR complies with CEQA. To the extent the
12 commenter is referencing the previous comments, please see the previous responses.

13 Response to Comment R148-59

14 Please refer to Master Response 10, Environmental Justice, and Master Response 9, HIA.

15 The commenter's assertions about a potential catastrophe, emergency preparedness, and
16 public support services constitute general comments about the RDEIR, and do not make
17 any specific comments about the adequacy of the analysis or conclusions in the RDEIR.

18 As described generally in the Hazards and Hazardous Materials Chapter, there are
19 numerous plans that incorporate standard practices for storage, handling, notification of
20 release, and emergency response, in the event of a release of hazardous materials or a
21 catastrophe. (See Section 3.7 of the RDEIR.)

22 Furthermore, potential impacts to public services, including emergency services, fire
23 protection, and police protection, are analyzed in Section 3.11, Public Services and
24 Utilities, of the RDEIR. As discussed therein, impacts to such public services would not
25 be significant.

26 CEQA does not require a lead agency to conduct every recommended test and perform all
27 recommended research to evaluate the impacts of a proposed project. The fact that
28 additional studies might be helpful does not mean that they are required. (*Association of*
29 *Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1396.)

30 Response to Comment R148-60

31 Section 3.8 of the RDEIR includes a discussion of all applicable land use plans, policies,
32 and objectives that establish land use designations and zoning in the cities of Los
33 Angeles, Carson, and Long Beach. As discussed in the RDEIR under Impact LU-1 in
34 Section 3.8.4.3, the project would not be inconsistent with adopted land use/density
35 designation in the applicable community plans, redevelopment plans, and specific plans,
36 including the Los Angeles General Plan, the Wilmington-Harbor City Community Plan,
37 the Carson General Plan, and the Long Beach General Plan. Therefore, the analysis in the
38 RDEIR complies with CEQA. Please refer to Master Response 10, Environmental Justice.

39 The commenter's allegation that the DEIR failed to disclose that the City of Los Angeles
40 does not enforce environmental laws, rules, and regulations, and that the City of Los
41 Angeles eliminated the Environmental Commission, which was established to address EJ
42 issues, does not constitute a comment on the RDEIR, and no response is necessary.

1 Response to Comment R148-61

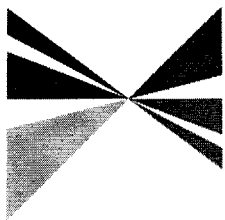
2 This comment does not constitute a comment on the RDEIR, and no response is
3 necessary. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

4 The commenter attached several Appendices. These documents do not specifically address
5 sections of the RDEIR or its adequacy. Therefore, no responses were provided. Copies of the
6 commenter's attachments are included in the electronic versions (CD and POLA website) of the
7 Final EIR. The commenter's attachments:

- 8 1. Guideline Values for community noise in specific environments
- 9 2. "Guidelines for Noise", Edited by Berglund, Lindvall, and Schwela
- 10 3. Environmental Justice Community Noise Standard
- 11 4. Environmental Justice Project Community Advisory Committee
- 12 5. Environmental Justice Community Preconstruction Noise Survey
- 13 6. American National Standard: Acoustical Performance Criteria, Design Requirements,
14 and Guidelines for Schools
- 15 7. Environmental Justice Community Fence-Line Monitoring Program
- 16 8. Noise Control Act of 1972
- 17 9. Noise Impact Studies
- 18 10. Air Quality Appendices: AQ1 Expert Witness Letter Dr. Jonathan Heller, PHD: AQ-2
19 Jonathan Heller CV; AQ-3 Health Impact Assessment Information; AQ-4 Medical
20 Health Studies Index A-1/A-10

21

22



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R149-1

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Transportation Commission

November 13, 2012

Mr. Christopher Cannon
Director of Environmental Management Division
425 South Palos Verdes Street
San Pedro, CA 90731
ceqacomment@portla.org

RE: Comments on the Recirculated Draft Environmental Impact Report for the Southern California International Gateway Project [SCAG No. I20120221]

Dear Mr. Cannon:

Thank you for submitting the Recirculated Draft Environmental Impact Report for the Southern California International Gateway (SCIG) Project to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and as such is responsible for preparation of the Regional Transportation Plan including its Sustainable Communities Strategy component pursuant to SB 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of the regional goals and policies in the adopted 2012-2035 Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS).

The 2012-2035 RTP/SCS envisions a coordinated Southern California goods movement system that accommodates growth in the throughput of freight to the region and nation in ways that support the region's economic vitality, attainment of clean air standards, and the quality of life for our communities. The proposed project is included in and is consistent with the 2012-2035 RTP/SCS as a component of the comprehensive goods movement system. SCAG commends the inclusion in the Recirculated Draft EIR of the mitigation measure AQ-8 regarding low emission trucks, and especially mitigation measures AQ-9 and AQ-10, which set forth a plan to review and substitute new cleaner technologies as they become available. SCAG staff comments are detailed in the attachment to this letter.

When available, please send a copy of the Final Environmental Impact Report to the attention of Pamela Lee at SCAG, 818 West 7th Street, 12th floor, Los Angeles, California, 90017. If you have any questions regarding the attached comments, please contact Pamela Lee at (213) 236-1895 or leep@scag.ca.gov. Thank you.

Sincerely,

Jonathan Nadler,
Manager, Compliance and Performance Assessment

¹ SB 375 amends CEQA to add Chapter 4.2 Implementation of the Sustainable Communities Strategy, which allows for certain CEQA streamlining for projects consistent with the RTP/SCS. Lead agencies (including local jurisdictions) maintain the discretion and will be solely responsible for determining "consistency" of any future project with the SCS. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a finding of consistency under SB 375 for purposes of CEQA streamlining.

**COMMENTS ON THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT
REPORT FOR THE SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY (SCIG)
PROJECT [SCAG NO. I20120221]**

SUMMARY

R149-1

SCAG staff has determined that the proposed project is regionally significant per CEQA Guidelines, Sections 15125 and 15206 and evaluated this project based on the goals of SCAG's 2012-2035 Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS). Based on SCAG staff review, the proposed project supports the goals of the SCAG 2012-2035 RTP/SCS, where applicable.

2012-2035 RTP/SCS GOALS

The 2012-20135 RTP/SCS links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations (see <http://rtpscs.scag.ca.gov>). The goals included in the 2012 RTP/SCS, listed below, may be pertinent to the proposed project.

R149-2

2012-2035 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and non-motorized transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies</i>

SCAG Staff Comments

Since release of the original Draft EIR, SCAG has adopted the 2012-2035 RTP/SCS. Please note that the goals referenced on page 3.8-16 are from the 2008 RTP. Please refer to the table above for the most recently adopted RTP/SCS goals.

R149-3

SCAG's 2012-2035 RTP/SCS envisions a world-class, coordinated Southern California goods movement system that accommodates growth in the throughput of freight to the region and nation in ways that support the region's economic vitality, attainment of clean air standards, and the quality of life for our communities.

R149-3

↑
Key regional initiatives include a comprehensive system of zero- and/or near-zero-emission freight corridors, alleviation of major bottlenecks, rail improvements, and an environmental strategy to address emissions through both near term initiatives and a long term action plan for technology advancement. The adopted 2012-2035 RTP/SCS includes the proposed project as a component of the comprehensive goods movement system.

SCAG recognizes and commends the inclusion in the Recirculated DEIR of mitigation measure AQ-8 regarding low emission trucks, and especially mitigation measures AQ-9 and AQ-10, which set forth a plan to review and substitute new cleaner technologies as they become available.

SCAG staff recommends that you also review the SCAG 2012-2035 RTP/SCS Final Program EIR List of Mitigation Measures Appendix for additional guidance, as appropriate. The SCAG List of Mitigation Measures may be found here: http://scag.ca.gov/igr/pdf/SCAG_IGRMMRP_2012.pdf

1 Comment Letter R149: SCAG**2 Response to Comment R149-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 Response to Comment R149-2

9 The lead agency thanks SCAG for its suggestion that the revised goals of the RTP/SCS
10 PEIR be reviewed for guidance. The proposed Project is consistent with goals G1
11 (improving regional economic development and competitiveness) because by helping
12 control transportation costs for goods in the region it would help maintain the competitive
13 position of the San Pedro Bay ports. It would be consistent with goal G2 by improving
14 the mobility of goods in the region. It would be consistent with goal G4 because the
15 pollution-reduction features of the proposed Project would enhance the sustainability of
16 the region's goods movement system. Finally, it would be consistent with goal G6
17 because, by reducing the length of truck trips, it would improve air quality on a regional
18 basis.

19 Response to Comment R149-3

20 The lead agency thanks SCAG for its suggestion that mitigation measures in the
21 RTP/SCS PEIR be reviewed for guidance. A number of those measures have already
22 been incorporated into the RDEIR in forms appropriate to the nature of the Project,
23 including measures calling for local agency compliance with CEQA to mitigate impacts
24 (MM-AV3, MM-AQ3, MM-BIO/OS3, MM-CUL2, MM-GEO3, MM-GHG15, MM-
25 HM3, MM-LU14, MM-NOI1, MM-POP4, MM-PS22, MM-TR23, and MM-W9). In
26 addition, the Project is consistent with MM-GHG8 in that it includes a project condition
27 requiring the project proponent to participate in zero-emissions research and development
28 programs and to implement zero-emissions technologies as they become feasible. It is
29 also consistent with MM-TR22 because the reduction in truck miles traveled as a result of
30 the Project would reduce daily heavy-duty truck vehicle hours of delay.

31 The lead agency notes that most of the measures in the PEIR's MMRP call for SCAG to
32 coordinate with or support other agencies on a regional scale, and are thus not specific
33 enough to be applicable to the proposed Project. Other than the measures noted above,
34 the transportation-related mitigation measures in the PEIR's MMRP are focused on
35 commuter and other personal vehicle activities, and thus are not applicable to the
36 proposed Program.

37

November 8, 2012

Christopher Cannon, Director Environmental Management
425 S. Palos Verdes Street
San Pedro, CA 90731



Subject: Comments Submittal RE Recirculated Draft Environmental Impact Report for Southern California International Gateway Project

Summary

R150-1

We appreciate the Port's improved mitigations yet are concerned that the proposed project with the stated environmental impacts should not be located as currently defined in immediate proximity of long-established facilities and neighborhoods where people live, work, go to school, and receive health care. We conclude that the proposed project should proceed only after (1) reduction of impacts and major criteria pollutants below thresholds of significance and (2) reduction of impacts so that statement of overriding considerations is not necessary.

Recognition

R150-2

We appreciate the Port's inclusion of the chronic non-cancer and acute non-cancer health impacts in the Health Risk Assessment and statement of the PC AQ-11 goal that all drayage trucks will be zero emission by year-end 2020. We appreciate the Port's efforts to reduce impacts such as defined in MM AQ-4 applicable to construction equipment including requiring the use of diesel oxidation catalysts and catalyzed diesel particulate traps, restricting idling to a maximum of 5 minutes when equipment not in use, and requiring the installation of high-pressure fuel injectors on construction equipment vehicles. Further, the Greenhouse Gas Mitigation measures such as MM GHG-2, Solar Panels and MM GHG-3, Recycling demonstrate the Port's recognition of important additional efforts which we hope to see applied port-wide.

Concerns

We are concerned that the site of the Proposed Project is located in immediate proximity to long-established facilities and neighborhoods where people live, work, go to school, and receive health care and we observe that harmful emissions are inherent in all rail or rubber-wheeled transport including brake dust, metallic dust, and rubber dust to which persons in the immediate proximity would be exposed even in best case scenarios. Please consider that no reasonable justification can be provided for replacing the current high-polluting operations in the existing location with another high polluting operation such as SCIG without unequivocal and definitive commitment to full utilization of all technological advancements and operational capabilities for effective impact reductions during construction and from start of operations forward.

R150-2

Enhanced emission reductions are possible and necessary prior to proceeding with any project such as SCIG that would result in offsite pollution concentrations of major criteria pollutants that significantly exceed SCAQMD thresholds of significance as stated in Impact AQ-2 for Construction and AQ-4 for Operations or that would result in significant and unavoidable impacts and increases in Greenhouse gases as stated in GHG-1, regardless of the emissions estimated for the No Project Alternative.

R150-3

Recommendations

If the project moves forward as proposed, we request incorporation of the following revisions.

R150-4

- 1) Advance implementation schedule of MM AQ-8 Low-Emission Drayage Trucks as follows for the listed years: 33 percent in 2017 and 100 percent in 2021.
- 2) Require implementation of advancements resulting from MM AQ-10 within 12 months of certification or verification rather than as stated, "the technology could replace the existing measure pending approval by the port."
- 3) Advance implementation schedule of PC AQ-12 San Pedro Bay Ports CAAP Measure RL-3 to accelerate the turnover of Tier 4 line-haul locomotives to achieve the following schedule after introduction in 2015: 50% by 2017 and 100% by 2020.
- 4) Revise MM AQ-2, Fleet Modernization for On-Road Trucks to require that Import Haulers and Earth Movers used in construction will be required to comply with EPA 2007 on-road emission standards for PM10 and NOx.
- 5) Revise MM GHG-1, Increased Fuel Efficiency for Construction Equipment to require equipment idling be restricted to maximum of five (5) minutes when not in use without qualification for, "when feasible," which is terminology that would allow for subjective and variable implementation.
- 6) Reconsider impacts resulting from traffic related to construction activities, TRANS-1, as the construction activity defined throughout the EIR suggests the construction impacts to traffic would be greater than, as currently stated, less-than-significant with no mitigation required.

R150-5**R150-6****R150-7****R150-8**

Thank you,



Richard Havenick
Co-chair, EIR Subcommittee
Port Community Advisory Committee

Copies To: Port of Los Angeles Harbor Commissioners; Port of Los Angeles Port Community Advisory Committee Members

**Port of Los Angeles Community Advisory Committee
EIR Subcommittee, Port of Los Angeles, 425 S. Palos Verdes St.,
San Pedro, CA 90731**

Nov 9, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro CA, 90731

Re: Subcommittees Comments on Recirculated Draft EIR Southern California
International Gateway Project (SCIG)

Dear Sir,

Thank you for the opportunity to comment on this recirculated DEIR.



R150-9

We request that the analysis and Public Record for the Recirculated SCIG DEIR include by reference any and all comments that this Subcommittee *and all other commenters* have made in regards to the October 2005 NOP and September 2011 DEIR for this project. “All other commenters” would include but not be limited to private citizens, community organizations (examples: Long Beach Alliance for Children With Asthma, CFASE), corporations, businesses, public health advocates such as the Coalition for Clean Air, environmental groups and public agencies.

R150-10

We request that a Health Impact Assessment be done for this project. We feel than an HRA is inadequate to evaluate the full impacts of this project as an HRA fails to analyze the noncancer effects of project operations which are known to be at least ten times larger than the cancer effects of project related air pollution.

R150-11

We request that the I-710 HIA done for the Gateway Cities Council of Governments Air Quality Action Plan which has been released for public comment be included in the analysis and made by reference a part of the Public Record for the SCIG RDEIR. We are aware that the preparers of the I-710 HIA are continuing to examine the health effects of ultrafine particles. We request that the results of these investigations be incorporated into the analysis as they become available.

R150-12

We request, once again, that a document titled “Health Effects of Diesel Exhaust Air Pollution, August 8, 2003 “ and its references be included by reference and as attachment A. to these comments.

We remain deeply concerned about the unavoidable air quality impacts of the proposed project. We assert that the project *will indeed* cause disproportionately high and adverse effects on minority and low income populations *despite all proposed mitigation measures.*

We request that a full evaluation of a zero emissions alternative be incorporated into the analysis.

Unless a zero emissions alternative is chosen as the preferred project it will be necessary for the decision makers involved to face the simple fact that human lives will have to be sacrificed in order for this project to be operated as currently envisioned. The scientific, medical and epidemiologic evidence is absolutely clear that *some fellow human beings have to die* from air pollution as a result of the operations of the proposed project.

R150-13

No matter how many times the numbers are massaged to make them look better, the stark fact remains that we will be sacrificing some citizen's lives and health , most likely those of nearby residents and students at the nearby schools. With two schools and a day care center located less than 600 feet from the project site this tragic end result is not avoidable.

The decision makers have to face this fact and accept moral responsibility for this loss of human life and health.

R150-14

We wonder how the analysis of air quality impacts will change if adopted regulatory measures ultimately fail to materialize. Given the political climate at present, it seems possible that some regulatory measures to improve local air quality will be discarded, delayed or overturned. We suggest analysis that would take this possibility into consideration.

R150-15

We are concerned that the SCIG DEIR fails to adequately analyze the growth inducing potential of the project in terms of potential for major induced growth in truck and train traffic and associated air pollution at the downtown Hobart Rail Yard. Thus in our view the DEIR fails as an informational document. We call for further analysis of this issue.

R150-16

We commend POLA Staff for the improvements we see in this DEIR vs. past POLA environmental documents but this does not relieve POLA and the decision makers of the moral burden they must face if this project goes forward. We regret that a zero emissions option will not be adopted.

Respectfully,



For Dr. John G Miller

John G Miller MD FACEP

Chairman Port of Los Angeles Community Advisory Committee EIR Subcommittee

1 **Comment Letter R150: Port Community Advisory Committee**

2 **Response to Comment R150-1**

3 The comment is introductory material that does not raise issues under CEQA requiring a
4 response. Responses to subsequent comments addressing specific issues are provided
5 below.

6 **Response to Comment R150-2**

7 The RDEIR discloses all feasible mitigation measures, and thus complies with CEQA.
8 Please see Master Response Feasibility of Mitigation Measures, and Master Response 11,
9 Locating a Railyard Near Sensitive Receptors.

10 **Response to Comment R150-3**

11 The Project includes Mitigation Measure AQ-8 (Low-emission Drayage Trucks, see
12 Section 3.2.4.5), which specifies a timetable by which trucks calling at the SCIG facility
13 must be low-emission trucks, as defined in the mitigation measure. The timetable was
14 developed by BNSF as the applicant based on operational requirements and cost
15 feasibility and as proposed, would reduce health risk impacts to less than significant
16 under Impact AQ-7 (see Section 3.2.4.3 of the RDEIR). As such, the analysis in the
17 RDEIR complies with CEQA.

18 **Response to Comment R150-4**

19 The intent of MM AQ-10 is to allow the substitution of any kind of technology that
20 becomes available and is shown to be as good as or better in terms of emissions reduction
21 performance than an existing measure subject to approval by the Port. The timing of
22 approval and implementation is dependent on a number of factors including, but not
23 limited to, testing, demonstration, and verification through USEPA, CARB, or other
24 reputable certification and/or demonstration studies to the Port's satisfaction; approval by
25 the Port which may involve the TAP; and coordination with the tenant on
26 implementation, including cost, technical, and operational feasibility. Therefore, it would
27 not be feasible or effective to arbitrarily require implementation of MM AQ-10 within 12
28 months of certification.

29 **Response to Comment R150-5**

30 Project Condition PC AQ-12 is intended to implement the CAAP measure RL-3 goal that
31 by 2023 the Class 1 locomotive fleet associated with new and redeveloped near-dock rail
32 yards meets a minimum performance goal of an emissions equivalent of at least 50
33 percent Tier 4 line-haul locomotives and 40% Tier 3 line-haul locomotives when
34 operating on port properties. PC AQ-12 also acknowledges the practical reality that, in
35 order for such a project condition to be feasible, the goal achievement date must be
36 adjusted if certain key assumptions are not met, such as if operationally-proven Tier 4
37 locomotives are not commercially available by 2015. Indeed, Tier 4 locomotives are
38 expected to utilize a new, untested technology that simply does not currently exist at a
39 size adequate for line-haul locomotive engines. Under even the most optimistic scenario,
40 there will only be a limited number of prototype high-horsepower Tier 4 locomotives
41 operating in California for field testing in 2013. The inclusion of PC AQ-12 in the SCIG
42 lease and the implementation of the RL-3 goal supports the acceleration of the natural

1 turnover of the line-haul locomotive fleet and is consistent with the goal of advancing to
2 95% Tier 4 locomotives by a feasible date. Therefore, it would not be feasible or
3 appropriate to accelerate the turn-over of Tier 4 line haul locomotives as suggested by the
4 commenter.

5 **Response to Comment R150-6**

6 MM AQ-2 has been revised to require all trucks used in construction to meet EPA 2007
7 on-road emission standards for NOx and PM.

8 **Response to Comment R150-7**

9 As the commenter notes, MM GHG-1 restricts idling of construction equipment to five
10 (5) minutes when feasible. The qualification of feasibility is to permit idling of longer
11 than five minutes duration only in those cases when it is infeasible to require equipment
12 to shut down during that period of time for safety and operational purposes.

13 **Response to Comment R150-8**

14 The analysis of construction period traffic conditions complies with CEQA. POLA
15 requires several actions during construction in order to minimize the impact of
16 construction activities. See RDEIR Section 3.10.3.

17 **Response to Comment R150-9**

18 All comments on the RDEIR submitted to the LAHD are part of the public record,
19 incorporated into the administrative record for this EIR, and are before the decision-
20 makers for their consideration prior to taking any action on the SCIG project.

21 **Response to Comment R150-10**

22 Please see Master Response 9, HIA, which explains why an HIA is inappropriate for a
23 project-level CEQA analysis and how the RDEIR contains all the information of an HIA
24 that is currently feasible to produce. As described in the Master Response, a lead agency
25 is entitled to rely on its own expert's opinions as to what studies and analysis are
26 appropriate to evaluate impacts. (*Association of Irrigated Residents v. County of Madera*,
27 107 Cal.App.4th 1383,1396-1398.)

28 **Response to Comment R150-11**

29 Please see Master Response 9, HIA, which explains the Port's concerns about the I-710
30 Corridor Project HIA given the status of the peer review process and uncertainty with the
31 results of the analysis.

32 **Response to Comment R150-12**

33 The document cited in the comment does not address any specific RDEIR analysis. It is
34 included as an attachment to the comment number R32, and therefore will be part of the
35 administrative record.

36 **Response to Comment R150-13**

37 Please see Master Response 5, Alternatives, and Master Response 7, ZECMS.

1 **Response to Comment R150-14**

2 Please see Response to Comment Letter R32-7.

3 **Response to Comment R150-15**

4 Please see Master Response 3, Hobart, which explains why the project is not “growth-
5 inducing” at Hobart.

6 **Response to Comment R150-16**

7 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
8 and is therefore before the decision-makers for their consideration prior to taking any
9 action on the SCIG project. The comment is general and does not reference any specific
10 section of the DEIR or RDEIR, therefore no further response is required. (Public
11 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

12

13

Trujillo Investments

916 Silver Spur Road, Suite 210, Rolling Hills Estates, California 90274 t. 310.377.6554 f. 310.541.0344



November 8, 2012

Mr. Christopher Cannon
Director of Environmental
Management Division
Port of Los Angeles
425 S. Fairview Street
San Pedro, CA 90731

RE: SCIG/Fast Lane Transportation, Inc.

Dear Mr. Cannon,

I am sure your project is well thought out and will be a benefit to the Community of Wilmington.

I grew up in Wilmington and between my father and myself had a business there for over 80 years. I was Honorary Mayor, President of the Wilmington Chamber of Commerce and Rotary Club. I also participated in many local fundraisers and was instrumental in bringing a new YMCA to Wilmington.

While your project is worthwhile I would expect you to be more sympathetic to the relocation of Fast Lane. This is a visible business with a lot of uncertainties as to its relocation. Any relocation at best is expensive to the owners.

Please give more thought to an exact plan of relocating, this is your responsibility to the Owner and its employees to be specific and fair in your dealings.

Thank you for your consideration.

Sincerely,

Robert L. Trujillo

R151-1

1 **Comment Letter R151: Trujillo Investments**

2 **Response to Comment R151-1**

3 Please see Master Response 8, Displaced Businesses.

4



Svorinich Government Affairs

Municipal Advocacy & Negotiations—Public Relations
Community Outreach- Land Use Planning, Zoning & Permits
Crisis Management & Solutions—Regulatory Compliance



November 7, 2012

VIA FAX AND U.S. MAIL

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www.svorinich.com

Mr. Chris Cannon
Director
Environmental Management Division
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: SCIG Re-Circulated DEIR Comments

Dear Chris:

On behalf of our client, Mortimer & Wallace, Inc (L.A. Harbor Grain Terminal), we would like to express our objection to the Southern California International Gateway (SCIG) rail-yard project being approved at this time.

For more than seven (7) years, since 2005, this project has been in the planning process. At no time, from the project's inception, to the first Draft Environmental Impact Report (DEIR), and now to the Re-Circulated DEIR has a member of the port staff contacted our client to discuss the project and the adverse impact on our client's future business operations. All contact was initiated by our client, and to date, to no avail.

Last Fall, our client made a request for port staff to address their displacement issue at the two public hearings held regarding the project. Our client also submitted written comment for the record. Again, since last Fall, no member of port staff has contacted our client to discuss their issue.

Moreover, your new document (in Section 3.8.2.1.3) clearly states that of the five business to be displaced by SCIG, only two were ever considered for re-location and the others (including our client) have been addressed in the following manner: ***"No other potential alternative sites have been determined or identified for remaining businesses that would be displaced as a result of the proposed project."***

Our client finds it incredulous that the port would so summarily dismiss their 53 plus year tenancy in the Port of Los Angeles, especially with their over 100

R152-1

R152-2



R152-2

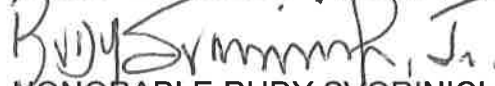
person local workforce, \$50 million local economic footprint as the premier exporter of domestic agricultural products and their crucial role of the movement of such products in the balance of trade issues that are being touted by the President of the United States, the Governor of the State of California, the Mayor of Los Angeles, the Los Angeles City Council and the Board of Harbor Commissioners.

To this end, we would request that port staff, prior to the Board of Harbor Commissioners approving the Re-Circulated DEIR, address Mortimer & Wallace/L.A. Harbor Grain's re-location issue and work to solve this important issue to our local, regional, state and national economy.

Your serious attention to the aforementioned matter is respectfully requested.

Very Truly Yours,

SVORINICH GOVERNMENT AFFAIRS



HONORABLE RUDY SVORINICH, JR.,

President

President Pro Tempore of the Los Angeles City Council (ret.)

Councilman, 15th (Harbor Area) District, City of Los Angeles (ret.)

RS:dms

cc: Mortimer & Wallace, Inc./L.A. Harbor Grain Terminal

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open water channels, berths, and anchorages; supporting infrastructure such as roads, railroads, and maritime-related businesses; water-dependent recreational and commercial facilities such as marinas, restaurants, and fishery-support facilities; and various manufacturing and production facilities. The two ports cooperate on the planning and development of joint rail and other infrastructure projects needed to accommodate projected cargo increases (see Section 1.1.3 for a discussion of cargo statistics).

3.8.2.1.2 Onsite Land Uses

The portion of the Project area on which the proposed SCIG facility would be located is bounded by the Dominguez Channel on the west, Sepulveda Boulevard on the north (which continues as West Willow Street in Long Beach), Pacific Coast Highway (PCH) on the south, and the Terminal Island Freeway and portions of the Southern California Edison SCE transmission line right of way on the east. At present, the area is used for cross docking (see Section 1.1), warehousing, container and/or trailer maintenance, servicing and storage, and rail service. The Project site is located within the cities of Los Angeles, Long Beach, and Carson. The Project site contains numerous easements for underground pipelines carrying crude and refined oil, water and sewer lines, storm drains, and electrical conduits.

Additional Project-related rail line and roadway improvements would occur within the PCH right-of-way and south of PCH on land within and adjacent to the Alameda Corridor rail lines. This area south of PCH, which is located entirely within the City of Los Angeles, is currently occupied by East Lane Transportation (terminal services, cargo logistics, and container storage/repair), the ACTA maintenance facility, vacant parcels, and railroad right-of-way connecting the Port of Long Beach to the Alameda Corridor. A Project mitigation measure consisting of a sound wall visual barrier with landscaping (see Section 3.9), located on the east side of the Terminal Island Freeway north of PCH and south of Willow Street, would be located within the City of Long Beach.

An area adjacent to the north of the Project site in which rail line improvements would be constructed includes the Sepulveda Boulevard bridge and an existing rail line jointly owned by the Port of Los Angeles and Port of Long Beach known as the former UPRR San Pedro Branch. This portion of the Project site is also located within the City of Long Beach.

3.8.2.1.3 Alternate Locations for Existing Businesses

Alternate sites to which existing businesses could move are depicted in Figure 2-5. For the purposes of this analysis only, it is assumed that East Lane would move a portion of its operation (approximately six acres) from its current location south of PCH, where the South Lead Track would be located, to an approximate 4.5-acre site to the south that is currently vacant. East Lane would continue to maintain its operations (including other businesses within its footprint such as California Carbon) on the remaining parcels it owns or occupies outside of the Project area but adjacent to the South Lead Track area, estimated at approximately 24 acres. The ACTA maintenance facility would move to an approximate 4-acre site just west of the Dominguez Channel that is currently vacant and undeveloped. California Cartage would move a portion of its operation to the 10-acre site where the current ACTA maintenance facility is located. These areas are all located within the City of Los Angeles on Port-owned properties that are being offered as potential alternate sites as part of the proposed Project. No other potential alternate sites have been determined or identified for remaining businesses that would be displaced as a result of the proposed Project. Requests for information were sent to certain businesses to determine

R152-2



potential sites they would relocate to as part of their own business plans; however, no responses with site specific information were received (POLA, 2009) and no information was provided in comment letters received on the Draft EIR. The displaced businesses for which no alternate locations were identified as part of the proposed Project or during the time of this analysis are assumed to move to other compatible areas in the general port vicinity as part of their own business operations and plans. Potential future locations identified would be subject to separate environmental review by the lead agency with jurisdiction over a particular site.

3.8.2.1.4 Underground Pipelines

Numerous easements and agreements have been established within the Project site to accommodate the installation of underground pipelines carrying crude and refined oil, water and sewer lines, storm drains, and electrical conduits.

3.8.2.2 Surrounding Land Uses

3.8.2.2.1 City of Long Beach

The eastern portion of the Project site, containing the portion of the SCT corridor on which the North Lead Tracks would be built, the San Pedro Branch rail line, and the Terminal Island Freeway, is within the City of Long Beach. Most of the land uses east of the Terminal Island Freeway to I-710 and north of PCH are residential. However, most of the nearest land uses adjacent to the east side of Terminal Island Freeway are parks and schools. Also nearby at the northeast corner of PCH and Terminal Island Freeway is a technology park, which includes a trade school. Table 3.8-1 shows the distances east from the Project site to the various adjacent and nearby land uses, as well as their distances from the east edge of Terminal Island Freeway.

Table 3.8-1. Closest Estimated Distance from Proposed Project Site to Residential, School/Park, and Other Non-Industrial Land Uses.

Location	Approximate Distance to	From Boundary of Project Site (including Alternate Sites for Existing Businesses)	From Boundary of Proposed Railyard	From Terminal Island Fwy
At West Willow St.	Residential	495 ft	910 ft	240 ft
At West Willow St.	Buddhist Temple	350 ft	710 ft	75 ft
At West 24 th St.	Residential	880 ft	1200 ft	580 ft
At West 2 nd St.	Hudson Elementary School	240 ft	620 ft	40 ft
At Hill St.	Hudson Park	180 ft	580 ft	40 ft
At Hill St.	Cabrillo High School	290 ft	600 ft	95 ft
At West 20 th St.	Villages at Cabrillo	500 ft	800 ft	100 ft

Note: Distances are "fence-line-to-fence-line", i.e., from the western boundary of each land use to the eastern boundaries of the Project site, the railyard site, and the TI Freeway, regardless of the location of structures within those uses. Accordingly, these distances may vary from those used to analyze sensitive receptors within the land uses.

R152-2

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1 Comment Letter R152: Svornich Government Affairs**2 Response to Comment R152-1**

3 The comment is introductory material that does not raise issues under CEQA requiring a
4 response. Responses to subsequent comments addressing specific issues are provided
5 below. However, the commenter has asserted that since the project's inception, at no
6 time has port staff initiated contact with Mortimer and Wallace, Inc. (LA Harbor Grain
7 Terminal) to discuss the project and adverse impacts to this business. As discussed in
8 Master Response 8, Displaced Businesses, the Port sent requests for information in 2009
9 to certain tenants and businesses on the project site to determine potential sites they
10 would move to as part of their own business plans. Specifically, the Port sent a letter to
11 Svornich Government Affairs dated March 30, 2009 that acknowledges a meeting that
12 occurred on March 25, 2009 with port staff to discuss the SCIG project and offers
13 facilitating a meeting with the City of Los Angeles' Community Redevelopment Agency
14 (CRA) to determine if there are any opportunity sites within the CRA redevelopment area
15 for Mortimer and Wallace. In subsequent written and oral comments received from the
16 commenter on the DEIR (see Comment Letter #119 and Comment #'s 36B-17-1 and
17 50B-70-1), there was no specific request for a meeting with port staff to address
18 displacement issues related to Mortimer and Wallace. As such, the commenter's
19 assertion is incorrect. The RDEIR accurately analyzes the displacement of businesses
20 and complies with CEQA; please see Master Response 8, Displaced Businesses.

21 Response to Comment R152-2

22 Please see Master Response 8, Displaced Businesses.

23

NAIOP

COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
INLAND EMPIRE CHAPTER



November 7, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of NAIOP Inland Empire, I am writing to express our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility. The DEIR fully sets forth the environmental benefits that come with the project, while also providing for jobs and future growth in the port region. The SCIG project is a very timely and needed win-win for everyone.

By way of introduction, NAIOP, the Commercial Real Estate Development Association, is the leading organization for developers, owners, and related professionals in office, industrial and mixed-use real estate throughout the United States. The NAIOP Inland Empire Chapter serves San Bernardino and Riverside Counties. We are the leading commercial real estate trade organization in the Inland Empire.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects.

The updated DEIR confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

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R153-1

In building SCIG, BNSF will clean up an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these environmental innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

The DEIR also shows the SCIG project not only would not cause any traffic impacts that would arise to the Threshold of Significance, but would actually reduce the intersection volume/capacity ratio at a number of locations. The project would also provide congestion relief to the surrounding freeway system by eliminating more than 1.5 million truck trips from the 710 freeway each year. Required truck routes are established that keep trucks off residential streets and the trucks will not go North of PCH on the Terminal Island Freeway. A GPS system will be used to verify the trucks comply with the required truck routes. The SCIG will increase the use of the Alameda Corridor, so the cargo that goes from the Ports to inland destinations more efficiently and environmentally friendly.

Also of great importance is the SCIG project will create numerous well-paying jobs. With unemployment chronically high in Southern California, and also taking into account the number of underemployed individuals, one can see why job creation is a high-priority. The operating contractor will be required to give qualified local residents priority for all jobs offered at SCIG. BNSF would fund a work force training program in partnership with local institutions to assist local residents obtain those jobs. Aggregate wages and salaries just during construction would be over \$39.4 million annually. That works out to an average annual wage or salary of \$46,500 per year in 2010 dollars. Then there are the 450 operational jobs that would be created at full build-out.

We have heard some are trying to claim there will be job losses due to the relocation of the current tenants. NAIOP Inland Empire strongly believes the facts prove the opposite is true. In addition to what is discussed above, the SCIG project will actually protect thousands of current Port jobs. The expanded Panama Canal will soon open. The many ports in the gulf and on the East Coast have been aggressively working to attract cargo away from our Ports. If they are successful, if we lose our market share of the volume of cargo coming through our ports and sent throughout the United States, then jobs will be lost. But, if we complete the SCIG project, the improved operation efficiency will keep our Ports competitive, and save existing jobs. Additionally, the DEIR includes assessments for nearby parcels that could be used by the current tenants. There are millions and millions of square feet of industrial properties in the South Bay area. There is significant room for transloading operations, and these businesses are very competitive. As the leading commercial real estate organization, we are confident that current transloading operations, and their employees, will be protected.

NAIOP Inland Empire believes the DEIR is thorough and should be approved. The SCIG project does benefit everyone's interests; the environment, traffic relief, and the employment of local

R153-1

R153-1

↑ residents. In fact, we believe the SCIG project will be viewed as a model to meet or exceed in future intermodal projects. We look forward to the DEIR being approved and moving ahead with construction of what is a very important project to the future of the Ports and our economy.

Sincerely,



Robert Evans
Executive Director

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R153: NAIOP Inland Empire Chapter**

2 **Response to Comment R153-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



November 2, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Grow the Port with Green Projects Including the Southern California International Gateway

Dear Mr. Cannon:

The Inland Empire Economic Partnership is the regional voice for improving the business climate and quality of life the Riverside and San Bernardino Counties. Our Business Council is committed to changing the unemployment rate of our region, the second worse in the nation for areas of over a million residents. Given the fact the goods movement continues to be a leading sector for job creation, I am writing to you on behalf of our membership to reiterate our strong support for the Draft Environmental Impact Report prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

SCIG proves green and growth can go together. SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects.

The updated DEIR, which was developed by an independent third-party, confirmed what last year's report concluded:

- SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. In addition, trucks that currently move 24 miles between the Ports and the BNSF Hobart and Commerce facilities will now travel 4 miles to SCIG, improving air quality and decreasing congestion along the 710 corridor and around BNSF's Hobart Yard in Commerce.

R154-1

In building SCIG, BNSF will improve an existing industrial site and replace it with a state of the art facility featuring wide-span all-electric cranes, ultra-low emission switching locomotives and low-emission rail yard equipment.

In addition to these innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

BNSF has gone well beyond what is required to invest \$500 million in our regional economy at a time when it is urgently needed. More importantly, BNSF has shown that green growth is possible by meeting (and exceeding) the port's standards for new projects.

There is currently a shortage of on-dock capacity, and the ability to expand that capacity is limited. There will always be a need for near-dock facilities, and expansion of this capacity is necessary to accommodate expected growing cargo volumes.


SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy. Moreover, adding near-dock intermodal capacity increases efficiency and competitiveness for shippers and the ports consistent with the Port's rail policy.

R154-1

With unemployment at 11 percent in Los Angeles County, creating well-paying local jobs is a high priority. During the three-year construction phase, approximately 1,500 jobs annually would be created, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create up to 14,000 new direct and indirect jobs in Los Angeles and 22,000 new direct and indirect jobs in Southern California by 2036, according to a study by IHS Global Insight.

The Inland Empire Economic Partnership supports green growth. SCIG is an ideal example of green growth and will be an important economic asset for the Southern California region, supporting thousands of good-paying jobs in the greater Los Angeles area. We look forward to approval of the EIR.

Sincerely,



Paul Granillo
President & CEO

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
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Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA90731

1 **Comment Letter R154: Inland Empire Economic Partnership**

2 **Response to Comment R154-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

250 W. 5th St.
San Pedro, CA 90731

November 13, 2012

Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

Re: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a San Pedro resident and someone very interested in strong economic growth conducted in a responsible way, I wish to express my support for the Southern California International Gateway (SCIG).

BNSF's proposal answered my concerns about unemployment, traffic congestion and air quality and I am satisfied that the project will actually improve air quality by increasing the use of trains to move cargo from our ports, reducing truck traffic on the 710 freeway and bringing needed jobs to our area.

R155-1

As I understand, SCIG trucks will be prohibited from using local streets and instead must use the designated truck routes. I also support locating a wall and landscaping along the Terminal Island Freeway and applaud the hiring preference for new jobs for qualified local applicants. Our communities are so in need of this additional employment opportunity.

The updated report showed that SCIG will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region.

I support BNSF's project because it will bring clean technology to the area and, at the same time, reduce traffic congestion and provide meaningful, good jobs for our residents.

Sincerely,



James Cross

CC:
Antonio Villaraigosa, Mayor of Los Angeles
Geraldine Knatz, Ph.D
Los Angeles Board of Harbor Commissioners

1 Comment Letter R155: James Cross**2 Response to Comment R155-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182

(909) 396-2000 • www.aqmd.gov

Via Email and U.S. Mail

November 14, 2012

Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon:

Recirculated Draft Environmental Impact Report Southern California International Gateway (SCIG) Project

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the Recirculated Draft Environmental Impact Report (Recirculated DEIR) for the Southern California International Gateway (SCIG) Project. We appreciate the one-day extension the Lead Agency provided to submit comments on the Recirculated DEIR. The AQMD staff previously submitted comments on the Draft Environmental Impact Report (DEIR) on February 1, 2012. Our comments seek an EIR that fully evaluates and discloses environmental impacts of the project, and that identifies for the proposed project's decision makers all feasible measures to mitigate significant impacts.

R156-1

The AQMD staff appreciates that the health risk assessment in the Recirculated DEIR uses a floating baseline, which is the appropriate baseline. The Recirculated DEIR includes detailed files on off-road and on-road sources used to calculate emissions such as locomotive fleet mixes and emission evaluation files. These files assisted AQMD staff in preparing our comments on the Recirculated DEIR. The AQMD staff remains concerned, however, as many of the most critical issues that the AQMD staff raised in our February 1, 2012 letter still remain unaddressed in the Recirculated DEIR.

The Recirculated DEIR shows that the Proposed SCIG project will generate significant localized air quality impacts. Based on the Recirculated DEIR, the Proposed SCIG project will generate localized NO₂, PM₁₀, and PM_{2.5} concentrations and would exceed the applicable significance thresholds by more than 190%, 420%, and 80%, respectively. These NO₂, PM₁₀, and PM_{2.5} concentrations from the proposed project will impact residents, school children and other sensitive populations near the proposed railyard. In addition, the Environmental Justice section of the Recirculated Draft EIR states that, "Because the area surrounding the proposed Project site is predominantly minority and low-income, Impact AQ-4 [*localized NO₂ and PM impacts*] would constitute a disproportionately high and adverse effect on minority and low-income populations." These pollutants are associated with chronic respiratory diseases such as asthma as

R156-2

R156-2 ↑ well as declines in pulmonary function, especially in children. The Recirculated DEIR does contain a mitigation measure for diesel PM, however, this measure does not address significant NO₂, PM10, and PM2.5 levels.

The following primary concerns that were not addressed in the Recirculated DEIR are discussed below.

1. Zero-Emission Container Movement Between Marine Terminals and SCIG.

While the Recirculated DEIR has modified the description of the zero-emissions technologies demonstration program (pg. 3.2-99) to contain more specificity and goals, there is still no proposed mitigation or project alternative which includes a zero-emission container movement system. The proposed Project must incorporate a zero-emission component to mitigate significant localized NO₂, PM10 and PM2.5 impacts to the surrounding communities. Additional discussion on this concern is included in Attachment A.

Zero-emission container movement technologies are a feasible mitigation measure that must be included in the proposed Project because it: (1) is feasible within the early life of the project; (2) would only be required for the short distance of less than five miles; and (3) is consistent with the zero-emission freight corridor alternative contained in the Proposed I-710 Corridor Project Draft EIS/EIR.

Due to the need for a zero-emission container transport demonstration program for electric-battery drayage trucks, the use of zero-emission container transport should account for 100% of containerized drayage trips by no later than 2020. An implementation schedule was provided in the Draft EIR as follows:

1. By 2016, at least 25% of container transport between the terminals and SCIG shall be by zero emission technology (with potential modification of requirement based on specific findings).
2. By 2020, 100% of container transport between the terminals and SCIG shall be by zero emission technology.

2. Tier 4 Line-Haul Locomotives Entering SCIG

The Recirculated DEIR fails to address the need to mitigate the air quality impacts from line-haul locomotives. In our original comment letter on the Draft EIR we specified that line-haul locomotives should meet the following requirements:

1. By 2018, at least 25% of BNSF line-haul locomotives entering SCIG and other port properties shall be Tier 4.
2. By 2020, at least 95% of BNSF line-haul locomotives entering SCIG and other port properties shall be Tier 4.

R156-4 ↓ The year 2020 requirement is consistent with the long-term goal of Clean Air Action Plan (CAAP) measure RL-3. Both the Draft EIR and Recirculated DEIR contain a project condition PC AQ-12 which incorporated the CAAP measure RL-3. As stated on page

3.2-99 of the Recirculated Draft EIR, “project conditions are recommended for inclusion in the lease between the LAHD and BNSF for the SCIG facility [and] are not required as CEQA mitigation measures.” Further, on page 3.2-104 the Recirculated Draft EIR states “The following measures are Project Conditions that may be included in the lease for the SCIG facility subject to approval by the Board. The conditions are not required as CEQA mitigation measures but are included here for tracking purposes.” This language is less stringent than what is required under CEQA and puzzling if the lead agency truly intends to make RL3 a requirement of the project. Pursuant to CEQA Guidelines 15091(a) and Public Resources Code 21081(a), all feasible mitigation must be implemented to reduce any significant impacts of the project. As the project has significant localized NO₂ impacts, in part due to operation of locomotives, the lead agency must specify in the EIR that implementation of RL3 is a requirement, not just a recommendation. AQMD staff requests that this condition therefore be specified as a mitigation measure and as a requirement of the project, and that regular monitoring of this measure be made a part of the project.

R156-4

In addition, the AQMD staff is also concerned that this condition does not meet the minimum performance standards of RL-3 which requires 50% of line-haul locomotives to be Tier 4 and 40% to be Tier 3 by 2023. PC AQ-12 also weakens the performance standards by allowing the RL-3 emission goals to be made up anywhere in the Basin, and not necessarily in and around the proposed SCIG project site. This has the effect of allowing adverse air quality impacts to be higher in the nearby residential community of West Long Beach than they would normally be if the emission reductions would occur at or near the proposed facility site. Additional discussion on this concern is included in Attachment A. Since the project has significant localized NO₂ impacts, which are partly caused by locomotives, implementation of RL3 cannot be allowed to be satisfied by reductions occurring elsewhere in the Basin, as this would not mitigate localized impacts.

3. Inconsistent use of Hobart Railyard in Baseline, Project, and No Project Alternatives

Like the Draft EIR, the Recirculated DEIR fails to analyze and disclose the impacts at BNSF’s Hobart Railyard (Hobart) implying that as capacity at Hobart is freed up because of SCIG, portions of Hobart will go dormant. The Recirculated DEIR assumes that the proposed project will eliminate 95 percent of truck trips between the ports and the Hobart Railyard, and all of the train activity going to the Hobart Railyard associated with SCIG-related cargo will be eliminated. By including Hobart in the Baseline, the Lead Agency is treating Hobart and SCIG as a system. The proposed project must be evaluated as the same system as the baseline. The containers going to Hobart due to the additional capacity that the proposed SCIG facility provides to the “system” must be analyzed as part of the proposed project.

R156-5

The lead agency in the Recirculated DEIR states, “Because that growth is not dependent on SCIG being built, it is not appropriate to evaluate that growth as part of SCIG, or any truck trips not going to SCIG. The same is true for regional locomotive traffic. This approach is supported by BNSF’s representation that they have no current plans to move intermodal business from other regional facilities to Hobart in the event that SCIG is

R156-5

built.” We disagree with this assessment. The Recirculated DEIR must evaluate the extent to which capacity opened up at the Hobart Railyard by the construction of the proposed SCIG facility. The amount, origination, destination, and growth of other cargo, e.g. domestic freight containers at the Hobart Railyard as a result of the proposed SCIG facility being built can certainly be reasonably estimated given that BNSF and the lead agency successfully estimated these parameters in order to evaluate the No Project Alternative. Leaving the Hobart-related trucks and trains in the baseline and No Project Alternative, and not putting the emissions in the proposed Project makes the proposed Project look better when compared to the No Project Alternative and the incremental emissions between the proposed Project and the CEQA Baseline appear smaller than they would be otherwise.

Attached are more details regarding these and other comments. Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The SCAQMD staff appreciates the opportunity to comment on this important project. We look forward to working with the Port of Los Angeles on this and future projects. If you have any questions, please call me at (909) 396-3105.

Sincerely,

Susan Nakamura
Planning Manager

Attachments

EE:IM

Attachment A
Additional Comments on the Recirculated DEIR for
Southern California International Gateway (SCIG) Project

The following includes specific comments on the Recirculated DEIR for the Proposed Southern California International Gateway (SCIG) Project.

Operational Mitigation Measures

Furthering CEQA's policy to ensure that the long-term protection of the environment is a guiding criterion in public decisions, CEQA contains a substantive mandate that requires public agencies "to refrain from approving projects with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects.'" (Pub. Res. Code § 21002; *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal. App. 4th 86, 98.) Such measures must be fully enforceable through permit conditions, agreements, or other measures. (Pub. Res. Code § 21081.6(b).)

R156-6

The Recirculated DEIR fails to include all feasible operational mitigation measures to reduce significant air quality impacts from the operation of the proposed Project. Under CEQA, the lead agency must adopt all feasible measures to mitigate significant air quality and health impacts. As with the Draft EIR, the Recirculated DEIR lacks any mitigation for NO₂ impacts. The Recirculated DEIR shows that locomotives and on-road trucks represent over 95% of the SCIG-related NO_x emissions from the proposed Project. These emissions contribute to the significant localized NO₂ impacts caused by the proposed project. The Proposed Project can and must incorporate the following mitigation measures or project alternatives which would mitigate the significant localized NO₂ impacts, as well as the significant PM₁₀ and PM_{2.5} impacts from the truck and locomotive sources to the surrounding community: (1) zero-emission container movement between marine terminals and SCIG; and (2) greater acceleration of use of Tier 4 line-haul locomotives. The elements and actions are discussed in more detail below.

Zero-Emission Container Movement Between Marine Terminals and SCIG is a Feasible Mitigation Measure

Transporting containers using zero-emission container transport technologies is a feasible mitigation measure and must be implemented to mitigate significant NO₂ and PM impacts from the proposed project. The proposed Project offers a unique opportunity to deploy zero-emission technologies because the distances between the marine terminals and the project site is less than five miles, which makes the use of zero-emission transport for this short range distance extremely practical. As was highlighted in our previous comment letter, the lead agency is in a position to provide a clear message to technology providers that zero-emission technologies will be needed.

R156-7

In our original comment letter on the Draft EIR, the AQMD staff commented that zero-emission technologies are a feasible mitigation measure and should be used to move containers to and from the marine terminals and SCIG railyard. A zero-emission technology is an emissions technology that does not create tailpipe emissions from the vehicle or system transporting containers. Such a mitigation measure or project alternative is required by CEQA to be included

↑ in the EIR in order to mitigate the significant impacts of the project (CEQA Guidelines section 15126.4).

R156-7

While the Recirculated DEIR has modified the description of the zero-emissions technologies “demonstration program” (pg. 3.2-99) to contain more specificity and goals, the Recirculated DEIR still does not contain a commitment to implement a zero-emission component (either as a mitigation measure or as a project alternative). The AQMD staff agrees that a demonstration program is a necessary step, however, it is still necessary to include a mitigation measure for zero-emission container movement. A project condition to conduct a demonstration program does not guaranty that the proposed Project will implement zero-emission trucks draying containers to and from the SCIG Railyard. The proposed Project must incorporate a zero-emission component to mitigate the localized NO₂, PM10 and PM2.5 impacts to the surrounding communities.

R156-8

Zero-emission technologies can be commercialized by 2016. Zero-emission container transport technologies can be commercialized in sufficient time to begin operational deployment between the ports and proposed SCIG facility beginning in 2016, with 100% deployment by 2020. Any of several types of zero-emission truck technologies could be used. These include, but are not limited to, on-road technologies such as battery-electric trucks, fuel cell trucks, hybrid-electric trucks with all-electric range (which could be coupled with natural gas or other power for range extension), and zero-emission hybrid or battery-electric trucks with “wayside” power (such as electricity from overhead wires). All technologies eliminate fuel combustion and utilize electric drive as the means to achieve zero emissions and higher system efficiency compared to conventional fossil fuel combustion technology. Hybrid-electric trucks with all electric range can provide zero emissions in certain corridors and flexibility to travel extended distances (e.g. outside the region) powered from fossil fuels (e.g. natural gas) or fuel cells. A discussion of these technologies and their current state of commercialization is included in this comment letter as Attachment B.

The AQMD funded and provided input to a study titled Zero-Emission Catenary Hybrid Truck Market Study. This study was prepared by Gladstein, Neandross & Associates and was released in late March 2012. The study explores the potential market for zero-emission trucks, including hybrid electric trucks with all electric range, that receive wayside power, such as from overhead electric catenary wires. Potential markets include transport between the ports and near-dock railyards such as the proposed Project. The report concludes that such technologies could provide standard operating range for local or regional trucks and could have similar or lower cost compared to other zero-emission technologies.¹

R156-9

↓ **Implementation Schedule for Zero-Emission Container Movement Mitigation Measure.** As previously commented on our comments on the Draft EIR, the use of zero-emission container transport, such as electric-battery drayage trucks should account for 100% of containerized drayage trips by no later than 2020. Zero-emission container transport technologies can and must be implemented at the beginning of the proposed Project’s operation in 2016 as follows:

¹ http://www.gladstein.org/tmp/ZETECH_Market_Study_FINAL_2012_03_08.pdf

1. By 2016, at least 25% of container transport between the terminals and SCIG shall be by zero emission technology (with potential modification of requirement based on specific findings).
2. By 2020, 100% of container transport between the terminals and SCIG shall be by zero emission technology.

As indicated in our previous comment letter, a 2016 deployment of zero-emission technologies could be amended to allow the percentage requirement to be delayed under specified conditions. This would allow the lead agency flexibility in phasing in new technology without jeopardizing the ultimate level of mitigation. Specifically, AQMD staff would support allowing the Harbor Commission to modify the 2016 requirement as follows:

The Harbor Commission may reduce the percentage of containers required to be transported by zero-emission technologies in 2016 if the Commission makes findings based on substantial evidence that:

1. It is not practicable to implement such requirement without the modification
2. The Commission has adopted enforceable interim milestones to implement zero-emission transport to the extent possible and as early as possible, and
3. The modification will not jeopardize achieving 100% zero-emission transport by 2020.

A modification pursuant to this paragraph shall be approved at a public meeting of the Harbor Commission, after public review of a staff report fully describing the reasons for such extension. No modification may be approved prior to 2015, and such modification shall not be to zero.

Modifications to the 2020 requirement for 100% zero-emission transport should not be allowed since zero-emission technology, such as electric battery or similar technology can certainly be available in time to deploy sufficient numbers that time. We are also concerned that allowing modification of the 2020 requirement would also undermine the market signals that are important to ensure technology availability, and allow unmitigated impacts as the railyard approaches full capacity operation. What is important is that the public and commercial providers of zero-emission transport be certain that there will be a demand for zero-emission trucks in the near future. The only way to do this is with a mitigation measure with specific deployment milestones.

Maximizing On-dock Rail is a Feasible Mitigation Measure

Maximizing on-dock rail will reduce impacts at the proposed SCIG facility. The Port of LA and Port of Long Beach must have a plan to ensure on-dock rail is utilized before the proposed SCIG facility. AQMD staff is concerned that the proposed project provides additional capacity that will hinder maximizing on-dock. On-dock rail reduces the need to truck containers to near- and off-dock rail yards, and hence reduces the emissions from goods movement. As described in the *San Pedro Bay Ports Rail Study Update* (2006) several infrastructure projects (e.g. Thenard Junction, Badger Bridge, etc) and operational matters (e.g., labor agreements) must be addressed to maximize the amount of on-dock rail yard capacity and also to ensure that rail traffic from SCIG does not interfere with achieving on-dock rail capacity. By building capacity at the

R156-9

R156-10

proposed near-dock location before completing needed modification on-dock, there is the potential to create higher truck traffic and emissions than is necessary outside of the port complex. AQMD staff requests the lead agency include a mitigation measure that commits to implementing any infrastructure projects needed to support on-dock rail capacities in the future, addresses operation matters to ensure on-dock rail at the Ports of Los Angeles and Long Beach are maximized before the proposed SCIG site is utilized, and includes mechanisms to ensure that use of on-dock occurs before near- and off-dock.

Use of Tier 4 Line-Haul Locomotives is a Feasible Mitigation Measure

The Recirculated DEIR fails to address the need to mitigate the air quality impacts from line-haul locomotives. In our original comment letter on the Draft EIR we specified that line-haul locomotives should meet the following requirements:

- 1 By 2018, at least 25% of BNSF line-haul locomotives entering SCIG and other port properties shall be Tier 4.
- 2 By 2020, at least 95% of BNSF line-haul locomotives entering SCIG and other port properties shall be Tier 4.

The year 2020 requirement is consistent with the long-term goal of Clean Air Action Plan (CAAP) measure RL-3. Both the Draft EIR and Recirculated DEIR contain a project condition PC AQ-12 which incorporated the CAAP measure RL-3. As stated on page 3.2-99 of the Recirculated Draft EIR, "project conditions are recommended for inclusion in the lease between the LAHD and BNSF for the SCIG facility [and] are not required as CEQA mitigation measures." Further, on page 3.2-104 the Recirculated Draft EIR states "The following measures are Project Conditions that may be included in the lease for the SCIG facility subject to approval by the Board. The conditions are not required as CEQA mitigation measures but are included here for tracking purposes." This language is less stringent than what is required under CEQA and puzzling if the lead agency truly intends to make RL3 a requirement of the project. Pursuant to CEQA Guidelines 15091(a) and Public Resources Code 21081(a), all feasible mitigation must be implemented to reduce any significant impacts of the project. As the project has significant localized NO₂ impacts, in part due to operation of locomotives, the lead agency must specify in the EIR that implementation of RL3 is a requirement, not just a recommendation. AQMD staff requests that this condition therefore be specified as a mitigation measure and as a requirement of the project, and that regular monitoring of this measure be made a part of the project.

In addition, the AQMD staff is also concerned that this condition does not meet the minimum performance standards of RL-3 which requires 50% of line-haul locomotives to be Tier 4 and 40% to be Tier 3 by 2023. PC AQ-12 also weakens the performance standards by allowing the RL-3 emission goals to be made up anywhere in the Basin, and not necessarily in and around the proposed SCIG project site. This has the effect of allowing adverse air quality impacts to be higher in the nearby residential community of West Long Beach than they would normally be if the emission reductions would occur at or near the proposed facility site.

While Tier 4 locomotives are not yet available, Tier 4 emission standard are required under federal regulation. In establishing the Tier 4 locomotive emission standards, the U.S. EPA recognized that emissions from locomotive diesel exhaust was a challenging problem. However,

R156-11

U.S. EPA believed it would be addressed feasibly and effectively through a combination of engine-out emission reduction technologies and high-efficiency catalytic aftertreatment technologies. EPA based this assessment on the successful development of these aftertreatment technologies for highway and non-road diesel applications which had advanced rapidly in recent years, so that new engines can achieve substantial emission reductions in PM and NOX (in excess of 90 and 80 percent, respectively). With the lead time available and the assurance of ultra low sulfur diesel fuel for the locomotives beginning in 2012, U.S. EPA was confident the application of advanced technology to locomotives diesel engines would proceed at a reasonable rate of progress and would result in systems capable of achieving the new standards on time.^[1] Compliance with Tier 4 standards for model year 2015 and later locomotives is required by federal law

Commitment to CAAP Measure RL3 Goal of 95% Tier 4 by 2020

R156-12

The Clean Air Action Plan (CAAP) Measure RL3 specifies a goal that 95% of all locomotives serving the ports by 2020 will be Tier 4. As stated in a 2009 state Air Resources Board (ARB) report², in order to achieve a 100% “statewide” fleet of Tier 4 locomotives by 2020, BNSF would need to have approximately 1,920 Tier 4 locomotives in its fleet. BNSF currently operates a fleet of 5,219 diesel freight locomotives.³ According to the Recirculated Draft EIR emissions analysis, the locomotives visiting the SCIG site will be representative of the national average fleet. As analyzed in the emission calculation spreadsheets provided to AQMD staff, this national average will have approximately 26.5% Tier 4 locomotives in 2020. Assuming no growth in the number of BNSF line haul locomotives, this fraction would result in a minimum of 1,383 Tier 4 locomotives in BNSF’s fleet in 2020. As SCIG will only handle between two and three trains per day in 2020, there will only be approximately 12 locomotives (four per train) serving SCIG in the South Coast Air Basin on any given day. These 12 locomotives represent less than 1% of BNSF’s Tier 4 fleet. Given the abundance of excess Tier 4’s that should be available to BNSF, it is unclear why the EIR cannot therefore commit to achieving RL3 for the largest intermodal market in the country, in the region with the worst air quality.

Inconsistent use of Hobart in the Baseline, No Project, and Proposed Project

R156-13

The Recirculated Draft EIR’s analysis of the Hobart railyard in the baseline, no project, and proposed project analyses are inconsistent and may potentially yield misleading conclusions about the environmental impacts of the proposed project. The Recirculated DEIR included trucks and locomotives at the Hobart Railyard in the Baseline and No Project analyses, but excluded Hobart from the Proposed Project.

As described in the Recirculated DEIR, the proposed SCIG Project will handle direct intermodal containers exclusively. In Appendix G4, it is described that the Hobart Railyard handles three types of containers: (1) direct intermodal (also referred to as Inland Point Intermodal (IPI)) containers, (2) transload, and (3) domestic containers. Because the Proposed SCIG Project will only handle direct intermodal containers, the Recirculated DEIR only addresses the direct

^[1] Federal Register Vol. 73, No. 126, Monday, June 30, 2008 Rules and Regulations.

² *Technical Options to Achieve Additional Emissions and Risk Reductions from California Locomotives and Railyards*, 2009. Table II-2

³ <http://www.bnsf.com/about-bnsf/financial-information/surface-transportation-board-reports/pdf/11R1.pdf>
Table 710

R156-13 ↑ intermodal containers at Hobart, ignoring how the other two types of containers (transload and domestic containers) would change under the proposed SCIG project as containers at SCIG would open capacity at the Hobart railyard. Under the No Project Alternative, Appendix G4 shows how transload and domestic containers will increase in the future. The Recirculated DEIR states that this increase in transload and domestic containers will also increase under the proposed Project. The AQMD staff believes that this growth in transload and domestic containers at Hobart will “fill-in” the gap from direct intermodal cargo that will go to the proposed SCIG site. If the lead agency insists on including drayage truck trips and train operations to and from the Hobart Railyard in the CEQA Baseline and No Project, it must also include the future truck and train trips to and from the Hobart Railyard allowed by the capacity at Hobart Railyard that is freed up because of construction of the proposed SCIG facility. The Final EIR must include the emissions from trucks and locomotives that will occur at the Hobart railyard that are result of additional capacity that the proposed SCIG project provides.

There is also a contradiction in the lead agency’s argument that it is speculative to analyze the future operations at the Hobart Railyard. The emissions from Hobart-related trucks and trains are included for the No Project Alternative. If the amount, origination, destination, and growth at the Hobart Railyard can be projected for future years in the No Project Alternative (as presented in Appendix G4), it is possible to evaluate the growth in operations at Hobart for the proposed Project.

Under CEQA, a “project” means the *whole* of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines § 15378(a).) It is reasonably foreseeable that by diverting IPI trips from Hobart to SCIG, Hobart will be used by BNSF for other purposes, such as Transload and Domestic uses. By ignoring the impacts associated with the changed use of Hobart as a direct result of SCIG, the recirculated Draft EIR fails to analyze the whole of the project and therefore underestimates impacts. (*See, Association for a Cleaner Environment v. Yosemite Community College Dist.* (2004) 116 Cal. App. 4th 629, 637-41.)

The Proposed I-710 Zero Emission Freight Corridor Should be Considered in the Analysis of the No Project

R156-14 ↓ In the No Project Alternative’s analysis, trucks are assumed to dray containers from the ports to the Hobart rail yard via the I-710 freeway. The emissions from these trucks are calculated using emission factors from the EMFAC2011 software available from the state Air Resources Board. This analysis does not discuss how the proposed I-710 project may also affect emissions estimates. Two of the proposed alternatives analyzed in the I-710 project EIS/DEIR would include a zero-emissions freight corridor that would transport trucks from the ports directly into the Hobart rail yard.^[1] The lead agency is a funding partner for the I-710 project and is aware that one of the zero-emissions freight corridor alternatives is under consideration as the preferred project alternative. Under either of the two alternatives, trucks travelling within this corridor would operate via zero emissions technology (e.g., with a wayside power system similar to some bus systems). The Draft EIR for the I-710 project has already completed its comment period and certification of the document is tentatively scheduled for certification in 2013. The I-710 Draft EIS/EIR assumed that the project would be constructed no later than 2035. Since it is reasonably

^[1] Draft EIR available here: <http://www.dot.ca.gov/dist07/resources/envdocs/docs/710corridor/>

foreseeable that by 2035, the I-710 will involve a zero-emissions freight corridor, the no project alternatives analysis in the project peak year of 2035 should therefore consider that trucks traveling to Hobart would have zero emissions.

If trucks travelling to Hobart were considered to have zero emissions, then the offsite truck emissions would be approximately 125 lbs/day (from current tenants) or less, instead of the reported 1,151 lbs/day. With this reduction, the CEQA NOx impacts would be approximately negative 1,493 lbs/day. As shown in Table 3.2-26, the proposed project NOx emissions in 2035 are negative 901 lbs/day. Hence the No Project Alternative would have 592 lbs/day less NOx emissions than the Proposed Project Alternative. Similarly, Diesel Particulate Matter emissions would be reduced to near zero in the No Project Alternative. The reported health risk benefits from the Proposed Project compared to the No Project Alternative (Table 5-11)⁴, especially along the I-710 freeway would probably no longer exist were the I-710 project taken into account in the SCIG analysis.

Because the negative air quality impacts of the No Project Alternative in comparison with the Proposed Project Alternative have been presented as a primary consideration in favor of constructing SCIG, it is imperative that the Final EIR accurately represent the true impact of the two alternatives. If the Proposed Project will worsen air quality compared to a No Project scenario, then the decision makers and the public must be aware of this prior to considering the project for approval.

Key Assumptions Used in Emissions Calculations Must be Conditions of Proposed Project

Several assumptions in the emissions calculations are key to determining the potential significance of air quality impacts. As many of these assumptions are not governed by existing regulations or other mitigation measures, the Lead Agency should include these conditions that limit the activity at the project site to what is analyzed in the Recirculated DEIR. If the activity should increase beyond what is assumed in the Recirculated DEIR, then CEQA must be re-opened and future Subsequent EIRs may be required. Specifically, AQMD staff requests that conditions be placed on the project that (See table below):

- limit the peak daily and annual average number of trucks and locomotives visiting the site to the values identified for key milestone years in the EIR,
- limit the peak daily and annual average locomotive tier to what is assumed in the EIR, and
- limit the amount of locomotive idling and switching activity onsite to what is assumed in the EIR.

⁴ See also: <http://www.bnsfconnects.com/pages/air-quality-maps>

Table of Daily Maximums

Activity	2016		2023		2035		2046	
	Average	Peak	Average	Peak	Average	Peak	Average	Peak
Truck Trips	570	638	806	903	2,771	3,103	2,771	3,103
Train Trips	2	2	3	3	8	8	8	8
Train Idling (hrs)	5.4	5.5	5.2	5.5	5.2	5.5	5.4	5.5
Switcher Operation (hrs)	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4

Note 1. Truck and train trips are presented as round trips

Note 2. Peak truck Trips based on average trips (Table C1.2-2) multiplied by 1.12

Note 3. Recirculate DEIR assumed peak train trips to be equivalent to average

Note 4. Train idling represents totally daily idling per train based on spreadsheets CBI-2016 thru -2016, and CBI-Worst Case

Note 5. Switcher operating hours are per switcher

Locomotive Emissions

Locomotive Peak Daily Emissions

The Recirculated DEIR contains insufficient information for the public to determine the reasonableness of the locomotive peaking factor used to calculate peak day locomotive emissions. In the Draft EIR, peak day locomotive emissions were estimated assuming that all daily locomotive trips on the peak day were conducted by the lowest Tier level locomotive in the fleet mix for each analysis year. The AQMD staff did not comment on this approach because it was conservative, in that it produced locomotive emissions based on the highest emission rate available in the projected fleet. However in the Recirculated DEIR, peak day locomotion emissions were determined by applying a peaking factor to all future year locomotive emission factors. The peaking factor used in the Recirculated DEIR has substantial impacts on the locomotive emissions reported for the proposed Project. For instance, the 2035 NOx emissions for the proposed Project in the Recirculated DEIR and Draft EIR were 916 pounds per peak day and 3669 pounds per peak day, respectively. This amounts to a 75 percent drop in off-site NOx locomotive emissions in 2035. The peaking factor used in the Recirculated DEIR was derived by assuming a ratio of the peak day locomotive fleet mix average emissions factor in 2010, to the average day locomotive fleet mix average emissions factor in 2010. No supporting data or information is provided in the Recirculated DEIR on the underlying assumptions that went into deriving the peaking factor. As a result, the AQMD staff is unable to verify that the peaking factor is reasonable.

The application of the peaking factor to future locomotive emission rates further exacerbates the belief of AQMD staff that future locomotive fleet mixes, assumed in the emission rates tables of Appendix C1.2-21 and C1.2-22, over-predict the penetration of Tier 4 locomotives in milestone years 2023 and 2035. When coupled with the peaking factor, it results in an underestimation of the emission rates (and therefore emissions) for the peak day scenario. The approach used in the Draft EIR avoided this problem somewhat by assuming that the peak day emission rates were based on the lowest tier (highest emission rate) locomotive making up the fleet in a specific year.

R156-15

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Locomotive Emission Factors

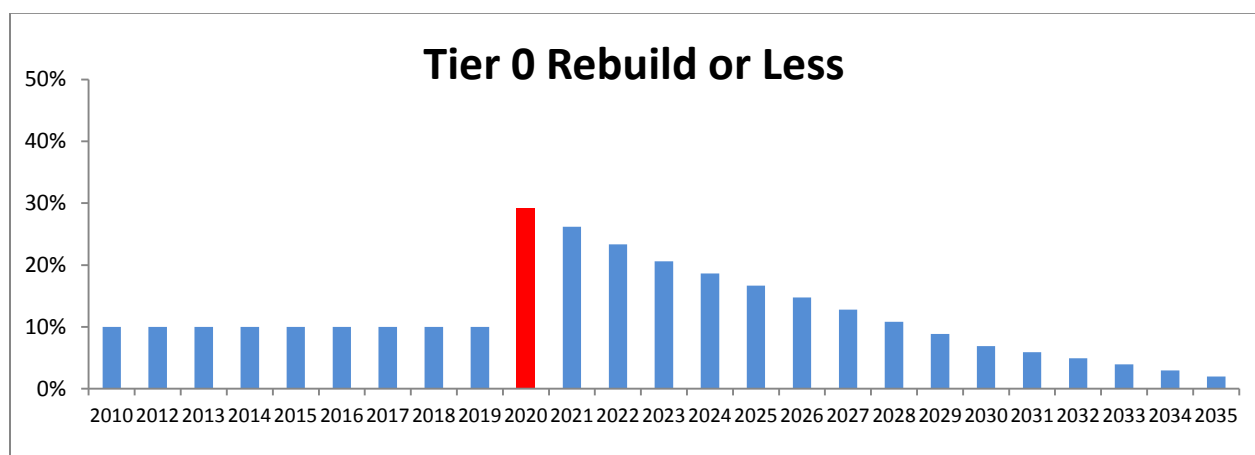
The Recirculated DEIR fails to provide adequate clarity regarding how the locomotive emission factors relate to both the 1998 Fleet Average Agreement between CARB and the Class I railroads, and the EPA national locomotive fleet forecast. In our original comment letter on the Draft EIR we asked for an explanation on how the emission factors in Tables C1.2-20 through C1.2-22 were estimated and whether they were based on projected in-use emission rates or emission standards. AQMD staff made this same comment on the HRA analysis section of our original comment letter. In order for the AQMD staff to determine if the emission factors are reasonable, the lead agency needs to provide a methodology on the derivation (with appropriate references) of the emission factors and how they were converted from grams per brake-horsepower rate to a grams per hour rate. No change in the methodology description was provided in the Recirculated DEIR and the AQMD staff is requesting that the lead agency provide this information in the Final EIR.

R156-17

Tier 0 Contribution to the Project Locomotive Fleet

The projected locomotive fleet mix shows a substantial increase in the percentage of Tier 0 and Tier 0 rebuilds starting in 2020. The air quality analysis in the Recirculated DEIR uses this fleet mix to evaluate the air impacts from the proposed Project. The Figure below presents the percentage of Tier 0 and Tier 0 rebuilds in the projected locomotive fleet. From 2010 to 2019, the percentage of Tier 0 and Tier 0 rebuilds is 10%. Starting in 2020, the percentage of Tier 0 and Tier 0 rebuilds abruptly increases to approximately 30%, and slowly declines to zero after 2035 (See figure below). The AQMD staff is concerned that there is no rationale for this dramatic increase in the number of Tier 0 and Tier 0 rebuilds. Including this many Tier 0 and Tier 0 rebuilds is a step backward towards the goal of a clean locomotive fleet. As compared to Tier 4 emission rates, Tier 0 and Tier 0 rebuilds emit approximately 630% more PM and 515%, more NO_x, than a Tier 4. Because air quality impacts are greatly increased by the high emission rates and significant penetration of Tier 0 and Tier 0 rebuilds in the fleet, the lead agency should restrict access to the proposed SCIG Railyard to only locomotives that meet Tier 2 rebuild and above emission levels.

R156-18



Emissions Calculation Error with Locomotives Exhaust

AQMD staff identified an error in the emission calculation spreadsheet titled Loco EFs.xls that appears to systematically affect nearly all locomotive exhaust emission calculations. In

R156-19

worksheet 'Worst_2010_EFs_unmitigated', the emission factors in cells C6:L9 are calculated by multiplying the percentage of the fleet dedicated to a tier (e.g., Tier 0) specified in that worksheet by emission factors for that same tier found in another file titled 'Engine_EFs_summary_050907_forecasts_for2010.xls'. It appears that this calculation references the incorrect cells in the second file such that the percentage of Tier 0 locomotives is multiplied by the Tier 1 emission factor, Tier 1 is multiplied by Tier 2, etc.

R156-19

These emission factors calculated in the 'Worst_2010_EFs_unmitigated' are then used to create peaking factors to describe peak to average locomotive emissions. These peaking factors are applied to different analysis years (2016, 2023, etc.) and scenarios (project, no project, etc.). It is unclear to AQMD staff what impact correcting this error will have on the significance determinations as it should modify both the project and baseline emissions estimates and modeling results. It is unclear if this error was also present in the Draft EIR as AQMD staff did not receive these spreadsheets for that document. AQMD staff recommends that the analysis be corrected to reflect appropriate calculations.

Locomotive Peaking Factors

It is unclear how the logic used to derive the peaking factors calculated in the LocoEF.xls table applies to future years. First it is unclear how the 2010 'peak' day was derived. A note in this spreadsheet refers to a memo (Hobart Average and Peak Day Memo 032112.pdf) that is not included in the Recirculated Draft EIR. More explanation should be provided explaining how the peak day was derived for the 2010 year. It is also unclear that this same peaking factor should apply to all future years. The Recirculated Draft EIR does not explain how the 2010 peaking factor will remain constant in future years, especially as turnover of the fleet may produce a jump in Tier 0 rebuilds in 2020 (from 10% to 26%).

R156-20

Locomotive Activity Along the San Pedro Branch Line Adjacent to Sensitive Receptors

In the proposed project, when trains are being built or deconstructed, line haul locomotives will pull cars up the San Pedro Branch line to the north and east of the site. This rail line runs adjacent to sensitive receptors including homes and schools. As mitigation, the project should commit to avoiding whenever possible locomotive activities along this track during times when children are expected to be outside, including lunch periods, recesses, and other times that the school district may identify. In addition, there should be strict monitoring and enforcement of locomotive activity along this line to ensure that idling is kept to a minimum and does not exceed estimates in the EIR.

R156-21

Train Counts

The Recirculated DEIR fails to address AQMD staff comments about the unusually low number of train trips reported for calendar year 2035. In our comments on the Draft EIR, the AQMD staff requested clarification on how the annual train trips can be so much lower than the estimated train trips for the proposed expansion of the ICTF Railyard. Intuitively, we would expect the train counts to be similar since the number of container lifts was equivalent. The lead agency estimates the proposed project will process 1.5 million lifts per year at its maximum operating capacity in 2035. The Notice of Preparation (NOP) for the proposed modernization and expansion project for the Intermodal Container Transfer Facility (ICTF) released in January 2009, indicated that the ICTF will also process 1.5 million lifts per year at its

R156-22

maximum operating capacity in 2023⁵. For the proposed project, the lead agency estimates that the number of annual rail round-trips will be 2,880 at full capacity, while the annual rail round-trips for the proposed ICTF will grow from the baseline activity of 2,373 to 4,745 at capacity⁵. The table below summarizes our concerns.

R156-22

Table of Train Counts

	SCIG ¹	ICTF ²
Container Lifts (Annual) ³	1.5 million	1.5 million
Rail Round Trips (Annual) ³	2,880	4,745

1. Recirculated DEIR, Table ES-1

2. Notice of Preparation and Initial Study, Intermodal Container Transfer Facility Modernization and Expansion Project, ICTF Joint Powers Authority, January 2009.

3. 2035 for SCIG; 2023 for ICTF

Locomotive Idling During Fueling and Servicing

The Recirculated DEIR does not include any locomotive idling during locomotive fueling and servicing. In our comment letter on the Draft EIR, we raised the issue that locomotive idling times during DTL fueling and service events can be up to 150 minutes per event, and that the Draft EIR did not include any locomotive idling when estimating the emissions from DTL fueling. Since this omission can have a significant impact on emissions and air quality impacts, the assumptions for locomotive idling during DTL fueling and service events should be included in the analysis or the lead agency should provide additional evidence that can substantiate why they should not be part of the analysis.

R156-23

Drayage Truck Emissions

Drayage Truck Trips

The Recirculated DEIR fails to provide the assumptions on how the ratios in Table 3.10-13 were derived. In our previous comment letter on the Draft EIR, the AQMD staff expressed concern that it was impossible to determine the reasonableness of the bobtail ratio presented in Table 3.10-13 without further explanation on how it was derived. As a result, the proposed project would operate with fewer bobtails (tractors with no chassis) than the baseline operation (i.e., Hobart Railyard). Table 3.10-13 is repeated below for ease of discussion. As shown in the table, the bobtail ratio goes down from 0.862 drayage truck trips per intermodal lift for the baseline scenario to 0.100 drayage truck trips per intermodal lift for the proposed project. The project description indicates that there would be a “small amount” of chassis storage. Most lifts will be “live lifts” where the container is lifted from the chassis and the chassis leaves the facility. Table 7 should show an increase in chassis movements since there are more “live lifts” than a traditional intermodal railyard which is reflected in the lower bobtail ratio.

R156-24

⁵ Notice of Preparation and Initial Study, Intermodal Container Transfer Facility Modernization and Expansion Project, ICTF Joint Powers Authority, January 2009.

Table of Truck Trips per Intermodal Lift

Trip Generation Conditions	In-Gate Load (Depart Port)	Out-Gate Load (Arrive Port)	Chassis (in and out)	Bobtails (in and out)	Total
Baseline Intermodal Facilities	0.610	0.390	0.220	0.862	2.082
Proposed Project	0.610	0.390	0.220	0.100	1.320

R156-24

The AQMD staff is concerned that the ratios in Table 3.10-13 are inaccurate. Specifically, we would expect the drayage truck trips per intermodal ratio for chassis (trucks entering or leaving the facility with a chassis but no container) would increase as the bobtail ratio decreases as compared to the baseline scenario. On page 2-36 of the Recirculated DEIR the lead agency states that “Trucks that had performed a live lift or delivered a container to a stacking area would in most cases be directed to a location in the container stacking area where another container would be loaded onto the chassis by an RMG for transport back to the port terminals.” This means that the vast majority of drayage trucks will enter and leave the facility with a container. However, it is not clear how the ratio for bobtails in or out was determined for the proposed project when all other ratios remain the same for the proposed project (as compared to the baseline scenario). Therefore, the AQMD staff reiterates our request that the lead agency provide the assumptions on how the ratios in Table 3.10-13 were derived.

Claimed Reduction in Truck Trips

AQMD staff is concerned that the project proponents are claiming that this project will benefit air quality by removing trucks from the I-710 freeway, however after construction of SCIG the total number of TEU's handled are expected to be ten times higher than today. From the table below one can see that after this project is built, there will be a total rail yard capacity of 8.3 million TEUs, while the current number of TEUs handled by Hobart is only 0.83 million TEUs. While many truck trips will be diverted from Hobart to SCIG, growth will far outpace the diversion. Ultimately SCIG and Hobart combined will have the capacity to handle ten times the amount of goods as is currently handled at Hobart. This overall increase in goods movement is not addressed in the Recirculated Draft EIR and leads to the misleading conclusion that this project will reduce truck trips.

R156-25

SCIG and Hobart Capacity

Scenario	SCIG Capacity (TEU/year)	Hobart Capacity* (TEU/year)	SCIG+Hobart Capacity (TEU/year)	Total TEUs analyzed in RDEIR
Existing Baseline (2010)	0	3,145,000	3,145,000	829,642 to Hobart
Proposed Project (2035)	2,775,000	5,550,000	8,325,000	2,775,000 to SCIG

*2010 capacity based on 56.9% utilization as reported in Appendix G4.

Baseline Methodology

R156-26

The AQMD staff appreciates that the Lead Agency used a floating baseline to evaluate health risk impacts from the proposed project. The staff commented on the DEIR that the floating baseline is the appropriate baseline for evaluating both the health risk impacts *and* regional criteria pollutant impacts. Although the Recirculated DEIR did use the floating baseline to evaluate health risk impacts, the floating baseline was not used to evaluate regional criteria pollutant impacts. A static baseline is an improper baseline to evaluate impacts for criteria pollutants. The static baseline used in Recirculated DEIR for criteria pollutants fails to disclose the impacts of the proposed project because it credits the proposed project with improvements in air quality that would occur independent of the proposed project due to adopted state and federal rules. This error has real-world implications since the lead agency will not be required to apply feasible measures or alternatives that would avoid or lessen the impacts. In order to properly evaluate the air quality impacts from criteria pollutants, the Recirculated DEIR should use a floating baseline similar to the one used to assess health risk.

Dispersion Modeling Parameters

AQMD staff was provided emission calculations spreadsheets, dispersion modeling input and output files, and databases that contain the results of the modeling analysis. AQMD staff is unable to verify that the modeling analysis corresponds correctly to the emission calculation spreadsheets. Modeled source strength has generally been represented by ‘unitary’ rates (e.g., 1 gram per second) that are used for efficiency in the dispersion modeling analysis. If unitary rates are used, the modeled concentrations then need to be modified to match the actual calculated source strength from the emission calculation spreadsheets. It appears that these modifications may have been performed in the databases, however the Queries that would include these calculations have not been included with the databases.

R156-27

In addition, it is not clear how the emission calculations in the provided spreadsheets are translated into the modeling. The table below illustrates an example of how the values in the spreadsheet, model inputs, and databases are not correlated for one of the sources (northernmost locomotive activity on the San Pedro Branch line). There are thousands of sources that were modeled for the EIR air quality analysis.

Values Used in Emissions Calculations for San Pedro Branch

File	NO _x Hourly Emission Rate (grams/second)
<i>Spreadsheet</i> ‘CBI-2035_03.27.12.xls’*	7.13 x 10 ⁻³
<i>Database</i> ‘Project Criteria tblEmissions.accdb	9.62 x 10 ⁻⁴
<i>Model Input File</i> ‘LHMOV’	0.5

*Rate summed from multiple sources by AQMD staff

Without the ability to review these calculations, the public and AQMD staff are unable to verify the validity of the modeling analysis.

Construction Emissions and Construction Mitigation Measures**Crane Delivery**

The Recirculated DEIR fails to correctly calculate the emissions from the delivery of rail mounted gantry cranes (RMG) to the proposed project site. In our comments on the Draft EIR,

R156-28

we presented our concerns that the assumption of one ship capable of delivering 20 RMGs (pg. 3.2-27 in the Draft EIR) is not reasonable. This assumption has been unmodified in the Recirculated DEIR. Crane manufacturers have in the past transported two cranes per ship, which would result in at least 10 ship calls during the course of the construction phases for the proposed project. Even making allowances for the RMGs being larger than those proposed for the proposed project, the assumption of one ship call for 20 RMGs is extremely low. As a result of this assumption, construction emissions are underestimated. This is especially significant since the emissions from transporting RMGs make up such a large portion of the construction emissions (up to 70% of NOx emissions in 2015 of the Draft EIR).

Another concern presented in our comments in the draft EIR was that the cargo ships emission calculation lacks sufficient detail for AQMD staff to understand how the emissions were calculated. The lead agency failed to add sufficient detail on these calculations for us to verify their accuracy. The Final EIR should include more detailed emission calculations to fully document all emission sources of crane delivery.

MM AQ-1: Fleet Modernization for Construction Equipment

MM AQ-1 has not been revised in the Recirculated DEIR and the AQMD staff reiterates our concern that this mitigation measure does not represent the cleanest technology available since Tier 3 certified construction equipment has been available since 2006, and construction equipment meeting Tier 4 non-road emission standards became available beginning 2011. MM AQ-1 should be revised to require all construction equipment to meet the cleanest off-road engine emission standard available, and be equipped with Level 3 CARB verified DECS.

MM AQ-2: Fleet Modernization for On-road Trucks (used during construction)

Similar to MM AQ-1, MM AQ-2 has not been revised in the Recirculated DEIR, and MM AQ-2 still specifies exceptions for import haulers and earth movers from the requirement that all on-road trucks used during construction meet the EPA 2007 on-road PM and NOx emission standards. AQMD staff sees no reason for these exceptions. All trucks used during construction should operate on engines with the lowest certified NOx emissions levels, and if the lowest available does not meet the EPA 2007 on-road PM emission standards, then the lead agency shall require all trucks be equipped with CARB certified Level 3 DECS. It is also recommended that these requirements apply during circumstances where a piece of compliant equipment becomes available during the timeframe of construction.

Other Comments

Characterization of U.S. EPA locomotive rule

The Recirculated DEIR fails to properly characterize the 2008 U.S. EPA locomotive rule (40 CFR Part 92). This description is inaccurate and needs to be re-written. In our comments on the Draft EIR, we noted that Draft EIR description of the rule in Chapter 1 – Introduction stated “...by 2011, all diesel diesel-powered Class 1 switcher and helper locomotives entering port facilities must be Tier 3, and must use 15-minute idle limit devices.” Under the 2008 U.S. EPA locomotive rule there is no requirement that Class 1 switchers and helper locomotives meet Tier 3 by 2011. However, CAAP Control Measure RL-1 does require that all PHL switchers be equipped with 15-minute idling devices and when used on Port property meet Tier 3-plus standards by the end of 2011, contingent upon funding being available. The 2008 U.S. EPA

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↑ locomotive rule does require anti-idling devices on locomotives, but only when for new Tier 3 and Tier 4 locomotives, or for lower tiers when they undergo their first remanufacture under the new standards. The DEIR description also contains, “Beginning in 2012 and fully implemented by 2014, the fleet average for Class 1 long-haul locomotives calling at Port properties must be Tier 3 equivalent (Tier 2 equipped with diesel particulate filters (DPF) and selective catalytic reduction (SCR) or new locomotives meeting Tier 3) PM and NOx and will use 15-minute idle restrictors.” However, the 2008 U.S. EPA locomotive rule has no requirement that by 2014 the locomotives entering the Ports meet Tier 3. Finally, the DEIR description includes this statement “Class 1 long-haul locomotives must operate on ultra low sulfur diesel (USLD) while on Port properties by the end of 2007.” This is not a requirement in 2008 U.S. EPA locomotive rule. Low sulfur fuel is however, required in the 2004 U.S. EPA Clean Air Nonroad Diesel Fuel Rule, but does not take effect until June 2012. The AQMD staff requests that the description of the 2008 U.S. EPA locomotive rule be amended in the Final DEIR to reflect the actual rule requirements.

ATTACHMENT B ZERO-EMISSION TRUCK TECHNOLOGIES

Overview

AQMD comments regarding the Recirculated DEIR for the Proposed SCIG Railyard Project strongly support the inclusion of a zero-emission component into the proposed project. The specific technology or technologies used to implement this component would be determined by the lead agency. In our comments on the Draft EIR we provided Attachment B which discussed the state of development of zero-emission container transport systems. Based on this discussion we concluded that the deployment of electric trucks was feasible early in the lifetime of the proposed Project. The following discussion includes an update to the previously submitted attachment and focuses only on electric truck technologies.

Zero emission technologies for transport applications, including heavy trucks, are developing rapidly and can, with appropriate actions by the lead agency and other entities, be deployed early in the operational phase of the proposed Project. Any of several types of zero-emission truck technologies could be used. As is described below, these include, but are not limited to, on-road technologies such as battery-electric trucks, fuel cell trucks, hybrid-electric trucks with all-electric range (which could be coupled with natural gas or other power for range extension), and zero-emission hybrid or battery-electric trucks with “wayside” power (such as electricity from overhead wires).

Several recent analyses have supported the technical feasibility of implementing zero emission truck technologies in the I-710 corridor. For example, AQMD and LA Metro co-funded preparation by CALSTART of a report titled, “Technologies, Challenges & Opportunities I-710 Corridor Zero Emission Freight Corridor Vehicle Systems.” The report was released in June and examines whether a Class 8 truck could be developed that would meet the zero-emission needs of the I-710 project alternatives described in the Draft EIR/EIS. CALSTART prepared the report with input from a wide range of industry experts. Among the findings are the following:

“The development of a vehicle or vehicle system (truck and infrastructure power source) that can move freight through the I-710 Corridor with zero emissions has no major technological barriers. In fact, there are several technical approaches that can achieve the desired outcome. Solutions can be developed based on existing designs and technical knowledge, and require no fundamental research or technology breakthroughs. Small-scale demonstrations can begin immediately and commercialization of proven designs can certainly be achieved by 2035, the horizon year of the I-710 Corridor Project. Provided there is a strong focus on the commercialization process, this assessment finds commercial viability could occur well before 2035, indeed within the next decade.”⁶

The report also noted an unprompted and “particularly striking” degree of consensus by experts around the most promising and commercially viable approaches. The report states:

“A ‘dual mode’ or ‘range extender’ Hybrid Electric Vehicle (HEV) with some EV-only capability was seen as the most feasible solution, particularly if combined with an

⁶ http://www.metro.net/projects_studies/zero_emission/images/CALSTART_I-710_TCO_Report.pdf, pg.2

infrastructure power source such as catenary or in-road, which would allow for smaller battery packs aboard the vehicles.”⁷

The report concluded by stating:⁸

- “A ZE truck to serve the I-710 freight corridor (in Alternatives 6B or 6C) is fully technically feasible and can be based on vehicle architectures and designs already in prototype status.
 - Several manufacturers and suppliers have existing systems and prototype trucks ranging from near-zero- to full zero-emissions. These include dual-mode hybrids; plug-in hybrids; range-extender battery electrics; hydrogen fuel cell EVs, and battery electric trucks.
- “A zero-emissions freight truck can be developed for potential production well within the proposed timing of the corridor project. Indeed, such a truck could be developed in advance of the corridor’s actual construction.
- There is a high degree of agreement on the near-term technical approaches that are most promising for a zero-emissions truck over the next five years to meet the stated requirements of the I-710 freight corridor alternatives 6B & 6C.
 - A dual-mode hybrid or range-extended hybrid (possibly using a natural gas engine) with some engine-off driving capability (hence zero tailpipe emissions) coupled with corridor-supplied electrical power (lowest risk is believed to be a catenary system) was overwhelmingly identified as the most feasible system in the 5-year time frame.
- Other possible less likely near-term solutions included in-road power, all-battery trucks with fast charge or battery swap, zero-emission equivalent engines (virtually zero NOx and PM) and exotic fuel engines.
- A single-purpose truck is considered less likely to be successful, while a multiple purpose truck is considered much more likely. Manufacturers in particular believe a successful system must be useful beyond the corridor or its production cannot be justified or sustained.
- Based on interview responses, technology is not considered a barrier to a zero-emission freight truck. Fundamental research and development is not required. Additional development and demonstration of systems and system integration, and on fielding and validating prototype vehicles, would be valuable.
- Development timelines run from near term demonstrations within eighteen months to three years, to the potential for production in as few as five years, assuming market demand was sufficient to justify moving to production. Funding assistance will be needed to speed development, validation and deployment. It will also be likely needed to support purchase. Longer-term solutions were not examined here, as the 5-year time frame best fit the I-710 project.”

The report also noted the need to establish an economic case for a zero-emission corridor and its vehicles, including incentives, inducements and potential regulations. CALSTART

⁷ http://www.metro.net/projects_studies/zero_emission/images/CALSTART_I-710_TCO_Report.pdf, pg.4,7

⁸ http://www.metro.net/projects_studies/zero_emission/images/CALSTART_I-710_TCO_Report.pdf, pg.31

recommended that developing this structure for a zero-emission freight corridor should be conducted in parallel with technology demonstration as soon as practicable. (Page 33).

Additional Information: Types of Zero-Emission Trucks

Zero-emission trucks can be powered by grid electricity stored in a battery, by electricity produced onboard the vehicle through a fuel cell, or by “wayside” electricity from outside sources such as overhead catenary wires, as is currently used for transit buses and heavy mining trucks (discussed below). All technologies eliminate fuel combustion and utilize electric drive as the means to achieve zero emissions and higher system efficiency compared to conventional fossil fuel combustion technology. Hybrid-electric trucks with all electric range can provide zero emissions in certain corridors and flexibility to travel extended distances (e.g. outside the region) powered from fossil fuels (e.g. natural gas) or fuel cells.

Vehicles employing electrified drive trains have seen dramatic growth in the passenger vehicle market in recent years, evidenced by the commercialization of various hybrid-electric cars, and culminating in the sale of all-electric, plug in, and range extended electric vehicles in 2011. A significant number of new electric light-duty vehicles will come on the market in the next few years. The medium- and heavy-duty markets have also shown recent trends toward electric drive technologies in both on-road and off-road applications, leveraging the light-duty market technologies and component supply base. Indeed, the California-funded Hybrid Truck and Bus Voucher Incentive Project (HVIP) website currently lists more than 75 hybrid-electric on-road trucks and buses available for order from eight manufacturers.

Battery-Electric Trucks

Battery-electric vehicles operate continuously in zero-emissions mode by utilizing electricity from the grid stored on the vehicle in battery packs. Battery-electric technology has been tested, and even commercially deployed for years in other types of heavy-duty vehicles (e.g., shuttle buses). Technologically mature prototypes have recently become available to demonstrate in drayage truck applications. (TIAX, *Technology Status Report - Zero Emission Drayage Trucks*, 1 (June 2011)). Battery electric trucks can be connected to “wayside power” (such as overhead catenary wires) to extend range.



Figure 1 Balqon Electric Battery Truck

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Fuel Cell Battery-Electric Trucks

Fuel cell vehicles utilize an electrochemical reaction of hydrogen and oxygen in fuel cell “stacks” to generate electricity onboard a vehicle to power electric motors. Fuel cells are typically combined with battery packs, potentially with plug-in charging capability, to extend the operating range of a battery-electric vehicle. Because the process is combustion free, there are no emissions of criteria pollutants or CO₂.

Fuel cell vehicles are less commercially mature than battery-electric technologies, but have been successfully deployed in transit bus applications, are beginning to be deployed in passenger vehicles, and are beginning to be demonstrated in heavy duty truck port applications.



Figure 2 Vision Zero-Emission Fuel Cell Battery Electric Truck

Hybrid-Electric with All-Electric Range (AER) Trucks

Hybrid vehicles combine a vehicle’s traditional internal combustion engine with an electric motor. Hybrid-electric heavy-duty trucks that improve fuel mileage are in commercial operation today. Hybrid-electric technologies can also be designed to allow all electric propulsion for certain distances, similar to the Chevrolet Volt passenger automobile which is currently being marketed. For example, the large vehicle drive-train manufacturer Meritor has developed such a heavy-duty truck and it has been demonstrated by Walmart Inc. in the Detroit area. This “dual mode” vehicle was developed as part of a U.S. Department of Energy program. Besides the advantages of increased range flexibility, dual-mode hybrid trucks can incorporate smaller battery packs as compared to those for all-battery electric trucks. This saves weight and cost while increasing range. The Meritor truck is powered solely by battery power (i.e. produces zero emissions) at speeds less than 48 mph.

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Figure 3: Dual-Mode Hybrid (Meritor)

Trucks With Wayside Power (e.g. “Trolley Trucks”)

One largely existing technology that could be used to move trucks regionwide is wayside power to power motors and/or charge vehicle batteries. Wayside power from overhead catenary wires is commonly provided to on-road transit buses, and has been used for heavy mining trucks. An example of how wayside power is feasible would be to outfit a battery-electric or hybrid AER truck with a connection to overhead catenary wires. Many cities operate electric transit buses that drive on streets with overhead wires, as well as streets without them. In such cities, “dual-mode” buses have capability to disconnect from the overhead wire and drive like a conventional bus. In Boston and other cities, such buses are propelled “off wire” by diesel engines. In Rome, such buses are propelled off wire by battery power to the same electric motors used on wire. The batteries are charged as the bus operates on the wired roadways. Figure 4 shows a dual-mode electric and battery-electric transit bus with detachable catenary connection in Rome, Italy.⁹



Figure 4 Dual-Mode Battery Electric Transit Bus (Rome)

The AQMD funded and provided input to a study titled Zero-Emission Catenary Hybrid Truck Market Study. This study was prepared by Gladstein, Neandross & Associates and was released in late March 2012, and presented at the ACT Expo in May. The study explores the potential market for zero-emission trucks, including hybrid electric trucks with all electric range, that receive wayside power, such as from overhead electric catenary wires. Potential markets include the I-710, transport between the ports and near-dock railyards, and a potential east-west freight

⁹ Other proposals have been evaluated and awarded by the SCAQMD and the CEC to develop catenary trucks and hybrid trucks with AER. Similarly, in 2010, Volvo announced an award by the Swedish Energy Agency to develop a “slide in” technology for both automobiles and trucks which would provide wayside power from the road to the vehicle using a connection from the bottom of the vehicle to a slot in the roadway (<http://www.energimyndigheten.se/en/Press/Press-releases/New-initiatives-in-electrical-vehicles/>).

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corridor. The report concludes that such technologies could provide standard operating range for local or regional trucks and could have similar or lower cost compared to other zero-emission technologies.¹⁰

The Zero-Emission Catenary Hybrid Truck Market Study¹¹ states “As the I-710 expansion project moves forward, decisions will be made about the best technologies to reduce truck related emissions and traffic congestion from the corridor. In 2004, the local communities along the I-710 identified their preferred strategy, an expansion of the I-710 including the addition of a four lane dedicated roadway for trucks. Since that time, much work has been done to evaluate the feasibility of zero emission trucks on the proposed dedicated roadway. The concept of zero emission trucks has gathered significant support by some I-710 project committee members and the concept looks very promising for inclusion in the ultimate project recommendation, due in 2012. Whether the recommendation would specify catenary systems, other wayside power options, or opportunity charging, the truck platform considered in this market study would be easily adapted to suit the selected zero emission system. The zero emission system selected by the I-710 project committee could be strongly influenced by a working system serving the near-dock rail yards at the ports. The benefits of using the same system for the CA-47/103 and the I-710 are significant.”

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The global technology manufacturer Siemens has developed a prototype truck to catenary wire connection for this purpose. Figure 5 shows a photo of this system on a prototype roadway in Germany. The truck is a hybrid electric with zero emission all electric operation when operated under the overhead wire. The truck automatically senses the wire which allows the driver to raise the pantograph connection while driving at highway speeds. The pantograph automatically retracts when the truck leaves the lane with catenary power. The powered lane can be shared by cars and traditional trucks. The truck may be operated off the powered lane propelled by a diesel engine, or could be configured with battery or fuel cell power sources.



Figure 5 Truck Catenary (Siemens)

As applied to hybrid AER trucks, wayside power could provide zero-emission operation and battery charging on key transport corridors, allowing the vehicle to operate beyond such corridors in zero-emission mode. As the battery is depleted, the vehicle would have the flexibility for extended operation on fossil fuel power.

¹⁰ http://www.gladstein.org/tmp/ZETECH_Market_Study_FINAL_2012_03_08.pdf

¹¹ http://www.gladstein.org/tmp/ZETECH_Market_Study_FINAL_2012_03_08.pdf

1 **Comment Letter R156: South Coast Air Quality Management District**

2 **Response to Comment R156-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R156-2**

9 Thank you for your comment. Please refer to Master Response 10, Environmental
10 Justice. The RDEIR air quality analysis (see Section 3.2.4.3) did identify on-site
11 sweeping as a mitigation measure for PM10 and PM2.5 impacts under AQ-4. No other
12 feasible mitigations were identified that would reduce NO2 emissions or result in
13 additional reductions of PM10 and PM2.5 emissions, and the RDEIR air quality impact
14 analysis concluded that impact AQ-4 would remain significant and unavoidable.

15 **Response to Comment R156-3**

16 Thank you for your comment. Please see Master Response 7, ZECMS.

17 **Response to Comment R156-4**

18 PC AQ-12 San Pedro Bay Ports CAAP Measure RL-3 is not quantifiable or feasible at
19 this time and is not considered mitigation under CEQA to reduce an identified impact.
20 Please see RDEIR Section 3.2.3 for a discussion of applicable federal locomotive
21 regulations. Tier 4 locomotives are expected to utilize a new, untested technology that
22 simply does not currently exist at a size adequate for line-haul locomotive engines. Under
23 even the most optimistic scenario, there will only be a limited number of prototype high-
24 horsepower Tier 4 locomotives operating in California for field testing in 2013. It is
25 infeasible to commit in advance to purchase and deploy locomotives by a date certain
26 when those locomotives have not yet been designed, tested, or deployed. PC AQ-12 is
27 clear that “[i]mplementation of the RL-3 goal for introduction of the locomotives calling
28 at SCIG while on port properties would be based on the commercial availability of
29 operationally proven Tier 4 locomotives in 2015 and *any adjustment in that date will*
30 *require equivalent adjustment in the goal achievement date.*” RDEIR, Section 3.2.5
31 (emphasis added). PC AQ-12 takes into account the necessity to adjust the goal
32 achievement date if certain key assumptions, such as the commercial availability of
33 operationally proven Tier 4 locomotives by 2015, are not met. In addition, PC AQ-12 is
34 clear that the emission reduction sought by the RL-3 emissions goal “may also be
35 achieved by BNSF’s reduction in air emissions anywhere in the South Coast Air Basin
36 equivalent to the RL-3 goal for locomotives calling at SCIG while on port properties
37 through *any other alternative means.*” RDEIR, Section 3.2.5 (emphasis added). This
38 provides necessary flexibility in meeting the project condition, without which the project
39 condition would be infeasible. Therefore PC AQ-12 is appropriate as a project condition
40 and not a mitigation measure under CEQA.

1 Response to Comment R156-5

2 Thank you for your comment. Please refer to Master Response 3, Hobart. The comment
3 that BNSF would likely move intermodal business from other facilities to Hobart is
4 speculative and not supported by facts or evidence.

5 Response to Comment R156-6

6 Thank you for your comment. The RDEIR has considered all feasible mitigation
7 measures. Please refer to Master Response 4, Feasibility of Mitigations Measures,
8 Master Response 7, ZECMS, and response to Comment R156-4. These Master Responses
9 explain why Zero Emissions Container Movement Systems and accelerated use of Tier 4
10 line-haul locomotives are not feasible mitigation measures that would be effective in
11 reducing the proposed Project's air quality impacts.

12 Response to Comment R156-7

13 Thank you for your comment. Please refer to Master Response 7, ZECMS. These Master
14 Responses explain why Zero Emissions Container Movement Systems and accelerated
15 use of Tier 4 line-haul locomotives are not feasible mitigation measures that would be
16 effective in reducing the proposed Project's air quality impacts.

17 Response to Comment R156-8

18 Thank you for your comment. Please refer to Master Response 7, ZECMS. These Master
19 Responses explain why Zero Emissions Container Movement Systems and accelerated
20 use of Tier 4 line-haul locomotives are not feasible mitigation measures that would be
21 effective in reducing the proposed Project's air quality impacts.

22 Response to Comment R156-9

23 Thank you for your comment. Please refer to Master Response 7, ZECMS. The comment
24 implies there is a regulatory "requirement" that 25% of container transport be zero
25 emissions technology by 2016, and 100% by 2020, using mandatory language such as
26 "shall." The comment also proposes a process by which the Port Commission can make
27 findings to reduce the 2016 requirement. However, no such regulatory "requirements"
28 exist.

29 Response to Comment R156-10

30 The commenter cites the San Pedro Ports Rail Study Update (2006) but that study shows
31 that even under the most optimistic assumptions regarding existing and proposed
32 capacity, on-dock facilities will not fully meet forecasted demand. Therefore there is still
33 a need for a new near-dock facility such as SCIG. This issue is also discussed in Master
34 Response 6, On-Dock Rail. The projected future year throughput at the SCIG facility
35 used in all of the environmental resource area impact analyses assumes that all on-dock
36 facilities that can be built will be built. Therefore it is unclear how additional on-dock
37 capacity could serve as a mitigation measure for SCIG, especially since additional
38 capacity is not feasible.

39 The commenter further asserts that development of a near-dock railyard such as SCIG
40 will hinder maximizing the use of on-dock rail, but this is not correct. The true
41 consequence of not developing SCIG is that intermodal cargo will be drayed by diesel
42 truck to off-dock rail yards 25 miles away from the Ports.

1 Shipping lines prefer to move their intermodal cargo by on-dock rail because they have
2 more control of the schedule and costs. However, the logistics of creating full destination
3 trains on dock cannot always be achieved, and some off-dock capacity is required to
4 support demand throughout North America. As cargo volumes grow, the ability to create
5 full destination trains improves, but then the on-dock capacity to handle all cargo will
6 become a limitation. This situation will generate both near-term and long-term demand
7 for near-dock capacity. The environmental impacts of SCIG will be far less than the
8 alternative of using more distant off-dock rail yards.

9 Finally, the commenter is requesting a measure that is infeasible for the following
10 reasons. First, it would commit the proposed Project to building unspecified on-dock
11 infrastructure projects, and such a commitment that is impossible given that such projects
12 would need to undergo their own environmental review processes (including projects that
13 may not be within the jurisdiction of the lead agency to implement). Second,
14 “operational matters” raised by the commenter are not within the lead agency’s authority
15 to resolve; for example, the LAHD has no jurisdiction whatsoever over labor rules and
16 agreements. See Master Response 4, Feasibility of Mitigation Measures.

17 **References:**

18 Parsons. 2006. San Pedro Bay Ports Rail Study Update: December

19 **Response to Comment R156-11**

20 PC AQ-12 San Pedro Bay Ports CAAP Measure RL-3 is not quantifiable or feasible at
21 this time and is not considered mitigation under CEQA to reduce an identified impact.
22 Please see RDEIR Section 3.2.3 for a discussion of applicable federal locomotive
23 regulations. Tier 4 locomotives are expected to utilize a new, untested technology that
24 simply does not currently exist at a size adequate for line-haul locomotive engines. Under
25 even the most optimistic scenario, there will only be a limited number of prototype high-
26 horsepower Tier 4 locomotives operating in California for field testing in 2013. It is
27 infeasible to commit in advance to purchase and deploy locomotives by a date certain
28 when those locomotives have not yet been designed, tested, or deployed. PC AQ-12 is
29 clear that “[i]mplementation of the RL-3 goal for introduction of the locomotives calling
30 at SCIG while on port properties would be based on the commercial availability of
31 operationally proven Tier 4 locomotives in 2015 and *any adjustment in that date will*
32 *require equivalent adjustment in the goal achievement date.”* RDEIR, Section 3.2.5
33 (emphasis added). PC AQ-12 takes into account the necessity to adjust the goal
34 achievement date if certain key assumptions, such as the commercial availability of
35 operationally proven Tier 4 locomotives by 2015, are not met. In addition, PC AQ-12 is
36 clear that the emission reduction sought by the RL-3 emissions goal “may also be
37 achieved by BNSF’s reduction in air emissions anywhere in the South Coast Air Basin
38 equivalent to the RL-3 goal for locomotives calling at SCIG while on port properties
39 through *any other alternative means.”* RDEIR, Section 3.2.5 (emphasis added). This
40 provides necessary flexibility in meeting the project condition, without which the project
41 condition would be infeasible. Therefore PC AQ-12 is appropriate as a project condition
42 and not a mitigation measure under CEQA.

43 **Response to Comment R156-12**

44 As the comment acknowledges, the Clean Air Action Plan (CAAP) Measure RL3 is a
45 goal, not a requirement. In addition, the California Air Resources Board (CARB)
46 estimates of the number of locomotives needed in California to achieve a 100% statewide

1 fleet of Tier 4 locomotives by 2020 was an exercise conducted for a different purpose,
2 and is not specifically applicable to SCIG.

3 The RDEIR based its air quality modeling and emissions estimates on the CARB MOU
4 fleet information and the EPA locomotive implementation rates, since individual
5 railroads do not project fleet mixes 10-20 years or more into the future. The SCAQMD
6 fleet average agreement has shown that it takes several thousand locomotives to maintain
7 the Tier 2 average while maintaining fluidity of trains into and out of Southern
8 California. The commenter's estimate of 12 locomotives per day in 2020 is incorrect.
9 Locomotives stay connected to hundreds of trains going to and from California to many
10 different destinations throughout of the United States. This operating procedure requires
11 that many hundreds, if not thousands, of locomotives enter and leave California each day.
12 For a national rail carrier to switch out every locomotive that goes into a specific yard
13 would require additional large switching yards, be prohibitively expensive for both the
14 railroad and its customers, and disrupt the national transportation system. The use of the
15 current CARB MOU fleet information and the EPA future fleet projections is clearly an
16 appropriate, and in this case a conservative, method to estimate future locomotive fleet
17 characteristics.

18 **Response to Comment R156-13**

19 Thank you for your comment. Please refer to Master Response 3, Hobart. The comment
20 that BNSF would likely move intermodal business from other facilities to Hobart is
21 speculative and not supported by facts or evidence.

22 There is no "contradiction" in the RDEIR between the treatment of Hobart growth in the
23 No project Alternative analysis and in the proposed Project analysis. Under the No
24 Project Alternative, reasonably foreseeable growth in transload and domestic uses at
25 Hobart is projected based on economic conditions and trends; this growth is not
26 speculative. What is speculative is any assumptions that the proposed Project will cause
27 additional growth in Hobart transload and domestic uses due to backfilling. Because it is
28 not reasonably foreseeable that backfilling of Hobart would occur under the proposed
29 Project, there is no flawed in the RDEIR project description as alleged by the commenter.

30 **Response to Comment R156-14**

31 The comment implies, on the basis of the Draft EIR for the I-710 Corridor Project, that
32 trucks on I-710 in the future will be zero emissions, and that condition should be part of
33 the SCIG EIR's No Project Alternative. The I-710 Corridor Project DEIR is in draft form
34 and has not been finalized. The Corridor Project DEIR identified a proposed project and
35 five alternatives for evaluation in the DEIR, of which only two include zero-emission
36 vehicles. Accordingly, any assertion that I-710 will be a zero-emission freight corridor is
37 speculative at this time. It would not be appropriate for the RDEIR No Project
38 Alternative to assume that the zero-emission alternatives of the I-710 Corridor Project
39 DEIR would be selected for approval in that project. Accordingly, the RDEIR's No
40 Project Analysis is adequate under CEQA.

41 **Response to Comment R156-15**

42 The analysis for determining the significance of air quality impacts was based on
43 reasonable assumptions for project elements and activities which are supported by
44 available data obtained by BNSF, the San Pedro Bay cargo forecast, and other sources at
45 the time of the analysis. Consistency with the FEIR and conditions of approval by the

1 Board will be a provision of the lease. Additionally, an EIR is allowed to “make
2 reasonable assumptions based on substantial evidence about future conditions without
3 guaranteeing that those assumptions will remain true.” (*Environmental Council of*
4 *Sacramento v. City of Sacramento* (2006) 142 Cal App.4th 1018,1036). Once an EIR has
5 been certified and project has been approved, the CEQA process is complete for that
6 project. No Subsequent or Supplemental EIR shall be prepared unless the lead agency
7 determines that one or more of the three conditions in CEQA Guidelines § 15162 has
8 occurred. As such, it is not necessary or appropriate that specific assumptions used in the
9 analysis as identified by the commenter must be made conditions of the project.

10 **Response to Comment R156-16**

11 The locomotive peaking factor used in the RDEIR is derived as described by the
12 commenter, which is based on reasonable and actual data. The applicant, BNSF, has
13 indicated that it is not reasonable to assume all locomotive engines on all locomotive
14 consists to be the lowest Tier level in the fleet on any given day. In fact this is not
15 consistent with the practices of building locomotive consists, and data from train visits at
16 Hobart Yard in 2010 indicate that no single locomotive consist is ever made up of only
17 the lowest Tier level engines in the fleet (let alone all locomotive consists calling on a
18 railyard in a single day). Please refer to response to comment R156-20 regarding a memo
19 describing the determination of a peaking factor.

20 Future years (2023, 2035, 2046, and 2066) locomotive fleet mix makes use of a US-EPA
21 regulatory impact analysis (RIA) on the national average fleet composition. It is
22 considered the only credible source of information on future locomotive fleets and the
23 only published future fleet mix data available by a regulatory agency to date. It is also
24 noted that the average fleet mix operating in the South Coast Air Basin has been cleaner
25 than the EPA forecasted fleet in recent years, suggesting that the use of the EPA national
26 fleet composition forecast is a reasonable and conservative assumption for the RDEIR
27 analysis (as described below in the response to comment R156-18).

28 **Response to Comment R156-17**

29 The emission factors were available in units of grams per hour for each mode and notch
30 setting for various locomotives models from actual test data of locomotive engines,
31 published in the “Port of Oakland 2005 Seaport Air Emissions Inventory, Prepared for
32 Port of Oakland, March 14, 2008 (Port of Oakland, 2008). The particulate matter
33 emission factors published in the Port of Oakland study are identical to those used in the
34 ARB Railyard Emissions Inventories (ARB, 2011), but hydrocarbon, carbon monoxide,
35 and oxides of nitrogen emissions and fuel consumption rates are also available in the Port
36 of Oakland publication.

37 Because no data existed for engines built to the specification of the 2008 Locomotive
38 emission regulations, the EPA expectation of the impact of these regulations was applied
39 to the Tier 0, Tier 1, and Tier 2 locomotive emission rates available (Regulatory Impact
40 Analysis (RIA): Control of Emissions of Air Pollution from Locomotive Engines and
41 Marine Compression Ignition Engines Less than 30 Liters Per Cylinder,” EPA420-R-08-
42 001, March 2008). The EPA expectation of the impact of rebuild standards was applied
43 to the Dash 9 Tier 0, Dash 9 Tier 1, and ES-44 Tier 2 model engine emission rates, which
44 were the predominant models used in the South Coast and those models with the highest
45 rated power. The EPA expectation of the impact of new Tier 3 and Tier 4 regulations on

1 engine emission rates were applied to the ES-44 Tier 2 engine emission rates to estimate
2 emission rates for these new engine models.

3 The locomotive fleet forecasts were derived from published estimates of the line-haul
4 fleet that would comply with the July 2, 1998 “Memorandum of Mutual Understandings
5 and Agreements South Coast Locomotive Fleet Average Emissions Program,” until 2020
6 when the EPA estimate of the national average fleet forecasts were used for 2020 and
7 subsequent calendar years.

8 **References:**

9 ARB, 2011. Railyard Health Risk Assessments and Mitigation Measures. Website:
10 <http://www.arb.ca.gov/railyard/hra/hra.htm>

11 Port of Oakland. 2008. “Port of Oakland 2005 Seaport Air Emissions Inventory.” March.
12 Website: http://www.portofoakland.com/pdf/airEmissions_Inventory.pdf

13 **Response to Comment R156-18**

14 The forecasted locomotive fleets were derived from published estimates of locomotive
15 fleets complying with the prevailing agreements and regulations at the time of the
16 analysis.

17 The primary fleet forecast used was provided by EPA’s estimate of the line-haul
18 locomotive fleet (EPA, 2008). The spreadsheets used to estimate emissions reductions
19 and the year by year forecasts were separated provided by Charles Moulis, Office of
20 Transportation and Air Quality, Environmental Protection Agency on January 8, 2009,
21 upon request.

22 The EPA fleet fraction was intended to be representative of a national average, and
23 therefore did not account for the July 2, 1998 “Memorandum of Mutual Understandings
24 and Agreements South Coast Locomotive Fleet Average Emissions Program” (CARB,
25 1998). This agreement mandated that locomotive fleets “will emit on average no more
26 than the 5.5 grams per brake horsepower-hour (“g/bhp-hr”) Tier 2 (2005 and later) new
27 locomotive oxides of nitrogen (“NOx”) emission standard” starting in 2010. Therefore,
28 the locomotive fleet in the South Coast was lower emitting than the national average in
29 2010 and would continue to be lower emitting for some years beyond 2010.

30 The average NOx emission standard encouraged use of a greater fraction of newer lower
31 emitting locomotives in the South Coast Nonattainment Area, but the nature of averaging
32 allows for older pre-Tier 2 engines to be used in some proportion as long as that overall
33 fleet meets the average standard. Because the calculation of the fleet average includes
34 line-haul and switching engines, lower emitting switch engines may off-set some higher
35 emitting line-haul engines. In recognition of the impact of averaging, the BNSF approved
36 2010 line-haul locomotive fleet forecast found in the “Diesel Particulate Matter
37 Mitigation Plan for the BNSF Railroad Hobart Rail Yard” was used, which estimated a
38 portion of the line-haul fleet exceeding the Tier 2 average (CARB, 2008).

39 Because of the locomotive emission regulations promulgated in 2008 (EPA, 2008), the
40 national fleet will produce a lower emission rate than the 2010 South Coast once
41 sufficient fleet turnover has occurred. A sample calculation of the fleet average NOx
42 emission factor is shown in the table below for the 2010 South Coast fleet average
43 compared with the 2010 and 2020 EPA average fleet composition. By 2020, the national
44 fleet forecast would produce lower NOx emissions than the 2010 average fleet.

1 Line-Hauls fleet composition and fleet average emission rates

Locomotive Model / Fleet	2010 ¹ South Coast	2010 ² National	2020 ² National	NOx Emission Factors ³ (g/-hp-hr)
Uncontrolled		6.5%	0.00%	13.00
Tier 0	10%	46.6%	2.66%	8.60
Tier 0 Rebuild		8.7%	26.42%	7.20
Tier 1	15%	8.1%	0.00%	6.70
Tier 1 Rebuild		4.6%	9.06%	6.70
Tier 2	75%	25.4%	0.00%	4.95
Tier 2 Rebuild		0.0%	23.63%	4.95
Tier 3		0.0%	11.77%	4.95
Tier 4		0.0%	26.46%	1.00
Fleet Average NOx Emission Factor	5.58 g/hp-hr	6.75 g/hp-hr	4.76 g/hp-hr	

2 ¹ CARB, 20083 ² EPA, 20084 ³ EPA, 2008, Table 3-68 Baseline; Table 3-79 Rebuild and New Tier 3 and Tier 4 Standards

5
6
7 The conclusion drawn from this analysis was that 2010 South Coast fleet average was to
8 be used until 2019 after which the EPA estimate of the national average fleet was used
9 for 2020 and beyond. The fleet therefore does not have a smooth transition from 2019 to
10 2020 for all Tiers of locomotives, but the fleet forecasts account for the prevailing
11 agreements and regulations and use published fleet forecasts.

12 The commenter has requested that LAHD as lead agency restrict access to the proposed
13 SCIG Railyard to only locomotives that meet “Tier 2 engine rebuild and above” emission
14 levels. As the commenter well knows, as it was the losing party in a federal case, *Ass’n of*
15 *American Railroads v. South Coast Air Quality Management District*, 622 F.3d 1094
16 (C.A.9 Sept. 15, 2010), the Ninth Circuit Court of Appeals issued a ruling to the
17 commenter’s agency that held that railroads were exempt from environmental regulations
18 imposed by the state and local governments under principles of federal preemption of
19 interference with interstate commerce conducted by rail. Because of federal preemption
20 issues, the California Air Resources Board has entered into consensual agreements with
21 the two Class 1 railroads that do business in the Port, BNSF Railway and Union Pacific
22 described in the RDEIR at Section 3.2.3.2. While Clean Air Action Plan rail measures
23 such as CAAP Measure RL3 state goals, they too are subject to negotiation and
24 agreement with the railroads as described in the CAAP.

25 **References:**

26 California Air Resources Board (CARB). 1998. Memorandum of Mutual Understanding
27 and Agreements. South Coast Locomotive Fleet Average Emissions Program. Website:
28 http://www.arb.ca.gov/msprog/offroad/loco_flt.pdf. July 2, 1998.

29 California Air Resources Board (CARB). 2008. “Diesel Particulate Matter Mitigation
30 Plan for the BNSF Railroad Hobart Rail Yard.” Website:
31 <http://www.arb.ca.gov/railyard/hra/drftmitplanbnsfhob.pdf>

1 EPA, 2008. "Regulatory Impact Analysis (RIA): Control of Emissions of Air Pollution
2 from Locomotive Engines and Marine Compression Ignition Engines Less than 30 Liters
3 Per Cylinder," EPA420-R-08-001. March

4 **Response to Comment R156-19**

5 The commenter claimed that there is a "cell-shift error" in one of the spreadsheets
6 showing the locomotive engine emission factor calculation, causing the percentage of
7 Tier 0 locomotive population to be multiplied by the Tier 1 emission factor, the
8 percentage of Tier 1 multiplied by the Tier 2 emission factor, and so forth. After a
9 detailed review of the calculations, however, it is confirmed that the percentage make-up
10 of each Tier level is multiplied by the correct emission factors of the corresponding Tier
11 level. Because the "error" could not be identified, no further response can be provided.

12 **Response to Comment R156-20**

13 The memo titled "Hobart Average and Peak Day Memo 032112.pdf" has been provided
14 to the South Coast Air Quality Management District. It is not reasonable to assume a
15 worst case fleet mix to consist of the lowest Tier engines in the fleet on all locomotive
16 consists throughout a single day. As described in response to comment R156-16, such a
17 configuration is not consistent with BNSF's practice of building locomotive consists.
18 Therefore a reasonable approach was chosen to estimate the peaking factor. While the
19 2010 fleet mix is based on actual data, a future year forecast does not predict the exact
20 composition of a fleet but rather the fleet average locomotive emission factors, which
21 were modeled to decrease continually over time. The commenter is not correct that there
22 will be an increase in the Tier 0 rebuilt; please refer to response to comment R156-18 for
23 detailed discussion.

24 **Response to Comment R156-21**

25 Limiting locomotive activity along the San Pedro Branch Line is not feasible. BNSF
26 operates on a 24-hours-a-day, 7-days-a-week basis. Limiting locomotive activity as
27 suggested in the comment would compromise the fluidity of operations that is at the heart
28 of the expected increased efficiency of the Project (Section 2.4.1) and would affect
29 throughput at SCIG, the Alameda Corridor, and throughout the network. Furthermore,
30 limiting such activity would cause delays and increased idling at other locations with
31 unknown potential impacts throughout the network.

32 The RDEIR did not identify significant impacts associated with daytime locomotive
33 activity along the San Pedro Branch Line, and therefore mitigation of the type proposed
34 in the comment is inappropriate under CEQA. See Pub. Resources Code § 21002; CEQA
35 Guidelines 15370; see generally *Nollan v. California Coastal Commission*, 483 U.S. 825,
36 834-37 (1987) (condition requiring a dedication of property along a beach rather than to
37 the beach did not address the harm at issue and was therefore invalid); *Dolan v. City of*
38 *Tigard*, 512 U.S. 374, 391 (1994) (mitigation must be related in "rough proportion" both
39 "in nature and extent" to the impact of the proposed development).

40 **Response to Comment R156-22**

41 The commenter provides no evidence that train trips estimated for the SCIG RDEIR are
42 "unusually low". The train trip estimates are based on information provided by the
43 applicant on the proposed operation of the facility, including projected average train
44 lengths and the number of train visits per day required to handle the throughput of the

1 facility at full buildout (see RDEIR Section 2.4.1 Table 2-2). It is inappropriate to
2 compare the SCIG facility to the ICTF facility, as the ICTF facility also includes
3 additional train movements and visits associated with the adjacent Dolores Railyard. It is
4 noted that the ICTF DEIR is still being prepared and the environmental analysis for that
5 project is ongoing, therefore the numbers quoted by the commenter are not final and are
6 subject to change.

7 **Response to Comment R156-23**

8 The comment is not correct. All locomotive engines are equipped with automatic engine
9 start-stop (AESS) technology, which limits idling time for any single location to 15
10 minutes, after which the AESS will cause the engine to shut down. The analysis in the
11 RDEIR assumed locomotive consists would idle for 15 minutes each during entrance and
12 exit to the locomotive service area (where refueling would occur), but the engines would
13 otherwise be turned off due to the AESS. (See RDEIR Section 3.2.41) Emissions
14 associated with locomotive idling have been correctly estimated and accounted for in the
15 RDEIR analysis.

16 **Response to Comment R156-24**

17 The ratio of truck trips per intermodal lift was derived from applicant supplied data. The
18 proposed Project is designed for a ground stack only operation, which is more efficient
19 operation than the standard non-grounded operation at ICTF or Hobart Yard. The
20 captured fleet of tractors was estimated to generate bobtail moves equivalent to ten
21 percent of daily lifts at the facility which is the factor of 0.100 bobtail trips per
22 intermodal lift. Since the proposed Project operations would attempt to ensure that trucks
23 would enter and leave the facility with a container in each direction, it is assumed that
24 chassis-only trips would be generated due to the imbalance of trade at the San Pedro Bay
25 Ports. Since the port is primarily an import port, the factor of 0.61 for in-gate loads
26 means that 61% of the facility container lifts are import lifts as compared to 39 percent
27 export lifts. The difference of these two (0.22) is the imbalance of trade and would
28 require the proposed Project to generate chassis-only trips as a substitute for export trips
29 in order to pick up import containers. The trip generation memorandum is now included
30 in RDEIR Appendix G1. See also responses to comments R90-53 and R92-8.

31 **Response to Comment R156-25**

32 The commuter is incorrect in stating that the RDEIR should have addressed overall goods
33 movement, including growth in Hobart use that would occur with or without the Project.
34 Pursuant to CEQA the DEIR and RDEIR properly analyzed the direct and indirect
35 impacts of the proposed Project. The commenter is referred to Master Response 3,
36 Hobart, which also describes how the RDEIR appropriately analyzed truck trips
37 associated with intermodal cargo on the I-710 in the Project and the No Project
38 Alternative.

39 The comment appears to be overlooking the fact that if the SCIG project is built, most of
40 the trucks that would have traveled on I-710 between the ports and Hobart would no
41 longer do so. The RDEIR never claimed that the Project would eliminate all future truck
42 traffic from Hobart, nor that overall truck traffic on I-710 would experience a net
43 decrease. The TEU figures in the comment table are generally correct – future cargo
44 volumes will be much greater than today's -- but the comment's interpretation of them is
45 not. The comment is incorrectly assigning regional growth in goods movement, including

1 the projected increases in international cargo coming through the ports, to the SCIG
2 project. There is no requirement under CEQA for a project to take responsibility for
3 every change in the environment that will occur whether or not the Project is built, only
4 for those changes that would not occur but for the project.

5 **Response to Comment R156-26**

6 Thank you for your comment. Please refer to Master Response 1, Baseline.

7 **Response to Comment R156-27**

8 Modifications were performed in the databases to match the actual calculated source
9 strength from the emission calculation spreadsheet, as the commenter suggests was done.
10 The example given by the commenter represents the peak hourly unmitigated Project
11 alternative NO_x emissions for SCIG locomotive movement on section C presented in the
12 emissions database. The NO_x emission rate of 7.13e-3 g/s cited in the comment letter
13 represents the NO_x emission rate in year 2035. However, the SCIG analysis used a more
14 conservative approach, which took the maximum emissions by source, by year and by
15 pollutant to represent the peak emissions. In this case, the NO_x emission rate used as the
16 modeling input was 8.18e-3 g/s.

17 The modeled source group C in the model “LHMOV” has 34 sources of equal size in
18 it. Therefore, if each source were to operate continuously, and if each source were to
19 have been modeled with a unitary (1 g/s) emission rate, the emissions would need to be
20 divided by 34 to split them evenly amongst all sources in this source group, for an
21 emission rate of 2.40e-4 g/s for each source.

22 However, the locomotive sources were modeled using different plume rise heights for
23 day and night, based on atmospheric conditions. Therefore, at each location, there are
24 two sources, one for day plume rise heights and one for night plume rise heights. The
25 HROFDY EMISFACT option was used to turn on each source for 12 hours of each 24-
26 hour day (either day or night), meaning only half of the daily emissions were actually
27 modeled for each source.

28 Furthermore, source group C contains sources for eastbound trains and for westbound
29 trains. Therefore, each source was modeled with an emission rate of 0.5 g/s, in order to
30 split the emissions between eastbound and westbound trains.

31 Therefore, the emission rate of 2.40e-4 g/s should be multiplied by 4 to conserve mass
32 emissions, where one factor of 2 corresponds to the fact that only half of the daily
33 emissions were modeled from each source (for day vs. night plume rise heights), and the
34 second factor of 2 accounts for the fact that the emission rate modeled was 0.5 g/s rather
35 than a unitary emission rate of 1 g/s (for eastbound vs. westbound trains). Multiplying
36 2.40e-4 g/s by 4 gives an emission rate of 9.62e-4 g/s, which is consistent with the
37 emission rate cited by the commenter and conserving mass emissions.

38 **Response to Comment R156-28**

39 The applicant has confirmed that the RMG cranes will not arrived assembled. Significant
40 assembly activities will occur at the proposed Project site in 2015, and emissions
41 associated with these activities have been estimated and included as part of the SCIG
42 construction emissions. Because the cranes will arrive unassembled, the applicant has
43 indicated that the steel members of the cranes would arrive in one shipment, and

1 electronics and control modules would arrive separately by rail. All of these activities
2 have been accounted for in the RDEIR analysis.

3 Emissions associated with the container ship were estimated based on data from the "Port
4 of Los Angeles Inventory of Air Emissions – 2007." (RDEIR Appendix C1) Per call
5 emissions were calculated using the total annual emissions and the number of vessel calls
6 per year. Total emissions assume a round-trip of cruising up to 24 nm from the Port,
7 maneuvering emissions near the Port, and hoteling at the Port. Appropriate emissions
8 reductions as a result of San Pedro Bay Ports' Clean Air Action Plan Vessel Speed
9 Reduction program have been applied. Additionally, emissions associated with tug boats
10 have also been accounted for using the same methodology as described above. This
11 methodology ensures that the vessel emissions are consistent with the Port of Los
12 Angeles Inventory.

13 The commenter suggests that MM AQ-1 should be revised to require all construction
14 equipment to meet the cleanest off-road engine emission standard available, and be
15 equipped with Level 3 CARB verified DECS. The measure is written to require at least
16 Tier 3 with a Level 3 DECS in the period January 1, 2012 – December 31, 2014 because
17 not all off-road construction equipment in every horsepower range will be available in
18 Tier 4 during this period. Although some equipment meeting Tier 4 standards will be
19 available, the analysis conservatively assumed a mix of Tier levels would be used. After
20 January 1, 2015, all off-road diesel construction equipment would be required to meet
21 Tier 4 standards.

22 The commenter suggests that MM AQ-2 should be revised to remove the exceptions for
23 earth movers and import hauler trucks, and that all trucks used during construction should
24 operate on engines with the lowest certified NOx emissions levels, and if the lowest
25 available does not meet the EPA 2007 on-road PM emission standards, then the lead
26 agency shall require all trucks be equipped with CARB certified Level 3 DECS. MM
27 AQ-2 has been revised in the FEIR to require all trucks used in construction of the
28 Project to meet EPA 2010 on-road PM and NOx emission standards. These are the
29 lowest existing PM and NOx emissions standards for on-road heavy-duty trucks.

30 **Response to Comment R156-29**

31 The commenter is correct that the EPA locomotive rule does not require Tier 3 fleet
32 emission standards by 2011 for switchers, and does not require that linehaul locomotives
33 must be Tier 3 equivalent by 2014. These are requirements from the SPBP CAAP. This
34 has been revised in the FEIR.

35 The commenter is correct that the EPA locomotive rule does not require locomotives to
36 operate on Port properties using ULSD by 2007, but the EPA Clean Air Nonroad Diesel
37 Fuel Rule does require all locomotives nationwide to operate on ULSD by June 2012.
38 This has been revised in the FEIR.

39 **Response to Comment R156-30**

40 Thank you for your comment. Please refer to Master Response 7, ZECMS. The new
41 information on types of zero emissions trucks is of interest, but does not change the
42 Master Response or FEIR conclusions regarding the infeasibility of ZECMS as an
43 RDEIR mitigation measure.

From: [Andrea Hricko](#)
To: [Cannon, Chris](#); [Hagner, Dennis](#); [Cegacomments](#)
Subject: Clarification on a very hard to find reference see below
Date: Wednesday, November 14, 2012 4:01:04 PM
Attachments: [Additional comment on BSNF SCIG RDEIR by Andrea Hricko USC.pdf](#)

Dear Chris: The RDEIR referenced a USC engineering school “study” which I had a very hard time locating. The “study” is actually a technical report and also a power point presentation both on the ARB website. I found the links – but then forgot to put the two web links into my own comments.

I would appreciate it if you possibly consider adding the attached one page document to the record – to help anyone in the future who has the same problem finding the reference when reading either the RDEIR or my submitted comments. Thanks if you are able to do this. Andrea Hricko, USC

R157-1



Community Outreach and Engagement Program
University of Southern California - Keck School of Medicine
Southern California Environmental Health Sciences Center
2001 N. Soto Street, MC 9237
Los Angeles, CA 90089

Director: Andrea Hricko, MPH

November 13, 2012

To: cegacomments@portla.org and Chris Cannon, POLA:

CLARIFICATION ON A REFERENCE IN THE BSNF SCIG RDEIR, WHICH IS ALSO REFERRED TO IN COMMENTS BY ANDREA HRICKO OF USC.

The BNSF SCIG RDEIR contains the following statement in Chapter 3.2 Air Quality on page 3.2-10 in the section of the document on Ultrafine Particles:

The University of Southern California (USC), in collaboration with CARB and California Environmental Protection Agency (Cal/EPA), released a study in April 2011 investigating UFP concentrations within communities in Los Angeles, including the port area of San Pedro and Long Beach (USC, 2011). The study found that UFP concentrations vary significantly near the Ports (a major UFP source) and therefore substantiated concerns about the applicability of using centrally-located UFP concentrations for estimating population exposure.

The reference in the RDEIR does not identify the author, and it actually refers to both a technical report and a power point presentation made to the California Air Resources Board, not to a published scientific paper. See reference below from page 10-12, making it very hard to locate. I spent significant time trying to locate this document.

35 University of Southern California. 2011. *Fine-Scale Spatial and Temporal Variability of*
36 *Particle Number Concentrations within Communities and In The Vicinity of Freeway*
37 *Sound Walls*. April 26, 2011.

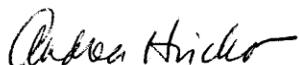
SCIG Recirculated Draft EIR

10-12

September 2012

To assist readers of the RDEIR (and of my earlier submitted comments that failed to include a more detailed citation than the one above in the RDEIR), I provide the following links: (1) To a 100 page report by Constantinos Sioutas, April 2011: <http://www.arb.ca.gov/research/apr/past/05-317.pdf> and (2) To a power point presentation before the ARB by Constantinos Sioutas: <http://www.arb.ca.gov/research/seminars/fujita/sioutas.pdf>.

I would appreciate your adding this to the record as an additional comment from Andrea Hricko, USC. Many thanks.



1 **Comment Letter R157: University of Southern California**

2 **Response to Comment R157-1**

3 The citation page included with the comment letter is hereby part of the administrative
4 record.

5

Wilmington Boat Owners Association

Berth 203 #9, Wilmington, CA 90744 (310) 549-8111



November 13, 2012

Christopher Cannon, Director Environmental Management
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Comments Southern California International Gateway Re-circulated DEIR

Dear Mr. Cannon,

We have reviewed the Re-circulated SCIG DEIR and continue to support the proposed project. We agree that the project will provide many benefits including a significant reduction in truck traffic on the I-710 as well as in our local neighborhoods, and provide many greatly-needed local construction and operational jobs. In view of the proposed expansion of container backlands and limited space on Terminal Island, we also concur with the findings in the Rail Simulation Modeling Study in Appendix G2, that demand will exceed on-dock rail capacity and an additional near-dock rail facility will be needed.

R158-1

According to numerous studies U.S. cars and light trucks account for 51% of all carbon emissions. Thus, BNSF and our other rail carriers should not be held to zero emissions standards as suggested by public health advocates and environmental groups until the nation adopts such standards. We commend BNSF and our other rail carriers for their voluntary measures to significantly reduce locomotive emissions in the South Coast Air Basin. We also commend BNSF for their commitment to use all-electric cranes, low-emission yard hostlers, and to allow only clean trucks to access the new facility.

We also support our trucking companies that are critical to the Southern California market and share Fast Lane Transportation's concerns. The proposed relocation sites are not suitable for their operations. Fast Lane is a significant Wilmington business that employs our residents, contributes to our economy and supports our local organizations.

R158-2

While we encourage the Port to move forward on the BNSF rail yard project, we do not feel that it is just or reasonable for the Port to confiscate land for this project without ensuring the continued operations of the rightful landowner. Prior to the construction of the SCIG the Port must identify a suitable relocation site for Fast Lane that accomplishes the following:

- No less than the amount of land area lost configured for the efficient storage, stacking and repair of containers
- Timely replacement of infrastructure (office, warehouse, maintenance facilities) with no interruption of business
- Unimpeded access (no rail obstruction)

We thank you for the opportunity to comment on the SCIG Re-circulated DEIR and look forward to your response.

Sincerely,
Donna Ethington
Wilmington Boat Owners Association

1 **Comment Letter R158: Wilmington Boat Owners Association**

2 **Response to Comment R158-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R158-2**

9 Please see Master Response 8, Displaced Businesses.

10



City of Commerce

Community Development Department

November 14, 2012

Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: **Comments of the City of Commerce on the Southern California International Gateway Project Recirculated Draft Environmental Impact Report (RDEIR)**

Dear Mr. Cannon:

R159-1 | On behalf of the City of Commerce, we appreciate this opportunity to comment on the Recirculated Draft Environmental Impact Report (RDEIR) for the Southern California International Gateway Project (SCIG). As we indicated in our previous comment letter, this Project is of particular interest to the City of Commerce because the City is home to four regional rail yards. These four rail yards are located in close proximity to each other and include the Union Pacific (UP) Commerce rail yard, the Burlington Northern and Santa Fe (BNSF) Hobart rail yard, the BNSF Commerce/Eastern rail yard, and the BNSF Sheila Mechanical rail yard. Three of these four rail yards are owned and operated by the BNSF which is also the project applicant for the proposed SCIG project. As we stated previously, the City is concerned that any physical and operational changes to the BNSF's port facilities would have a direct impact on the local BNSF rail yards. The City is also concerned that any substantial increase in rail traffic will have a direct adverse impact on the local environment in Commerce.

R159-2 | The RDEIR included a number of sections that were significantly revised and these sections were posted on the Lead Agency's website. Our review of the RDEIR focused only on the new information contained in the new sections. Our previous comment letter on the original DEIR is still valid and we await your responses to these earlier comments with the publication of the Final EIR. Our comments on the RDEIR are outlined below and on the following page.

R159-3 ↓ The RDEIR's still does not address the proposed project's localized impact on the City of Commerce. As we have stated previously, the City of Commerce would support any initiative that would reduce truck traffic of city streets. Again, the City requests the analysis be expanded to quantify the "benefits" that would be realized at local intersections in Commerce with any reduction in truck traffic. As we stated previously the following intersections should be evaluated: the freeway ramp connections at the I-710 Freeway and Atlantic Boulevard/Bandini Boulevard; Atlantic Avenue/Washington Boulevard; and Washington Boulevard and Eastern

R159-3 ↑ Avenue and Washington Boulevard, and the Mixmaster (Atlantic Avenue, Eastern Avenue, and the I-5 Freeway).

R159-4 We also reviewed the additional sections that discussed the increased rail activities envisioned for the Hobart/Commerce rail yard. The analysis focused on the impact of increased rail traffic on roadway crossings. While the tables included in this section (refer to Table 3.10-33 for example), the only rail crossings noted are in the Inland Empire and Orange County. No roadway crossings analyzed in the tables were located near Commerce (to the east) or the nearby cities located in the San Gabriel Valley. The RDEIR indicates there will be increased rail traffic at the Hobart/Commerce rail yard and this rail traffic will result in ancillary traffic impacts on local City streets. The RDEIR indicates that in 2010, there were still 57 at-grade rail crossings between the Hobart/Commerce rail yard and San Bernardino. We are of course concerned with those crossings that would affect the Commerce area. We also noted that the RDEIR indicated the SCIG's implementation would result in a substantial reduction in truck trips (1.3 million annually) at the Hobart/Commerce yard. We would request a further elaboration since not all of the additional containers entering the Hobart/Commerce rail yard would leave this facility by train.

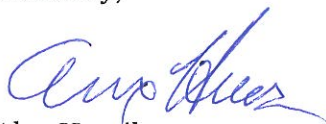
R159-5

R159-6

R159-7 The expanded analysis of noise and air quality impacts focus on construction-related impacts which would not affect Commerce. However, the discussion of mobile emissions and health affects from the project should include the City of Commerce given the proximity of a number of residential neighborhoods to the Hobart/Commerce rail yard. In addition, the noise from the increased rail operations on local sensitive receptors in the City, still need to be considered.

R159-8 As indicated in our first comment letter on the DEIR, we would support any initiative on the part of the Port and the BNSF that would represent a clear and direct benefit to the existing and future local (City of Commerce) environment. Towards this end, we are still requesting that our previous comments be addressed in the Final EIR (FEIR) before it is certified. We also request to be notified of any public meetings, public hearings, and other activities related to the proposed SCIG's environmental review.

Sincerely,



Alex Hamilton
Assistant Director of Community Development

1 **Comment Letter R159: City of Commerce**

2 **Response to Comment R159-1**

3 Please see Master Response 3, Hobart, which explains the changes that could occur at
4 BNSF's Hobart/Commerce intermodal railyard and how those changes were included in
5 the analyses in the RDEIR.

6 As noted in Section 2.4 (Project Description), the proposed Project would handle an
7 average of 16 train trips per day, 8 in each direction. The analysis of grade crossing delay
8 (Section 3.10.3.5, Impact TRANS-5, Table 3.10-55) determined that this level of traffic
9 would not cause significant delays around or east of Hobart, including in the City of
10 Commerce, compared to baseline conditions (south and west of Hobart there are no grade
11 crossings). These trains would carry cargo that, if the project were not built, would
12 originate at Hobart; accordingly, the project would not result in an increase in rail traffic
13 that would have a significant impact on the local environment in the City of Commerce.
14 The Project would result in the diversion of an estimated 1.5 million truck trips per year
15 from Hobart to SCIG. These trucks would not, then, use local streets in and around
16 Hobart, including the City of Commerce, and the effect would be considered beneficial.

17 **Response to Comment R159-2**

18 The responses to comments include comments on the DEIR chapters that were not
19 recirculated. See also, responses to DEIR Comment 112-1. Please see Master Response
20 13, Draft EIR and REIR Comment Letters.

21 **Response to Comment R159-3**

22 The City of Commerce is not in the project study area. Chapter 2 of the SCIG RDEIR,
23 Project Description, provides an overview of the project and the existing conditions. An
24 EIR is required to discuss significant impacts that the proposed project will cause in the
25 area affected by the project. (*Bakersfield Citizens for Local Control v. City of Bakersfield*
26 (2004) 124 Cal.App.4th 1184.) .

27 The reduction of trips demonstrated by the proposed project between the port area and the
28 Hobart Yard in the City of Commerce are those trips directly related to the international
29 intermodal drayage operations of the applicant. That reduction of trips would not result
30 in a one to one reduction of trips along the I-710 freeway as the excess roadway capacity
31 would attract trips from parallel roadways. To some degree the replacement of vehicles
32 would occur with autos. This phenomenon is demonstrated in the cumulative analysis at
33 the study location of I-710 at I-105 in TRANS-5. It is, however, unknown to what extent
34 automobiles or other on-road means of transportation would replace trucks destined for
35 the Hobart Yard. An EIR is not required to speculate, and is evaluated in terms of what is
36 reasonably feasible. (CEQA Guidelines § 15204.) It would be speculative to determine
37 that the project would have any specific changes to the traffic patterns in the City of
38 Commerce.

39 **Response to Comment R159-4**

40 The project's impacts to rail activity and/or delays in regional traffic, due to at-grade rail
41 crossings, were analyzed in Section 3.10.3.5 of the RDEIR. As discussed in that section,
42 the project would not have any impact to rail activity and/or regional traffic, and no
43 impacts would occur due to at-grade crossings. There is no impact to the City of

1 Commerce because there are no at-grade crossings in the City of Commerce. The analysis
 2 of grade crossing impacts focused on BNSF Railway crossings only, since the SCIG
 3 involves BNSF trains and not Union Pacific (UP) trains. The Alameda Corridor which is
 4 used by both the BNSF and UP is fully grade separated so there are no grade crossings to
 5 analyze. The BNSF mainlines evaluated in the DEIR include 1) the San Bernardino
 6 Subdivision which runs from Hobart Yard to San Bernardino and 2) the Cajon
 7 Subdivision from San Bernardino to Barstow. (Section 3.10.2.4.1 of the RDEIR) These
 8 lines pass through Los Angeles, Orange, Riverside and San Bernardino counties. They do
 9 not affect the San Gabriel Valley. (UP mainlines do affect San Gabriel Valley)

10 Within Los Angeles County on the BNSF San Bernardino Subdivision, there are nine at-
 11 grade crossings (listed below) and which are shown in Tables 3.10-33, and 3.10-34 in
 12 section 3.10.3.5. These are among the crossings included in the impact tables in the
 13 DEIR. As discussed above, there are no at-grade crossings on the BNSF line in the City
 14 of Commerce. The closest crossings to the City of Commerce are the two streets in Pico
 15 Rivera (Passons Boulevard and Serapis Ave.). These are evaluated in the RDEIR. The
 16 commenter refers to Table 3.10-33, but this table is for the Cajon Subdivision in San
 17 Bernardino County.

18 The commenter also states, “We would request further elaboration since not all of the
 19 additional containers entering the Hobart/Commerce rail yard would leave this facility by
 20 train.” This is not correct. There is no reason for a container to enter the yard other than
 21 to load it onto a train.
 22

Orange-L.A. County Line					
002 - 159.51	ALONDRA BL	LOS ANGELES	LA MIRADA	County	
002 - 158.40	VALLEY VIEW AV	LOS ANGELES	SANTA FE SPRINGS	City	
002 - 157.80	ROSECRANS/MARQUARDT AV	LOS ANGELES	SANTA FE SPRINGS	City	
002 - 155.10	LAKELAND RD	LOS ANGELES	SANTA FE SPRINGS	City	
002 - 153.40	LOS NIETOS RD	LOS ANGELES	SANTA FE SPRINGS	City	
002 - 153.10	NORWALK BL	LOS ANGELES	SANTA FE SPRINGS	City	
002 - 152.29	PIONEER BL	LOS ANGELES	SANTA FE SPRINGS	City	
002 - 151.45	PASSONS BL	LOS ANGELES	PICO RIVERA	City	
002 - 151.30	SERAPIS AV	LOS ANGELES	PICO RIVERA	City	
Commerce Yard M.P. 148.5					
Hobart Yard M.P. 146.0					

23
 24 **Response to Comment R159-5**

25 Please see the response to Comment R159-4..

1 Response to Comment R159-6

2 All containers entering the Hobart facility by truck would leave by rail; all containers
3 entering by rail would leave by truck – that is the function of the Hobart facility. Please
4 see Master Response 3, Hobart.

5 Response to Comment R159-7

6 Please see Master Response 3, Hobart, which shows that the RDEIR properly excludes
7 Hobart from the RDEIR analysis because noise and air quality impacts already occurring
8 at that location would be unaffected by the proposed Project except to the extent that
9 there would be less truck and train activity due to the diversion of direct international
10 cargo from Hobart to the SCIG facility.

11 Please see Appendix C3 for a discussion of the selection of sensitive receptors for the air
12 quality analysis. The selection of the range of sensitive receptors was reasonable and
13 practical, sufficient to adequately and completely identify the potential impacts from the
14 project, and represents a good-faith effort at full disclosure. (CEQA Guidelines § 15151)

15 Please see Appendix F1, Noise Technical Study, for a discussion of the noise analysis
16 conducted for the Project. As discussed therein, noise monitoring locations that are
17 representative of noise sensitive locations in the study area were used to evaluate noise
18 impacts. Project noise impacts in the City of Commerce would be limited to those related
19 to trains traveling along the Alameda Corridor for which the Alameda Corridor DEIR has
20 already addressed the impacts. See also ACTA comment letter R94.

21 Response to Comment R159-8

22 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
23 and is therefore before the decision-makers for their consideration prior to taking any
24 action on the SCIG project. The comment is general and does not reference any specific
25 section of the DEIR or RDEIR, therefore no further response is required. (Public
26 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

27

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a longtime resident of the South Bay I am always eager and supportive of positive investments that will allow the area to grow and be more competitive with other areas of the state and country. Thus the reason to my letter. I believe BNSF's plans to establish a Southern California International Gateway (SCIG) is just such a positive investment.

Once implemented BNSF's proposal will help to reduce the current unemployment in the area, as well as, improve local air quality through enhanced train utilization vs. truck traffic.

For these reasons, I see no negatives to moving forward with BNSF's project, as a positive addition to our area.

Sincerely,

A handwritten signature in black ink that reads "J.J. God" followed by a horizontal line.

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D.
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

R160-1

1 **Comment Letter R160: J.J. Gord**

2 **Response to Comment R160-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As a resident of the Community of Wilmington and a retired business owner in that community, my family knows how important it is to have a clean, safe and efficient operation at our harbor.

Also as a retired Longshoreman, I know that the port must be able to move the goods arriving in the future. The widening of the Panama Canal will make it even more essential to be able to move the containers from the ships to the trains.

BNSF's SCIG proposal will improve air quality, increase use of trains to move cargo from our ports, reduce truck traffic on the 710 freeway and bring much needed jobs to our neighborhood.

The streets in my neighborhood will see an improvement in traffic because of SCIG. This will improve air quality and provide health benefits to my family and my neighbors.

I also support locating a wall and landscaping along the Terminal Island Freeway and appreciate that a hiring preference for new jobs will be given to qualified local applicants.

I support BNSF's project because it will bring clean technology to my community, while reducing traffic congestion and providing good jobs.

Sincerely,

Mr. and Mrs. Eddie Gomez

A handwritten signature in red ink that reads "Eddie Gomez".

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski

R161-1

1 **Comment Letter R161: Mr. and Mrs. Eddie Gomez**

2 **Response to Comment R161-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the proposed Project. The comment is general and does not reference any
6 specific section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

9

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,


Brian Coffey, Ed.D.
Board member, Harbor Interfaith Services

28125 Morro Bay Drive
Rancho Palos Verdes, CA
90275-4921

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

R162-1

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I ~~we~~ would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,

Julia Matthews-Manor, Ph.D.
Julia Matthews-Manor, Ph.D.
Board member, Harbor Interfaith Services

720 W. 27th St. #3
San Pedro, CA 90731

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, we would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

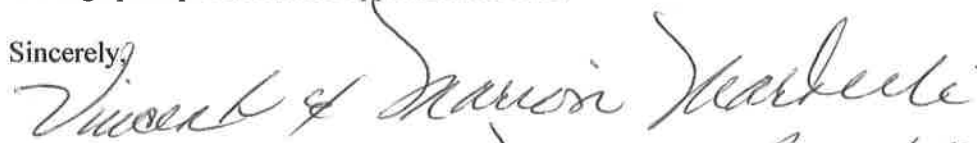
The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,



Board member, Harbor Interfaith Services

*Supports & Donors & Board Member
(Marran Martelli)*

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

*1530 Via Coronel
Palos Verdes Estates, CA
90274*

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I ~~we~~ would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,


Carolyn Petty 938 7th St.
Hermosa Beach, CA
90254

Board member, Harbor Interfaith Services

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I ~~w~~e would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

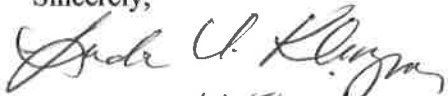
The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,


Linda U. Klingner

Board member, Harbor Interfaith Services

2225 Estribo Drive, Rolling Hills Estates
90274

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I ~~we~~ would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,



Chris Noble

Board member, Harbor Interfaith Services

16 Lariat Lane, Rolling Hills Estates,
CA 90274

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

As an employee of Harbor Interfaith Services, I would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community. The new yard will clean up the air, remove 1.5 million trucks from the 710 freeway and create thousands of jobs.


Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of whom are children. Homeless children suffer from asthma and other respiratory ailments at a higher rate than other children. The SCIG project will improve air quality and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, taking children on the Santa Train, sponsoring our holiday activities and our annual fundraising events.

We urge prompt review and approval of SCIG.

Sincerely,


Signature


Please print your name

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

670 W. Ninth St.
San Pedro, CA
90731

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I we would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,



Board member, Harbor Interfaith Services

Glenda S. Owens R.Ph.

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

*28904 Scotsview Drive
Rancho Palos Verdes, CA
90275*

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I ~~we~~ would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,


Russell E. Barto
Board member, Harbor Interfaith Services

3628 Via Palomino
Palos Verdes Estates, CA
90275

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

October 24, 2012

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Harbor Interfaith Services, I ~~we~~ would like to express my strong support for BNSF Railway's proposed Southern California International Gateway project.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

Each year, Harbor Interfaith Services helps 17,000 homeless and working poor people here in our community, a majority of which are children. Homeless children suffer from asthma at a higher rate than other children. The SCIG project will take 1.5 million trucks off of the 710 freeway and will reduce the cancer risk to people in the surrounding area.

The jobs created by this project will help lift the local economy, helping families put food on the table and a roof over their heads. In addition, BNSF has been a longtime supporter of Harbor Interfaith Services, demonstrating its desire to be a good corporate citizen.

We urge prompt review and approval of SCIG.

Sincerely,

 (TONY VICKERS)

Board member, Harbor Interfaith Services

1336 Via Romero
Palos Verdes Estates, CA
90274

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R162: Harbor Interfaith Services**

2 **Response to Comment R162-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

8

November 16, 2012
Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

My name is Hailey Morris and I work in the Wilmington and San Pedro communities. I would like to express support for BNSF Railway's proposed Southern California International Gateway project with the addition of a more comprehensive plan to successfully relocate Fastlane Transportation.

R163-1

BNSF and Fastlane have been longtime supporters of many nonprofit organizations demonstrating that they are good corporate citizen.

The updated environmental report for SCIG confirmed BNSF's commitment to our community, concluding that the facility will result in an overall improvement in air quality, health risk and traffic in both the immediate neighborhoods around the site and throughout the region, while creating thousands of jobs.

R163-2

The updated report needs to more specifically address the needs of Fastlane Transportation.

- No less than the amount of land area lost configured for the efficient storage, stacking and repair of containers
- Timely replacement of infrastructure (office, warehouse, maintenance facilities) with no interruption of business
- Unimpeded access (no rail obstruction)

The jobs created by Fastlane and BNSF and environmental enhancements make this project important to improving the lives of those in adjacent communities.

We urge you to address the relocation issues specifically and then quickly approve SCIG.

Sincerely,

Hailey Morris

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R163: Hailey Morris**

2 **Response to Comment R163-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment does not reference any specific section of the
6 DEIR or RDEIR, therefore no further response is required (Public Resources Code §
7 21091(d); CEQA Guidelines § 15204(a)).

8 **Response to Comment R163-2**

9 Please see Master Response 8, Displaced Businesses.

10

From: [Andreas Gratopp](#)
To: [Cegacomments](#)
Subject: SCIG Recirculated Draft EIR
Date: Friday, November 16, 2012 11:28:40 AM

Christopher Cannon
Director of Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Re.: Fast Lane Transportation, Inc. as it relates to SCIG Recirculated Draft EIR

Dear Mr. Cannon,

I have been traveling and just returned to Southern California and to the international freight forwarding business that I own with a partner here in the Los Angeles port area.

R164-1

I am writing to you about a friend and fellow transportation business owner, Patrick Wilson. I have known Mr. Wilson (whom I know as "Pat") and his growing company - Fast Lane Transportation, Inc. – since 1985. Pat is one of those people that you can easily admire, not only because of his success as a businessman, but more importantly because his success is based on honesty, integrity and good old straight-forward and fair dealings with his customers, his vendors, his employees and his friends.

Let me share on how the SCIG will impact Fast Lane:

If this project is certified and completed, it will result in the "acquisition" (aka eminent domain) of a significant portion of the business property that Fast Lane Transportation, Inc. ("Fast Lane"). Without the adequate replacement of their infrastructure and adjacent land, Fast Lane will likely cease to be a Los Angeles Port area success story, may even cease to exist, especially in the current economic environment.

R164-2

The Recirculated Draft EIR has identified "alternate sites" for relocation. However, the Recirculated Draft EIR goes on to state "the final selection of businesses that would ultimately occupy the alternate sites would be subject to real estate negotiations that are beyond the scope of this EIR."

Therefore, the final disposition of a replacement business site for Fast Lane remains unclear and uncertain. I don't know about you, but uncertainty in business is never a good thing!

R164-3

While "alternate sites" are identified in the Recirculated Draft EIR, they do **not** include the construction of any new improvements. Without an office, warehouse, and repair and maintenance facility, Fast Lane will not be able to continue to operate. The "alternate sites" referred to in the Recirculated Draft EIR:

R164-4

- Result in significantly less land area
- Include land already occupied by Fast Lane
- Include a public road (Farragut Avenue) which is the only public access to several businesses and land owners including Warren E & P, California Carbon Company, Southern California Edison Company, and the Port of Los Angeles (therefore, not suitable for relocation)!
- Contain two separate parcels bisected by railroad tracks rather than one large efficient parcel with superior, grade separated access at Pacific Coast Highway which we now enjoy
- Are particularly inefficient and awkwardly configured rendering them unproductive and inefficient for container storage and repair
- Are obstructed by overhead utility distribution as well as at grade utility structures
- Will be difficult to complete improvements on based on the Recirculated Draft EIR construction schedule
- Will result in containers being dislocated by this project going to other Wilmington container storage yards close to residential neighborhoods
- Do not adequately address the rerouting of 107,000 annual round truck trips from Pacific Coast Highway to other Wilmington streets
- Are not on the overweight corridor
- Are subject to future eminent domain taking as a result of a Port of Long Beach project (Pier B On Dock Rail Support project)

R164-5

Some Fast Lane facts:

R164-5

- Founded in 1979 by Pat and his one truck
- Family business which employs Pat's sister, brother, nephew, his children, and his late father's widow (he remarried)
- Over **100** good paying port related jobs *including* medical and retirement benefits
- Employs mostly Wilmington residents
- Many workers have been employed for over 25 years and Fast Lane's work force includes married couples, brothers, fathers/sons, and other relatives
- Fast Lane provides summer youth jobs for high school age children of Fast Lane employees
- Fast Lane provides services for railroads and shipping lines, the actual users of the proposed SCIG facility
- Fast Lane and its employees are strong supporters of community organizations

What Fast Lane deserves:

R164-6

- No less than the amount of land area lost configured for the efficient storage, stacking and repair of containers
- Timely replacement of their infrastructure (office, warehouse, maintenance facilities) with no interruption of business
- Unimpeded access (no rail obstruction)

R164-7

I want to emphasize that I support this project for its improvement to air quality and traffic mitigation. My intention is not to influence you with regard to the project, but to gain your support for the adequate relocation of and/or compensation for Fast Lane which would be dislocated as a result of the project.

Fast Lane shouldn't expect to gain anything from this project, but Fast Lane and its employees shouldn't be harmed, either.

Pat is a fair guy, who has provided his customers, his vendors and his employees with a fair shake, a fair deal and a fair wage, respectively, for over 33 years.

I think it is time that Pat be rewarded with equal fairness.

Thank you for your consideration.

Sincerely,

Andreas Gratopp



Farber and Company

444 West Ocean Blvd #516
Long Beach CA 90802-4528
T: 562-432-8748
F: 562-495-9170
Email: AGratopp@FarberCo.com



Please consider the impact on the environment before printing this document.

>>> Our office will be closed Thursday, November 22 and Friday, November 23 in observance of the Thanksgiving Holiday.

1 **Comment Letter R164: Farber and Company**

2 **Response to Comment R164-1**

3 Please see Master Response 8, Displaced Businesses, which explains why the disposition
4 of those businesses is not a CEQA issue and therefore does not need to be resolved in the
5 EIR (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

6 **Response to Comment R164-2**

7 Please see Master Response 8, Displaced Businesses.

8 **Response to Comment R164-3**

9 Please see Master Response 8, Displaced Businesses.

10 **Response to Comment R164-4**

11 Please see Master Response 8, Displaced Businesses and response to Comment R91-7

12 **Response to Comment R164-5**

13 Please see Master Response 8, Displaced Businesses.

14 **Response to Comment R164-6**

15 Please see Master Response 8, Displaced Businesses.

16 **Response to Comment R164-7**

17 Please see Master Response 8, Displaced Businesses.

18



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

November 14, 2012



Lisa Ochsner
Los Angeles City Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Southern California International Gateway (SCIG)
SCH#: 2005091116

Dear Lisa Ochsner:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 13, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

R165-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2005091116
Project Title Southern California International Gateway (SCIG)
Lead Agency Los Angeles, City of

Type EIR Draft EIR
Description Note: Recirculated

The proposed Project consists of the construction and operation of a new near-dock intermodal rail facility by Burlington Northern Santa Fe Railway (BNSF) that would handle containerized cargo transported through the Ports of Los Angeles and Long Beach. The Project would be located approximately four miles to the north of the Ports, primarily on land in the City of Los Angeles, although portions of the proposed Project would also be located on nearby land in the cities of Carson and Long Beach.

Lead Agency Contact

Name Lisa Ochsner
Agency Los Angeles City Harbor Department
Phone (310) 732-3675 **Fax**
email
Address 425 S. Palos Verdes Street
City San Pedro **State** CA **Zip** 90731

Project Location

County Los Angeles
City Los Angeles, City of, Long Beach, Carson
Region
Lat / Long
Cross Streets Pacific Coast Highway and State Route 47 (Terminal Island Freeway)
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways SR-47, Highway 1
Airports No
Railways BNSF Railroad & UP Railroad
Waterways Dominguez Channel
Schools Cabrillo Savannah High, Garfield Elem., Hudson Middle, Muir Elem., R
Land Use Industrial

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Growth Inducing; Landuse; Other Issues

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board, Transportation Projects; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 09/27/2012 **Start of Review** 09/27/2012 **End of Review** 11/13/2012

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-9140
FAX: (213) 897-1337



*Flex your power!
Be energy efficient!*

November 2, 2012

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STATE CLEARING HOUSE

Ms. Lisa Ochsner
City of Los Angeles
Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731

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RE: IGR/CEQA No. 120955AL-DEIR-Recirculated
Ref. IGR/CEQA No. 110946AL-DEIR
Southern California International Gateway (SCIG)
Vic. LA-01 / 8.56
SCH # 2005091116

Dear Ms. Ochsner:

This is to follow our letter dated December 12, 2011 after we review the Recirculated Draft Environmental Impact Report of the above mentioned project.

1. Caltrans concurs with the Traffic Impact Study Report conclusion that the proposed Southern California International Gateway project will not impact significantly the state highway systems in the vicinity.

Furthermore, Caltrans supports implementation of the Southern California International Gateway project because of the following regional benefits to the state highway system:

- As indicated in the report, it is estimated that this project will reduce over 1.3 million truck trips per year on I-710.
 - Provide direct access to Alameda Corridor.
 - Reducing significantly travel cost thus reducing fuel emission.
 - Potentially enhancing public safety by reducing truck trips on I-710
2. As indicated in the Traffic Impact Study Report, the primary site access for the proposed Project will be from the Pacific Coast Highway ramps. The Sepulveda Boulevard access will be retained for emergency access.

According to **Table 3.10-22** of the report, the proposed project net change in Pacific Coast Highway entrance peak hour trip generation as follow:

	Peak Hour Trip Generation (In Passenger Car Equivalent)								
	AM Peak Hour			MD Peak Hour			PM Peak Hour		
Entrance Scenario	In	Out	Total	In	Out	Total	In	Out	Total
CEQA Baseline	330	145	475	195	230	425	240	225	465
Proposed Project	410	450	860	570	550	1120	365	295	660
Net Change	80	305	385	375	320	695	125	70	195

The increase in access truck traffic will potentially impact the Pacific Coast Highway ramps/mainline due to the followings:

- Trucks decelerating at low speed to exist PCH (downgrade).
- Trucks accelerating at low speed to enter PCH (upgrade, short acceleration lane).

3. In order to mitigate the PCH access impacts, Caltrans recommends the following:

- The proposed auxiliary lanes and the on/off ramps (used by trucks) existing Asphalt pavement to be reconstructed by Concrete pavement per latest state standards and specifications.
- To restripe the westbound PCH outside lane to auxiliary lane from Freeway 103 SB off ramp to access off ramp. This will provide deceleration lane and thus minimize the impact to the traffic at the adjacent lane.
- To convert the PCH eastbound outside lane east of the access off ramp to a designated exit ramp lane.
- To restripe the eastbound PCH outside lane to auxiliary lane from access EB on ramp to Freeway 103 SB on ramp. This will provide longer acceleration lane and thus minimize the impact to the traffic at the adjacent lane.

See attached exhibit for schematic details. The above recommended mitigation measures will be at interim stage until the build out of the proposed PCH Bridge replacement (#53-399).

The developer should submit engineering plans showing proposed pavement reconstruction, striping, signings, and construction traffic control plans to our permit office for approval.

Ms. Lisa Ochsner
November 1, 2012
Page 3 of 3

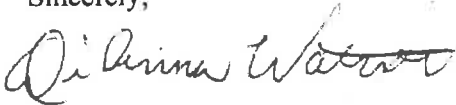
Again, as part of the traffic mitigation on the State facility, the Port proposed reconstruction of site entrance from Pacific Coast Highway (SR-1). Caltrans concurs with this finding and is looking forward to working with the applicant and consultants. The proposed access improvement must be constructed prior to the project build out year.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without a storm water management plan.

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from the Department. It is recommended that large size truck trips be limited to off-peak commute periods. In addition, a truck/traffic construction management plan is needed for this project.

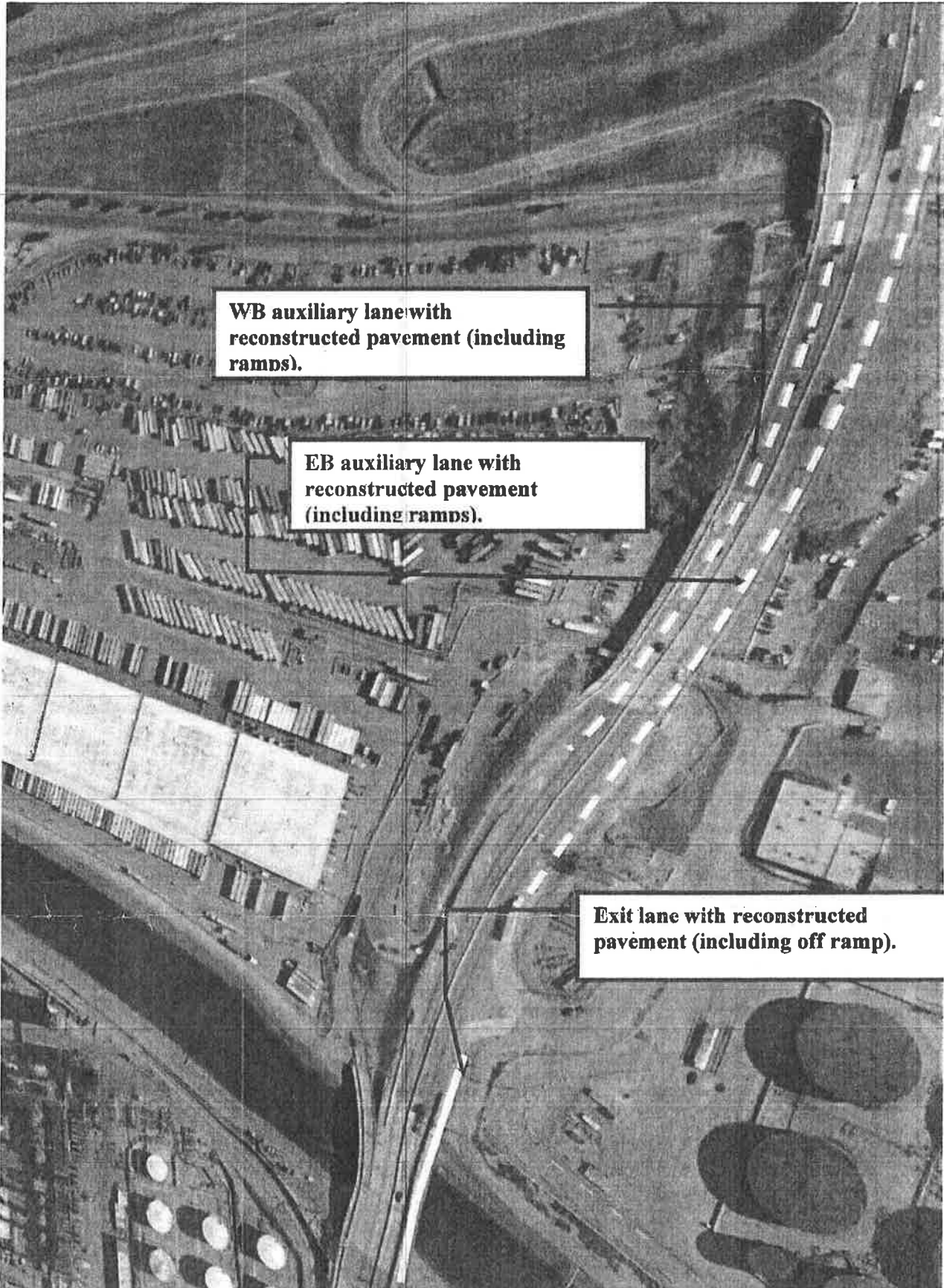
If you have any questions, please feel free to contact me at (213) 897-9140 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 120955AL.

Sincerely,



DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



WB auxiliary lane with reconstructed pavement (including ramps).

EB auxiliary lane with reconstructed pavement (including ramps).

Exit lane with reconstructed pavement (including off ramp).

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



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STATE CLEARING HOUSE

October 31, 2012

Lisa Ochsner
City of Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, California 90731

Dear Ms. Ochsner:

Re: SCH# 2005091116; Southern California International Gateway Project

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires the Commission approval for construction or alteration of crossings and grants the Commission exclusive power on design, alteration, and/or closure of crossings in California. The Commission's Rail Crossings Engineering Section (RCES) has received a copy of the *Draft Environmental Impact Report (DEIR)* from the State Clearinghouse for the proposed Southern California International Gateway (SCIG) project. The City of Los Angeles (City) is the lead agency.

According to the DEIR, the project would include construction of a new intermodal rail yard facility by BNSF Railway Company (BNSF). The SCIG rail yard would be located four (4) miles north from the ports of Los Angeles and Long Beach. RCES has specific concerns on the following crossings:

- Existing at-grade highway-rail crossings along the SCIG designated truck routes, north of Seaside Freeway as shown on Figure 2-4; and
- New crossings or modifications to existing crossings required by construction of the SCIG facility and its tracks.

The SCIG development and designated truck route operations may increase truck traffic volumes not only on streets and intersections, but also at-grade highway-rail crossings. The potential project impacts on the existing at-grade crossings along the SCIG designated truck routes, north of Seaside Freeway should be identified, discussed and evaluated for necessary safety improvements and mitigations. This includes considering traffic queuing, level of service and interconnect of nearby intersections, emergency service response, pedestrian circulation patterns or destinations with respect to the railroad right-of-way, and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way.

As part of the SCIG construction, several new grade-separated crossings or modification to existing crossings would be necessary. These include the railroad bridge widening over Sepulveda Boulevard, a new railroad bridge over the Southern California Edison property, a new Pacific Coast Highway bridge over the new south lead tracks, a private crossings (highway-rail or rail-rail) within the SCIG facility, and other at-grade crossings in the southern portion of the SCIG facility.

Lisa Ochsner
Page 2 of 18
October 31, 2012

Construction of a new public crossing or modification of an existing public crossing requires authorization from the Commission, through the formal application or the General Order (GO) 88-B request processes, respectively. Prior to submission of a formal application or GO 88-B request, the City should arrange a diagnostic meeting with BNSF and RCES to discuss relevant safety issues and requirements for the Commission's authorization.

While construction of private crossings may not need the Commission's authorization, compliance with the Commission's GO 26-D (Clearances on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings) and GO 75-B (Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossing) standards are still required.

RCES representatives are available for consultation on crossing safety matters. See the link for more information: <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formalapps.htm>.

If you have any questions in this matter, please contact me at (213) 576-7076, yen.chiang@cpuc.ca.gov, or Jose Pereyra at (213) 576-7083, jfp@cpuc.ca.gov.

Sincerely,



Ken Chiang, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: State Clearinghouse
Melvin Thomas, BNSF Railway Company

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

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October 4, 2012

Errin Briggs, Planner

STATE CLEARING HOUSE

County of Santa Barbara Planning and Development

123 East Anapamu Street
Santa Barbara, CA 93101

Re: SCH#2005091116; CEQA Notice of Completion; Re-Circulated Draft Environmental Impact Report (RDEIR); for the "Southern California International Gateway (SCIG) Project;" located in the Los Angeles Harbor area; Los Angeles County, California

Dear Errin Briggs:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

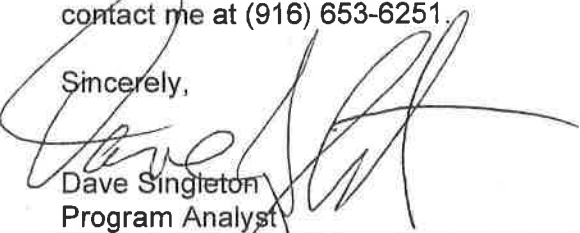
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

1 **Comment Letter R165: State of California, Governor's Office of**
2 **Planning and Research, State Clearinghouse and Planning**
3 **Unit**

4 **Response to Comment R165-1**

5 Thank you for informing the Port that it has complied with State Clearinghouse CEQA
6 requirements for draft CEQA documents. Responses to the three state agency letters
7 attached to the State Clearinghouse letter are presented earlier. See R65 (Caltrans letter),
8 R56 (CPUC letter), and R1 (NAHC).

9

NAIOP

COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
SoCAL CHAPTER

November 8, 2012

RECEIVED
NOV 13 2012
ENVIRONMENTAL
HARBOR DEPARTMENT
CITY OF LOS ANGELES

Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

RE: Support for the Southern California International Gateway

Dear Mr. Cannon:

On behalf of NAIOP, I am writing to reiterate our strong support for the re-circulated Draft Environmental Impact Report for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility. The DEIR fully sets forth the environmental benefits that come with the project, while also providing for jobs and future growth in the port region. The SCIG project is a very timely and needed win-win for everyone.

By way of introduction, NAIOP, the Commercial Real Estate Development Association, is the leading organization for developers, owners, and related professionals in office, industrial and mixed-use real estate throughout the United States. The NAIOP SoCal Chapter serves Los Angeles and Orange Counties with over 900 members. We are the second largest NAIOP chapter in the United States and are the leading commercial real estate trade organization in Southern California.

We would first like to comment on a representative sample of the environmental benefits. The SCIG will take an aged industrial site and replace it with a facility of modern environmentally designed technology, including wide-span electric cranes. The updated DEIR confirmed what last year's report concluded: SCIG would result in a reduction of local cancer risk. The Port set a goal that no new project could have a risk score higher than 10 in a million. SCIG is well below that standard and is better than the "No Project" alternative in terms of health risks and air quality.

In addition to these environmental innovations, BNSF has committed to initially allow only 2010 or newer trucks to transport cargo between the marine terminals and SCIG. By 2026, 90 percent of the truck fleet serving SCIG will be LNG or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure compliance. BNSF has also agreed to invest up to \$3 million toward the development of zero emission container movement systems.

The DEIR also shows the SCIG project not only would not cause any traffic impacts that would arise to the Threshold of Significance, but would actually reduce the intersection volume/capacity ratio at a number of locations. The project would also provide congestion relief to the surrounding freeway system by eliminating more than 1.5 million truck trips from the 710 freeway each year. Required truck routes are established that keep trucks off residential streets and the trucks will not go North of PCH on the Terminal Island Freeway. A GPS system will be used to verify the trucks comply with the required truck routes. The SCIG will increase the use of the Alameda

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Kevin MacKenzie, HFF, L.P.

Patrick Maloney, Prologis

James McFadden, Grubb & Ellis Company

David Meredith, GE Capital Real Estate

Jeff Moore, CBRE

Steve Muller, The Muller Company

Susan Orloff, Thomson Reuters

Russ Parker, Parker Properties

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Alison Vukovich, LBA Realty

Stephane M. Wandel, The Boeing Company

Stan Wendzel, BioRealty, Inc.

Gregory J. West, Johnson Capital

NAIOP SoCAL EXECUTIVE STAFF

Cynthia G. Fusco, Executive Director

Vickie Talley, Director of Legislative Affairs

Corridor, so the cargo that goes from the Ports to inland destinations more efficiently and environmentally friendly.

Also of great importance is the SCIG project will create numerous well-paying jobs. With unemployment chronically high in Los Angeles County, and also taking into account the number of underemployed individuals, one can see why job creation is a high-priority. The operating contractor will be required to give qualified local residents priority for all jobs offered at SCIG. BNSF would fund a work force training program in partnership with local institutions to assist local residents obtain those jobs. Aggregate wages and salaries just during construction would be over \$39.4 million annually. That works out to an average annual wage or salary of \$46,500 per year in 2010 dollars. Then there are the 450 operational jobs that would be created at full build-out.

We have heard some are trying to claim there will be job losses due to the relocation of the current tenants. NAIOP SoCal strongly believes the facts prove the opposite is true. In addition to what is discussed above, the SCIG project will actually protect thousands of current Port jobs. The expanded Panama Canal will soon open. The many ports in the gulf and on the East Coast have been aggressively working to attract cargo away from our Ports. If they are successful, if we lose our market share of the volume of cargo coming through our ports and sent throughout the United States, then jobs will be lost. But, if we complete the SCIG project, the improved operation efficiency will keep our Ports competitive, and save existing jobs. Additionally, the DEIR includes assessments for nearby parcels that could be used by the current tenants. There are millions and millions of square feet of industrial properties in the South Bay area. There is significant room for transloading operations, and these businesses are very competitive. As the leading commercial real estate organization, we are confident that current transloading operations, and their employees, will be protected.

NAIOP SoCal believes the DEIR is thorough and should be approved. The SCIG project does benefit everyone's interests; the environment, traffic relief, and the employment of local residents. In fact, we believe the SCIG project will be viewed as a model to meet or exceed in future intermodal projects. We look forward to the DEIR being approved and moving ahead with construction of what is a very important project to the future of the Ports and our economy.

Sincerely,



James V. Camp
Chairman, Legislative Affairs Committee
Board Member

CC:
Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA 90012

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
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Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter R166: NAIOP SoCal Chapter**

2 **Response to Comment R166-1**

3 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
4 and is therefore before the decision-makers for their consideration prior to taking any
5 action on the SCIG project. The comment is general and does not reference any specific
6 section of the DEIR or RDEIR, therefore no further response is required. (Public
7 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).