

CHAPTER 2
VOLUME II
Responses to Comments: Draft EIR



THE LOS ANGELES CUSTOMS BROKERS & FREIGHT FORWARDERS ASSOCIATION, INC.

August 25, 2011

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

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

Board of Harbor Commissioners
Cindy Miscikowski, President
David Arian, Vice-President
Douglas P. Krause
Robin Kramer
Dr. Sung Won Sohn



RE: Southern California International Gateway (SCIG)

Dear Mayor Villaraigosa, Dr. Knatz and Port of Los Angeles Commissioners:

The Los Angeles Customs Brokers & Freight Forwarders Association strongly supports the development of the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility, and asks for the release of draft Environmental Impact Review (DEIR) as soon as possible.

We are all aware that the Port of Los Angeles ranks as the nation's busiest port and the Port of Long Beach is the nation's second busiest. The Ports are the leading economic engine creating jobs and opportunities for development of green technologies. SCIG, together with the Ports, is investing in our infrastructure to boost trade and jobs and stay competitive, while at the same time investing in environmental improvements.

As detailed in the San Pedro Bay Ports' Rail Master Plan, on-dock rail is preferred, but there is simply not enough on-dock capacity currently or planned for in the near future to handle the amount of cargo that is expected and SCIG is the right solution for the Ports. It will utilize existing capacity in the Alameda Corridor and remove an estimated one million trucks off the 710 Freeway, improving air quality in the region.

BNSF researched technologies around the world and proposed an industry-leading facility, featuring wide-span electric cranes. SCIG was scheduled to be the first facility in the country to utilize this cutting-edge technology, but in the intervening time, BNSF has installed these cranes at two other facilities and has broken ground on a third yard that will include them. These cranes will reduce the number of yard tractors needed by more than 85%, eliminate crane-related on-site emissions, return electricity to the grid on the downstroke and minimize noise. They will also have shielded, directional lighting.

BNSF committed to using LNG or equivalent yard tractors and low-emission switch engines – making the facility the cleanest in the United States and enhanced its proposal to include:

- BNSF will issue the contracts for trucks delivering to and from the marine terminals – a supply chain business model shift – which BNSF undertook so that it could require trucks to travel only

1-1



on specified non-residential truck routes and be equipped with global positioning satellite (GPS) devices to monitor and enforce compliance.

- BNSF's operating contractor will give qualified local residents first priority for all new job offers at SCIG.
- BNSF will fund a workforce-training program to assist area residents in obtaining these jobs.
- BNSF will require 100 percent of the truck fleet servicing SCIG to be 2007 or newer upon facility opening.

The Los Angeles Customs Brokers & Freight Forwarders Association supports BNSF's SCIG project and we urge you to move ahead with the publication of the EIR for this facility.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vincent Iacopella', is written over the typed name.

Vincent Iacopella
President

1 **Comment Letter 1: Los Angeles Customs Brokers & Freight**
2 **Forwarders Associations, Inc.**

3 **Response to Comment 1-1**

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

Dear Executive Director Knatz,

On behalf of BizFed, Los Angeles County Business Federation - representing over 85 business organizations with more than 150,000 businesses across our region - we are writing to express our strong support for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

BizFed is well aware that our ports have seen a significant, measurable increase in trade activity that underscores the crucial need for infrastructure improvements. Coupled with unemployment above 12 percent in Los Angeles County and Long Beach, opportunities to develop infrastructure while creating well-paying local jobs should be a high priority.

BizFed supports responsible economic development and green growth - and SCIG is an ideal example of this. It will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We look forward to working with the Port and others toward the approval of the EIR.

Please see our following letter for your consideration.

Sent on behalf of

Mark Wilbur, BizFed Chair
Employers Group

David Fleming, BizFed Founding Chair
Latham & Watkins LLP

Tracy Rafter, BizFed CEO
Rafter Group, Inc.



Judi

Judi Erickson
Advocacy/Communications
BizFed, Los Angeles County Business Federation
818.984.5080 ~ Judi.erickson@bizfed.org
bizfed.org
A Grass Roots Alliance of 85 Top LA County Business Groups
Mobilizing Over 150,000 Businesses

2-1

1 **Comment Letter 2: Los Angeles County Business Federation**

2 **Response to Comment 2-1**

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)).

Chambers of Commerce
Agoura-Oak Park-Conejo Valley
Alhambra
Armenian American
Beverly Hills
Burbank
Canoga Park / West Hills
Century City
El Monte
Filipino American
Glendale
Greater Lakewood
Greater Los Angeles African American
Harbor City / Harbor Gateway
Hollywood
Korean American
Los Angeles Area
LAX Coastal Area
La Canada Flintridge
Long Beach Area
Los Angeles Metropolitan Hispanic
Manhattan Beach
Montebello
Pacific Palisades
Pasadena
Redondo Beach
Regional Black
Regional Hispanic
Regional San Gabriel Valley
San Pedro
Santa Clarita Valley
Santa Monica
South Bay Association
Temple City
Toluca Lake
Torrance Area
United
Universal City North Hollywood
West Hollywood
Wilmington
Woodland Hills-Tarzana

Trade Associations and Minority Business Groups
AIA Los Angeles
Apartment Association, CA Southern Cities
Apartment Association of Greater Los Angeles
Asian American Business Women Association
Asian Business Association
Beverly Hills / Greater LA Association of Realtors
Building Industry Association, LA / Ventura
Building Owners & Managers Association, LA
California Apartment Association, LA
California Independent Bankers
California Restaurant Association, LA
Central City Association
Employers' Group
Entrepreneurs' Organization LA
FuturePorts
Gateway to LA
Harbor Association of Industry & Commerce
Hospital Association of Southern CA
Hotel Association of Los Angeles
Industry Manufacturers Council
LA Shares
League of California Cities
National Association of Women Business Owners, LA
National Latina Business Women Association
New Car Dealers Association, LA
San Gabriel Valley Economic Partnership
So Cal Minority Business Development Council
South Bay Association of Realtors
South Park Stakeholders Group
Southland Regional Association of Realtors
Valley Economic Alliance
Valley Economic Development Center
Valley Industry & Commerce Association
Western States Petroleum Association

3-1

September 29, 2011

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



RE: Southern California International Gateway

Dear Mayor Villaraigosa, Dr. Knatz, President Miscikowski and Commissioners:

On behalf of BizFed, Los Angeles County Business Federation - representing over 85 business organizations with more than 150,000 businesses across our region - we are writing to express our strong support for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

As you know, our ports have seen a significant, measurable increase in trade activity that underscores the crucial need for infrastructure improvements. Coupled with unemployment above 12 percent in Los Angeles County and Long Beach, opportunities to develop infrastructure while creating well-paying local jobs should be a high priority.

This gateway will create an estimated 835 construction and 400 new operations jobs for our local economy. A study by IHS Global Insight also estimates that this gateway will create 14,000 new direct and indirect jobs in Los Angeles and 22,000 new direct and indirect jobs in Southern California by 2036.

Just as importantly, SCIG upholds our ports' commitment to green growth and is aligned with mayoral efforts to improve port efficiency. BNSF researched technologies around the world and is proposing an industry-leading facility, featuring wide-span electric cranes. These cranes will reduce the number of yard tractors needed by more than 85%, eliminate crane-related on-site emissions, return electricity to the grid on the downstroke and minimize noise. They will also have shielded, directional lighting.

BNSF committed to using LNG or equivalent yard tractors and low-emission switch engines - making the facility the cleanest in the United States, and has enhanced its proposal to include:

- BNSF will issue the contracts for trucks delivering to and from the marine terminals - a supply chain business model shift - which BNSF undertook so that it could require trucks to travel only on specified non-residential truck routes and be equipped with global positioning satellite (GPS) devices to monitor and enforce compliance.
- BNSF's operating contractor will give qualified local residents first priority for all new job offers at SCIG.
- BNSF will fund a workforce-training program to assist area residents in obtaining these jobs.
- BNSF will require 100 percent of the truck fleet servicing SCIG to be 2007 or newer upon facility opening.

The BNSF SCIG facility will clean up an existing industrial site and replace it with a new, state-of-the-art green intermodal yard, which will support increased use of rail and decrease long-distance freeway truck-trips. In fact, the BNSF SCIG facility will remove millions of existing truck miles to BNSF's Hobart Yard in Commerce from the I-710 and other area freeways by transferring cargo onto rail four miles from the ports rather than 24, as is currently the case.

BizFed supports green growth - and SCIG is an ideal example of this. It will be an important economic asset for our region, supporting thousands of good-paying jobs in our area. We look forward to the approval of the EIR.

Mark Wilbur
BizFed Chair
Employers Group

David Fleming
BizFed Founding Chair
Latham & Watkins LLP

Tracy Rafter
BizFed CEO
Rafter Group, Inc.

1 Comment Letter 3: Los Angeles County Business Federation**2 Response to Comment 3-1**

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)).

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 3, 2011

Ms. Lisa Ochsner

City of Los Angeles Harbor Department

425 South Palos Verdes Street
 San Pedro, CA 90731



Re: SCH#2005081116; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Southern California International Gateway Project," located in the San Pedro/South Bay area; Los Angeles County, California

Dear Ms Ochsner:

The Native American Heritage Commission (NAHC), 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). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties 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 Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the USGS coordinates identified. However, the absence of archaeological resources does not preclude their existence.

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

4-1

4-2

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. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests 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. 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 Section 2183.2 that requires documentation, data recovery of cultural resources.

4-2 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 the 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 accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any 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.

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

Native American Contacts

Los Angeles County

October 3, 2011

Gabrieleno Band of Mission Indians

Andrew Salas, Chairperson

P.O. Box 393

Covina, CA 91723

(626) 926-4131

gabrielenoindians@yahoo.com

com

Gabirelino Tongva

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 SCH#2005091116; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Southern California International Gateway Project; located in the San Pedro area of Los Angeles County, California.

1 **Comment Letter 4: Native American Heritage Commission**

2 This comment letter was resubmitted for the RDEIR. Please see the responses to
3 comment letter R1.

4 **Response to Comment 4-1**

5 Please see the responses to comment letter R1.

6 **Response to Comment 4-2**

7 Please see the responses to comment letter R1.

8



October 14, 2011

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


RECEIVED
OCT 17 2011
ENV. MGMT. DIV.
HARBOR DEPARTMENT
CITY OF LOS ANGELES

RE: Grow the Port with Green Projects Including the Southern California International Gateway

Dear Mr. Cannon:

On behalf of Evergreen Shipping Agency (America) Corporation, I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

5-1



5-1

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 the ports consistent with the Port's rail policy.

With unemployment at 12 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.

Evergreen 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,

Jack Yen
Vice Chairman

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

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

As Agent For

EVERGREEN LINE

EVERGREEN MARINE CORP. (TAIWAN) LTD. ITALIA MARITTIMA S.p.A.
EVERGREEN MARINE (UK) LTD. EVERGREEN MARINE (HONG KONG) LTD.

1 **Comment Letter 5: Evergreen Shipping Agency (America)**
2 **Corporation**

3 **Response to Comment 5-1**

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)).

Sent from wireless

Begin forwarded message:

From: "Knatz, Geraldine" <knatz@portla.org>
Date: October 20, 2011 8:45:26 AM PDT
To: "'overbid2002@yahoo.com'" <overbid2002@yahoo.com>, "Cannon, Chris" <CCannon@portla.org>
Cc: "'diananave@earthlink.net'" <diananave@earthlink.net>, "'philip.nicolay@arcadis-us.com'" <philip.nicolay@arcadis-us.com>
Subject: Re: Noise Reduction

Sure will do. He is copied here
Geraldine Knatz

From: pat nave [<mailto:overbid2002@yahoo.com>]
Sent: Wednesday, October 19, 2011 06:17 PM
To: Knatz, Geraldine
Cc: diana nave <diananave@earthlink.net>; Phil <philip.nicolay@arcadis-us.com>
Subject: Noise Reduction

Gerry

I couldn't find any email address for Chris Cannon, so would you please forward this to him?

Thanks!

6-1 | Chris, at the hearings on the 47 - 110 connector project, and in the comment period, our NWSP Neighborhood Council asked you to consider the additional truck noise impacts on the area west of the 110 Freeway.

6-2 | I do not recall that the Portwise Noise Study done in 2005/2006 [copy attached] was one of the reference documents considered. It shows the very high episodic decibel levels that we mentioned in our testimony and in our comments, i.e. 40-50 dba higher than ambient nighttime levels. Since the recommendation in the report included " .. reduce truck wait time on-site, reduce heavy truck speed to reduce noise from heavy truck traffic .. ", perhaps you could forward the Report to your consultants as a reference as they consider our comments.

Thanks!

-----Confidentiality Notice-----

This electronic message transmission contains information from the Port of Los Angeles, which may be confidential. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachment without reading or saving in any manner.

Amnon Bar-Ilan, Ph.D.
Senior Manager
ENVIRON International Corporation
773 San Marin Drive, Suite 2115
Novato, CA 94998
Tel: 415.899.0732

1 **Comment Letter 6: Northwest San Pedro Neighborhood Council**

2 **Response to Comment 6-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 6-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).



October 17, 2011

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 China Shipping, I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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.

7-1



7-1 ↑ In addition to these innovations, BNSF has committed to initially allow only trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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 at 12 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.

China Shipping 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,



Monica R. Navarrete
Deputy Director Intermodal Pricing
China Shipping N.A. (Holding)
11 Philips Parkway
Montvale, NJ 07645

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

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 7: China Shipping**2 Response to Comment 7-1**

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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

Hagner, Dennis

From: Cannon, Chris
Sent: Monday, October 24, 2011 6:56 AM
To: Hagner, Dennis
Cc: Amnon Bar-Ilan; Lit Chan
Subject: FW: Map of SCIG urgently needed to understand areas of potential highest emissions/exposures

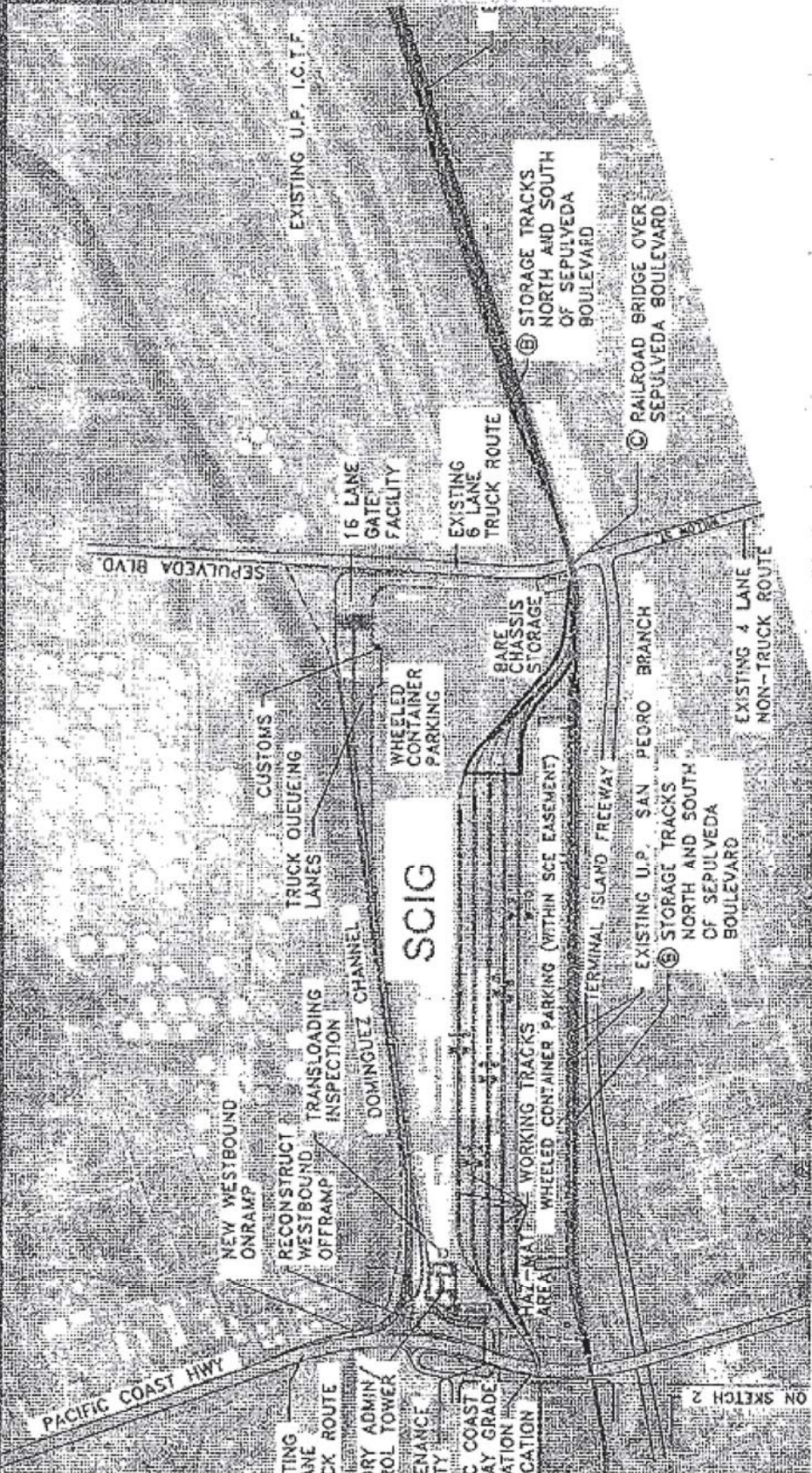
Add to SCIG comments.

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: Andrea Hricko [ahricko@usc.edu]
Sent: Sunday, October 23, 2011 10:06 AM
To: Cannon, Chris
Subject: Map of SCIG urgently needed to understand areas of potential highest emissions/exposures

- 8-1 Dear Chris: In the NOP comments for the BNSF SCIG, I submitted a map showing the various aspects of the BNSF SCIG, as had been presented by the POLA at a Mobility 21 meeting. The map showed the "Haz Mat" area of the SCIG and also the Maintenance Facility.
- 8-2 There is no such map in the DEIR, which makes it difficult to analyze the emissions data. Maintenance facilities, where load testing is done, can produce the highest emissions of diesel particulate in a rail yard – but there is not a map showing
- 8-3 where such a facility is. Similarly, there is not a map showing the location of the HazMat area. If, indeed, it is to be
- 8-4 where it was originally intended, that puts the HazMat area extremely close to schools and daycare centers. In addition, the DEIR does not describe what would be done at a Haz Mat area.
- 8-5 These are critical points for an ability to submit knowledgeable comments on the DEIR. It should certainly have been included with the DEIR. I respectfully request copies of maps that show the facility's current plans for maintenance facilities and HazMat areas. Here is the 2005 map:

Southern California International Gateway (SCIG)



ON SKETCH 2



THE PORT OF LOS ANGELES

Thank you, Andrea Hricko, USC

Andrea M. Hricko
Prof of Prev Med
Keck School of Med, USC &
Director, Community Outreach and Education
Southern CA Env Health Sciences Ctr
2001 N. Soto Street, MC 9237, Los Angeles, CA
Zip: 90089 for regular mail
Zip: 90032 for FedEx -- and for map directions to our location

Phone: 323-442-3077

1 **Comment Letter 8: University of Southern California**

2 **Response to Comment 8-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 8-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 8-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 8-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 8-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

HANJIN SHIPPING CO., LTD.

80 ROUTE 4 EAST, SUITE 490, PARAMUS, NJ 07652 • TEL. (201) 291-4600 • FAX. (201) 291-9393

October 20, 2011

Mr. Chris Cannon
Director, 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 Hanjin Shipping Company, I am writing to express 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 DEIR determined:

SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.

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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

9-1

With unemployment at 12 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.

Hanjin Shipping 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,



Michael J. Radak

Senior Vice President

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

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 9: Hanjin Shipping Co., Ltd.**

2 **Response to Comment 9-1**

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 19, 2011

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 Yang Ming (America), I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

10-1



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 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 at 12 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.

Yang Ming (America) 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,

Spring C.C. Wu
President and 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
San Pedro, CA90731

Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause

1 Comment Letter 10: Yang Ming (America)**2 Response to Comment 10-1**

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 20, 2011

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 MOL(America)Inc. and representing XX members, I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

11-1

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.

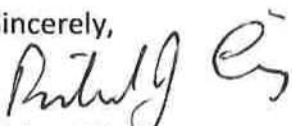
There is currently a shortage of on-dock capacity, and the ability to expand that capacity is limited. There will always be a need for near-dock facilities, and expansion of this capacity is necessary to accommodate expected growing cargo volumes.

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 at 12 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.

MOL(America)Inc. 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,



Richard Craig,

Senior Vice President of Area Operations
MOL(America)Inc.

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

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 11: MOL (America)**2 Response to Comment 11-1**

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 24, 2011



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 members of the Pacific Merchant Shipping Association (PMSA), representing 60 ocean carriers and marine terminal operators, I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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, the BNSF will create 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure adherence.

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.

Pacific Merchant Shipping Association

250 Montgomery St., Suite 700, San Francisco, CA 94104 (415) 352-0710 fax (415) 352-0717

12-1

12-1

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 at 12 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.

PMSA 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,



John R. McLaurin
President

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

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 12: Pacific Merchant Shipping Association**

2 **Response to Comment 12-1**

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)).



COSCO Container Lines Americas, Inc.

October 20, 2011

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 Cosco Container Lines Americas, Inc., I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet will be LNG

13-1



COSCO Container Lines Americas, Inc.

or equivalent emissions vehicles. Trucks will be required to avoid residential areas by traveling on designated, industrial routes with GPS tracking to ensure adherence.

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 at 12 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.

Cosco Container Lines Americas, Inc. 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,

A handwritten signature in black ink, appearing to read "Frank Grossi", is written over a large, light-colored, stylized graphic element that resembles a signature or a large letter "G".

Frank Grossi
Executive Vice President
COSCO Container Lines Americas, Inc.



COSCO Container Lines Americas, Inc.

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

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 13: Cosco Container Lines Americas, Inc.**

2 **Response to Comment 13-1**

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 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 26, 2011

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 Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility. We congratulate you on the release of your environmental study and encourage the Port of Los Angeles to move ahead quickly on this much needed project.

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 American 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 12 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 rapidly move forward to ensure this project becomes a reality and we respectfully urge the Los Angeles Board of Harbor Commissioners to approve this EIR.

Sincerely,

Gary L. Gregory
President

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

1 Comment Letter 14: The Propeller Club of Los Angeles - Long Beach**2 Response to Comment 14-1**

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



Serving the international trade community since 1919



October 24, 2011

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

Dear Mr. Cannon:

The Foreign Trade Association (FTA) is the oldest organization promoting the growth of international trade in Southern California. It acts as an informative resource and networking center for its members and the international trade community at large. We support and promote free and fair trade between nations. Our 200 plus members are represented by a cross-section of major exporters, importers, manufacturers, Customs brokers, freight forwarders, international bankers, attorneys and other prominent service industries.

On behalf of the FTA, I am pleased to advise that we strongly support the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility. SCIG proves green and growth can go together as this facility will be the most environmentally friendly intermodal yard in North America and will set a high standard for future intermodal projects. 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.

15-1

With unemployment at 12 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. According to a study by HIS Global Insight, 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.

The FTA encourages the Los Angeles Board of Harbor Commissioners to approve this EIR in order for work on this project to begin.

Sincerely,

[Handwritten signature of Steven Pasienski]

Steven Pasienski
President

CC: 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 15: Foreign Trade Association (FTA)**2 Response to Comment 15-1**

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

DEAR SIR:

I HAVE FOLLOWED THE ARTICLES IN THE PAPER ABOUT THE SANTA FE WANTING TO TAKE THE PLACE WHERE I WORK AND MAKE IT A RAIL YARD. I'M TOLD THAT IF THE RAILROAD COMES TO THIS PLACE, WE HAVE NO PLACE TO GO AND WE WILL PROBABLY LOSE OUR JOBS.

16-1

I HAVE WORKED FOR CALIFORNIA CARTAGE FOR OVER 37 YEARS. MR. CURRY HELPED PUT MY KIDS THROUGH SCHOOL AND I'M SURE HELPED MANY OF THE OTHER PEOPLE WHO WORK HERE. WHY WOULD YOU PUT A RAILROAD HERE AND HAVE ALL OF US LOSE OUR JOBS? PLEASE TELL ME, IF YOU DO THIS, WHERE AM I GOING TO GET A JOB TO SUPPORT MY FAMILY? I CANNOT GET A JOB WITH THE ILWU AND THERE ARE NO JOBS IN THIS AREA.

16-2

YOU NEED TO PUT THE RAILROAD SOME PLACE ELSE AND LET CAL CARTAGE STAY IN BUSINESS. THEY SUPPORT MANY PEOPLE AND THEIR FAMILIES AND WITHOUT THEM WE WILL BE UNEMPLOYED. PLEASE FIND ANOTHER PLACE TO PUT THE RAILROAD SO THE COMPANY CAN STAY IN BUSINESS AND ALL OF US WHO WORK HERE CAN CONTINUE TO SUPPORT OUR FAMILIES WITH A DECENT JOB.

THANK YOU,

Jose Luis Garcia.



1 **Comment Letter 16: Jose Luis Garcia**

2 **Response to Comment 16-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 16-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8

October 27, 2011

Mr. Chris Cannon
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731



RE: Proposed BNSF Rail Facility

Dear Mr. Cannon and Port of Los Angeles,

I am writing this letter in hopes that it will reach the right ears...

17-1 Let me begin by saying that I am currently a resident of the 7th District in Long Beach and more importantly a dedicated employee of the company that will be severely impacted if the rail yard project is approved. I have lived in the Long Beach community for the past eighteen years. My husband was born and raised in Long Beach. He attended Long Beach Polytechnic High School and my children followed in his footsteps. With the onset of the recession we have seen many changes within the city limits. Lost jobs, foreclosures, homelessness rampant...it seems that everyone I know has been touched in some way by these effects of a declining economy. Until 2009, I was proud to say I was a homeowner in Long Beach. Unfortunately, due to a fraudulent company that sold us a bogus loan modification resource, we too, were victims of the recession. My point in telling that story is that I don't believe, as a resident, that this rail yard will have a positive impact on the residents of this city. I have worked at California Cartage for the past 11 years. There are sometimes anywhere from 1,000 to 1,500 people that are employed at our facility every day. A majority of those jobs are blue collar workers that live week-to-week on their paycheck. As the saying goes, most people are just "one paycheck away from poverty". After reading all the material regarding the proposed facility, it seems to me that most of the jobs that will be offered will be skilled positions that will not be available to people that are currently employed by our company. Each day as I drive into this yard, I see young and old men both, walking, riding bikes, getting dropped off to what they call their job. These are people that do whatever is necessary to feed their families. What will they do when the job they have been at for years and years is gone? How can they afford to work so far from their home that they can't simply ride a bike or walk? Long Beach is a very large city and most people's roots here run very deep. Would it be fair for so many that are proud to live and work in their community to be displaced? It was just reported on 10/21 that the jobless rate in Long Beach dropped to 13.4%. Can we really afford to lose that many jobs? I am hoping that the Port will consider all the serious effects this proposed rail yard will have on this great community. I am asking the Port to please consider relocating this rail yard to another place and please let us keep our jobs! It was very hard to have to pack up my things and move from my home....well, honestly...California Cartage has become a home to me. I ask that you seriously consider this matter and take a hard look at the impact it will have on so many people that would like to keep calling Long Beach their home.

Sincerely,

Christine Goytia
4248 Gaviota Avenue
Long Beach, CA 90807

Christine Goytia
Employee at California Cartage Company
562-485-8400

1 Comment Letter 17: Christine Goytia**2 Response to Comment 17-1**

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 17-2

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 Response to Comment 17-3

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 Response to Comment 17-4

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 Response to Comment 17-5

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26

27

28

WATERFRONT COALITION



October 21, 2011

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 express 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 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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.

18-1



↑ 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

18-1

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 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 at 12 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 Waterfront Coalition 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,



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

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 18: Waterfront Coalition**2 Response to Comment 18-1**

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 26, 2011



Mr. 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 National Retail Federation, I am writing to express our strong support for the Draft Environmental Impact Report (DEIR) prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

As the world's largest retail trade association and the voice of retail worldwide, NRF represents retailers of all types and sizes, including chain restaurants and industry partners, from the United States and more than 45 countries abroad. Retailers operate more than 3.6 million U.S. establishments that support one in four U.S. jobs – 42 million working Americans. Contributing \$2.5 trillion to annual GDP, retail is a daily barometer for the nation's economy.

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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

Liberty Place
325 7th Street NW, Suite 1100
Washington, DC 20004
800.NRF.HOW2 (800.673.4692)
202.783.7971 fax 202.737.2849
www.nrf.com

19-1

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 at 12 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 National Retail Federation and its members support 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,



Jonathan Gold
Vice President, Supply Chain and Customs Policy

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
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn

1 **Comment Letter 19: National Retail Federation**

2 **Response to Comment 19-1**

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



J.B. HUNT TRANSPORT, INC.

October 26, 2011



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 J.B. Hunt Transport, Inc. and representing over 1,000 employees in Southern California, I am writing to express our strong support for the Draft Environmental Impact Report prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposal 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

20-1

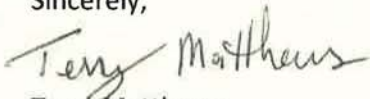
There is currently a shortage of on-dock capacity, and the ability to expand that capacity is limited. There will always be a need for near-dock facilities, and expansion of this capacity is necessary to accommodate expected growing cargo volumes.

SCIG will help keep the Southern California ports competitive through improved operations 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 SCIP 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 at 12 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 HIS Global Insight.

J.B. Hunt Transport, Inc. 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,



Terry Matthews
EVP, President of Intermodal

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

TM:cg

1 **Comment Letter 20: J.B. Hunt Transport, Inc.**

2 **Response to Comment 20-1**

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.

October 24, 2011

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



Dear Mr. Cannon:

Incorporated in 1949, the Los Angeles Customs Brokers & Freight Forwarders Association (LACBFFA) represents licensed U.S. Customs brokers, freight forwarders, NVOCCs (non-vessel operating common carriers) and firms which facilitate international trade. LACBFFA is the premier organization in Southern California for international trade and U.S. Customs issues with more than 250 members, employing over 5,000 individuals.

LACBFFA would like to go on record as strongly supporting the draft Environmental Impact Report prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility. We congratulate you on your draft EIR for this proposed project.

Not only will this project bring additional trade into our area, but the tens of thousands of jobs that would be created by the completion of this project are sorely needed given our continued high rate of unemployment in California. In order to remain competitive, not only in the U.S. but worldwide, the Port of Los Angeles, as well as its neighboring Port of Long Beach, must continue to develop its facilities and the infrastructure to handle the more than 40 percent of the cargo entering the United States. At the same time, the Port must lead the way in cutting-edge technology to ensure that the facilities are modern, efficient and environmentally friendly. 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 Los Angeles Customs Brokers & Freight Forwarders Association supports SCIG and respectfully urges the Los Angeles Board of Harbor Commissioners to approve the draft EIR so that this facility can finally be completed.

Sincerely,

Vincent Iacopella
President

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

1 **Comment Letter 21: Los Angeles Customs Brokers & Freight**
2 **Forwarders Associations, Inc.**

3 **Response to Comment 21-1**

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

Viviana Robles
3422 Maricopa St, Apt#100
Torrance, CA 90503
October 28, 2011

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



Dear Mr. Chris Cannon:

- 22-1** I am writing to express my concern about recent discussion and the pending decision to construct a rail yard on our facility Cal Cartage. I understand that the decision is being considered to enable truck traffic and create the greenest intermodal facility.
- 22-2** However, I do not believe that the benefits of replacing Cal Cartage with a rail yard will improve the flow of truck traffic and diminish the air pollution. Being a part of Cal Cartage for 4 years, I have seen great improvement within our facility to maintain the flow of truck traffic and replace our equipment with environmentally friendly equipment. Being a single parent, Cal Cartage is not an inconsequential employment; it is my primary source of income and a second home, a company that understands to its employees needs, a company that has offers it service throughout the community of Wilmington and Long Beach.
- 22-3** It is also well known replacing Cal Cartage with a rail yard, does not cease the truck traffic and pollution. It replaces me, and my fellow co-workers who rely on Cal Cartage;
- 22-4** we face a greater loss than a gain with a rail yard. It would seem that in some points
- 22-5** constructing a rail yard might decrease truck traffic and reduce air pollution, and will present job opportunities, but at what or better yet at whose cost?
- 22-6** I hope you do take my letter in consideration; replacing Cal Cartage with a rail yard doesn't only make an impact, but a permanent marking for its employees, just like me.

Sincerely,

Viviana Robles
California Cartage Company
CSR-LOWES
2401 E. Pacific Coast Hwy
Wilmington, CA 90744
(562)590-8591 Ext: 366
Vrobles@calcartage.com

1 Comment Letter 22: Viviana Robles**2 Response to Comment 22-1**

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 22-2

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 Response to Comment 22-3

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 22-4

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 Response to Comment 22-5

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 Response to Comment 22-6

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29

30



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 27, 2011

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



Dear Mr. Cannon:

The Harbor Association of Industry & Commerce (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 250,000 employees, have a vested interest in the economic performance of the San Pedro Bay harbor area and they all support the need for better air quality in Southern California.

The Harbor Association of Industry and Commerce would like to again go on record in support of the draft Environmental Impact Report prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility. We applaud and commend the Port for its comprehensive report analyzing the impacts of the proposed development.

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. BNSF has gone well beyond what is required by showing that green growth is possible by meeting (and exceeding) the port's standards for new projects.

With unemployment at 12 percent in Los Angeles County, creating well-paying local jobs is a high priority. During the three-year construction phase, the approximate 1,500 jobs created annually would contribute more than \$85 million in federal, state and local taxes and come at a time when it is urgently needed. Completing SCIG signals that the ports and industry can work together for the benefit of our region's economy.

In order for our Ports, both Los Angeles and Long Beach, to remain competitive they must continue to develop their facilities and the infrastructure needed to handle the more than 40 percent of cargo entering the United States. It is obvious that SCIG will help keep Southern California ports competitive through improved operational efficiency.

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

Sincerely,

Donald Norton
President

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

1 **Comment Letter 23: Harbor Association of Industry & Commerce**

2 **Response to Comment 23-1**

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 28, 2011

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 Schneider National and representing over 200 members in California alone, I am writing to express 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. SCI will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects.

The DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

24-1

24-1

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 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 at 12 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.

Schneider National 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,



Bill Matheson
President, Schneider Intermodal

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 24: Schneider Intermodal**2 Response to Comment 24-1**

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



J.M. Han
President

Hyundai Intermodal Inc.
222 West Las Colinas Blvd., Suite 700
Irving, TX 75039

Telephone 972 501-1301
FAX 972 501-1290
Email Address: jm.han@hmm21.com

October 26, 2011

VIA FEDERAL EXPRESS

Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Attention: Chris Cannon
Director of Environmental Management

RE: BNSF's Southern California International Gateway



Dear Mr. Cannon:

On behalf of Hyundai Merchant Marine Co., Ltd., I am writing to express our strong support for the construction of the Southern California International Gateway ("SCIG"), BNSF Railway's proposed near-dock rail facility in the Port of Los Angeles.

We understand that the Draft Environmental Impact Report ("DEIR"), prepared for the SCIG, has determined as follows:

1. SCIG would result in a reduction of local cancer risk. The Port has set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.

2. 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.

We also understand that in building the 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. We further understand that BNSF will initially allow only trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

As you know, 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. Moreover, SCIG will keep the Southern California ports competitive through improved operational efficiency in light of the expanded Panama Canal opening soon and the gulf and east coast ports being aggressive in pursuing opportunities to attract cargo away from the San Pedro Bay Ports.

25-1

25-1

In addition to all these benefits, we learned that the project will create well-paying local jobs. 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.

Based on the foregoing reasons, HMM supports SCIG as an ideal example of green growth and an important economic asset for the Southern California region.

We look forward to the approval of the EIR.

Sincerely,



J. M. Han
President

cc: Hon. 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 25: Hyundai Merchant Marine Co., Ltd.**

2 **Response to Comment 25-1**

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

Hagner, Dennis

From: Freddy Rivera [FRivera@calcartage.com]
Sent: Tuesday, November 01, 2011 4:23 PM
To: Ceqacomments
Subject: Rail yard reconsideration.

Dear Mr. Cannon,

My name is Freddy Rivera. I am the yard / warehouse manager at the California Cartage Wilmington operation. We trainload hundreds of loads every month of specialized cargo that's imported and is destined to move outside the state. I've got some guys working for me who are real experts at this kind of work.

- 26-1** | We know you want to put a rail yard at this place and we also know that you offered Cal Cartage nothing to replace the warehouses and yard that we now operate from. If you do this, you are going to cause lots of people maybe hundreds,
- 26-2** | maybe up to a thousand – to lose their jobs and lots of freight that comes through Los Angeles is going to go somewhere
- 26-3** | else.

- 26-4** | If you need another rail yard, put it on Terminal Island where there is lots of open land and no homes or people to be bothered. I would like to see you leave the Cal Cartage operation intact.
- 26-5** | We have lots of people employed and our presence here brings lots of cargo to your port which might otherwise go somewhere else.
- 26-6** | Please reconsider where you are going to put this rail yard.

Sincerely,

Freddy Rivera
Div. Warehouse Manager

California Cartage Company
2401 E. Pacific Coast Hwy.
Wilmington, CA 90744
Tel: 562-590-8591 x 304
Fax: 562-432-7835

"Be who you are and say what you feel, because those who mind don't matter, and those who matter don't mind."-Dr. Seuss

1 **Comment Letter 26: Freddy Rivera**

2 **Response to Comment 26-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 26-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 26-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 26-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 26-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 26-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20



October 2, 2011

LOS ANGELES HARBOR DEPARTMENT

Attn: Christopher Cannon, Environmental Management Director
425 Couth Palos Verdes Street
San Pedro, CA 90731

Re: DRAFT EIR, SO CAL INTERNATIONAL GATEWAY PROJECT

Dear Mr. Cannon

In reviewing the above-referenced EIR, we have identified several conditions that need to be addressed. The attached aerial map shows the following areas of concern.

27-1

(1) Within the area identified as the relocation site for California Cartage, Warren E& P, Inc. (Warren) has two oil wells. NWU 3-7 is a crude oil production well, which is temporarily idle, and NWU 3-8, which is an active water injection well. Both wells are extremely important to Warren's operations. We need to see specific and detailed plans for the relocation, to make sure we have complete access to these wells.

27-2

(2) Within the area identified as the relocation site for Fast Lane Transportation, Warren personnel and equipment access its Satellite 6 wells, which include 7 water injection wells, 11 crude oil producing wells, and related facilities. We need to see specific and detailed plans for this area to ensure that the roadways remain clear and accessible.

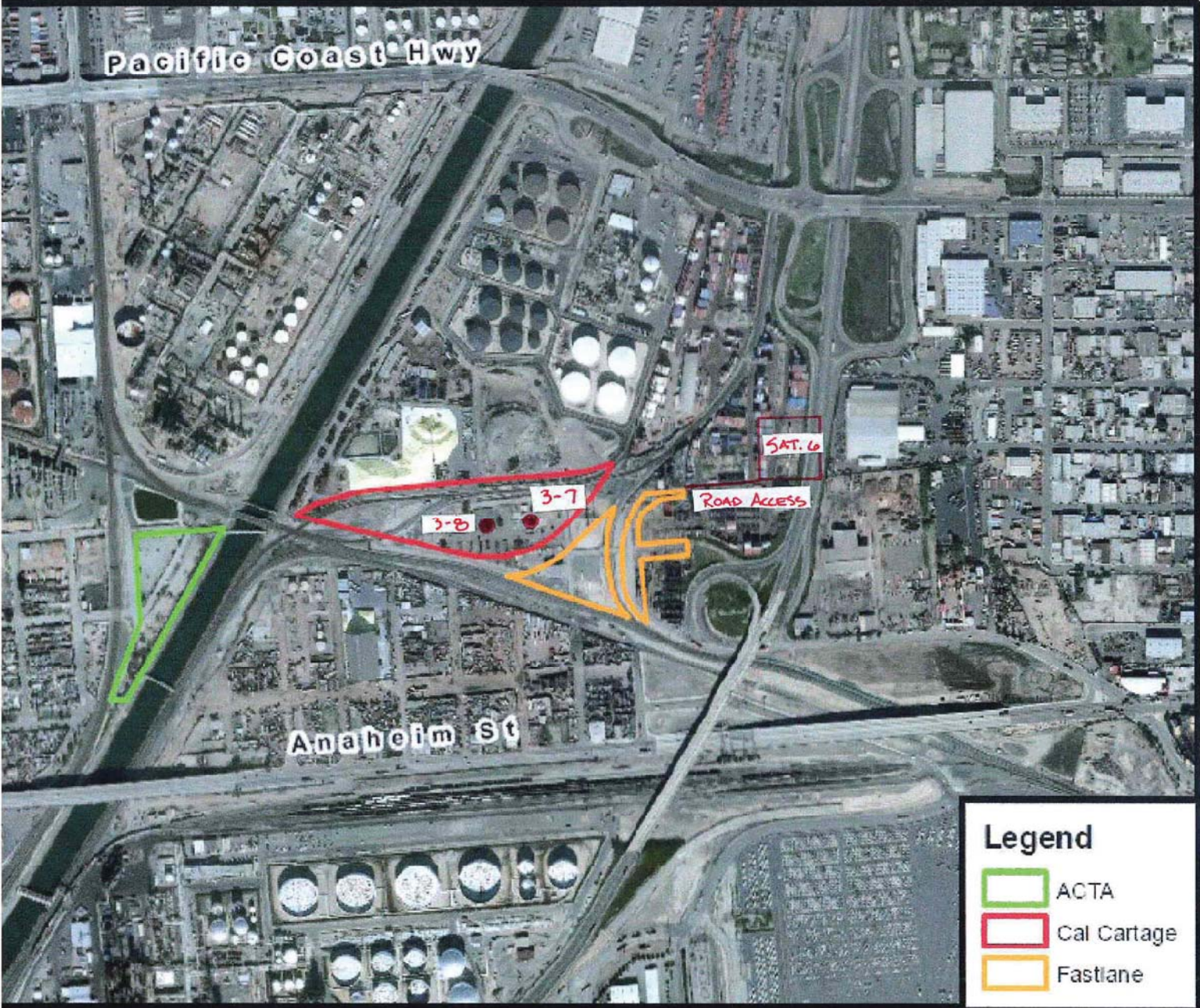
27-3

(3) Warren has numerous pipelines in the area that detail drawings will help identify. We are assuming that pipelines and cables are easily rerouted and are more of an engineering concern.

Please feel free to contact me at office number (562) 685-9011 or cell number (562) 307-7001 to discuss our concerns or if you would like a site visit.

Sincerely yours,

Thomas G. Dahlgren
Land Manager



Relocation Sites for Existing Businesses

0 0.04 0.08 0.16 Miles

New Railyard

The SCIG facility would be centered around a railyard that would consist the trains that would move containers in and out of the port area. The raily three major sets of tracks (two sets of loading tracks, one of storage train operations (Figure 2-3a). These tracks would comprise a total of

1 **Comment Letter 27: Warren E&P, Inc.**

2 **Response to Comment 27-1**

3 LAHD thanks Warren E&P for the information regarding underground utilities in the
4 project area. Section 3.11 (Utilities) has been revised to incorporate this information.
5 BNSF would be required to coordinate with Warren E&P and other utility
6 owner/operators during final design and prior to construction.

7 **Response to Comment 27-2**

8 LAHD thanks Warren E&P for the information regarding underground utilities in the
9 project area. Section 3.11 (Utilities) has been revised to incorporate this information.
10 BNSF would be required to coordinate with Warren E&P and other utility
11 owner/operators during final design and prior to construction.

12 **Response to Comment 27-3**

13 LAHD thanks Warren E&P for the information regarding underground utilities in the
14 project area. Section 3.11 (Utilities) has been revised to incorporate this information.
15 BNSF would be required to coordinate with Warren E&P and other utility
16 owner/operators during final design and prior to construction.

17

November 1, 2011

Mr. Chris Cannon
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731



Dear Mr. Cannon,

28-1 I was dismayed to read the article in the Long Beach Press Telegram which
28-2 stated Cal Cartage Operations May Be "Casualty" of BNSF Rail Yard Project. This
proposed project would displace at least a thousand workers, of which, I am
one! As a 15 year employee of Cal Cartage, I urge the Port to reconsider the
location of the rail facility.

28-3 Would it not be easier to locate and build a new facility elsewhere rather than
displacing fifteen-hundred workers, moving an established facility, and
contributing to the ever-growing unemployment situation this country is
experiencing? I believe if the rail is closer to the docks, hundreds of new jobs
would ensue and the challenge would be met.

28-4 Speaking for many Cal Cartage employees, our families depend on us to bring
home the bacon and for a company that has been in business and in the same
location for at least 50 years, we would suffer a catastrophic loss! The country
is in dire need of maintaining jobs and should the project follow through on this
displacement, BNSF and the Port would just be another story in the continuing
saga of the "Loss of the American Dream". Think of the "little people"why
sacrifice many for the sake of a few (people or dollars)?

Our company has invested in "going green" and is always current on the cutting
edge of technology. We all take pride in our jobs and our customer service
techniques. We are family here and I urge you to remember the cliché....."If it
ain't broke, don't fix it!"

Sincerely,

Crystal White

1 **Comment Letter 28: Crystal White**

2 **Response to Comment 28-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 28-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 28-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 28-4**

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

LOS ANGELES POLICE PROTECTIVE LEAGUE

A PROFESSIONAL POLICE UNION

1308 WEST EIGHTH STREET
LOS ANGELES, CALIFORNIA 90017
TELEPHONE (213) 251-4554
FACSIMILE (213) 251-4566
www.lapd.com

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DIRECTOR



COMPRISED OF
THE POLICE OFFICERS
OF THE CITY
OF LOS ANGELES

October 28, 2011

Mr. 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 Los Angeles Police Protective League (LAPPL) and representing 9,900 members, I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck

fleet 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 adherence.

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.

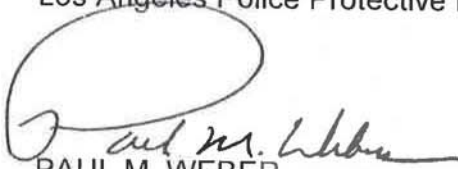
SCIG will help keep the Southern California ports competitive through improved operational efficiency, and with the expanded Panama Canal opening soon, the gulf and east coast ports are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Completing SCIG signals that 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 at 12 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 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 thousands of good-paying jobs in the greater Los Angeles area. We look forward to approval of the EIR.

Very truly yours,

BOARD OF DIRECTORS
Los Angeles Police Protective League


PAUL M. WEBER
President

PMW:ER:ja

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

1 **Comment Letter 29: Los Angeles Police Protective League**

2 **Response to Comment 29-1**

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)).



October 28, 2011

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 Matson Logistics, I am writing to express 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. Matson Logistics and our customers will move more than 45,000 shipments in ocean containers through Southern California this year. We have a keen interest in the ongoing expansion of efficient, competitive intermodal transportation in the region.

SCIG proves green and growth can go together. Matson Logistics expects that SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects.

30-1

The DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. SCIG scored a negative 161, 17 times cleaner than the Port's standard.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility.

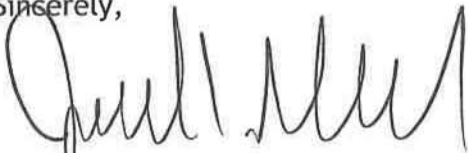
BNSF has gone well beyond what is required to invest \$500 million in our regional economy at a time when it is urgently needed. More importantly, BNSF has shown that green growth is possible by meeting (and exceeding) the port's standards for new projects.

30-1 ↑ With an 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. 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, and is consistent with the Port's rail policy.

With unemployment at 12 percent in Los Angeles County, creating well-paying local jobs is also 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 is an exceptional example of a project that facilitates regional and national economic expansion while exceeding environmental development standards. SCIG will be an important economic asset for the Southern California region, supporting thousands of good-paying jobs in the greater Los Angeles area. Matson Logistics looks forward to approval of the EIR.

Sincerely,



Joseph A. Robledo
Vice President - Carrier Relations/Yield Management

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

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



October 28, 2011

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 Matson Logistics, I am writing to express 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. Matson Logistics and our customers will move more than 45,000 shipments in ocean containers through Southern California this year. We have a keen interest in the ongoing expansion of efficient, competitive intermodal transportation in the region.

SCIG proves green and growth can go together. Matson Logistics expects that SCIG will be the most environmentally-friendly intermodal yard in North America and will set a high standard for future intermodal projects.

The DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. SCIG scored a negative 161, 17 times cleaner than the Port's standard.
- SCIG would result in the elimination of more than 1.5 million truck trips from the 710 freeway each year. 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility.

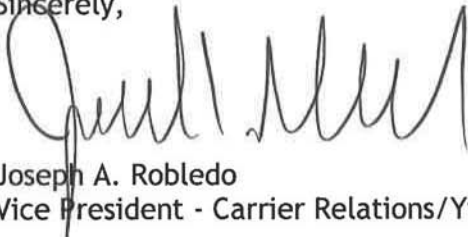
BNSF has gone well beyond what is required to invest \$500 million in our regional economy at a time when it is urgently needed. More importantly, BNSF has shown that green growth is possible by meeting (and exceeding) the port's standards for new projects.

With an 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. 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, and is consistent with the Port's rail policy.

With unemployment at 12 percent in Los Angeles County, creating well-paying local jobs is also 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 is an exceptional example of a project that facilitates regional and national economic expansion while exceeding environmental development standards. SCIG will be an important economic asset for the Southern California region, supporting thousands of good-paying jobs in the greater Los Angeles area. Matson Logistics looks forward to approval of the EIR.

Sincerely,



Joseph A. Robledo
Vice President - Carrier Relations/Yield Management

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

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 30: Matson Logistics**2 Response to Comment 30-1**

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

Melissa Madrid
5833 Whitewood Avenue
Lakewood, CA 90712

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



Dear Mr. Cannon:

My name is Melissa Madrid and grew up in the Port City of Wilmington. My parents emigrated from Mexico to Wilmington and raised our family here. My 2 sisters and I didn't move away from Wilmington until we left for college.

My Dad held various jobs during my youth, but eventually settled in at Cal Cartage and was promoted from Warehouse casual to Manager. I want to emphasize what a major feat this was for our family. Not many immigrants are able to cross the social boundaries of blue collar labor into a management role. This is true partly because many immigrants lack the education and English skills required and partly because not all companies are willing to take the risk to see if a blue collar laborer can assimilate into a management role. Cal Cartage took this chance on my father and our family benefited immensely.

31-1

Once my Dad was promoted, we were able to actually buy our first home. Now this home happens to be located directly across from the railroad tracks at Hyatt Avenue and Denni Street, but when you buy a home in Wilmington, it's tough to find a house that isn't affected in some way or another by the railroads.

Additionally, my Dad was able to help us financially through university. My older sister graduated from Cal State University of Long Beach, while my younger sister and I both graduated from Loyola Marymount University.

Please do not misinterpret my message. Yes, the monetary impact of my Dad's career at Cal Cartage definitely improved my opportunities in life; however, it's the general improvement to my quality of life that really impacted me, thanks largely to my Dad's job at Cal Cartage.

You see, when an immigrant is promoted from a blue collar laborer to Management, it really impacts his self worth. My Dad felt honored to be part of this great organization and wanted all his actions to be in line with his responsibility to ensure that there was no negative impact to the Cal Cartage brand. This was a wonderful living example to have at home- to know that if you really work hard, you can achieve anything in your life. My sisters and I took this to heart and have achieved even greater things than my parents did because of this.

31-2

My Dad tells me that after his 23 years of employment, Cal Cartage is in danger of losing its land to Santa Fe Railway for railroad expansion. I also understand that while it is proposed for Cal Cartage to be "re-located", the acres are not sufficient to replace the current location. It is reasonable to assume Cal Cartage would suffer financially from this decision.

31-3

I ask that you please reconsider Santa Fe's proposal and please save Cal Cartage. While my father has had many great years there, his job still brings him great joy and gives him something to look forward to now that his children are grown up and raising families of our own. Additionally, I have to imagine that Cal Cartage will continue to provide great opportunities to other residents in Wilmington and I would love nothing more than to see other children be provided the same opportunities for an improved way of life that I enjoyed.

Sincerely

Melissa Madrid
Daughter of Gonzalo "Gonzo" Castillo

1 **Comment Letter 31: Melissa Madrid**

2 **Response to Comment 31-1**

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 31-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 31-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 .

15



Dear Sir—

11-3-11

32-1

My name is Eifego Garcia and I work at the Cal Cartage Warehouse on Pacific Coast Highway in Wilmington. I live in San Pedro and I worked here for over 14 years. I'm married with 6 kids and need to keep my job.

32-2

I've read where you are going to take this property and give it to the railroad for some kind of yard. I don't understand why. If you put Cal Cartage out of business all of us will lose our jobs. Everybody is talking about high unemployment — it doesn't make sense to create more.

32-3

I come to work over the bridges through Terminal Island and see huge amounts of vacant land there. Why don't you put the railroad there instead of moving Cal Cartage?

WE NEED OUR JOBS.

Eifego Garcia

1 **Comment Letter 32: Elfego Garcia**

2 **Response to Comment 32-1**

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 32-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 32-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

10-28-11



Dear Mr. Cannon,

I am writing you today as I have read and continue to read that the BNSF Railroad would like to build on the site where I work for Cal Cartage at 2401 E. Pacific Coast Highway, Wilmington, CA 90744

33-1

I have worked in this industry most of my professional life and have been fortunate enough to work for Cal Cartage the last 10 years. My goal is to continue to work hard for Cal Cartage until I retire. Because of Mr. Curry's generosity to all of us who work for him retirement will be an attainable goal.

As you know, these are the most difficult economic times that we have seen for a generation. Cal Cartage Company employs 1,000 plus employees who count on this company for their livelihood. My Husband and I have put one child through college and are in the process of graduating our second daughter thanks to my steady employment at Cal Cartage. Based on the above, I would urge you to reconsider your plans to build a rail terminal on our site.

33-2

I am 52 years old, my title is Traffic Manager and what my team and I do is manage the outbound equipment for 4 or 5 of our larger accounts. I have a team of 4 gentlemen who show up to work everyday and work very hard to support themselves and their families. Losing their job would be devastating to them. One member of my team spent his life in and out of jail until about 9 years ago when Cal Cartage took a chance on him when I am sure no one else would have. He is the hardest worker on my team and has changed and reformed his life. He now helps support his family, has paid any monetary debt to society, has his driver's license, registered cars and carries insurance. If not for Cal Cartage this story may have turned out very differently.

My sister who is about the same age as me and is in the same industry was laid off about 2 years ago when her company closed the doors to one of their facilities in Downey. I watched her from morning to night search the web, continually sending out resumes and following up with emails and phone calls. I have never seen anyone work so hard to find a job. She finally was offered a position in this industry about 6 months ago. She almost lost everything which is what I am afraid could happen to me and my family if I were to lose my job.

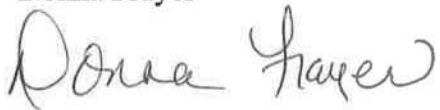
The employees here at Cal Cartage are hard working people and most of them live locally. I could go on and on about Mr. Curry's generosity toward his employees. We have steady jobs; receive a generous profit sharing contribution each year to our retirement fund, sick time, medical insurance, vacation etc. It would be almost impossible for me to find another job like this.

33-3

Please, I ask you, do not allow the Port to close our facility and cause the loss of 1,000 or more jobs, where would we all find work?

Thank you for your time and consideration,

Donna Frayer

A handwritten signature in cursive script that reads "Donna Frayer". The signature is written in dark ink and is positioned below the printed name.

1 **Comment Letter 33: Donna Frayer**

2 **Response to Comment 33-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 33-2**

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

11 **Response to Comment 33-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

From: Mike Ford [<mailto:divermikeford@yahoo.com>]
Sent: Friday, November 04, 2011 4:47 PM
To: Ceqacomments; val.lerch@mail.house.gov
Cc: Alexis Wiley; DiCamillo, LaDonna V
Subject: SCIG Project DEIR Comments (POLA Website Referral)

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

Info: Congresswoman Laura Richardson

RE: Southern California International Gateway (SCIG) Project
Draft Environmental Impact Report (DEIR)

From: Michael F. Ford, Project-Area Resident
1956 Fashion Avenue
Long Beach, CA 90810
(714) 366 9404 (cellular)

Dear Mr. Cannon:

I have read the draft EIR Executive Summary, and very rapidly scanned the 4,690 pages that comprise the complete DEIR.

I am writing to express my complete and unreserved support of the SCIG Project, and urge its approval by my own elected officials, and those in the project lead without undue delay.

34-1

Sir, I became interested in this project when two very nice ladies approached me in the front yard of my home seeking to enlist my *opposition* to the project.

They said they were with *Generation Verde* in affiliation with *East Yard Communities for Environmental Justice (EYCEJ)*. According to them, the project would bring in one million trucks with containers each year. "That's 2,700 more trucks every day!" The inference being that one million more trucks could not possibly do anything except create more pollution.

They then asked if I was concerned about the health of kids, parks and schools. They also handed me a flyer that states (in part) "Health and Rail Yards: Rail yards bring pollution, diesel exhaust, noise pollution, activities 24-hours daily, trucks, trains, and traffic congestion in neighborhoods. Air pollution can cause lung diseases, asthma, smaller lung growth in children, heart disease, cancer and premature babies."

When I asked if they had read the EIR yet, they told me the DEIR had not yet been released, but was due in September. I then asked how they could oppose something without even knowing the facts about it? Their response was again that one million more truck trips *has to* cause more pollution than exists now. They would not admit or consider possible offsets or comparisons between those trucks driving 48 miles to the current rail yards in Commerce and Vernon vs. driving only 4 miles to the proposed SCIG.

Mr. Cannon, I am offended when people try to con me about anything. I am particularly concerned that in this economic climate and high unemployment, that another so called 'environmental justice' group is trying to halt progress under the guise of misguided (and misrepresented) environmentalism.

I did my own research which included reading the DEIR (summary) and speaking to several BNSF representatives, as well as many of my neighbors.

I found that contrary to *EYCEJ; Generation Verde & Project 90810* claims, this SCIG project actually results in CLEANER AIR than if we do nothing!

- It reduces millions of miles of diesel truck trips every year! By my own estimation by about 40,000,000 less miles!
- It updates a similar existing land use, less efficient, much older facility with environmentally sound state of the art equipment
- It causes more truck trips to be low emission or LNG powered than would otherwise be the case. If the project were not built, then Port control of low emission vehicles would stop at the first ICTF, or other trans-shipment

point.

- Contrary to EYCEJ claims, the SCIG steers truck traffic away from our neighborhoods into industrial routes intended for that purpose. The SCIG also would likely result in less congestion on the 710 freeway further reducing pollution;

potentially cutting down on traffic related congestion accidents, and definitely saving time for commuters who would not have to contend with one million to one and a half million more truck trips on the freeway.

- The BNSF folks appear to have anticipated every reasonable concern, and several that appear to be voluntarily pretty progressive.

Mr. Cannon, I have some background in Community General Plans, property value and highest and best use analyses. In my opinion, the proposed project is the optimal project for the site in question. It is the correct placement for this type of project. It is consistent with zoning & the General Plan subject to governmental conditions, it is a legal use. It is clearly physically possible, and as proposed, it is both economically feasible and maximally productive.

- I can think of no plausible reason for anyone opposing this project. BNSF has considered noise mitigation, light pollution, traffic congestion, air quality and forward thinking environmental planning.
- There are many reasons why we SHOULD favor this project, including the potential enhancement toward property value stability that stems from increased jobs, and positive market perceptions associated with new local construction.

- ↑
- **Having said all this, the NUMBER ONE REASON I support this project is the job creation it will directly generate along with indirect job creation and benefits to local businesses and residents.** National unemployment is 9%. State and local unemployment has been estimated to be as high as 12%.

NOTE: A recent subcommittee of the Los Angeles Harbor Area PCAC had a meeting in which the question was asked “Why are the Port and BNSF not planning to use LSM technology?” My own research shows that LSM is simply not economically viable, nor technologically feasible for heavy freight hauling (except conceptually on the drawing board). Part of the reason is cost based. Another part is that necessary new right of ways would require condemnation via eminent domain. Even if non-return-based funding (federal?) could be obtained. ANY condemnation of private property in residential neighborhoods would result in phenomenal widespread project opposition. Lastly and perhaps most significantly, widespread use of LSM has to date only been tried in hi speed passenger transportation. LSM for heavy transport wheeled vehicles may be physically possible (according to one manufacturer), but the short-block segment requirements demonstrate it is still highly experimental. Braking ability for a passenger train is not the same as that required for freight trains where hundreds of thousands of tons of momentum exist. See <http://www.magnemotion.com/transportation-systems/other-transport.cfm> . Another concern would be how the necessary electricity is delivered to the system, and then utilized by it. What is the pollution cost of producing *that* electricity?

Another manufacturer at <http://itsco.us/portbenefits.asp> touts “near zero” pollution bridge-technology for moving (individual) containers in ports. It’s possible that a port exists somewhere where this technology could be employed, but I cannot think of one. I have to submit that this firm’s proposed use is simply laughable. Imagine 1.5 million individual pseudo mini-trains moving unmanned throughout our port and nearby environs. The linear synchronous motor concept has been around for over a hundred years. There are many reasons why it has not been successfully employed in commercial heavy transport markets. *My favorite is what appears to be the very real risk of electrocution.*

Mr. Cannon, as I stated above, BNSF appears to have thought out the project very thoroughly and responsibly. As far as I can determine, they appear to be meeting all the regulatory requirements and voluntarily exceeding many. As a resident, I know I am going to get up to one and a half million more truck trips ‘near’ my neighborhood one way or the other. I would prefer they be well planned, and orderly instead of simply being funneled into an already inadequate system.

We (citizens of Los Angeles, Long Beach, State of California and even the United States) need this project approved as quickly as possible to help turn our economy around. The State and involved communities need to show that it is possible to undertake major construction without unreasonable hurdles. That business can exist and even grow in our ‘environmentally concerned’ climate.

I do not work for BNSF, nor do I have any past or pending affiliations with them or anyone else associated with the proposed SCIG project. I am merely a concerned resident in one of the affected neighborhoods.

Respectfully submitted,

Michael F. Ford.

MICHAEL F. FORD
California State General Certified
Real Estate Appraiser, AG002512

1956 Fashion Ave.
Long Beach, CA
90810-4125
(714) 366-9404
Fax (562) 437-3641
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Mike@MFFord.com

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1 **Comment Letter 34: Michael F. Ford**

2 **Response to Comment 34-1**

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



Dear Mr. Cannon,

35-1

My name is Christopher Aquino and I am currently employed by Cal Cartage. I am the security manager in charge of 23 people. I have been working at the Wilmington location for over 15 years. I have lived in Long Beach all my life. I have a wife and a seven year old daughter who goes to Cesar Chavez Elementary School and is running for the student council.

I am writing this letter on behalf of my family. This job has been my families only source of income. My wife is a stay at home Mom. This past weeks news concerning my employer Cal Cartage future has caused my family and I to be really worried. This job had given me chance 15 years ago to have a better future and tapped my potential that I did not know I have to become the current security manager.

I appeal to you to please consider my wife, my daughter and I and the rest of the people that are working at Cal Cartage that would be affected by the decision that may ultimately rest on your hand.

35-2

The article I have read from LB Buss. Journal says you are going to give this property to the railroad and Cal Cartage has no place to go. I along with many other employees need our jobs – it would be very difficult to survive on this current economy that we are in if the plan with the railroad company comes forth. Please if I may suggest that if you could find another place to put the railroad and leave California Cartage where it is. They've been here for over 50 years and has created and given jobs to people like myself and they don't deserve to be kicked off their property. Cal Cartage has been a good employer. So I ask of you to find another place for the railroad and help us save our jobs!

Thank you for kind consideration...

Sincerely Yours,
Christopher Aquino

1 Comment Letter 35: Christopher Aquino**2 Response to Comment 35-1**

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 35-2

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

Gonzalo Castillo
1101 Hyatt Ave.
Wilmington, CA 90744

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



Dear Mr. Cannon:

36-1 | We just found out that you wish to take our Cal Cartage facility and destroy it, to make it into a railroad yard for Santa Fe Railway... all in the name of progress! I wonder progress for whom?

36-2 | Let me tell you a little story. My name is Gonzalo "Gonzo" Castillo, I have been employed by Cal Cartage for 23 years, and you should know that because of my job at this facility, I was able to put three daughters through college. I should mention that my daughters are honor graduates as follows: Vanessa, a graduate from Long Beach State and a successful mathematician working for Orange County School District, and former Math teacher at CMAS for 10 years. Melissa and Kimberly both Loyola Marymount graduates and working as CPA's. Melissa is currently employed at Toyota Motors as a Supervising Manager of the Accounting Department, and Kimberly as an Executive Director of Finance at Paramount Studios in West Los Angeles. Needless to say, I am very proud of my three daughters.

36-3 | I was asking myself; how can anybody do anything like this to a company that has taking care of so many families like mine who put so many children through school? If you need a railroad yard, I beg you respectfully to put it down near the docks. Railroad yards don't belong in this area anyway.

36-4 | Going back to my story. I live half-a-block from the railroad tracks that run between McFarlane and Hyatt. Let me tell you Mr. Cannon. It is a 24/7 operation and the noise, whistling and locomotive roar seems like we are having an earthquake because of the trembling of the walls in my house. Sometimes all that shaking and noise make me think that I am going crazy, and so is everyone else who live along the railroad tracks and surrounding areas, maybe even blocks away from the tracks. But do you guys care about that Mr. Cannon? I sincerely doubt it.

How we as a neighborhood tried numerous things to contact the railroad people to do something about these nuisance and fix the problems. The Results: Zero. All complaints fell into deaf ears. Believe me Mr. Cannon when people go through sleepless nights and your body doesn't rest because of all these noises, it is hard.

36-5 | Now, Cal Cartage Co. has been here a long time, all of a sudden a powerful railroad company wants the property and they will do anything to get it.

36-6 | This reminds me about the bible, where there were two guys one rich, one poor. The rich powerful man had hundreds of sheep. The poor guy had only one sheep. One day the powerful man had visitors, and instead of killing one of his many sheep to feed them, he sends his men to steal the sheep of his poor neighbor to feed his guests.

36-7 | The railroad is so powerful and mighty, they can get I'm sure, a prime location even closer to the port docks and do their SCIG business. We are like the poor man of the bible; all we have is our jobs at Cal Cartage Co., and now these are at jeopardy.

Please Mr. Cannon, take this in consideration and do the only right thing for our community – keep away one more railroad station from our back yard that will affect negatively so many families in their everyday lives.

Sincerely

Gonzalo Castillo

A handwritten signature in cursive script that reads "Gonzalo Castillo". The signature is written in dark ink and is positioned to the right of the printed name.

p.s. As a Wilmington resident I will come to the meeting and no one wants the railroad here. Thank you

1 **Comment Letter 36: Gonzalo Castillo**

2 **Response to Comment 36-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 36-2**

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

11 **Response to Comment 36-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 36-4**

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 36-5**

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 36-6**

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 36-7**

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

Maria I. Castillo
1101 Hyatt Ave.
Wilmington, CA 90744



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

Dear Mr. Cannon:

My husband Gonzalo Castillo informed me of his concern over the plans of City of Los Angeles to dismantle the company he works for (Cal Cartage Co.) to give way to a railroad yard for Santa Fe Railway. Needless to say this is a big concern for me in two fronts.

- 37-1** 1. Cal Cartage has been a good neighbor for Wilmington. It has provided jobs for hundreds or thousands of our men and women in the area. It has been a fair employer. My family has benefited from this enormously. Because of my husband's employment with this company, we were able to educate our daughters and buy our first and only house.
- 37-2** 2. Does Wilmington need more trains in the area? I think not. For one, trains are noisy, interfere with the traffic flow that interferes with thousands of people who travel in or through the area day and night. It hasn't been easy for me to work for the City of Long Beach and having to deal with the traffic train. I have been caught on the wrong side of the train too many times to count. I have been late to work because of this to the point that I am lucky to still have a job. I have been late back home so much that I missed dinners, family time, and other social events important to me.
- 37-3** I found out that you are the Director of Environmental Management, so you most likely know the pollution the train traffic brings to the area. There is an elementary school on Mahar, with over 1500 children; I wonder how many of these children have health problems related to this. As my husband would say: does anybody cares.
- 37-4** Obviously the trains are not the only pollutants in Wilmington; we also have the refineries, the coke factories and many others that contribute to the bad air and poor health of our residents. It is for these many reasons that I implore you not to bring this railroad yard so close to home. Take it someplace closer to the docks. I know for a fact that the City, County or both have sufficient land holding to do this without having to displace a good company such as Cal Cartage Co. or to bring the burden of more trains to Wilmington.
- 37-5** We have so little in terms of beauty in the Harbor area, but we don't care, all we ask is that opportunity to have a cleaner space to call our own.

*Sincerely,
M Castillo*

1 **Comment Letter 37: Maria I. Castillo**

2 **Response to Comment 37-1**

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 37-2**

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 **Response to Comment 37-3**

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 37-4**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 37-5**

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
30
31



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name: Caroline Brady-Sinco

Address: 663 W. 10th Street

City, State, Zip: San Pedro, CA 90731

E-mail: cibrady@aol.com

Please provide us with your comments

I believe the EIR adequately addresses the impacts of this project on the immediate area and Southern California regionally. The benefits far outweigh any potential negative impacts. I serve as the development director for Harbor Interfaith Services in San Pedro, where we serve 15,000 homeless and working poor clients each year. These clients need jobs. And this project will provide the kind of jobs that working-class residents need to pay their rent, feed their children and live self-sufficient lives. I live in Long Beach and have driven on the 710 freeway almost every day for more than 20 years. I like the fact that this project will take 1.5 million trucks off of this treacherous stretch of freeway. I like the fact that the yard will use electric cranes and that the cargo containers will be stacked instead of lined up on chassis. This operation is going to require less lighting, less space and will be considerably more quiet than traditional rail yards. I also like the fact that the area will receive new landscaping and visual improvements. And again, I like the fact that new jobs will be created and that workforce training programs will be created.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Graciela Hernandez
Address 1831 W. 32nd St.
City, State, Zip Long Beach CA 90810
Email grace.hernandez1104@gmail.com

Please provide us with your comments

38-2-1 | What do we want? Clean Air! When do we want it? Now!
I am strongly opposed to this project! My family has moved
to Texas because of the air quality. All the people who
wants jobs, that is not the problem. We do NOT want
this railyard to be built in our backyards. Build the railyard
on the port! Do a safety for the community, let us live our
lives healthy! We want to breathe clean air. NOT your
fossil fuel! Let all of our community come together
and have a complete green long-term plan. The companies
do not care about our health. They only want to have
38-2-2 | their money. They do not care, they do not live in
the effected area! We want clean air! We will fight
until we get it!



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name

Ramiro Navarro

Address

1507 W Spring St

City, State, Zip

Long Beach CA 90810

Email

Please provide us with your comments

38-3-1 please I don't want the
project NOT good for A
community try to do it in the
DECAT AREA. OK



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Angie Ortega
Address 604 Cherry Ave.
City, State, Zip Long Beach, CA 90804
Email _____

Please provide us with your comments

& Long Beach

I hope BNSF[^] finds a way to protect residents & school children from pollution. No school or homes should be closer than 3 miles to a railyard or port. Not against project but proximity to residents' homes. Please make this a priority and concern.

38-4-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Mr. Guadalupe Barajas
Address _____
City, State, Zip _____
Email _____

Please provide us with your comments

38-5-1 | Para nuestra Salud y nuestros hijos no queremos que se construya esa Estacion es por nuestro bien gracias.

Name: Ma Guadalupe Borelos

Address:

City, State, Zip:

Please provide us with your comments:

38-5-1

We don't want that station to be built for our health and our children, thanks!



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name SANDRA Johnson
Address 3595 Santa Fe Av #86
City, State, Zip Lans Beach CA 90810
Email _____

Please provide us with your comments

38-6-1

38-6-2

38-6-3

Not in my backyard.
I will not trade a job for my life
I live in a diesel death zone
LA Ports are not good neighbors
SHAME ON YOU



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Haven Faatili ga
Address 1351 W. 227th St. #11
City, State, Zip Torrance, Ca. 90501
Email @ Faatili ga Haven@yahoo.com

Please provide us with your comments

38-7-1

I'm truly happy and thankful for this uplifting and devoted opportunity to help make a difference for the community and create jobs to give back to the community. I'm here on behalf of IBEW Local 11 to support SCIG and volunteer to do what ever I can to help out the community.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name

Mr Robert

Address

23 1/2 St

City, State, Zip

San Pedro 90710

Email

Please provide us with your comments

THERE ARE ALTERNATIVES!

- ON PORT DUTYING

- USE ALTERNATE CARRIER
w/ ELECTRIC DUTY
SYSTEMS

STOP FILLING WESTSIDE

w/ more POLYESTER

38-8-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Mr. Ronald FetuAo Maefau
Address 942 W-232 St
City, State, Zip Torrance, Ca 90501
Email RMaefau@Gmail.com

Please provide us with your comments

I believe and trust that this will help not just providing jobs not only this but create a more cleaner environment. For many years living here in California, La in pacifics. We have delt with a real air pollution and breathing carbon nanoxide. This is not only a big stepinstep for the Community in partner/ship with SGC. Its a step for the nation to "Go Green!"



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Garrett Maynard
 Address 1935 Daisy Ave
 City, State, Zip Long Beach, CA 90806
 Email g.maynard@live.com

Please provide us with your comments

I live in the Wrigley Neighborhood and I am concerned that you are allowing additional pollutants into my neighborhood. I do not support the building of additional rail in our communities that introduce Ultra fine Particulate Matter. I don't support building that introduces pollutants that cause multiple health effects whether regulated or not.

38-10-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Monica Parrilla.
Address 1639 Locust Ave. # 310
City, State, Zip Long Beach, CA
Email parrillamonica@hotmail.com

Please provide us with your comments

38-11-1 NOSOTROS ESTAMOS ENCONTRA QUEREMOS
Cero emisiones, que cumplan con todas
las regulaciones, que ramos a aire limpio
para nuestras familias.

Name: Monica Parrilla

Address: 1635 Locust Av #310

City, State, Zip: Long Beach CA

e-mail: parrillamonica@hotmail.com

Please provide us with your comments:

38-11-1

We are against, we want zero emissions, and they should comply with all regulations, we want clean air for our families.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name

Evelyn D. Knight

Address

2521 CoLA Ave

City, State, Zip

Long BEACH CA 90810

Email

Please provide us with your comments

I am For Good Jobs and
Progress in My Community I
am Not in Favor of a Project
that Adds to Risk to Health
of Our Children and the Residents
I want to see alternatives
such as an Dock Rail at
The Port and I am not in
favor of this Project unless
it is Pollution Free in
our Community



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name James Larson
Address 2201 Santa Fe Av.
City, State, Zip Long Beach CA 90810
Email JLarson800@yahoo.com

Please provide us with your comments

- 38-13-1 | I am opposed to this project. I do not feel the projected increase in imports is accurate in today's economy thus resulting in this project in a land grab. I believe
- 38-13-2 | any increase in rail yards should be done on dock.
- 38-13-3 | Zero emissions cargo transfer on the Alameda Corridor is necessary.
- 38-13-4 | The EIR's No additional mitigation of cumulative effects is unacceptable.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name EMANUEL TULUGA
Address 12711 S. MARIPOSA AVE
City, State, Zip _____
Email _____

Please provide us with your comments

38-14-1

I support Southern California International Gateway because it would create job opportunities in the community which would reinvest back into the local area.



EL PROYECTO "SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY"

10 de noviembre de 2011 a las 6 PM

TARJETA PARA COMENTARIOS

FAVOR DE USAR LETRA DE MOLDE

Nombre Natasha Fongmoana
Domicilio _____
Ciudad, Estado, C.P. _____
E-mail _____

FAVOR DE DARNOS SU OPINION O COMENTARIO

38-15-1

I support this project because it creates jobs and gives me the opportunity to join the apprenticeship program to support my family.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name RONNIE A. CORNEJO
Address 1901 FASHION AVE # 1
City, State, Zip LONG BEACH CA. 90810
Email _____

Please provide us with your comments

I would like to ask BNSF to come by our facility to see how many of us depend on the job site. I'm a father of 5 children, my oldest kid goes to Cabrillo, my 2 girls go to Hudson, my other son goes to Muir, the smallest one doesn't go to school. ~~there~~ Allot of council members think that my work place is just ^{an} empty lot not knowing it provides for my family and without this facility I have no idea how I would support my family.

38-16-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name ELIZABETH WARREN
Address FUTUREPORTS
City, State, Zip SAN PEDRO, CA 90731
Email ewarren@futureports.org

Please provide us with your comments

38-17-1

SUPPORT PROJECT



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name

Sandy Cuchi

Address

3800 E De Ora Way

City, State, Zip

Long Beach CA 90815

Email

Sandy@RegionalHistoricCC.org

Please provide us with your comments

38-18-1

The Place Supports the project 100%
It brings Economic Development to
our Region



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Evangelina Hernandez
Address 1831 West 32nd Long Beach
City, State, Zip
Email CA 90810

Please provide us with your comments

Yo pienso que definitivamente, no deben de hacer esto aqui cerca de mi area tengo un hijo de 15 años el no quiere nada tiene la nariz tapada todo por culpa de el smoke que se flue en esta area por favor NO a este proyecto

Gracias

Evangelina

Name: Evangelina Hernandez

Address: 1834 West 32 st

City, State, Zip: Long beach CA 90810

Please provide us with your comments:

I think that definitely, this should not be done here close by my area, I have a 15 years son, he can't perceive any odor, he has his nose obstructed because of the smoke that flows in this area, please I say no to this project.

Thank you!

..signature

38-19-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD

PLEASE PRINT

Name Carlos Orozco
Address 348 E 17 TH ST Lon
City, State, Zip Long beach CA 90813
Email _____

Please provide us with your comments

38-20-1
Soy Chofer de Cal cartague
my trabajo es muy importante
para my y my familia y espero
que siempre lo tenga por que de
esto vivo y mucha gente ocupa
de ellos espero y con las
opiniones de todos los Trabajadore
de esta empresa nos apoyemos
tanto como ustedes y el municipio.
de long beach. Gracias por
tomarnos en cuenta. Att. Carlos y
familia

Name: Carlos Orozco

Address: 348 E17 THST Lon

City, State, Zip: Long beach CA 90813

Please provide us with your comments:

38-20-1

I am a chauffeur of Cal Cartage and my work is very important to me and my family and I hope I keep it because I make my living of it as well as many people. I hope all the comments from all workers of this company support each other as well as you and the city of Long Beach.

Thanks for considering our comments.

Att. Carlos and Family



1 **Comment Letter 38: Silverado Public Hearing Comment Cards**

2 **Response to Comment 38-1-1 (Caroline 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 38-2-1(Graciela Hernandez):**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 38-2-2 (Graciela Hernandez):**

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 38-3-1 (Ramiro Navaru):**

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 **Response to Comment 38-4-1 (Angie Ortega):**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 38-5-1 (Ma Guadalupe Borelos):**

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 38-6-1 (Sandra Johnson):**

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)).

1 Response to Comment 38-6-2 (Sandra Johnson):

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 38-6-3: (Sandra Johnson):

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 38-7-1 (Haven Faatiliga):

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 38-8-1 (Mr. Robert):

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 38-9-1 (Ronald Fetu Ao Maefau):

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 38-10-1 (Garrett Maynard):

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 38-11-1 (Monica Parrilla):

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

37 Response to Comment 38-12-1 (Evelyn Knight):

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, therefore no further response is required. (Public
3 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

4 **Response to Comment 38-12-2 (Evelyn Knight):**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 38-12-3 (Evelyn Knight):**

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 38-13-1 (James Larson):**

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 38-13-2 (James Larson):**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 38-13-3 (James Larson):**

23 Thank you for your comment. This comment refers to a chapter or section of the DEIR
24 that was recirculated. No response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 38-13-4 (James Larson):**

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 38-14-1 (Emanuel Tuuga):**

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 38-15-1 (Natasha Fonamoana):**

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 38-16-1 (Ronnie A. Cornejo):**

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 38-17-1 (Elizabeth 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 38-18-1 (Sanag Luci):**

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 38-19-1 (Evangalina Hernandez):**

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 38-20-1 (Carlos Orozco):**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34

SOUTHERN CALIFORNIA
INTERNATIONAL GATEWAY PROJECT (SCIG)
DRAFT EIR

PUBLIC MEETING

NOVEMBER 10, 2011

6:00 P.M.

SILVERADO PARK

ENVIRONMENTAL MANAGEMENT DIVISION, PORT OF LOS ANGELES

Reported by:

Melissa Preciado, CSR. 13565

Page 2

1 LONG BEACH, CALIFORNIA, THURSDAY, NOVEMBER 10, 2011
 2 6:00 P.M.
 3 -000-
 4
 5 My name is Benjamin Rockwell. I go by Ben,
 6 B-e-n, R-o-c-k-w-e-l-l. My address is 475 West 5th
 7 Street No. 2G in Long Beach, California 90802. My
 8 e-mail address is rocky.ben@verizon.net.
 9 I'm here this evening to speak against the
 10 railroad adding more to their facilities this far
 11 inland. The railroad should be picking up on the port
 12 at the port; not having goods shipped and then trucked
 13 with tractor trailers the distance from the port here.
 14 The number of truck trips per day increases
 15 pollution. The railroads, as they are at this time,
 16 still have not become clean enough so that the air that
 17 myself and the students, the children, and other people
 18 are breathing sufficiently clear for us to have good
 19 quality of life.
 20 The quality of life depends on the ability to
 21 breathe. My breathing function is around 30 percent of
 22 normal pulmonary function. This makes it difficult for
 23 me to breathe with the pollution. Added pollution will
 24 make me die earlier.
 25 The kids that live in the area in the vicinity

Page 3

1 of the port of the railroad suffer from the dust created
 2 by the wheels of the railroad as well as the pollution
 3 from the diesel and all the rest of the dust from all
 4 the shipping things that are being moved. We need to
 5 keep our air clean not. Just clean up some time in the
 6 future, but we need to have things clean now.
 7 Move the railroad pickups from the port to the
 8 port; not five miles inland. This is for my health and
 9 the health of all of us children, and adults that have
 10 compromised pulmonary systems.
 11 Thank you so much for listening or reading, and
 12 I would like a response to my comments when you are
 13 sending out the other responses. Thank you. If anyone
 14 reading this wishes to contact me they may call me at
 15 area code (562) 432-0448. If I'm not home, leave a
 16 message and I will call back.
 17 In order to save on pollution, I am requesting
 18 that the ports and the railroads look into the MagRails,
 19 which have no major friction points for transporting
 20 goods thereby using electricity and electricity only
 21 without the diesel in the area. And it also gives a
 22 cleaner movement of the goods thereby lessening even
 23 further the amount of pollution that will come into the
 24 lungs of our people with compromised systems.
 25 There are thousands of persons who have

Page 4

1 compromised pulmonary symptoms. And kids living in the
 2 vicinity of the truck routes, the port, and rail yards
 3 have higher incidences of asthma and other pulmonary
 4 problems leading to more hospitalizations, lower
 5 attendance, more days lost from schooling, and lower
 6 achievement in school 'cause of the pollution. And this
 7 needs to, not only needs to, it must be stopped. **38B-1-5**
 8 Continued use of these fuels and running many
 9 miles of tires being worn out on our freeways and
 10 throwing particulates into the air must cease for the
 11 betterment of the entire community.
 12 I understand that the pollution rates have gone
 13 down at this time from what they used to be, but how
 14 long will they stay down before the pollution starts to
 15 increase from increased movement of goods, increased
 16 truck traffic, and increased use of rail?
 17
 18 My name is Scott Kurtz and I'm here
 19 representing the Harbor Association of Industry and
 20 Commerce. Our association would like to go on record in
 21 support of the draft Environmental Impact Report
 22 prepared for the Southern California International
 23 Gateway project.
 24 The Harbor Association provides a collective **38B-2-1**
 25 voice for the harbor business community on important

Page 5

1 issues pertaining to economic development, environmental
 2 issues, and public policy. Our 150 member firms,
 3 representing in excess of 250,000 employees, have a
 4 vested interest in the economic performance of our San
 5 Pedro Bay harbor area and support the need for better
 6 air quality in southern California.
 7 We applaud and commend the Port for its
 8 comprehensive draft environmental impact report
 9 analyzing the impacts of the proposed development. The
 10 draft EIR demonstrates the SCIG project will result in
 11 cleaner air quality, reduced traffic, and create up to
 12 1500 new jobs per year over the estimated three years of
 13 construction. Our region desperately needs these jobs.
 14 To remain competitive in the international
 15 goods movement market our local Ports must continue to
 16 develop their facilities and the rail infrastructure to
 17 handle the cargo entering the United States through this
 18 Port complex in an efficient and environmentally
 19 friendly manner. The Port of Los Angeles, through the
 20 draft EIR, has demonstrated that building this facility
 21 will create one of the country's greenest intermodel
 22 facilities, will greatly reduce drayage trips and
 23 utilize best available technology for cargo operations,
 24 will clean up the current existing truck yard, and will
 25 reduce truck traffic on the 710 freeway. The SCIG

38B-1-1

38B-1-2

38B-1-3

38B-1-4

38B-1-5

38B-2-1

38B-3-1

38B-4-1

38B-5-1

1 project would be a positive move towards maintaining the
2 region's international competitiveness.

3 The Harbor Association of Industry and Commerce
4 respectfully urges the Los Angeles Board of Harbor
5 Commissioners to move quickly to finalize this EIR and
6 start construction of the SCIG facility.

7
8 Bill Walles, and address is 3434 Coolhieghts
9 Drive Rancho Palos Verdes 90275. Bill@ampzap.com

10 I'm a small business owner, and I'm in favor of
11 the draft DIR particularly because of its jobs, but also
12 it's adoption of new technologies. And the new
13 technologies enhance both the community and the state
14 and country through the adoption of things like the
15 electric cranes, and the increased throughput of the
16 global goods movement infrastructure. And I'll leave it
17 at that so I'm in support.

18
19 My name is Faisal Kureshi, and I my work
20 address is 2700 West 182nd Street Torrance, California
21 90501. My my e-mail is eagleprotect@gmail.com.

22 And my comment is basically centered around
23 SCIG requirement that it's going to create more jobs.
24 And I'm a proponent of the SCIG, I definitely want it to
25 go through because of the 1500 jobs per year over the

1 three years of construction. I believe also that it's
2 going to generate 250 operational jobs, and that it's
3 going to add up to \$40 million to the salaries of those
4 workers that will definitely help this economy.

5 I feel that this project is definitely worth it
6 because of the jobs, and in the current economic state
7 that we're in right now a project like this shouldn't be
8 overlooked; it should definitely be pushed through.
9 Only because it's going to help the economy and help
10 this community move towards a better future.

11 And also I believe that this project has hit
12 all of the major points that have been required by the
13 community, by the Port, and I just feel that to maintain
14 our leadership in commerce, it's necessary to be able to
15 put forth this initiative. The fact of the matter is
16 that if we are able to have cleaner air, give money back
17 to education, give money back to the community, these
18 are only good things for the overall initiative and the
19 overall community; so I definitely think that this
20 project should pass, and if they have any comments or
21 questions please let me know. Thank you very much.

22
23 Glenn Amaya. 1070 Temple Avenue Long Beach,
24 90804. Glennamaya@aol.com.

25 I'm a port trucker and I have a problem with

1 the way the grants, all the funds available for this
2 program are going to be displayed -- given out because I
3 believe that people in Long Beach, the local companies,
4 and the locals should get access first before everybody
5 else so we don't get a problem like with clean truck
6 program, Swift, Knights, Morgan companies that are out
7 of state came in and got the grant and walk away with
8 them. So I would like to make sure that somehow that
9 get regulate so our people here in Long Beach and out
10 companies here in Long Beach get the funds available
11 before anybody else.

12
13 Joanne Davis. Chairman of the Board Long Beach
14 Area Chamber of Commerce. 1 World Trade Center, Suite
15 206, Long Beach 90801. Jdavis@davisgroupca.com.

16 Good evening, my name is Joanne Davis and I am
17 the Chairman of the Long Beach Area Chamber of Commerce.
18 We represent 1,100 businesses in and around Long Beach.
19 We also live, shop, and work in Long Beach.

20 The chamber is a strong supporter of the BNSF
21 Southern California International Gateway project for
22 many reasons. I'll point out a few: First, the project
23 creates jobs at a time when our City desperately needs
24 them. We currently have a 13.4 percent unemployment
25 rate in Long Beach and we need to get our residents back

1 to work.

2 Second, the draft EIR found that the project
3 reduces cancer risks for our residents, a goal we all
4 share.

5 Third, our region needs to plan now for future
6 container volumes through our ports. It makes sense to
7 provide comparable near dock rail facilities for both
8 railroads in our region, so that BNSF customers don't
9 need to truck containers 24 miles up the 710 freeway.
10 And we support taking trucks off the 710! The project
11 will allow containers to be loaded onto rail just four
12 miles from the docks, rather than 24 miles, and it will
13 eliminate more than 1.5 million truck trips from the 710
14 freeway each year, reducing congestion and improving air
15 quality.

16 Fourth, although "zero emission" technologies
17 are either not yet available or not yet fully
18 demonstrated for this project, BNSF has committed that
19 by 2023, 75 percent of the trucks serving the project
20 will be LNG or equivalent emissions. And by 2026,
21 90 percent of the trucks will meet that standard. We
22 applaud this commitment.

23 The Long Beach Chamber is still reviewing the
24 DEIR and may submit written comments as well. Thank you
25 for your time and I appreciate the opportunity to speak

38B-6-1

38B-7-1

1 tonight.
 2
 3 Angelo Logan 2317 Atlantic Commerce, California
 4 90040. E-mail is Alogan@eycej.org.
 5 We, the undersigned, oppose BNSF-SCIG project.
 6 Opuesto al proyecto:
 7 Jose Luis Garcia, 90744
 8 Jorge Robles, I 90807
 9 Jonathan Cardenas, 90807
 10 Bryant Robles, 90807
 11 Johnathan Cardenas, 90250
 12 Adrian Cardenas, 90807
 13 Elfego Garcia, 90731
 14 Francisco D., 90242
 15 Hector M. Gonzalez, 90815
 16 Fabiola Galindo, 90731
 17 Jesus Ramirez, 90731
 18 Santos Merito, 90806
 19 Ramiro Navarro, 90810
 20 Eddie Licon, Sofia Merito, Carmen
 21 Amanda Gutierrez, 90033
 22 Lorena Romero, 90033
 23 Krith S. Legacy, Los Angeles
 24 Salma Moreno, Ruby Rivera, Sofia Carrillo
 25 Enrique Esquivias, 90810

1 Jose Manuel G., 90810
 2 Bianca Herrera, 90810
 3 Maribel Hernandez, 90810
 4 Christina Torres, 90806
 5 Jesus Martinez
 6 Angel Martinez
 7 Israeli Hernandez, 90810
 8 Clara Hernande, 90810
 9 Dante S., 90810
 10 Gabriela Serrato, 90304
 11 Jose Ortega, 90220
 12 Cesar Montufar, 90810
 13 Fernando Hernandez, 90810
 14 J Santos, 636 Concord AL. Los Angeles, Ca 90023
 15 Enrique Glez, 90807
 16 Ronnie Cornejo, 90810
 17 Zuleica Gutierrez, 90810
 18 Jose Carlos Morales, Elena Rodriquez
 19 Bafael A. Marinez, 90744
 20 Debbie Vongviwgt, 90814
 21 Victor Almauza, 90810
 22 El Tio Carlos Aguilar, 90806
 23 Grace Hernandez, 90810
 24 Eva Hernandez, 90810
 25 Blanca, Maria, Jose Flites

38B-7-1

1 Leonard Contreras, 90220
 2 Marlene Arazo Legacy, Los Angeles
 3 Humberto Garcia, 97023
 4 Brandi, 90813
 5 Jose Espinoza, 90744
 6 Lorenzo Carrillo, 90744
 7 Luis Carrillo, 90744
 8 Gabviel Del Costila, 90746
 9 Jose, 90744
 10 Jay E. Mamaradlo, 90810
 11 Jorge, Stephanie, Petra
 12 Rachel Vargas, 90826
 13 Carmen, Maria E.
 14 Luis Macias, 90810
 15 Isella, Helen, Joaquin, Merene A.,
 16 Antonio, Cecilia Mercado, Arnulfo
 17 Maria Esquing, 90810
 18 Pedro Esquinias, 90810
 19 Juan Carlos G, 90810
 20 Daniel Rosas, 90810
 21 Samuel Hernandez, 90810
 22 Marisol, 90810
 23 Norberto Hernandez, 90810
 24 Herman Torres, 90810
 25 Diego S., 90810

1 Christa Aquino, 90802
 2 Rito, 90810
 3 Tony Agkis, 90810
 4 Marcelino, 90805
 5 Carlos Orozco, 90813
 6 Jaime Gonzales, 90810
 7 Georgina Esquivias, 90810
 8 Lidia, 90810
 9 Maela Sue, 90825
 10 Sylvia, Alejandro, Lupe P.
 11 Roselyn NRDC, Gaston EHL,
 12 Anthony Saner, 90810
 13 Francisco Mara, 90810
 14 Duane J., 90810
 15 Victoria Iwata, 90810
 16 Greg Kaszniak, 90810
 17 Chris Armenta, 90706
 18 Arthur Bernal, 90810
 19 Thomas Hummel, 90810
 20 Damian M., Christian Hernandez
 21 Barbara Sandifor
 22 Carmen River, 90810
 23 Jessie, 90744
 24 John Cross, 90810
 25 Anthony M., 90810

- 1 Maria Lauersie, 90806
- 2 Jose Luis Esqueda, 90744
- 3 Richard Dale, 90806
- 4 Garret Maynard, 90806
- 5 Kathy Ripley Zent, 90810
- 6 Joel Ordorica, 90744
- 7 Flavio Mercado, 90744
- 8 Hermenegildo, Sylvia, Cecilia
- 9 Cynthia, 90810
- 10 Aiden, 90810
- 11 Simba, 90806
- 12 Esperanza Duran
- 13 Giovanni, 90810
- 14 Ethan, 90810
- 15 Maria Lopez, 90810
- 16 Joaquin A., 90810
- 17 Moises Garcia, 90810
- 18 Evelin Knight, 90810
- 19 Rogelio Solis Velasa, 90810
- 20 Veronica Garcia, 90805
- 21 Dean Toji, 90807
- 22 Jessica, 90806
- 23 Jaime Garcia Jr., 90810
- 24 Teodulo Garcia, 90805
- 25 Martha, 90802

- 1 Johnathan, 90731
- 2 Maria Gallo, 90810
- 3 Nery Hernandez, 90810
- 4 Candelaria G., 90810
- 5 Herman Roseitmal, 90744
- 6 Arinas Cabral Jul Alberto, 90804
- 7 Rafael Quinteros, 90744
- 8 Alejandro Pateroz, 90220
- 9 Jose F. Martin De El Campo, 90804
- 10 Alfredrick Knight, 90810
- 11 Alondra Sandoval, 90810
- 12 Jose Manzano, 90731
- 13 Ana Valdiva, 90813
- 14 Beatriz Reyes, 90810
- 15 Antonio, 90744
- 16
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38B-7-1

38B-7-1

- 1 Angelo Logan, 90804
- 2 Maria Reye, 90810
- 3 Valeria Ramos, 90810
- 4 Eva Hernandez, 90810
- 5 Geneviene Toji, 90807
- 6 Maria Guadalupe Lopez Guzman, 90810
- 7 Lucia Ramirez, 90731
- 8 Lucy Ramirez, 90731
- 9 Jiessel P., 90810
- 10 Elizabeth Reyes, 90810
- 11 Adolfo Guterrez, 90810
- 12 Leticia, Monica, Sandra Johnson
- 13 Ricardo Linarez, 90613
- 14 David Valdez, 90810
- 15 Isabel Rodriguez, 90744
- 16 Pat Kennedy, 90805
- 17 Matilda, 90802
- 18 Natasha Khannoa, 90803
- 19 Agustia King, 90031
- 20 Angel R., 90810
- 21 Bernice Banarez, 90810
- 22 Jose Rodriguez, 90044
- 23 Beramin Sandoval, 90806
- 24 Juan Ruelas, 90813
- 25 Carmela Aquino, 90802

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SOUTHERN CALIFORNIA
INTERNATIONAL GATEWAY PROJECT
DRAFT EIR

PUBLIC MEETING
NOVEMBER 10, 2011
7:00

SILVERADO PARK
ENVIRONMENTAL MANAGEMENT DIVISION, PORT OF LOS ANGELES

Reported by:
Olivia Lizarraga, CSR No. 13475

Page 2

1 LONG BEACH, CALIFORNIA, THURSDAY, NOVEMBER 10, 2011
 2 7:00 P.M.
 3 ~oOo~
 4
 5 MR. MAYORGA: That's going to be tough to follow.
 6 That was pretty much well put together. My name is
 7 Andrew Mayorga. I'm a member of Labor Local 507.
 8 You know, I've heard a lot said here today,
 9 especially by those of you that live in the city and the
 10 community. A lot of my members do, or our members. You
 11 guys should probably want this the most. (Indicating).
 12 The lady teacher -- not the teacher, the coach of the
 13 children says it all. I mean, when we bought in
 14 Long Beach, we knew Long Beach was dirty. We knew it
 15 wasn't Yellowstone. Now that the Port is trying to take
 16 us forward into the future like the gentleman said
 17 earlier, and we're still opposing.
 18 LNG was brought up years ago, and it was shot
 19 down. There are projects that are going to clean the
 20 air, that are going to allow your children, my
 21 children -- I just had a child, myself -- to grow up in a
 22 cleaner environment. It ain't going to happen overnight.
 23 It's going to take time. It's going to take years. I
 24 mean, other ports are already there. Obviously, we can't
 25 do that, yet.

Page 3

1 Long Beach is a big economic engine right next
 2 to L.A. A lot of imports come through this area, and
 3 it's never going to stop. It's only going to grow. You
 4 can sit here and say what you want about the EIR, but
 5 it's a government document. Obviously it was went over
 6 very thoroughly. I don't think they are going to put us
 7 in harm's way as residents, as community residents. And
 8 the project -- and the project in a whole is going to
 9 benefit everybody, not only the clean air but the jobs,
 10 itself.
 11 Jobs is very important. It's obviously been
 12 said hundreds of times already. You know the deal.
 13 We're all dying. It's easy for those of us who have a
 14 job to sit here and say, "We don't need a project like
 15 this," but ask one of our members that's losing their
 16 house or they can't send their kids to school with food.
 17 It's very tough right now; it's almost scary. If you're
 18 not in those shoes, you don't know what it's like. I'm
 19 around it every day, and it's very hard.
 20 When someone comes along with a project of this
 21 magnitude to help us out and our members, for all the
 22 community, I think we should be behind them 100 percent.
 23 Thank you.
 24 MS. McCORMICK: Thank you. And then Sonia Kaye is
 25 next. Alex?

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1 MR. LAFARGA: Yeah. Alex Lafarga. I'm also with
 2 Labor Local 507 in Long Beach.
 3 MS. McCORMICK: And, Alex, I'm going to ask you to
 4 speak into the microphone towards the court reporter,
 5 please. Thank you.
 6 MR. LAFARGA: I'm also from Local 507 in Long Beach
 7 and I'm also a Long Beach resident, and I also have a
 8 small son. **38B-9-1**
 9 What we think, here, is this project is going
 10 to bring a lot of things to the community that are going
 11 to be positive, a lot of jobs that we need. And I'll
 12 tell you right now, we have 1100 members in our local. I
 13 know a lot of the other trades probably have the same
 14 problems we have. There are members out of work. We
 15 have members losing homes. We have members losing
 16 insurance, not getting pension hours. People are
 17 hurting. People are suffering. If this job -- if this
 18 project is going to help the area and, also, put people
 19 to work, I don't see why we cannot support it.
 20 Local 507 is in support of this. We support
 21 the community. We support jobs, and we support
 22 Long Beach. And that's it, in a nutshell.
 23 MS. McCORMICK: Thank you. Johnny O'Cane is going
 24 to be speaking, and then George Martinez next.
 25 MR. O'CANE: I'm Johnny O'Cane, and I'll turn my

Page 5

1 back on a court reporter before I'd ever turn my back on
 2 Labor and the community.
 3 This is -- this is progress, and progress is
 4 going through everybody's neighborhoods for hundreds of
 5 years. There's always going to be changes. There's
 6 always going to be people that can find things that they
 7 individually take and hold against a project. But if you
 8 look at the overall betterment for everybody, this **38B-10-1**
 9 project that's been brought up right here is moving in
 10 that direction. If it offends one person, it builds up
 11 100 more. And I'm of the belief that you never look down
 12 on someone unless you're helping them up. And that's
 13 what the trades do.
 14 I'm not going to parade my baseball team
 15 through here with phony little gas masks and get them to
 16 try to win your hearts. But you know what, some of them
 17 kids that flowed through here, I might put them to work
 18 some day.
 19 MS. McCORMICK: And then Cesar Montalban.
 20 MR. MARTINEZ: My name is George Martinez. I'm a
 21 recent resident of Long Beach. Prior to Long Beach I
 22 grew up in San Bernadino, California, where BNS also had
 23 a yard there. I come from a family of engineers and
 24 conductors prior to the improvements at the **38B-11-1**
 25 San Bernardino Yard. It's pretty bad there.

Page 6

1 It's only a positive that they come in and
 2 clean everything up, brought new cranes in. Can't
 3 complain about the noise, much. My parents still live in
 4 the area. It's a positive impact and pretty much a no
 5 brainer. That's all I have to say.

6 MS. McCORMICK: Thank you. And Mr. John Cross.
 7 MR. MONTALBAN: First off, the EIR document is not a
 8 government document. It is submitted to the government
 9 by a private group who has an interest in making sure
 10 that this thing goes through. So when you read that, you
 11 have to read it with a fine-tooth comb. You have to
 12 think about why these people are saying what they're
 13 saying in that document. You cannot take it word for
 14 word. You got to see it for what it is -- 4,600 pages
 15 designed to hide the problems that this thing will
 16 create.

17 I've got to tell you, when I look at this
 18 project and I look at that EIR, I see one thing. I smell
 19 one thing. There's nothing about this project or about
 20 this EIR that doesn't stink. It stinks of lies. I work
 21 at a school that the document claims does not exist. It
 22 says it doesn't have to worry about hazard waste, because
 23 there's no school within a quarter of a mile. Three
 24 schools, 12 against the rails, and I teach at one of
 25 these. I guess my 3,500 students at Cabrillo High School

Page 7

1 don't matter to this document.
 2 It stinks. It stinks, and it's deceptive, the
 3 idea that the only way to get jobs is to do it the wrong
 4 way. If we wanted to put in a clean port, an electrified
 5 port, and no-emissions port, you think the fairies are
 6 going to come in and construct it? We have more jobs
 7 that pay better to do that work. That is deceptive.

8 And as a union member, as a union rep, I'm
 9 really, really sad to be at odds with other union
 10 members. I'd like to be able to stand strong with fellow
 11 workers, but I feel really disheartened by the idea that
 12 folks are going to look at this situation and make a
 13 short-term gain for a long-term loss. There's a --
 14 short-term jobs. We could do long term positive impact
 15 on the community with more jobs to do a better idea.

16 The third thing that idea is -- the third thing
 17 that stinks is this is simply corporate greed. These
 18 folks are not Green. They don't care about your lungs.
 19 They don't care what you got to breathe and you got to
 20 see. The only green they care about is the dollar.

21 MS. McCORMICK: I appreciate all of your comments,
 22 and I understand the enthusiasm within the room. This
 23 was for documentation purposes, and we really are here
 24 for the court reporter. We're not asking people to turn
 25 backs on anyone, but we do need to have this woman be

Page 8

1 able to hear. So go ahead, John.
 2 MR. CROSS: Yes, my name is John Cross. I'm the
 3 current vice president of the West Long Beach
 4 Neighborhood Association. This is my park and all my
 5 neighbors out there. I've been in West Long Beach for 50
 6 years, 50 years. And I've seen the neighborhoods grow.
 7 I've seen the neighborhoods go down. And the worst part
 8 is when the railroad went in over there at the
 9 U.P. Project in 1986. Our neighborhoods started -- we
 10 started getting higher cases of asthma, more sickness in
 11 the neighborhood.

12 Now, they talk about the ten in a million. 38B-13-1
 13 That's for cancer. They're not talking about lung
 14 disease. They're not talking about heart disease.
 15 Studies are coming up all over saying that there's heart
 16 disease related to the all the pollution, particulate
 17 matter. There's learning disease now coming across where
 18 there's fine particulate matters get into the blood
 19 stream and get up into your brains, and kids are having
 20 problems learning. These studies are all coming out now.
 21 Wall Street Journal had a big study in it just the other
 22 day.

23 Now, as for my labor groups, we're not opposed
 24 to putting 250 containers on a train and haul this up the
 25 Alamitos Corridor. We're not opposed to you getting

Page 9

1 jobs. But if that rail yard is built in the Port Proper,
 2 who is going to build it? You're going to build the
 3 job -- railroad. We're opposed to the location of that
 4 rail yard. Because like the gentleman said before me,
 5 that rail yard, they're saying no schools within 440
 6 yards.

7 We had a professional map maker who's in here
 8 right now, all those schools are within 440 yards. The
 9 Homeless Vet Center is within 440 yards. All up and down
 10 there, every business, right there. Actually, if you do
 11 it right, his map overlapped their area. It will always
 12 come up in the neighborhoods. U.P. has never been a good
 13 neighbor since they've been there.

14 Now, they talk about it's going to be cleaner
 15 than the existing problem. Well, I did some research in
 16 the area over there. There is about 2,000 jobs there. 38B-13-2
 17 And a lot of those -- up to 2,000 seats. Most of the
 18 average is about 1200, 1400. Well, the rail road, when
 19 it's built, there's going to be 400 employees. Where are
 20 the other 1200 people down here going to go to work at?
 21 They're not going to work for the railroad.

22 And one question to this, they are going to
 23 take the trucks off the Harbor Freeway -- I mean, off the 38B-13-3
 24 710 Freeway. Well, why do they keep the Hobart Yard open
 25 if they're going to take them off the freeway? Two, why

38B-11-1

38B-12-1

38B-12-2

38B-12-3

38B-12-4

Page 10

1 is the 710 Freeway going to expand about six lanes, and
 2 four of them designated truck lanes? I sit on the
 3 710 Oversight Committee. That's the proposal for the
 4 710 Freeway, expand it.

5 Okay. Now, the Hobart Yard's not going to be
 6 closed, so trucks are still going to be going up the
 7 freeway. And as for over here, there's only about
 8 5500 -- 55 -- 550,000 trucks in that whole area running
 9 through that area. Well, I did research. The biggest
 10 truck company over there now, they purchased 150 clean
 11 LNG trucks to help your drivers there. All the trucks
 12 going to that facility are the same trucks that would be
 13 going into the ICGL -- I mean, into the SCIG Project, all
 14 the same trucks, all 2007 are cleaner.

15 So it's not going to say it's any cleaner,
 16 because the new trucks, 2007's, are 80 percent cleaner.
 17 So you got 30 -- 20,000 trucks, so that's going to be
 18 60,00 trucks right now, of dirt. There are going to be
 19 1.5 million trucks at the SCIG Project. 1.5 million
 20 trucks. Okay. I wish, you know -- that's going to come
 21 out to 350,00 worth, equivalent, of dirty trucks.

22 MS. McCORMICK: John, please rap up.

23 MR. CROSS: Okay. Now I wish Warren Buffet, who
 24 owns BNSF Railroad, who is supposed to be a great
 25 humanitarian, would do something about this project and

Page 11

1 and worry about our neighborhood. We're not opposed to
 2 labor. We're not opposed to the project. We're opposed
 3 to the location of the project, and it needs to be down
 4 in the Port property. The Port of LA and the
 5 Port of Long Beach, get off their ass and find a property
 6 to put it in.

7 MS. McCORMICK: I'd like to invite Evelyn Knight
 8 night to come down please, and then after her,
 9 Beatriz Reyes.

10 MS. KNIGHT: I'm Evelyn Knight; I'd like to second
 11 that emotion. And I'm speaking this evening representing
 12 the members of the West Long Beach Faith Communities. We
 13 are opposed to the proposed railroad -- rail yard next to
 14 our community. From our faith traditions we are called
 15 to stand with people for justice.

16 How is that just, 5,500 diesel trucks and 16
 17 trains pulled by diesel locomotives will come into our
 18 community today? How is it just that a community with
 19 some of the dirtiest air in the region is facing not one,
 20 but two huge rail yards? How is it just that the
 21 Port of Los Angeles can put a rail yard next to schools,
 22 but school districts would never be allowed to build new
 23 schools next to rail yards?

24 How is it just that as we learn more about the
 25 dangers of diesel exhaust, especially ultra-fine

Page 12

1 particulates, public officials are considering allowing
 2 the railroad to bring thousands of diesel trucks and
 3 locomotives into our community for the next 30 years? How
 4 is it just that the Port is allowed to spread like a
 5 cancer into our neighborhoods when they can develop
 6 systems and technologies to assemble trains at the ports
 7 not in our neighborhoods?

8 We know when we put our hearts and minds to an
 9 important task like this, we can create a new future.
 10 Why settle for these polluting, inefficient,
 11 goods-moving systems of the past? How is it just to
 12 require 1,200 people currently working at the proposed
 13 site to leave so that 40 -- 450 people can take their
 14 place? We want to put our people to work building rail
 15 yards, but not -- but we need to do this at the ports.
 16 How is it just that the public gives this precious piece of
 17 public property to this giant corporation without
 18 seriously evaluating alternatives on the dock?

19 The Bible warns us about putting new wine in
 20 old wine skins. If you do, these skins will burst and
 21 the wine will be lost. Even with electric cranes and
 22 street sweepers, these rail yards are old skins. If we
 23 want to prepare for the future, we really want to remain
 24 competitive globally, we need to assemble these at the
 25 docks. That is the new skins that can hold wine. It is

Page 13

1 just to take the time to develop and examine alternatives
 2 to load containers directly at the rails and at the
 3 ports. And we want you to have jobs, and you can have
 4 jobs doing it correctly.

5 MS. McCORMICK: Beatriz Reyes, and then
 6 Victor Ruiz Junior, please, will be our next speaker.

7 MS. REYES: Good evening, everyone. My name is
 8 Beatriz Reyes. First off, I went to Webster, I went to
 9 Stevens, and I went to Cabrillo. Those are the three
 10 schools that are behind the rail yards. Correct? Yes.
 11 Now, aside with that, I am a student. I am a worker. I
 12 am involved in my community. I am concerned with the
 13 things that happen in my community, and this is one of
 14 them.

15 I am a resident of West Long Beach. I live
 16 here, and I love my city. I don't need none of this
 17 pollution. I do not need more pollution. I certainly do
 18 not need no more damn air pollution. I don't. No one
 19 does. I'm here because I care of my well being, my
 20 family's, and those here with me. I'm against this
 21 project as well as my community. No matter how much you
 22 make videos, make pretty, phony bright t-shirts, and tell
 23 people how this project is going to bring jobs, that
 24 might be great for others, but, really, you're nothing
 25 without your health. Nothing. Why? You can't work.

38B-13-4

38B-13-5

38B-13-6

38B-14-1

38B-14-1

38B-14-2

38B-15-1

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1 You cannot provide for your family.
2 Now, 15 people die a day due to air pollution,
3 asthma, cancer, and respiratory illnesses. None of you
4 guys are in it or are counted in it. Those 15 people
5 that are in are the people that live here in Long Beach,
6 Wilmington, and in Carson. I am a community health
7 worker. I work for the Long Beach Health Department, as
8 well.
9 I am a community health worker, and I work with
10 a lot of asthmatics. I know what people go through. You
11 guys might say asthma is nothing. Asthma is one of the
12 leading causes why people die, and it's just sad how
13 people think that this project is going to create more
14 jobs, when it's really going to affect your well being
15 and the well being of your family.
16 Now, clean air should be able for every human
17 being, but I guess some people just lack the damned
18 passion. Now, whoever is opposed to this project, I'm
19 asking you guys to please stand and walk with me outside,
20 remove your stickers and place them on a board, and join
21 me to -- in a protest. Thank you.
22 MS. McCORMICK: Okay. Thank you. The next speaker
23 will be Victor Ruiz, and after that, Freddy Rivera. So
24 Mr. Rivera, can make his way up to the podium, please.
25 Freddy? Okay. Again, if Freddy Rivera is here. The

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1 next person, if you would like to come up, or you can
2 wait until the crowd clears a little bit. As Freddy
3 comes to the microphone, we'd ask the room just -- we
4 can -- again, the court reporter is trying to make sure
5 that she hears all of his comments
6 MR. RIVERA: Good afternoon. My name is
7 Freddy Rivera. I'm a Long Beach resident. I have worked
8 at Cal Cartage for the past 15-and-a-half years. I
9 started working as a general laborer lumberer. Now I
10 hold a position as a division warehouse manager. My job
11 has helped support my family, buy a home. Cal Cartage
12 has allowed me to grow within our company and acquire a
13 career.
14 If you allow the SCIG rail project to go
15 through, you eliminate Cal Cartage. By eliminating
16 Cal Cartage, you eliminate jobs and the jobs of my
17 coworkers and me. For every job the railroad will
18 create, three jobs will be lost at Cal Cartage.
19 Everything we read says it will create jobs. The
20 proposed project is not creating jobs. It is actually
21 losing jobs.
22 I respectfully request that you move this
23 project to some other location. If you need another rail
24 yard, it should go somewhere closer to the harbor where
25 it would be away from homes, our schools, our children,

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1 and our health. Thank you.
2 MS. McCORMICK: I've been told by the
3 law-enforcement officer that he would like -- since we
4 now have all of these empty chairs, they're asking you to
5 please come and sit down and unblock the exists. We're
6 going to actually put everything on hold until everybody
7 takes a seat. There's plenty of empty seats if you'd
8 like to come up here in front. We really want to honor
9 what the police officers are asking us to do.
10 Gentlemen over here on the right, if you could
11 please come and sit over here. We really need to have
12 the seats filled, according to the law-enforcement
13 officer. Would you please come up and sit up in front?
14 There's lots of seats up here. You need to keep the
15 isles clear. Okay?
16 Great. If you could continue, please.
17 Mr. Savornitch, though -- we have a substitute here. Go
18 ahead.
19 MR. ROBINSON: Thank you. My name is
20 Dwight Robinson. Mr. Savornitch was going to speak on
21 behalf of my company, but he was in a car accident,
22 unfortunately. He's doing okay. For those that know
23 him, Mr. Savornitch has a very shiny head, so the lights
24 may have shined a glare in his own eyes. And,
25 fortunately, I have some hair so you don't get that

Page 17

1 glare. You won't be blinded by it. But Mr. Savornitch
2 is doing okay.
3 My name is Dwight Robinson. I'm the vice
4 president of Los Angeles Harbor Grain Terminal. We
5 operate a business within the location where the
6 SCIG Project is being proposed to be built. We've been a
7 tenant of the Port since 1958, 53 years. We've been at
8 our current location after being relocated after a
9 previous project in 1984. So we've been at our current
10 location for the last 27 years.
11 What I'd like to address today is Section 3.1,
12 the land-use section within the EIR. I have thoroughly
13 gone through it, myself, and I'd like to first state that
14 we're not an obstruction of the project. What we'd like
15 for the Port to consider is the relocation of businesses
16 that are located within the project. Like I said, we've
17 been a Port tenant for 53 years, at our current location
18 for 27.
19 And the EIR currently states that they assume
20 that we will find another suitable location to operate
21 our business. The Port knows that that's not possible.
22 We operate a business where we unload grain that's
23 exported to Asia. We literally feed the world. In the
24 last five years we've shipped about six-billion pounds of
25 product. That's about one pound of grain for every human

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1 on Earth. That's what we do. We're not a trucking
 2 company. We don't park containers. We feed the world.
 3 The Port goes to our grain events all the time
 4 trying to market, trying to get more grain, more exports
 5 to go through to try to balance trade for our country.
 6 That will cease to exist in the port if our business is
 7 closed and we don't have a suitable location right now to
 8 move to. We have 45 full-time employees. We have about
 9 50 contract employees. They'll all lose their jobs, me
 10 included.
 11 We have families. We have about 440 members of
 12 our immediate families -- children, spouses, and so
 13 forth. My wife's about to give birth to my third child,
 14 and I'm starting to wonder how I'm going to be able to
 15 feed that child and raise that child in the coming years
 16 if I don't have a job, myself. So we'd like the Port to
 17 consider the relocation of the businesses that are
 18 currently located within the proposed project, the
 19 SCIG Project, and we'd like that considered as soon as
 20 possible. And we'd be happy to work together with you to
 21 talk about suitable locations for businesses that would
 22 be severely affected and jobs that will be lost. Thank
 23 you very much for your time. I appreciate it.
 24 MS. McCORMICK: I'd like to -- thank you. I'd like
 25 to invite Mitch -- is it Ponce? -- to come up or

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1 Rachel Scarpin.
 2 MR. PONCE: My name's Mitch Ponce. I am a resident
 3 of Long Beach, here. I live in the 7th District, and I
 4 am a union member here. I'm all for this project,
 5 because it not only brings jobs to the community here
 6 and -- as far as careers for guys that want to get into
 7 the Building trades. And, in other words, why I support
 8 this project is that the environment -- I mean, it's
 9 bringing clean jobs to the area, and, basically, that's
 10 why I am for this. So, Thank you.
 11 MS. McCORMICK: Thank you. If Rachel is here, that
 12 would be great if she could come up, and then
 13 Mary Hernandez after Rachel. You asked to speak a little
 14 early, so we'll have you come up.
 15 MS. SCARFIN: Hi. My name is Rachel Scarfin. I'm a
 16 current resident in Long Beach. I've lived here. I
 17 support this project. I think it's really a great
 18 project, taking something that is not working so
 19 properly, and it's going to create jobs. It's going to
 20 be cleaner. You know, sometimes people are afraid of
 21 change, and I think if you wait, a lot of people have
 22 already said it's going to lose potential jobs in the
 23 future. And, you know, that's a scary thing, but we do
 24 have to think about the future.
 25 I think the project is more Green. It's taking

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1 something that's not. Yes, it's going to have more
 2 trucks, but they're going to be Greener. It's going to
 3 create more jobs. And nothing is perfect, and I really
 4 feel like this company is going to work with the
 5 residents. They're saying they're going to, you know, do
 6 a lot of things and willing to work with you, and I think
 7 that's pretty much all we can ask for, you know what I'm
 8 saying? They're not going to let you go, you know.
 9 They're, like, "Hey, we're here to work with you."
 10 So I think it's a great project, and I support
 11 it. Thank you.
 12 MS. McCORMICK: Thank you. Mary Hernandez and then
 13 Maribel Medina.
 14 MS. HERNANDEZ: My name is Mary Hernandez. I'm born
 15 in Long Beach for 74 years in the West side. I live on
 16 2400 block on 8th, so close to where they're going to put
 17 the expansion of the railroad, and that's no good,
 18 because we have ailments, respiratory, heart disease. I
 19 have children, grown children have asthma now. And you
 20 know -- do you know that our schools like Hudsons,
 21 St. Lucy's, have air filters to combat the pollution?
 22 Did you know that? That's why I'm against the expansion
 23 of the railroad, because they don't know. We live in
 24 this community.
 25 For 74 years I live in the West side, and we

Page 21

1 live here. And there's many of us with respiratory,
 2 asthma, heart disease, like myself. So we're against --
 3 a lot of us are against the expansion. Thank you very
 4 much. God bless you.
 5 MS. McCORMICK: Thank you, Mary. Maribel, then
 6 Luis Garcia. Maribel Medina.
 7 MS. MEDINA: Hi. My name is Maribel Medina, and
 8 I've been a Long Beach resident my whole life. I'm here
 9 representing nobody more than my family, and, you know,
 10 I've lived in Long Beach my whole life. I do know a lot
 11 of people that are out of work and could really use this,
 12 you know, project and job opportunity. I know what it's
 13 like to be a young girl, an idealist, young girl that
 14 doesn't realize that people need to feed their families
 15 and have insurance for their children. Unfortunately,
 16 idealism isn't going to do that, you know, you don't feed
 17 your children with idealism.
 18 So we really need this to go through. I have a
 19 one-year-old son as well as my daughter standing next to
 20 me. I would really like to see cleaner air and more jobs
 21 for their future.
 22 MS. McCORMICK: Luis Garcia, then Jose Luis Garcia,
 23 and then Joan Greenwood.
 24 MR. L. GARCIA: Good evening. My name is Luis.
 25 I've lived in Long Beach my whole life. I actually live

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1 right down the street. I hear different things said,
 2 "It's good. It's bad." For me, the most important thing
 3 would be jobs. Jobs for the people in the community.
 4 People say they look out for each other, but,
 5 realistically, people don't.
 6 So just this morning on my way to work I was
 7 cut off by a truck driver. He turned around and flipped
 8 me off like it was my fault. So I would really like them
 9 drivers to be removed to a different position instead
 10 of -- leave the road for the families, for safer drivers.
 11 Thank you.
 12 MS. McCORMICK: Joan Greenwood will follow
 13 Mr. Garcia, and then Mr. Tom Moxley.
 14 MR. J. GARCIA: Good evening. Thank you for
 15 allowing me to speak. My name is Jose Luis Garcia. I
 16 live in Lomita. I work at California Cartage Company in
 17 Wilmington. I started in March of 1974, which means I
 18 have worked there more than 37 years. I started as an
 19 ordinary fright handler, and now I hold the position of
 20 manager of Lowe's account. We receive most of the
 21 merchandise for the Lowe's Company, and we distribute it
 22 throughout the United States.
 23 I want you to know that my job at
 24 California Cartage has allowed my support -- my family --
 25 has allowed me to support my family, to buy a home in

1 Lomita that I live in, to put three of my child, all
 2 grown, to school, and to grow into a management job with
 3 the company.
 4 I read that the BNSF project is going to create
 5 jobs. My co-workers and I respectfully disagree. Can
 6 you guys stand up? My co-workers respectfully disagree.
 7 There will be three times as many jobs lost as will be
 8 created by BNSF. We have many more people working at
 9 Cal Cartage than BNSF will ever employ. If you allow
 10 this project to go through, the Cal-Cartage operation
 11 will cease, because there is no other place for us to go,
 12 and 1,000 to 2,000 of us will be unemployed.
 13 I have read where the unemployment rate in
 14 Wilmington and Long Beach is the highest in the county.
 15 Your project will only create more unemployment. If you
 16 need a new rail yard, it should be put closer to the
 17 harbor and not on this location. Thank you for your
 18 time.
 19 MS. McCORMICK: Thank you. Then Tom Moxley, and
 20 then after Tom is David Frilot.
 21 MS. GREENWOOD: Good evening. My name is
 22 Joan Greenwood. I'm a resident of the Wrigley District
 23 of Long Beach since 1986. My area of Wrigley is in the
 24 same health-risk zone as the residents over here in
 25 West Long Beach. I have been following this issue for

1 well over a decade. By training, I am a chemist, and I'm
 2 familiar with air toxics rules and regulations, and three
 3 minutes is not enough for me to go over everything that
 4 is wrong with the health-risk assessment in the appendix.
 5 Briefly, the health-risk assessment upon which
 6 many people are basing this cleaner-air statement is
 7 flawed scientifically. It is not scientifically
 8 defensible, nor is it legally defensible. The reason it
 9 is not is it does not consider the health impacts of
 10 ultra fines. It relies on the Clean Trucks Program and
 11 the switch from diesel fuel to liquefied natural gas and
 12 compressed natural gas. We are still burning
 13 hydrocarbons on an internal-combustion engine; a side
 14 product of these are ultra-fine particles.
 15 These are the health -- particles that are
 16 causing the health impacts. What's happening -- all
 17 though the ports have successfully reduced larger
 18 particulate matter, the PM-10, the PM-2.5, the
 19 ultrafines, are increasing. Let me repeat that: The
 20 ultra fines are increasing.
 21 Now, all of you in the Building trade, what do
 22 you know about asbestos? It's the ultra fines. The
 23 asbestos fibers, themselves, are not toxic. It is the
 24 ultra-fine particles. Now, the difference is the diesel
 25 exhaust, the particles, themselves, are toxic, and

1 they're ultra fines. And we all know what asbestos
 2 causes. It causes mesothelioma. There is a trust fund
 3 that has been set up for workers who got exposed to
 4 asbestos. Is BNSF going to set up a trust fund for the
 5 residents of West Long Beach, along with the ports and
 6 everything else, so that when you die an early death,
 7 someone's going to take care of your will?
 8 So it is a very serious health impact, and the
 9 EIR dismisses it by saying ultra-fine science is in its
 10 infancy. It is not. And I wish to submit this progress
 11 report from the Southern California Particle Center that
 12 was published in 2008. We have known about the damage of
 13 ultra fines since the 70's, since we came up with the
 14 whole issue of asbestos, and I think that's something
 15 that you, as a Building trade, can identify with.
 16 How do we correct this? First of all, we need
 17 an independent health-risk assessment done by someone who
 18 is willing to sign the report and is certified by the
 19 American Board of Toxicologists. On the basis of that
 20 health-risk assessment, we then have to have a
 21 health-impact assessment much like the one that was done
 22 by the Port of Oakland, much like the one that's
 23 currently being done for the I-170. I don't see either
 24 of these documents, and, therefore, the
 25 health-risk assessments in the EIR are not scientifically

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1 defensible. It is not legally defensible.
 2 MS. McCORMICK: Next is Tom Moxley, and then we're
 3 going to have David Frilot, and then Ernest Navarez.
 4 MR. MOXLEY: My name is Tom Moxley, and I am the
 5 president of the L.A. and Orange County Building Trade of
 6 140,000, and I also represent Iron Workers 433. And I am
 7 a product of the Westside Long Beach. I grew up in my
 8 informative years here. The UG Field isn't there
 9 anymore. I went to Washington Junior High and then on to
 10 Poly. I grew up in an area where I used to go out in the
 11 asphalt play ground. I couldn't breathe, so I couldn't
 12 play kick ball many times.
 13 The Port has increased its Clean Air Project.
 14 It's been cleaning up the air. It's not going to happen
 15 overnight, and that's why I'm in favor of this. It's one
 16 more piece of the puzzle to clean up the air. The
 17 containers are going to move out of the harbor, and
 18 they're going to move down the 710 Freeway, and they're
 19 going to go down Anaheim Street, and PCH and Willow,
 20 Sepulveda, down the T.I. Freeway, and then down
 21 throughout the neighborhoods.
 22 This project addresses that issue and takes
 23 them off the freeways, starts putting them on the
 24 Alamitos Corridor up to the Hobart Station or rail yard
 25 that BNSF have to ship across this country. I'm in

1 favor. I wouldn't be here if it wasn't for the jobs.
 2 Building trades don't just look at jobs, but we look at
 3 good, clean, environmentally-safe jobs, because our
 4 members live in these communities. Thank you.
 5 MS. McCORMICK: Thank you. Then Ernesto, and then
 6 Carolyn Brady-Cinco.
 7 MR. FRILLOT: Good evening. My name is
 8 David Frilot. I'm a representative of the
 9 Laborers International Union of North America. We have
 10 100's of members who work here in the Long Beach area. I
 11 am in full support of this project. The main concerns
 12 are environmental concerns. I've done research, myself,
 13 and found out that the SCG or SCIG will be the Greenest
 14 Inter-modal facility in the entire United States. Also,
 15 freight is going to be moved through the facility using
 16 all electric cranes; this is lowering the emissions.
 17 Environmental concerns are limited here. The
 18 Port of L.A. has set standards, new standards. BNSF has
 19 proposed that SCIG will be 17 times cleaner than their
 20 standards. So environmental concerns, yes, I'm concerned
 21 with environmental concerns, but when I do the research,
 22 it shows that BNSF has done their proper due justice and
 23 looking out for the health of the people in the
 24 community. So, yes.
 25 Also, less traffic. Let's think about it. The

1 710 Freeway is a long parking lot. We're talking about
 2 eliminating 20 miles of traffic. That, in and of itself,
 3 is a bonus. And, on top of that, the jobs. They're
 4 talking about creating 1500 construction jobs per year
 5 and approximately 22,000 unrelated jobs over the term.
 6 So, to me, this is a win-win situation. I'd like to
 7 commend BNSF for thinking outside of the box and moving
 8 forward. And, again, they have my full support. Thank
 9 you.
 10 MS. McCORMICK: Thank you. Ernesto and then
 11 Carolyn Brady-Cinco.
 12 MR. NAVAREZ: My name is Ernesto Navarez. I'm a
 13 lifelong resident of the Harbor area. I spent all my
 14 time down here. I bought a home out in the desert. In
 15 1984 I helped start the Harbor Coalition Against Toxic
 16 Waste, one of the very first environmental movements.
 17 I've also been participating in the ARB's sub-committee
 18 on small businesses on transportation, and I'm also a
 19 die-hard union activist, at least at heart.
 20 Here, I'm speaking. I do (inaudible)for a
 21 living for a lot of truck drivers. I know this industry.
 22 I read the Journal of Harvest every day,
 23 Maritime Executive, Rides Newsletter. I know the
 24 industry. I know truck drivers. I don't know
 25 dispatchers too much or the Safety Department, but I know

1 truck drivers.
 2 And I know that all these little kids who are
 3 coughing, all these people claiming to be sick, the train
 4 ain't here yet. It's Cal Cartage. The problem is
 5 everybody's afraid that getting rid of Cal Cartage, and
 6 they don't have any truck driver employees, supposedly.
 7 They've got 800 trucks, 600 trucks, at times, maybe 20 or
 8 30, supposedly, drivers. The other company, Fast Lane,
 9 143 drivers on -- what? -- 20 acres or employees? Come
 10 on. Before you call somebody something, looks what's
 11 there right now.
 12 Will the economy be affected by getting rid of
 13 Cal Cartage? No. Their own dispatchers are going to be
 14 looking for work at other companies, telling the other
 15 companies, "Hey, I'll bring some drivers. I'll help you
 16 get in contact with the salesmen." It will be seamless.
 17 It won't even be a hiccup. These trucking companies turn
 18 on each other so quick, and there's the facilities.
 19 According to Grubb and Ellis, there's more warehousing
 20 space still available than before the recession. It
 21 hasn't bounced back.
 22 Pier Pass, it is not being used at night
 23 because the warehouses aren't open at night, because
 24 there's not enough volume. Any warehouse (inaudible) by
 25 getting rid of (inaudible). Cal Cartage, Fast Lane, will

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1 not be felt. Sketchers, two-and-a-half million acres --
 2 I mean, square foot warehouse in Moreno Valley,
 3 80 percent empty. The 215 Corridor, empty. Drive
 4 through Compton, Rancho Dominguez, there's nothing going
 5 on at night except the land bridges and the shuttles to
 6 meet the shippers.
 7 And, shippers, they can handle another 1500.
 8 FMI, 30 drivers on the night crew -- 50 -- excuse me --
 9 go laid off. The work done by Cal Cartage can be picked
 10 up without a hiccup. Thank you.
 11 MS. McCORMICK: Carolyn Brady-Cinco and
 12 Peter Greenwald -- Mario. Sorry, it's a little hard to
 13 read. Oh, Peter, you're here. Just a moment, sir. I
 14 guess Carolyn isn't here, but if someone sees her,
 15 Carolyn Brady-Cinco, let her know.
 16 MR. GREENWALD: Good evening, Peter Greenwald, here
 17 with Air Quality Management District. Thanks for the
 18 opportunity to present initial HUMV comments regarding
 19 EIR. We see that EIR clearly and completely describes
 20 project impacts and presents all feasible mitigation
 21 measures for the project decision maker.
 22 My first comment has to do with the base line
 23 in the EIR. The EIR evaluates impacts by preparing
 24 future emissions with the project to emissions levels
 25 back in 2005. This analysis does not disclose the

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1 impacts of the project, because it does not compare
 2 future emissions with the project and future emissions
 3 without the project. The EIR does include an
 4 informational appendix which compares future cancer risks
 5 with and without the project, and that does show adverse
 6 impacts. But this analysis is not used to determine
 7 needed mitigation measures; it should.
 8 Second, the SCIG project base line includes
 9 emissions from truck trips to the Hobart rail yard. The
 10 EIR should also evaluate whether the capacity that will
 11 be opened up at Hobart by building SCIG will result in
 12 additional domestic freight-truck traffic to Hobart.
 13 Nitrogen dioxide: The EIR states that the
 14 project will cause Nitrogen-dioxide levels over a broad
 15 area that are substantially worse than Federal health
 16 standards, indeed, many times beyond that standard.
 17 Nitrogen dioxide is associated with asthma and other
 18 respiratory symptoms. The EIR says the strategies to
 19 reduce this impact, such as zero-emission trucks, are not
 20 feasible today. But the issue is not whether you can buy
 21 a zero-emission truck today; the SCIG Project will have a
 22 life of many decades.
 23 Zero-emission technologies such as
 24 hydro-electric trucks with zero-emission range,
 25 battery-electric trucks, and trucks powered by

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1 (inaudible) wires, are all things being developed right
 2 now. There's a lot of progress happening, and they can
 3 definitely be deployed early in the life of the **38B-28-4**
 4 SCIG Project, certainly within four years of start up,
 5 but only if the Port requires them soon.
 6 The proposed project condition requires study
 7 and demonstration, but do not require (inaudible). The
 8 EIR does include a measure to include LNG trucks by 2026.
 9 This would reduce diesel particulates, but it will not
 10 fully address the nitrogen-dioxide issues. The electric
 11 technologies address both impacts, and, I might add as a
 12 side, we believe that building electrified systems can
 13 create local jobs and have other economic benefits.
 14 On-dock alternatives: The proposed SCIG and
 15 ICTF Projects would provide more near-dock capacity than
 16 the Ports project will be needed through 2035. We ask,
 17 will this extra capacity reduce the incentive to build **38B-28-5**
 18 all the on-dock rail capacity planned by the Ports? The
 19 EIR should specifically explain why the
 20 near-dock capacity actually needed could not be built
 21 inside the ports, such as at Pier S.
 22 And, finally, locomotives: The proposal does
 23 not implement the cap goal of 95 percent locomotives, the **38B-28-6**
 24 cleanest locomotives that are coming out soon. It also,
 25 apparently, would credit locomotive-emission reductions

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1 anywhere in the four-county, South Coast air basin. But
 2 if SCIG is approved, the cleanest locomotives should be
 3 required right here where the railroad's impacts are.
 4 Thank you very much, and we'll be compiling additional
 5 comments later.
 6 MS. McCORMICK: Thank you. So it's Mario, and then
 7 Jose Mendez, and then Maria Medina.
 8 MR. MONCADA: Good evening. I apologize for my
 9 outburst earlier. I was just excited to get over here.
 10 Now --
 11 MS. McCORMICK: Your name?
 12 MR. MONCADA: My name is Mario Moncada. I am a
 13 resident here in Long Beach. I've lived here my entire
 14 life, and I am for this BNSF project. I don't have any
 15 kind of theatrics. I'm not going to make you guys walk
 16 outside and put stickers on a poster. I'm just here to, **38B-29-1**
 17 you know, have you guys think for yourselves.
 18 You guys all know exactly what's going on. You
 19 know about the pros and cons. And, you know, you guys
 20 can make your own decisions. I see that you guys are
 21 doing that. You guys are stating your opinions very
 22 well. And I support -- basically, I support all of you,
 23 you know, your orange shirts. I support you workers, and
 24 I actually want to thank -- I want to thank one of the
 25 gentleman that came up earlier, one of the construction

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1 workers, Because of the sewage line. I greatly thank you
 2 for that. I use it often; I use it well.
 3 I just want to, you know -- that's all I really
 4 have to say. I mean, you guys can make your own
 5 decisions. I thank all of you for coming. Thank you.
 6 MS. McCORMICK: Jose Mendez, Maria Medina, and then
 7 Fernando Moncada.
 8 MR. MENDEZ: My name is Jose Mendez. I am a
 9 resident of Long Beach. I want to support the
 10 Clean Air Project. We want to live in a clean
 11 environment in the city of Long Beach and also support
 12 more jobs, a lot more jobs. Because if there's more
 13 work, we can earn more money. 60% of us earn minimum
 14 wages. We want a cleaner city. There's a lot of
 15 pollution for the children, for the seniors. So this is
 16 why we want to support this project. Thank you very
 17 much.
 18 MS. McCORMICK: Thank you. Maria Medina.
 19 Fernando Moncada, and then Crystal Trumbo.
 20 MS. MEDINA: Good evening. My name is Maria Medina.
 21 I'm not very good in speaking, but I want to support this
 22 project, first of all, because we're going to get more
 23 jobs, and the environment is going to be cleaner,
 24 because there will be less trucks. And I don't have any
 25 more words to say, but I do support this project. Thank

1 you.
 2 MS. McCORMICK: Fernando, Crystal Trumbo. And then
 3 Mr. Ivan Trevino.
 4 MR. MONCADA: Hello. My name is Fernando Moncada.
 5 I am also a Long Beach resident, and I support this
 6 project. It's simple. It's going to bring more jobs. I
 7 don't understand why everybody is so anti. I understand
 8 everybody fears, like, what they don't know and change
 9 and -- but it's -- come on, man, that's what we were made
 10 out of. It's ridiculous. I mean, it's like, it goes to
 11 the people that were being rude while all of these
 12 speakers were here. It's like, I don't know. It's just
 13 funny to me. I support this project. Most of you guys
 14 said it. Anyway, good night.
 15 MS. McCORMICK: Thank you. Crystal Trumbo,
 16 Ivan Trevino, and then Michelle Grubbs.
 17 MS. TRUMBO: Hello. My name is Crystal Trumbo. I
 18 am a Long Beach resident. I'm sorry. I don't have any
 19 facts for you, but I have observations that I've made.
 20 So far, I'm going to support more jobs, cleaner air
 21 because, really, an electrically-run facility, how is
 22 that going to be a pollutant? And, honestly, trucks, off
 23 of the freeway is good for me. All right. I support
 24 this project. Thank you.
 25 MS. McCORMICK: Thank you. Ivan and Michelle and

1 then Scott Kurts.
 2 MR. TREVINO: How is everybody doing? My name is
 3 Ivan Trevino. I'm a Long Beach resident. I've lived
 4 here my whole life. I am in support of this project.
 5 It's just kind of common sense. It's -- these
 6 environmental problems are already here, and we have to
 7 take a step forward to try to change that. And just
 8 letting everything be and not changing anything is not
 9 going to stop the problem. And creation of more jobs,
 10 that's a good thing. And getting trucks off the freeway,
 11 I think that would help out everybody. So Thank you very
 12 much, and you guys have a nice night.
 13 (Whereupon the remainder of the meeting is
 14 reported by Natalie Rodriguez, C.S.R No. 12851)
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SOUTHERN CALIFORNIA
INTERNATIONAL GATEWAY PROJECT (SCIG)
DRAFT EIR

PUBLIC MEETING
NOVEMBER 10, 2011
6:00 P.M.

SILVERADO PARK
ENVIRONMENTAL MANAGEMENT DIVISION, PORT OF LOS ANGELES

Reported by:
Natalie Rodriguez C.S.R. 12851

Page 2

1 LONG BEACH, CALIFORNIA, THURSDAY, NOVEMBER 10, 2011
 2 6:00 P.M.
 3 -OOO-
 4
 5 MR. CANNON: I want to thank everyone for
 6 coming here. We're going to have Ms. Mary McCormick who
 7 is going to be our facilitator today, but I want to have
 8 a few words -- go through a presentation here that is
 9 just kind of an overview of our process and a very brief
 10 overview of the project that is being considered under
 11 the -- in our environmental document. A few comments
 12 before I get started. First of all, there are some
 13 posters along the back here that are the BNSF posters.
 14 Those not part of our environmental document.
 15 They may refer to things that are in the
 16 document, but those are BNSF posters. They are not Port
 17 posters. So we don't want you to make any comments
 18 tonight or even in writing to those posters. Your
 19 comments are to our environmental document. So I just
 20 want to make sure that's clear. The other thing I
 21 noticed is there's a lot of people who have signs.
 22 There's people who are full of a lot of energy tonight.
 23 We certainly appreciate your interest and your point of
 24 view on this project, but we'd ask that you try to keep
 25 the signs down, so that those around you can see.

Page 3

1 And, also, we ask that when people talk, I know that
 2 you actually are interested in supporting those that
 3 speak, but try not to have too much yelling and applause.
 4 We certainly can't stop you, but we're going to try to
 5 make this go as smoothly as possible. We have until 9:30
 6 tonight. So we've got a lot of people. We've got an
 7 awful lot of speaker cards. So we're going to enforce
 8 the three minute rule strictly tonight. So when people
 9 come up and talk, there's going to be a little light that
 10 goes on and Mary will describe this in detail.
 11 After three minutes we're going to cut you off.
 12 That includes Spanish speakers, unfortunately. If you
 13 speak Spanish, you're still going to be held to the three
 14 minute rule. So we hate to do this, but at night where
 15 it's standing room only and there's no room for people
 16 literally to sit down, we're going to have to try to do
 17 our best to try to move things along. So, again, try to
 18 keep the outburst to a minimum.
 19 Try to keep the signs down because there are
 20 other people around you that want to be able to see, and
 21 please try to be brief in your comments. If you hear a
 22 comment and somebody has already said what you're going
 23 to say, then you don't need to get up and comment. We
 24 don't need to have you repeat over and over again things
 25 that have already been said. And last, try your best --

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1 we certainly know that people have an opinion about the
 2 project either for or against it.
 3 The purpose of this hearing tonight is really to
 4 comment on the environmental document. So try to give us
 5 comments and keep your comments focused on the document
 6 itself. Obviously, if you want to say you support or
 7 oppose the project, we can't stop you, but the purpose of
 8 the hearing is to comment on the document itself. The
 9 actual decision about the project has not been made.
 10 This is just an environmental analysis. The
 11 decision will be made by our Board of Harbor
 12 Commissioners and it will be some time after the turn of
 13 the year. So the purpose, again, of this hearing and of
 14 the environmental document is to evaluate the scientific
 15 and environmental issues associated with the project. So
 16 we want to hear your comments on those issues and on the
 17 analysis and if there's things that you'd like us to look
 18 at further, than by all means let us know what those
 19 things are.
 20 Okay. So let me go quickly through the
 21 presentation and I'll turn it over to our meeting
 22 facilitator. Again, I want to remind you three minutes.
 23 Stick with the three minutes. We've got facilitation
 24 here set up for people. You can receive -- you can give
 25 dictation. We've got a laptop if you want to type in

Page 5

1 your comments.
 2 If you want to hand write them out, you can give
 3 them to us. If you want to go and dictate them, you
 4 don't have to stand in front of everybody. You can go
 5 back in the back room and dictate your comments and we'll
 6 get them out. There's lots of ways for you to give
 7 comments tonight. You don't have to just come up and
 8 plan to stand in front.
 9 So let me go through this real quick and I'll
 10 turn this over to Mary. And, again, thank you for coming
 11 tonight.
 12 UNKNOWN SPEAKER: Sir, for those of us that are
 13 out here on the side, can you move your -- back a little
 14 bit so we can see the screen a little bit more fully?
 15 MR. CANNON: So my name is Chris Cannon. I'm
 16 the Director of the Environmental Management Division,
 17 Port of Los Angeles and this is the SCIG Project.
 18 Everyone knows that. The -- this is, again, kind of the
 19 things I said we've separated the comments via comment
 20 card. You can write something out and actually give us a
 21 written comment and we have places, and Mary will
 22 describe this, where you can actually drop a comment off
 23 and you can actually dictate comments to us as well. The
 24 oral comments will be limited to three minutes each and
 25 we're going to be strict with that.

Page 6

1 Even the Spanish speakers will be held to three
 2 minutes. So keep that in mind. And all comments whether
 3 dictated, handwritten or given here in front of the
 4 public will be considered in the final EIR. Okay. Just
 5 a quick -- a few quick background things, a Notice of
 6 Preparation, which is the beginning of the process, was
 7 issued back in 2005. The Draft EIR was issued six years
 8 later in September of this year.

9 Our comment period is 90 days and it ends on
 10 December 22. This is the standard -- of this year. This
 11 is the standard process that we go through. The notice
 12 of preparation. We had a scoping meeting back in 2005.
 13 The Draft EIR stage is next and then there's a public
 14 hearing for the Draft EIR, then your comments will be
 15 incorporated into a Final EIR, which would be released
 16 and then there's a Board of Harbor Commissioners'
 17 hearing, which will consider that as well as the project.

18 These are the objectives. I'm not going to go
 19 through them in detail. They were in the EIR and are
 20 there for you to read, but the project objectives is to
 21 provide near-dock intermodal rail facility that would
 22 help meet anticipated intermodal demand. Reduce truck
 23 miles, provide carriers and shippers with options for
 24 different facilities, provide for expansion of growth at
 25 the Port and provide infrastructure improvements that are

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1 consistent with the California Goods Movement Action
 2 Plan.

3 One of the things that you probably noticed, if
 4 you read the document, is there is -- certainly there is
 5 an interest in the Port to expand on-dock. That is
 6 something that's been requested by many people and we
 7 certainly support that idea, but an on-dock and near-dock
 8 facility are two different things, and that's described
 9 in the environmental document. So this is what this
 10 document -- this project is a near-dock facility. Okay.
 11 So this is the existing site.

12 It's the view from Pacific Coast Highway.
 13 That's the Cal Cartage facility. It's a large trucking
 14 operation as well as other industrial activities. Here's
 15 an overview of the proposed project site. The purple
 16 areas are actually container storage. This is an
 17 interesting project because it will be set up so that you
 18 don't have like at the terminals a lot of little trucks
 19 moving, cargo containers around on the trucks that come
 20 and deliver them will actually move along the rail, the
 21 rail yard or the rail tracks and then cranes will lift
 22 the containers right off of the trucks and place them in
 23 stacks next to the rail tracks and then when the trains
 24 come, the same cranes will actually lift the containers
 25 and put them on the trains.

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1 The advantage of that is, obviously, you don't
 2 have as many hostlers or trucks that move around on the
 3 facility and it also allows for an electric -- a nearly
 4 entirely electric operation, which would substantially
 5 reduce emissions and also a much more efficient
 6 operation. So that's what's analyzed in this project.
 7 This is just the same thing. Those black marks will show
 8 you those cranes that I referred to. So they move all up
 9 and down over the rail tracks and over the container
 10 stacks.

11 So, again, a very efficient operation. This is
 12 just a quick summary of the main features. Ten of those
 13 cranes. There will be some hostlers to the extent
 14 they're needed. We require, however, that they be all
 15 fuel hostlers and the place will be LEED certified.
 16 There's an automatic entry gate to reduce on-road
 17 queuing. One of the things that we require was that the
 18 entry gate be way down over by Sepulveda.

19 So you enter the site at PCH and there's a long,
 20 long queuing area so you don't queue out on PCH. You
 21 actually queue inside the facility. So that's one of the
 22 things that we require. All trucks will have to deliver
 23 the -- deliver cargo to the facility. We'll start out as
 24 2007 compliant and then to the extent the switching
 25 locomotives have use they'll be ultra low emitting. We

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1 did look at and analyze the impacts of a soundwall along
 2 the Terminal Island Freeway as was suggested by several
 3 members of the community.

4 That would be on the eastern side of the
 5 Terminal Island Freeway near where the schools were.
 6 That's analyzed in the document. This is what the
 7 facility would look like looking from PCH. That's that
 8 same route you saw before but now with the new facility.
 9 And this is once again the view of the PCH bridge and
 10 also the facility to the left. This is the start of the
 11 project, which is Dominguez Channel Bridge.

12 It actually is widened so that trains coming off
 13 the Alameda Corridor will curve off and this widened
 14 bridge can begin to enter into the project. This is just
 15 a summary of the throughput. 2.8 million at build out.
 16 We looked at alternatives for a no project and reduced
 17 project alternative and those are the reduced
 18 throughputs. We looked at alternatives. We looked at
 19 alternative sites inside and outside the ports.

20 We actually had an engineering company study
 21 possible locations within the port and also around the
 22 port to try to determine what made the most sense as far
 23 as siting this kind of facility. So that's presented in
 24 the analysis. Part of that was also to look at
 25 maximizing use of on-dock rail. That's presented in the

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1 analysis for your review. We looked at different
 2 tracking configurations, single and double as well as an
 3 alternative site access.
 4 We looked at additional on-dock rail, as I said.
 5 And then an inland port, which is up north of a future
 6 idea, which essentially takes cargo and moves it out and
 7 into the desert areas. That certainly is a future idea
 8 that will require a lot more infrastructure and
 9 therefore, doesn't really work as a near term solution,
 10 but, again, we leave that for you to evaluate. The
 11 impacts here are the significant impacts. Aesthetics,
 12 largely due to the brand new or I should say replacement
 13 of an old bridge across Sepulveda.
 14 That's a rail bridge and it qualifies for
 15 historic structure. So as we take it away, we degrade
 16 that. Air quality and meteorology are standard in
 17 Southern California for impacts. Cultural resources,
 18 again, that's that bridge. Greenhouse gases, land use,
 19 and noise. These are the impacts that we were able to
 20 mitigate. There were some issues that were presented,
 21 but they were mitigated and these are the ones that were
 22 no impacts at all. Cultural cumulative impacts are the
 23 same as I described.
 24 So no need to really go through them again.
 25 These are a couple things that I wanted to take a minute

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1 to say something about. A standard -- a project lease
 2 measure our standard lease measure is that every seven
 3 years we will require a review of new technologies and
 4 regulations. To the extent that there is a new
 5 technology that's available that could help reduce
 6 emissions and help reduce impacts to the area, we ask
 7 that our tenants, in this case that will include BNSF,
 8 consider and be required to implement those new
 9 technologies.
 10 In this case we hope that allows for things like
 11 zero emission technologies to be incorporated into this
 12 project as time progresses and those technologies are
 13 tested and allowed to be developed for use in these types
 14 of facilities. But every seven years they have to do it
 15 and that's through the life of the lease, which lasts 30
 16 years. Project conditions. These things are things that
 17 we believed are -- were required for the project. They
 18 didn't qualify as mitigation measures in a strict sense,
 19 but we believe they were just as important.
 20 So while we didn't call them mitigation
 21 measures, we call them project conditions. We present
 22 them to our Board of Harbor Commissioners for approval
 23 and if approved as part of the project, they become like
 24 mitigation measures because they're in the lease and
 25 they're able to be enforced against the applicant in the

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1 same way that any other mitigation measure is. The first
 2 is a zero emission technologies demonstration program. I
 3 just referred to zero emission technologies.
 4 We are going to ask the applicant here to commit
 5 money and to commit resources to the development of zero
 6 emission technologies that are applicable to this type of
 7 operation. That would include drayage trucks, cargo
 8 handling equipment, and possibly even modifications to
 9 rail operations. So these are things that we -- we're
 10 going to require that they participate in. And that
 11 would a project condition. Low emission drayage trucks.
 12 We talked to the applicant and after a lot of
 13 discussion we got them to agree to require that over a 10
 14 year period trucks that operate in and out of there that
 15 bring cargo, I should say, to their terminal over a 10
 16 year period have to transition to the either alternative
 17 fuels or we hope eventually some day even zero emissions,
 18 but to start it's alternative fuel. So within 10 years
 19 of the start of this operation, 90 percent or more of the
 20 trucks delivering cargo will be required to at least be
 21 alternative fuels. And we did analysis on that and it
 22 turns out that the health risk benefits from that are
 23 pretty substantial.
 24 So we think that helps and indeed will make the
 25 project comparable to anything that even could exist

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1 there now. So a very important condition. And last, is
 2 the RL-3. It's something where we've asked the railroads
 3 to commit to working to bring the very cleanest of all
 4 rail locomotives to this area. So the mix of locomotives
 5 that are used here will begin to include the very
 6 cleanest-made locomotives including locomotives that
 7 don't even exist yet.
 8 The ones that haven't even been built. They
 9 won't be built for another three, four, five years.
 10 They've already committed to start bringing those very
 11 cleanest locomotives here. So that's another condition.
 12 These conditions will be required and the project will
 13 not be allowed to move forward without them. Finally,
 14 this is where the -- this is just the standard thing.
 15 This is where the documents are available. It's on our
 16 Web site.
 17 You can call the Environmental Management
 18 Division and you can get CDs or executive summaries. You
 19 can also come and look at hard copies that are available
 20 at the Environmental Management Division or at the
 21 libraries. So if you wish to provide comments, please
 22 fill out a speaker's card and return it to the front
 23 desk. Again, I mentioned the speaker is limited to three
 24 minutes. This is my name and the contact information for
 25 anything involving public comments. And now I will turn

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1 the meeting over to Mary McCormick who is our meeting
 2 facilitator.

3 MS. McCORMICK: Hi. Good evening. My name is
 4 Mary McCormick. I'll be your facilitator for the evening
 5 tonight. Thank you very much for coming. We are very
 6 pleased to see you all here. We -- as Chris said we
 7 have -- just to let you know this is a public hearing.
 8 So this is a very important meeting for all of you.

9 And because of that we wanted to make sure, and
 10 I'm just reiterating just for your purpose for this
 11 evening, we actually have several -- multiple ways for
 12 you to comment this evening. Not only do we have a court
 13 reporter -- two court reporters here and everything that
 14 is spoken this evening as far as recorded comments or
 15 concern are going into the record. We have a very
 16 special room in the back. Actually, if you would like to
 17 make a comment directly to a court reporter individually
 18 without having to come up to this microphone, we've
 19 provided that opportunity for you in the back.

20 In addition to that, we have a laptop. So if
 21 you would like to give extensive comments and you'd like
 22 to type that up, we have a laptop and a template for you.
 23 Those will be submitted, also, in this evening's
 24 comments. And, also, you should all have written comment
 25 cards. The written comment cards are important for you

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1 to have for a couple of reasons. The opportunity for you
 2 to speak and to have your comments put into the record
 3 are actually put onto the comment card.

4 Those comment cards are then -- you can submit
 5 them in our -- we have boxes throughout the whole room.
 6 There are several boxes in the back room for you to drop
 7 them off. But tonight if you feel that you would like to
 8 go back, review the environment document, they're located
 9 in the -- it's on the Web site. There are multiple
 10 libraries that the environmental document sits at those
 11 libraries. At your leisure you can go through the
 12 document and remember the comments before the document.

13 You can actually take the comment cards and you
 14 can mail them in. Just so that you make sure that it's
 15 in by the date, which is December 22. So we want to make
 16 sure that you know you have a plethora of opportunities,
 17 many, many, many different kinds of ways to get your
 18 comments in. We've been asked to please leave the
 19 location at 10 o'clock this evening. So we need to clean
 20 up a little bit before we go.

21 So we'd like to start thinking about -- we may
 22 be finished but who knows. I just wanted to let you know
 23 that we wanted to honor that. And speaking of honoring
 24 it, we really want to have honor and respect for
 25 everybody's opportunity to speak. This is America at its

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1 best. Everybody gets a chance to have their three
 2 minutes and we want to make sure that everyone is hearing
 3 your words.

4 And, frankly, we do need it to be quiet simply
 5 because of the fact that the court reporters need to
 6 listen to every single word so that they can get it in
 7 the document. So I want to make sure that you all knew
 8 that. So what I'm going to do is I'm actually going to
 9 call up -- we have them here. This is Brad. He just
 10 mentioned to me the police department just let us know
 11 that we are way beyond the threshold of this building.

12 So because of that -- that's fine. We just need
 13 to make sure that you understand where the exits are. So
 14 as you can see there are exits behind you. The double
 15 doors. There are exits to the side here. There's
 16 exit -- two sets of door here and here. I do believe
 17 that that door is not open.

18 So you have three separate exits, but I wanted
 19 to make sure in case there was any issue or problem that
 20 you need to know where the exits were. So we'll call up
 21 the name. We're going to actually offer an opportunity
 22 for our elected official to come up first. So what I'll
 23 do is I'll call a name and then I will have the next
 24 name. So that you can prepare to come up, so it doesn't
 25 take you by surprise.

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1 So let me go ahead and get started. This is
 2 Jason. He's going to be doing the timer. The timer is
 3 three minutes. Just for you -- just as a visual queue
 4 just to let you know the green light will go on at two
 5 minutes and 20 seconds or two minutes and 30 seconds and
 6 then the yellow light will go on at 20 seconds and then
 7 if you see the red light, that gives you 10 seconds to
 8 wrap up your comments.

9 So as we begin this evening what I'd like to do
 10 is I'd like to introduce and ask Council member James
 11 Johnson from the City of Long Beach to please come up and
 12 then behind him we'll ask Mr. Ben Rockwell to come up
 13 behind him. And, if you could, we need your name and
 14 your address please.

15 PUBLIC SPEAKER: Sure. Hello. My name is
 16 James Johnson. I live at 3536 Cerritos Avenue in the
 17 beautiful 7th district. Welcome to my district. I do
 18 represent this district in the Long Beach City Council
 19 which include the neighborhoods of West Long Beach and
 20 Wrigley. This project before us essentially proposes to
 21 bring regional benefits to Southern California at the
 22 expense of local communities.

23 We can and must do better at this. As with many
 24 infrastructure projects, the SCIG project would provide
 25 jobs and economic activity to the region, which are

38B-35-1

38B-35-1

38B-35-2

38B-35-3

1 certainly needed. BNSF has signed a project labor
2 agreement to ensure that any jobs created by this project
3 are quality jobs that benefit area residents and I
4 applaud them for that. However, these jobs would come at
5 the expense of the neighborhoods directly next door to
6 this affected project just over the city line in Long
7 Beach.

8 Recently, the Ports of Long Beach and Los
9 Angeles have committed themselves to green growth.
10 Growth in the goods movement industry that brings
11 economic benefits to the region while improving the
12 environment of the surrounding neighborhoods.
13 Unfortunately, this project is not an example of green
14 growth as it benefits the region come only at the expense
15 of those who live next to the project. Under this
16 proposal there would be approximately 5500 truck
17 additional trips every day driving within a couple
18 hundred feet of schools, parks, and homes.

19 These trucks would add to the health crisis that
20 already exists today. Air quality in these communities
21 known to many as a dirty diesel death zone is already
22 some of the worse in the nation. Residents in the area
23 suffer abnormally high rates of asthma, heart disease,
24 cancer and other ailments directly as a result of the
25 goods movements industry. To these residents the project

1 says get ready for another 5500 trucks a day burning the
2 same fossil fuels that have created the health care
3 crisis in the first place.

4 West Long Beach residents cannot allow their
5 children, their seniors their families to get sicker than
6 they are today. Another near-dock rail facility may be
7 needed, but why here? Why within a couple hundred feet
8 of several schools and playgrounds? Why next to Gold
9 Star Manor? America's only housing facility dedicated to
10 providing housing for those relatives to those who have
11 fallen? Why next to the Villas de Cabrillo?

12 A center dedicated to fighting homelessness for
13 veterans. Why build this next to our residential
14 neighborhoods? Is that good land use? This city council
15 and the Harbor Commission have called for a new model of
16 goods movements where a new goods market without ruining
17 communities. A system of goods movement that would
18 result in zero emissions. The 710 Project Committee has
19 established that this is feasible.

20 However, this EIR did not even study zero
21 emissions goods movement. Instead the project will
22 assume use trucks that pollute neighborhoods in every
23 trip. This approach more of the same is unacceptable.
24 This technology is here. The time has come to move goods
25 without polluting our neighborhoods. We do not need to

1 sacrifice some neighborhoods for the benefit of the
2 region. **38B-35-3**

3 We can grow the port, bring the jobs and have
4 the benefits economically without sacrificing West Long
5 Beach or its surrounding neighborhoods. However, this
6 proposal is not that green growth that we're looking for
7 but growth that comes at the expense of our residents. **38B-35-4**

8 Let's come together and figure out a way to grow our port
9 without sacrificing our residents. The future of our
10 ports and the health of our residents depends on it.
11 Thank you.

12 MS. McCORMICK: Thank you very much. This is
13 Mr. Ben Rockwell. And the next person that I would like
14 to call up is Mr. Michael Fort. Go ahead Mr. Rockwell.

15 PUBLIC SPEAKER: My name is Ben Rockwell. I
16 live at 475 West 5th Street in Long Beach. Just a few
17 blocks from the port. Honorable council member,
18 honorable port commissioners and ladies and gentlemen, I
19 have less than 30 percent of normal lung function.
20 Living in this area -- I live here because it is the only
21 place where I was able to get housing 23 years ago. My
22 lung conditions continue to go down while the port says
23 that they are increasing the cleanliness of the air, but
24 the cleanliness of the air can only be achieved if we get
25 rid of all trucks. All methods of pollution.

1 This includes the fires that are running on our
2 highways disintegrating as they go, causing pollutants to
3 go into the air. The rail with the steel wheels giving
4 off their pollutants. This is harming not only me but
5 others like myself who have compromised pulmonary
6 systems. It's compromising our children, our
7 grandchildren, those children who cannot go to school the
8 entire school year but must be out due to health reasons
9 because they cannot breathe properly. **38B-36-1**

10 These pollutants are indeed causing their
11 education to suffer whether it be through grades or
12 through health. We cannot allow this to continue on.
13 The technology of mag rail has been started to be
14 investigated over 50 years ago. We have yet to see this
15 newest technology and use here in the United States. It
16 is in use in Japan and a few other countries.

17 Why can't we, as one of the leaders of the
18 world, make this a truly clean port by making use of mag
19 rail and other things and not cause our children, our
20 seniors and others to suffer so much. I pray that the
21 port will look more carefully at the use of the things
22 the way they are and stop the pollutions that are killing
23 not only me but our children. Our next generation.

24 MS. McCORMICK: I've been told that you don't
25 have to give us your address. Just your name. And then

38B-37-1

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1 Dr. Williams come up after this.

2 PUBLIC SPEAKER: My name is Mike Ford and I do

3 live at 1956 Fashion Avenue and I am resident of the

4 affected area. I became interested in this project

5 initially when I was approached by two very nice ladies

6 who were very clearly misinformed about the information

7 they were trying to convey to me. They wanted to enlist

8 my support or opposition to the project solely on the

9 basis of a planned million more truck trips, quote,

10 through my neighborhood. When I asked them if they had

11 read the EIR, they said, no, it hadn't been issued yet.

12 I said, okay. I did my own research. I

13 contacted the railroad. I was notified when the Draft

14 EIR was available. I read the executive summary. I

15 skimmed the interesting parts of the other 4,690 pages.

16 I drove the perimeter of the area, and I noticed that the

17 existing uses are exactly what's being proposed now. The

18 only difference is the existing uses are obsolete and

19 they pollute.

20 The proposed project, if approved, will result

21 in those same million truck trips traveling a total of

22 eight million roundtrip miles instead of 48 million

23 roundtrip miles to the Hobart facility in Commerce and

24 Vernon. So any way you look at it even if they were not

25 using cleaner vehicles there would be less rather than

Page 23

1 more pollution. I've lived in the harbor area myself for

2 over 15 years. I've only been a resident in Long Beach

3 for five years now. Two in the neighborhood. I lived in

4 what's called, euphemistically, a buffer neighborhood or

5 buffer area.

6 That means my house is the buffer between your

7 houses and the adverse influences in the industrial

8 districts. I knew that when I bought it. I have some

9 background in land use planning. I have passed the

10 California Coastal Commission planned analyst one test

11 over 20 years ago. I've been a professional appraiser

12 for the treasury department large business and

13 international division.

14 I've looked at this project very, very carefully

15 and the Draft EIR, and it does represent the highest and

16 best use of the property. There is no other feasible

17 facility for it. With respect to zero emissions

18 technology the reason we haven't seen any in the U.S. is

19 that LSM or LMS technology is simply not feasible to date

20 for heavy industrial use. There's over a hundred systems

21 in use in the world today and every single one them are

22 community traffic based. Thank you very much.

23 MS. McCORMICK: Thank you. Dr. Williams to

24 come up and then behind him is Mr. Tommy Favae.

25 PUBLIC SPEAKER: Good evening. Dr. Tom

Page 24

1 Williams, LA, El Sereno at the other end of the 710.

2 (Inaudible) lots of luck. It's coming. However, there's

3 a lot of things in the EIR that are either incomplete or

4 inadequate. Couple of them. Well, the air quality is **38B-38-1**

5 bad. We already know that. But how about the traffic?

6 No significant impact in transportation. Is it going to

7 be mitigated? Not really. Because the 710 is already a

8 project under way right now.

9 Everybody knows that. And it's going to be

10 influencing the 710 far more than this project. However,

11 I've worked in ports in Singapore, Hong Kong, Zawala,

12 Cuba. And everything that is part of the green image for

13 this project has been around for 10, 15, 20 years in

14 Singapore because they had the same problem as here. No

15 space. So they had to become much more efficient. That

16 is one berth in Hong Kong can handle one million

17 containers a year. One berth. Because they organize it.

18 They compact it. Land is valuable. **38B-38-2**

19 People are valuable. So get it the

20 environmentally superior alternative would be in the

21 port. Yeah, you've got to reorganize the Port of LA.

22 It's not as efficient as the Port of Long Beach. Mid

23 Harbor is going into Long Beach. Why can't we have a mid

24 Harbor in LA? So that can handle at least 50 percent of

25 the total containers by the year, say, 2025. There's a

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1 lot of things in this report out-of-date information, **38B-38-3**

2 using the 2000 census and a few other things like that.

3 So inadequate. Incomplete. Thank you.

4 MS. McCORMICK: Thank you. Please give us your

5 name and Mr. David Wright to speak after you.

6 PUBLIC SPEAKER: Thank you. My name is Tommy

7 Favae. I'm going to face the community and the public

8 because I don't like to have my back faced against the

9 community and labor. So my name is Tommy Favae. I

10 represent International Brotherhood of Electrical

11 Workers, Local Union 11, City of Long Beach and the

12 surrounding cities. Our members and our community

13 members are affected with this project and what this

14 project would bring -- would bring good construction

15 jobs. **38B-39-1**

16 It will bring entry level apprenticeship

17 programs to entry people that want to come into a trade

18 apprenticeship program. This is what it means. Bottom

19 line. It means that we work together with the community

20 also. Our members are the community. We have at least

21 500 to 600 members that live in Long Beach in the

22 community. So we're not here to pit against the

23 community. We're here to work together with the

24 community because this is what we do when it comes to

25 project labor agreements.

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1 When you talk about a project labor agreement
 2 that has been negotiated with BNSF. We've already
 3 allocated 30 percent go for project labor agreement. And
 4 besides that BNSF has set an agreement on local hire
 5 within the Long Beach community. Now you're not going to
 6 get any developer or railway manufacturer or anyone
 7 that's going to actually say we want to have a local hire
 8 community agreement with the community of Long Beach and
 9 surrounding cities. That's what we need.

10 We need to raise the bar in our communities. We
 11 can't afford to wait to change the environmental impacts
 12 in Long Beach and the surrounding cities. We can't. If
 13 don't do nothing now, who knows what's going to happen in
 14 our future. That's what we got to do. And BNSF is
 15 proposing a project here today that they want to improve
 16 environmental conditions in your community. That's what
 17 we need to stand by and labor -- IBEW supports SCIG.

18 Supports the Draft EIR. And we want to see jobs
 19 start tomorrow. We're sick and tired of waiting for
 20 jobs. Of course everyone is going through high
 21 unemployment and -- (inaudible). We need to put our Long
 22 Beach residents to work and the surrounding cities around
 23 this area. Thank you.

24 PUBLIC SPEAKER: Good evening. My name is
 25 David Wright. I work for (inaudible). We have offices

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1 in Long Beach. We have a number of employees in Long
 2 Beach and San Pedro that are impacted by this project.
 3 We also have a number of clients that are impacted by
 4 this project. I followed this project for many years.
 5 I'm familiar with the EIR process. I've reviewed the EIR
 6 that's being put out today.

7 I can assure you that it's been talked through
 8 in a very, very careful manner. I am in support of the
 9 project. I think it's long overdue. I think the
 10 community has missed out on the benefits the project will
 11 bring. We support the project for a number of reasons.
 12 The more important ones are we feel the project should be
 13 developed in the most accommodating technology of this
 14 type or facility of this nature. We feel it will
 15 actually be able to improve our -- (inaudible).

16 MS. McCORMICK: Dave, excuse me for
 17 interrupting. Our court reporter is saying it's very
 18 hard to hear you. So if you could speak up a little
 19 bit --

20 PUBLIC SPEAKER: Okay.

21 MS. McCORMICK: -- that would be great.

22 PUBLIC SPEAKER: Also, the project faces a
 23 substantial number of trucks.

24 MS. McCORMICK: I'm sorry. She really needs
 25 you to talk to her.

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1 PUBLIC SPEAKER: The project faces a
 2 substantial numbers of trucks off the Long Beach Freeway,
 3 which dramatically improves air quality of the entire
 4 region and reduces the potential for serious truck
 5 accidents along the very busy highway. Overall the
 6 project includes many state of the art improvements for
 7 this sort of rail cargo consolidation area. This helps
 8 to reduce pollution in the area and improves nature of
 9 the truck traffic in the immediate harbor area. **38B-40-1**

10 The project improves the efficiency of the rail
 11 operations in the area, which helps the two ports to
 12 become more competitive in the world market and this is a
 13 very important aspect today. The project also directs a
 14 lot of container traffic to the -- on the Alameda
 15 Corridor, which helps make that major 3.5 billion dollar
 16 public investment more effective and helps achieve some
 17 of the long-term environmental objectives related to that
 18 earlier project. This project will also be a great
 19 source of both short-term union construction jobs as well
 20 as a substantial number of long-term operating jobs.

21 The project will also help improve the
 22 competitiveness of the two regional ports in relation to
 23 the deepening of the Panama Canal. One caveat that I
 24 would encourage BNSF and the Port to consider is that
 25 there's number of businesses in the area that are going

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1 to be impacted. They employ people today. They're
 2 important businesses and one of the businesses such as
 3 Fastlane employs 700 people that these businesses be
 4 accommodated as the operations are developed to relocate
 5 to a different location. Thank you for your time.

6 MS. McCORMICK: Thank you, Dave. We have
 7 approximately 20 seats. Someone asked me to make the
 8 announcement that there are at least 20 seats here. So
 9 we'd love to have you come and please sit, if you'd like
 10 to come and sit. There's 20 seats in the room, if you'd
 11 like to come and sit. Okay. You know what, let me find
 12 your card. I don't think that that's a problem. Okay.
 13 This is Marisol Hernandez. You have three minutes. And
 14 the person after Marisol will be Mr. Ron Miller.

15 PUBLIC SPEAKER: My name is Marisol Hernandez.
 16 My address is 1567 West Long Beach in Long Beach,
 17 California. I am a soccer coach in the west side. My
 18 club has about 100 children between 4 and 14 years. 50
 19 percent of the children suffer from asthma and 70 percent
 20 have respiratory problems -- disease. Even though you
 21 say that the risk of cancer is only 1 in 10, I am
 22 fighting with this because I don't want any of these
 23 children to be 1 of the 10. **38B-41-1**

24 They're also affected because the parks are very
 25 close to those installations or facilities. If this

38B-41-1

38B-42-1

38B-43-1

1 project goes on, the damages to our kids are going to be
2 something that we cannot fix anymore. We came this night
3 with my children with the right that they have to grow in
4 an environment safe and healthy. I'm speaking on behalf
5 of my family and these children and we oppose strongly to
6 this project. And we think that we need to look for
7 other ways with zero pollution. Thank you.

8 MS. McCORMICK: I'd like to ask (inaudible)
9 come up and then Luis would come. Thank you.

10 PUBLIC SPEAKER: Good evening. I'm Ron Miller.
11 I'm a council rep for the LA, Orange County Building
12 Trades. I represent 140,000 crafts men and women. Many
13 thousands that live right here in this area. And this
14 intermodal facility, when it's built, will be the
15 greenest facility in the U.S. It's going to allow
16 containers to be loaded four miles from the docks rather
17 than traveling 24 miles down the freeway.

18 A freeway that's always been congested. I've
19 lived in the area for 50 years. They've always had to
20 work on the Long Beach Freeway. It's a mess. We need to
21 get the trucks off the freeway. Through its efficiency
22 it's going to increase the capacity to move one and a
23 half million more containers while reducing the truck
24 traffic and congestion. BNSF has committed to good
25 paying, middle class jobs for the local community during

1 the construction and long after into the future.

2 Jobs that can sustain a family, allowing them to
3 buy a house, send our kids to good schools and give a
4 boost to the local economy. This project is going to go
5 a long way to make the port a viable port. If we do not
6 do everything in our power to make this harbor
7 competitive, it will lose out in the near future. The
8 building trades has many, many members in the area and we
9 have 40 to 50 percent unemployment right now and we need
10 to get our men and women back to work. Thank you.

11 MS. McCORMICK: Thank you.

12 PUBLIC SPEAKER: Good evening. My name is Luis
13 Gonzalez. I am with Coalition for Clean Air. Coalition
14 for Clean Air is California's oldest air quality
15 organization. We're a nonprofit organization working to
16 actually improve air quality in the state of California.
17 We are in process of reviewing the EIR and we will be
18 reading comments about this EIR soon. I wanted to
19 address these panel and the audience tonight about some
20 of our concerns with the EIR.

21 Mainly, we are concerned about the assertion
22 that this project will actually clean the air. That is a
23 misstatement that we will be looking into. We feel that
24 there are many ways to actually improve air quality in
25 the Port of Los Angeles, and create long-term, well-paid

1 union jobs as well. The Southern California
2 International Gateway is not the best way to achieve
3 either one of these. As planned, the SCIG will create
4 more air pollution and will create more unemployment than
5 it actually promises.

6 The area for the SCIG project is being planned
7 employs today approximately 2,000 people. Some of the
8 companies have not been -- there are no -- there's no
9 information about where some of these companies are going
10 to be relocated if this project moves forward. As a
11 result, people from within this community will lose their
12 jobs. It is important that the Port of Los Angeles looks
13 at the Environmental Impact Report and addresses those
14 concerns as well as concerns about air quality and looks
15 at real ways to improve air quality and continue to grow
16 as the most important port in the United States.

17 Thank you very much.

18 MS. McCORMICK: Thank you. Forgive me if I
19 spell this incorrectly. Galo, G-a-l-o. And then
20 Elizabeth (inaudible) will follow him.

21 PUBLIC SPEAKER: My name is Brent Galo. I'm a
22 west side resident, a Long Beach resident born and raised
23 all 32 proud years of my life and I'll probably spend the
24 rest of my life here. This is where I had my son. He
25 was born here. Born and raised so far of his two years

1 of life. I'm very familiar with the EIR. I'm very
2 supportive of it. Just using common sense you're looking
3 at jobs. You're looking at 4500 jobs in a span of three
4 years that's going to be created. That makes sense.

5 Over 10 percent unemployment rate here in Long
6 Beach. I was laid off three years ago. I almost lost my
7 house. We just got a loan mod, so that's good. But we
8 need to move in the right direction and zero emissions,
9 I've done my research. I'm not a brain surgeon, but it's
10 out there. It's not possible yet but moving in the right
11 direction with this project. It's a step forward. It's
12 not a step back and that's it.

13 I don't understand why people can't get that
14 through their heads. Look at this truck -- look at this
15 trucking facility it's going to replace. That thing is
16 nasty. I've driven by it many times. They're replacing
17 it with electric cranes. Electric cranes. Wow. So
18 everybody here that can't talk, let's just stand up.
19 Who's in support of this project? Thank you. It's a
20 step in the right direction. It's a step in the right
21 direction. It's not perfect. Nothing is perfect.

22 I want world peace. It's not going to happen,
23 but if somebody decided to move it along, that's good.
24 So let's work together. I'm for it. And, you know,
25 let's all get together and make sure we move in the right

38B-44-1

38B-45-1

38B-45-2

38B-46-1

38B-47-1

1 direction. Thank you very much.

2 MS. McCORMICK: Elizabeth and then Mr. Thomas

3 Rose, please. Just as a reminder it's very difficult to

4 hear up here when we have people in the back talking.

5 The court reporter needs to hear them.

6 PUBLIC SPEAKER: Hi. My name is Elizabeth

7 Smith. I'm also a resident in West Long Beach. I do own

8 a house as well. And I'm here in support of the project.

9 I'm here for my children actually. I think that this is

10 a great project to reduce emissions and the environmental

11 impact research was positive for the project. It's

12 basically turning a dirty trucking facility and turning

13 it into a clean entirely electric facility and I don't

14 see how that's making things worse.

15 It's actually a step in the right direction. I

16 do have one concern, however, about the noise. I know

17 that the impact research study said that the noise would

18 be minimal, but I do think that the City as well as the

19 Port of Los Angeles should work with BNSF to build a

20 soundwall barrier during the construction because even if

21 the noise is minimal, there will probably be some noise.

22 And I do think that's important for residents to have

23 that sound barrier there to minimize the noise.

24 Thank you.

25 MS. McCORMICK: And then Mr. Robert

1 (inaudible).

2 PUBLIC SPEAKER: My name is Tom Rose. I'm a

3 lifelong resident of Long Beach and I support the SCIG

4 Intermodal Project. It will create jobs. It will give

5 us cleaner air and reduce congestion, but most

6 importantly we're in a worldwide fight to have a

7 competitive port. And if we don't move forward and make

8 the port as competitive as possible, we will lose the

9 business to other ports. It's that simple. We have to

10 remain competitive.

11 And if we take these efficient changes and don't

12 make them, we'll fall behind. Throughout my life it's

13 been ridiculous that we've had the Port in Long Beach and

14 then drayage the goods up to the rail yards in Vernon.

15 It's been a project that has just created business for

16 the drayage companies and if we want to become

17 successful, we have to make that change of the cargo

18 closer to the port where this project will provide for

19 those insufficiencies. Thank you.

20 MS. McCORMICK: Robert and then Andrew Mayorga.

21 PUBLIC SPEAKER: I too would like to face the

22 crowd. My name is Robert Lafarga and I'm a resident of

23 Southern California. I was born and raised here. I went

24 to Torrance High School. And how many of you people here

25 remember in the '60s when you could not go to school

1 because the smog was so bad they would shut is down? You

2 remember that; right? You guys all remember that. You

3 talk about construction workers. They're the ones that

4 fix that. The environmentalists say that's bullshit.

5 Excuse me. Improper. Okay.

6 We make changes to help the environment. I too

7 coach baseball. I too have a family. I wouldn't want

8 anybody to be sick. All the construction workers out

9 here, we have families. We don't want any of our

10 families to be sick. What we do though -- I'm not just

11 talking about construction workers. When you look at --

12 you come over here, do the job and leave. But what

13 you've got to remember is when you leave here, the street

14 lights are put up by construction workers.

15 The roadways, the freeways, the refineries to

16 drive your cars, the schools, the parks, the storm

17 drains, so you don't get flooded are made by construction

18 workers. The sewer lines so you can do what you've got

19 to do. The bridges, all the buildings where you work are

20 built by construction workers, but we need jobs to feed

21 our families. We need your support to support this

22 project. Let's get it done.

23 (Reporter recessed for one hour and

24 then resumed with comments.)

25 MS. McCORMICK: Scott, if you could come up and

1 if you guys could kind of be in the queue, that would be

2 helpful. (Inaudible) And then Mr. Bill (inaudible).

3 PUBLIC SPEAKER: Good evening. My name is

4 Michelle (inaudible) and I'm vice president of the

5 Pacific Merchant Shipping Association. PMSA represents

6 marine terminal operators and ocean carriers calling on

7 the West Coast Ports. PMSA's members support the Draft

8 Environmental Impact Report for the SCIG project. We

9 think SCIG will help the Southern California ports be

10 competitive through more improved operational efficiency.

11 In 2014 expanding the Panama Canal will be

12 opening allowing cargo to bypass the West Coast and go

13 directly to the Gulf and East Coast ports. These ports

14 are aggressively marketing today to attract cargo away

15 from our ports here. The cargo -- the ports our

16 competitors are targeting is the intermodal cargo, which

17 represents approximately 50 to 60 percent of all the

18 cargo coming in through our ports. Moving forward with

19 the SCIG facility will help our competitor -- will help

20 our competitors that we are -- moving forward with the

21 SCIG facility will tell our competitors we're serious

22 about retaining the intermodal cargo here in Southern

23 California.

24 This cargo is responsible for millions of jobs.

25 Now I wanted to address one of the things that a number

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1 of the members -- speakers had addressed is why isn't all
 2 the cargo going on dock at the terminals. First, there's
 3 a limit to the amount of space that will be available for
 4 a future of on-dock facilities. And if you look at what
 5 the title trust states, it says that according to the
 6 title trust port related activities should be water
 7 dependent and should give highest priority to navigation
 8 and shipping. Preservation of water side parcel for
 9 navigation is essential.

10 Secondly, there's a limit to the size of on-dock
 11 railroads within the terminals. Terminals need to
 12 have -- their configuration requires a balance of space
 13 for container handling, terminal operations and rail
 14 yards. Thirdly, trans loading containers are not --
 15 typically, not handled on dock. These containers are
 16 sent to the transit facility, which is located away from
 17 the port and from there the container is sent on to the
 18 final destination.

19 Trans loading is considered right now as one of
 20 the most important parts of cargo that's coming in here
 21 and this is one of the areas that we're targeting to get
 22 trans loaded cargo into the ports. Lastly, not all
 23 intermodal container cargo can be placed on trains at the
 24 terminals. If there's not enough containers unloaded
 25 from a ship that are going to a single destination to

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1 make a full train, the terminal sends the container to a
 2 near-dock facility to be staged and later mixed with
 3 containers from other marine terminals that are bound to
 4 the same destination.

5 This helps keep the terminal yards fluid and
 6 provides the best and fastest service to our customers.
 7 In closing, there will always be a need for near-dock
 8 facilities and it's critical to the Ports of LA and Long
 9 Beach to have near-dock facilities for both class one
 10 rail facilities. Thank you.

11 MS. McCORMICK: Scott. Bill Wallace. Andrea.
 12 After Andrea is Jonathan Russell.

13 PUBLIC SPEAKER: Hi. My name is Andrea. I am
 14 17. I'm a senior at Cabrillo High School. The school
 15 that this is going to be built near. And I don't really
 16 support this. I'm sorry. But I don't want underclassmen
 17 to have to deal with health problems just to save some
 18 jobs, you know. And it's just like -- I don't know. I
 19 don't support it. I mean several students in my class
 20 have asthma already.

21 I mean what about the people who have PE? How
 22 are they going to run and breath in carbon dioxide? It
 23 just doesn't make much sense to me. I get that, you
 24 know, we're getting jobs, but what job are we getting?
 25 We're getting jobs for construction workers. What about

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1 the dropout teen mom? What job is she going to have?
 2 You know. Like who is this really benefiting? **38B-49-1**

3 MS. McCORMICK: Jonathan Russell.

4 PUBLIC SPEAKER: Good evening. My name is
 5 Jonathan Russell. I'm a resident of Long Beach and also
 6 a member of the International Longshoremens Local 13. The
 7 port is going to expand. We need that port to expand for
 8 the region. I support this project because it's going to
 9 help with that port expansion. We're very limited on
 10 space in the port as you all know and with this **38B-50-1**
 11 expansion, with this building of this new SCIG project
 12 that will help the overall economy of Long Beach, of Los
 13 Angeles and our state. Thank you.

14 MS. McCORMICK: Thank you. I'd like to invite
 15 up Morgan Nguyen or Nguyen, Diego Escondido and Allen
 16 Fischel. Morgan could come first. And then Allen
 17 Fischel and then after Allen will be Isabel Moreno.

18 PUBLIC SPEAKER: Good afternoon. My name is
 19 Diego Escondido. I'm also a lifelong Long Beach
 20 resident. I can give you specifics from -- this is my
 21 city. When I was child, I used to go trick-or-treating
 22 to the navy housing to get free lunches at Morgan Park.
 23 This is my city. This is my home. And I wasn't here
 24 earlier when there were kids that were brought up here
 25 with gas masks, but if you fast forward 30 years, I am

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1 that kid. I went to Garfield Elementary. I went to
 2 Stevens. **38B-51-1**

3 I went to Millikan High School and I got a
 4 degree at California State University Long Beach. I'm
 5 currently an employee at CSU chancellor's office and I
 6 know this city like the back of my hand. And growing up
 7 the biggest threat that I had -- it wasn't -- it wasn't
 8 the smog or it wasn't the bad air. It was the poverty.
 9 I remember growing up at 1812 Canal Avenue and I remember
 10 living in a small apartment and people around me didn't
 11 have jobs.

12 And when my peers didn't have jobs, they joined
 13 gangs and all this crime. The biggest threat to me
 14 growing up was poverty. It wasn't the whole -- it wasn't
 15 this whole smog or health care. And, you know, I
 16 acknowledge that bringing a train here will cause some
 17 environmental problems, but I'm pretty sure there's due
 18 diligence that happens before this occurs. And I wish if
 19 I could talk to these people, the biggest threat is the
 20 lack of poverty -- it's poverty, lack of jobs.

21 It's not going to be the whole smog issue. I
 22 wish I could actually tell them that that's going to be
 23 the real issue. So I support this. I support this
 24 initiative and I think it will be -- it will handicap the
 25 city if we don't actually take these jobs and actually

38B-51-1

38B-52-1

38B-52-2

1 take all the money, create the jobs, improve the schools,
2 get better housing, bring money into our community
3 because at the end that's what's going to help us thrive.
4 Thank you.

5 MS. McCORMICK: Mr. Allen Fischel. Allen.
6 Isabel Moreno. Joanne Davis. Mr. David Petty. Is there
7 anyone else in the room who would like to have an
8 opportunity to speak who would like to speak to have a
9 speaker card. If so, we can give you -- you have to get
10 a card and we can give that to you. I guess we have two
11 people who would like to speak.

12 PUBLIC SPEAKER: Good evening. My name is
13 David Petty. I'm a lawyer with the National Resources
14 Defense Counsel. Basically, I sue polluters for a
15 living. We're particularly interested in projects that
16 are put in predominantly -- communities that are
17 predominantly communities of color when there are good
18 alternatives elsewhere and this is such a project. I
19 want to talk for a minute about the T-shirts. And I
20 should say before I do that, you know, we already had
21 seen work with labor for years to clean up the port and
22 clean up the trucking and make trucking jobs better.

23 We work -- I personally worked with -- laugh --
24 let me tell you. I will because I want to talk about it.
25 I worked with Robbie Hunter, if you know who he is, to

1 bring the stadium -- the stadium to Los Angeles, but this
2 is a project, I think, we don't need in this place. We
3 need the project. It ought to be on-dock. It shouldn't
4 be where the railroad wants to put it. So let me talk
5 about what's on the back of these shirts. I'm not sure
6 this is big enough. You got one bigger? Good jobs.

7 If this thing gets built on dock, they're going
8 to be the same good jobs, if not more. Less traffic.
9 Let's look at the figures that are in the EIR. If you
10 take them at face value, this project is going to put two
11 million more truck trips into the environment every year.
12 ICTF, which is coming down the pipe, another two million.
13 Four million more truck trips and everyone is saying, oh,
14 we're going to take these trips off the 710. So tell me,
15 why do the ports want to expand the 710 and put in four
16 lanes or eight lines.

17 There's all kinds of wild proposals. Someone is
18 not telling the truth here. Because you can't get those
19 two ideas in your head at the same time. We're going to
20 have less traffic on the 710, but we need to expand the
21 710 because we're going to have all this more traffic on
22 it. And the cleaner air part -- this falls from traffic.
23 The air quality analysis says, oh, there's going to be
24 much less traffic. The trucks will be clean and the air
25 is going to be better.

1 There's a whole host of problems with this.
2 Peter Greenwald from the district talked about some of
3 the technical problems. But you can have the cleanest
4 trucks you can find and they are fossil fuel and you have
5 four million of those in a neighborhood where now they
6 don't exist, you're going to have worse air than you had
7 before. You can write this on a T-shirt that it's going
8 to be better, but you shouldn't believe that. Writing it
9 down doesn't make it so. So I have a problem. There are
10 technical. There are legal problems with the EIR.

11 There is a civil rights law here in California
12 that prevents entities like the port from discriminating
13 against communities of color. That has been put into
14 play by this project because there are alternatives to
15 putting it where the port -- I'm sorry. Where BNSF wants
16 to put it. Specifically, on-dock rail. It's doable and
17 that's where this project should go. Thank you very
18 much.

19 MS. McCORMICK: Thank you. Just a second.
20 (Inaudible).

21 PUBLIC SPEAKER: Good evening. My name is
22 Elizabeth Warren. I'm the executive director of Future
23 Ports. And our members represent a broad range of good
24 food and industry businesses that operate throughout
25 Southern California. Our members range from small to

1 large companies in the supply chain sector. Many of them
2 based in Long Beach. They all have employees in Long
3 Beach and they're from engineering and construction
4 companies.

5 They're suppliers, labor, transportation
6 providers and we all have a vested interest in an
7 economically viable and sustainable supply chain from the
8 waterfront throughout the entire distribution network.
9 We live here and we work here. So we embrace the
10 philosophy that companies much -- that serve the ports
11 must grow and must grow cleanly. These concepts are not
12 mutually exclusive and must be adopted simultaneously in
13 order to sustain a long-term economic vitality and -- of
14 the region.

15 We're here today to support the BNSF Railroad
16 SCIG Project. It's an environmentally beneficial project
17 and it provides much needed upgrades to maintain the
18 competitiveness of the ports and resulting in many local
19 jobs in the port area. We understand that new intermodal
20 facilities will be required to accommodate current and
21 projected volumes and with the addition of on-dock rail
22 facilities, a near-dock rail facility will still be
23 required. It's crucial to keep container traffic at the
24 ports fluid and preserving the limited waterside property
25 for marine terminal operations.

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1 BNSF has chosen an industrial site for the
 2 location of their facility to minimize impacts to
 3 surrounding residential neighborhoods. At this location,
 4 BNSF will be able to remove as many as 1.5 million truck
 5 trips off the 710 and reduce vehicle miles traveled
 6 resulting in reduced emissions and will provide a route
 7 to the facility to minimize impact to the adjacent
 8 neighborhoods. As analyzed in the Draft EIR, BNSF has
 9 included many low emissions and energy efficient future
 10 for the project resulting in a reduction of impacts of
 11 the project baseline.

12 BNSF has specifically designed electric trains
 13 for this facility and will also be using LNG yard
 14 equipment. They will use 90 percent LNG trucks by 2026
 15 further reducing diesel particulate matter over baseline
 16 conditions. These trucks have not been included in the
 17 port's analysis of the environmental impacts of the
 18 project. Meaning, that the Draft EIR shows higher levels
 19 of certain emissions than will actually result in the
 20 project.

21 Although, the DEIR estimates that the project
 22 will bring up to 1100 much needed jobs to the region, we
 23 also understand that the project of regional significance
 24 such as this could result in creation of 22,000 new
 25 direct and indirect jobs throughout Southern California

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1 in addition to the 1500 jobs annually during construction
 2 of this facility. This project will also improve
 3 sufficiency of container movement at the port and will
 4 help improve the competitiveness of the San Pedro Bay
 5 Ports. We can't afford to wait any longer for this
 6 project to go forward. Thank you.

7 MS. McCORMICK: Ricardo (inaudible).
 8 PUBLIC SPEAKER: Good evening. My name is
 9 Ricardo Toledo.

10 MS. McCORMICK: Just a second. I just want to
 11 bring up just who are coming behind you. Jane Templin
 12 and Sandy (inaudible).

13 PUBLIC SPEAKER: First of all, I'd like to say
 14 my name is Ricardo Toledo. I'm a CFSE which is Coalition
 15 for Safe Environment and also impact projects and other
 16 environmental groups serving the greater South Bay area
 17 and Southern California areas. I'm a home owner here in
 18 the City of Carson. And it's -- excuse me. So I want to
 19 talk to the residents that live here and are impacted
 20 here and that's all of us. I heard a lot tonight. I
 21 want you to know that I was a union man for 30 years.

22 Okay. And I believe in union jobs, but I also
 23 am knowledgeable and can you tell right now that to get
 24 those you need to make sure the MOU is written up. BNSF
 25 is notorious for saying they're going to create jobs.

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1 They're going to do good things for the community, but
 2 it's not our community, folks. It's going to be their
 3 folks that are coming back east, from the Midwest and
 4 from all up and down the coast and not put the people
 5 that live here in the greater Long Beach city and your
 6 neighbors, Wilmington, San Pedro, Carson, all the way
 7 through the east all the way to San Bernardino. Those
 8 are the people that need the jobs. Those are the people
 9 I want to see in -- when you say 22,000 jobs in the
 10 region in general, I want to see them -- put it in **38B-54-1**
 11 writing.

12 In a contract form. MOU. And you gentleman who
 13 know, union bosses out here, if you're here, you get this
 14 in writing and you make sure you sit at the table when
 15 you bargain for good jobs or prevailing wages, for health
 16 benefits, and for building some health care centers right
 17 here on the railways, on the roads. You know, they want
 18 to take our land and they want to turn it into --
 19 these -- you know, these railroad -- I call them just hot
 20 spots. They're the worst things we can do right now for
 21 our community, for our children. I have some children
 22 right now that have neurological diseases caused by
 23 contamination and pollution.

24 You also take heed because the next 10, 20, 30
 25 years it's going to be up and down here in the coast and

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1 up and down the railway yards here. The innovation we're
 2 talking about right now is out there. The mag, what you
 3 here about them. The zero tolerance on emissions on
 4 trucks and stuff. Yes, it's here. But I want to see all **38B-54-2**
 5 of that converted right now and especially those
 6 locomotives.

7 BNSF should stop using those archaic railroad
 8 trains and get up into the new 21st Century. We have
 9 them. They're ready to be built. And shame on them.
 10 They're trying to tiptoe all you good folks that are
 11 wearing orange shirts because I like my -- (inaudible).
 12 I wore this all day and I'm proud. But, you know what,
 13 when I see you guys out there, it makes me feel a little
 14 bit like you sold yourselves out in your own community.

15 Beware because I'm telling you, it's going to **38B-54-3**
 16 come and bite you back and you're going to say, well, who
 17 was that guy that came and spoke at the end and came on
 18 very strong for the environment. It's because I believe
 19 in our children, our grandchildren. Okay. The jobs are
 20 good. Don't get me wrong. We need jobs. We need green
 21 jobs. Green jobs. We need folks who are going to be
 22 able to breath the air. Like somebody put out here -- I
 23 found this on the floor. We all breath the same air.
 24 Don't you forget that.

25 And always remember the ones that did the most

38B-54-3

38B-55-1

1 impacted right here are the ones that are going to suffer
 2 the most. So that little -- that little, you know, 1200
 3 jobs they say there are going to be, we need them for us,
 4 for the community, for the (Spanish words). They're not
 5 doing it for our children. They're going to be from
 6 people back east and people from the Midwest and people
 7 that come in here, rape our communities, take us for what
 8 we are, take away our good children's area that we have
 9 left here. It's getting worse and worse. Not getting
 10 better and better by letting this happen.

11 Trust me. And believe in it. And remember,
 12 only you can make a difference. All these big fat cats
 13 that are right here sitting here from these industries
 14 and corporations, you ask them where they live.

15 MS. McCORMICK: Please wrap up.

16 PUBLIC SPEAKER: Excuse me. I'm not finished.

17 MS. McCORMICK: Well --

18 PUBLIC SPEAKER: You ask them where they live.
 19 They don't live here in Long Beach. They don't live here
 20 around our surrounding areas. They live somewhere in the
 21 hills or Palos Verdes or by the Palisades or in Malibu or
 22 something or back east. They shipped over here to lobby
 23 to use you people here like beetles. So don't be used.
 24 Stop the damage that these people are doing to our
 25 community and go back to where you guys came from with

1 all this railroad BS. Thank you very much.

2 MS. McCORMICK: I'd like to invite Jane Templin
 3 up, please, and then Sandy.

4 PUBLIC SPEAKER: My name Jane Templin. I'm a
 5 resident. I actually am an electrician. I started
 6 working in the Long Beach area in 1977 and I helped build
 7 the convention center and that allowed me as a fourth
 8 period apprentice to buy a home here in '79. I raised my
 9 children here. I've had a good union career. My husband
 10 and I still live in our house. The same house we bought
 11 back in '79.

12 I have been able to advance because of my
 13 construction career, my apprenticeship. I am very
 14 actively involved in our apprenticeship. And since I am,
 15 I happen to know that I would like to refute the
 16 gentleman before me. There is written community hire
 17 programs. There are local people working and -- being
 18 done to bring people in. And I am very concerned about
 19 the quality of the bad air that the port is working very
 20 hard to clean up and has been going ongoing, ongoing,
 21 ongoing and still ongoing. It's bad now.

22 It has to become better. This is part of that
 23 process. The lawyer that says that building on the port
 24 was not listening to the lady in front of him who said
 25 there's no room to do that. There's a lot of things that

1 happen that I appreciate everybody listening to everybody
 2 and assessing, but you have to listen. And when you make
 3 statements when you can't back it up, it is in writing. 38B-55-1

4 I can share that. I do -- I'm actively involved in
 5 outreach. I live here and I am proud of it. Thank you.

6 PUBLIC SPEAKER: Good evening. My name is
 7 Sandy and I'm president of the Regional Hispanic Chamber
 8 of Commerce. Our mission is to promote economic 38B-56-1
 9 development of my region and that's exactly why I'm here.

10 To promote the economic development of my region. And I
 11 live here in Long Beach and I don't live in Palos Verdes.
 12 Thank you very much. And we are in support -- a hundred
 13 percent support of the project. Thank you.

14 MS. McCORMICK: Just one last time I wanted to
 15 just run through these other people who signed up to
 16 speak, but I don't think they're here. Karen Brady
 17 Cinco. Scott Kurtz. Bill Wallace. Marvin Wyan. Allen
 18 Fischel. Isabel Moreno. And Joanne Davis. Okay. So I
 19 want to thank you so very much. I would like to give you
 20 a very important piece of information. We are going to
 21 have another meeting. It's going to be next week.

22 If you would like to -- just for your
 23 information, if you didn't already receive this, it's
 24 going to be on November 16. It will be at the Wilmington
 25 Senior Center at 6:00 p.m. And the address is 1371 Eubank

1 Avenue in Wilmington. Most people probably know right
 2 where that is. But I wanted to invite you to come to
 3 that. We're going to have the same set up next week as
 4 we did this evening for your needs. We will have an
 5 opportunity for you to do your comments in writing.

6 We will have an opportunity for you to use a
 7 laptop. We will have our court reporters there. Our
 8 individual court reporters as well as our court reporters
 9 who will be taking testimony. It will be another public
 10 hearing. And we're very, very grateful that you came
 11 out. Thank you very much and have a very nice evening.

12 (The proceedings were concluded
 13 at 8:20 p.m.)
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 Comment Letter 38B: Silverado Public Hearing Transcripts Comments**2 Response to Comment 38B-1-1 (Benjamin Rockwell):**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 Response to Comment 38B-1-2 (Benjamin Rockwell):

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

11 Response to Comment 38B-1-3 (Benjamin Rockwell):

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 Response to Comment 38B-1-4 (Benjamin Rockwell):

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 Response to Comment 38B-1-5 (Benjamin Rockwell):

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 Response to Comment 38B-2-1 (Scott Kurtz)

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 38B-3-1 (Bill Walles)

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 38B-4-1 (Faisal Kureshi)

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

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 38B-5-1 (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 38B-6-1 (Joanne Davis)**

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 38B-7-1 (Angelo Logan)**

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 38B-8-1 (Andrew Mayorga)**

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 38B-8-2 (Andrew Mayorga)**

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 38B-8-3 (Andrew Mayorga)**

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 38B-9-1 (Alex Lafarga)**

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 38B-10-1 (Johnny O’Cane)**

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 38B-11-1 (George Martinez)**

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 38B-12-1 (Cesar Montalban)**

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 38B-12-2 (Cesar Montalban)**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 38B-12-3 (Cesar Montalban)**

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 38B-12-4 (Cesar Montalban)**

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 38B-13-1 (John Cross)

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 38B-13-2 (John Cross)

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 Response to Comment 38B-13-3 (John Cross)

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 Response to Comment 38B-13-4 (John Cross)

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 38B-13-5 (John Cross)

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 38B-13-6 (John Cross)

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 38B-14-1 (Evelyn Knight)

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 Response to Comment 38B-14-2 (Evelyn Knight)

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 Response to Comment 38B-15-1 (Beatriz Reyes)

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 38B-16-1 (Freddy Rivera)

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 38B-16-2 (Freddy Rivera)

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 38B-17-1 (Dwight Robinson)

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 Response to Comment 38B-18-1 (Mitch Ponce)

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 38B-19-1 (Rachel Scarfin)

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 38B-20-1 (Mary Hernandez)

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 38B-21-1 (Maribel Medina)

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 38B-22-1 (Luis Garcia)

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 38B-22-2 (Luis Garcia)

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, therefore no further response is required. (Public
3 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

4 **Response to Comment 38B-23-1 (Jose Luis Garcia)**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 38B-23-2 (Jose Luis Garcia)**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 38B-24-1 (Joan Greenwood)**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 38B-24-2 (Joan Greenwood)**

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 38B-25-1 (Tom Moxley)**

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 38B-26-1 (David Frilot)**

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 38B-27-1 (Ernesto Navarez)**

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 38B-28-1 (Peter Greenwald)

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 38B-28-2 (Peter Greenwald)

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 .Response to Comment 38B-28-3 (Peter Greenwald)

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 Response to Comment 38B-28-4 (Peter Greenwald)

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 Response to Comment 38B-28-5 (Peter Greenwald)

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 38B-28-6 (Peter Greenwald)

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 38B-29-1 (Mario Moncada)

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 38B-30-1 (Jose Mendez)

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 38B-31-1 (Maria Medina)

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 38B-32-1 (Fernando Moncada)

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 38B-33-1 (Crystal Trumbo)

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 38B-34-1 (Ivan Trevino)

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 38B-35-1 (James Johnson)

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 38B-35-2 (James Johnson)

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 Response to Comment 38B-35-3 (James Johnson)

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 Response to Comment 38B-35-4 (James Johnson)

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 38B-36-1 (Ben Rockwell)

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 38B-37-1 (Michael F. Ford)

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 38B-38-1 (Tom William)

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 38B-38-2 (Tom William)

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 38B-38-3 (Tom William)

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 38B-39-1 (Tommy Favae)

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 38B-40-1 (David Wright)

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 38B-41-1 (Marisol Hernandez)

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 Response to Comment 38B-42-1 (Ron Miller)

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 38B-43-1 (Luis Gonzalez)

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 38B-43-2 (Luis Gonzalez)

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 Response to Comment 38B-43-3 (Luis Gonzalez)

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 38B-44-1 (Brent Galo)

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)).

22 Response to Comment 38B-45-1 (Elizabeth Smith)

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 38B-45-2 (Elizabeth Smith)

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 Response to Comment 38B-46-1 (Tom Rose)

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 38B-47-1 (Robert Lafarga)

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, therefore no further response is required. (Public
3 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

4 **Response to Comment 38B-48-1 (Michelle)**

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 **Response to Comment 38B-49-1 (Andrea)**

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 38B-50-1 (Jonathan Russell)**

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)).

22 **Response to Comment 38B-51-1 (Diego Escondido)**

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 38B-52-1 (David Petit)**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 38B-52-2 (David Petit)**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 **Response to Comment 38B-53-1 (Elizabeth Warren)**

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 38B-54-1 (Ricardo Toledo)

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 38B-54-2 (Ricardo Toledo)

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 Response to Comment 38B-54-3 (Ricardo Toledo)

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 38B-55-1 (Jane Templin)

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)).

22 Response to Comment 38B-56-1 (Sandy)

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

11-9-11



Dear Sir

I am writing to urge you not to put a railroad yard on the location where Cal Cartage now operates.

I been working in this company for 13 years.

I started as a lumper on the graveyard shift unloading K-Mart containers. Now in my 13 years

I have advanced and I am working as a supervisor on the Lowe's account. It is really important to me to keep working for Cal Cartage because

I own a home in Carson and I support a wife and work very hard. I have owned this home for 14 years.

Please do not close this place and put me out of my work. Please put the rail yard somewhere else.

Sincerely

Enric Pérez

2751 E. Van Buren St
Carson CA 90810

39-1

39-2

1 **Comment Letter 39: Erick Perez**

2 **Response to Comment 39-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 39-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8

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



November 10, 2011

Dear Sir,

I'm writing about the potential rail transfer station going into the Pacific Coast Hwy area of Wilmington and advertised as "Southern California International Gateway Project" or "SCIG".

40-1

To me and most residents of the area, this project would be a total disaster. It's billed as a way to ease truck traffic on the freeways. This same argument was used during the planning for the Intermodal Container Transfer Facility (ICTF) and also the Alameda Corridor projects. However, all these projects did was concentrate any trucks taken off the freeways and move them to surface streets in residential neighborhoods.

40-2

The noise and pollution generated by additional rail operations are another health concern being dumped on the residents who already are dealing with chemical plants and other harbor operations in the neighborhoods. As studies have found, the cancer & asthma rates in the Wilmington/San Pedro area is among the highest in the nation which is directly attributed to pollution. This project would just add more pollution to the mix.

40-3

This project is also billed as generator of employment. It might generate a few jobs but not for the local people. The jobs would go to people currently employed by the railroad who live in other areas and commute to the area further adding to the traffic. It would cost many more jobs of the local residents than it would generate.

40-4

As the various "Occupy" demonstrations are currently showing, the "99% of the people" are tired of being walked on and are lashing out. This project is another example of what these demonstrations are all about. They're spreading to more areas around the city to protest valid concerns such as this project.

Sincerely,

Dan Ince
PO Box 1355
Wilmington, CA 90748

Cc: Mayor Antonio R. Villarigosa

1 **Comment Letter 40: Dan Ince**

2 **Response to Comment 40-1**

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 40-2**

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 **Response to Comment 40-3**

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 40-4**

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
27

From: Reyes Ramos



I am writing to you on behalf of myself and my fellow workers at Cal Cartage Company urging you not to put the railroad yard on Site where Cal Cartage handles the transloading.

41-1 California Cartage has been on this same site for over 50 years. Many of my fellow workes grew up here. I started here 17 years ago. This is a great company to work for. I cannot imagine what would happen if you closed Cal Cartage to put a railyard here. I just bought a house in Riverside where I live with my wife and two little girls who are 10 and 6 years old. It is very important to me that I keep my job.

41-2 | Please do not put a railyard on this land—find another place for the
41-3 | Railroad and let us keep our jobs at Cal Cartage...

Thank you very much..

3278 100 001 10 10

1 **Comment Letter 41: Reyes Ramos**

2 **Response to Comment 41-1**

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 41-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 41-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

November 10, 2011

DEPARTMENT OF
PUBLIC WORKS

BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR
DIRECTOR

TRACI J. MINAMIDE
CHIEF OPERATING OFFICER

VAROUJ S. ABKIAN
ADEL H. HAGEKHALIL
ALEXANDER E. HELOU
ASSISTANT DIRECTORS

WASTEWATER ENGINEERING SERVICES DIV.
2714 MEDIA CENTER DRIVE
LOS ANGELES, CA 90065
FAX: (323) 342-6210 OR 342-6211

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COMMISSIONER

Christopher Cannon, Director of Environmental Management
PORT OF LOS ANGELES
425 S. Palos Verdes Street, Post Office Box 151
San Pedro, CA 90733-0151

Dear Mr. Cannon:

Southern California International Gateway Project – Draft EIR

This is in response to your September 23, 2011 letter received on October 13, 2011 requesting a review of your proposed project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) has reviewed the request and found the project to be within City of Los Angeles with sewer services provided by Los Angeles County Sanitation District (LACSD).

Hence the City cannot comment on the impact of your proposed project to the sewer infrastructure. For more information on the location and available sewer capacity of the LACSD sewer line, please contact LACSD directly.

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

Sincerely,

Ali Poosti, Acting Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

cc: Kosta Kaporis, BOS
Daniel Hackney, BOS
Rowena Lau, BOS

Div Files\SCAR\CEQA Review\Final CEQA Response Ltrs\Southern CA International Gateway Project – Draft EIR



1 **Comment Letter 42: Los Angeles Wastewater Engineering Services**
2 **Division**

3 **Response to Comment 42-1**

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 commenter acknowledges that the Project is within the
7 City of Los Angeles with sewer services provided by Los Angeles County Sanitation
8 District (LACSD).



Emma M. Eivers
4812 Pacific Ave
Long Beach, CA
90805

November 10, 2011

To: Chris Cannon
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

Dear Sir,

43-1 I am writing this letter to inform you, that it would be a devastating impact to eliminate land on which Cal Cartage operates its business in order to accommodate a railroad yard.

Warehouses would be destroyed, workers would lose their jobs, storage merchandise would be misplaced, and the work that entitles organization would burden the few workers and supervisors left.

I personally know one of Cal Cartage supervisors. His name is Erick Perez. Erick Perez has worked for Cal Cartage for 13 years. Like many other workers, he has a family to support and is making payments on his home. It would be a disaster for Erick to lose his work.

43-2 I am supporting the cause of keeping the land just the way it is. Please reconsider the consequences that would bring by allowing a railroad yard to be built on a location that has been successfully in operation for many years.

43-3 The Budget Crisis is not getting any better and the unemployment situation is rising by the day. The problem of building a railroad yard wouldn't be only for the workers, but also for the companies involved such as K Mart and Lowes etc. Containers are being unloaded daily from the shipyard. This is not an easy job that can be moved around.

43-4 I urge you to reconsider this problem favorably to Cal Cartage.

Sincerely Yours,

Emma M. Eivers

1 **Comment Letter 43: Emma M. Eivers**

2 **Response to Comment 43-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 43-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 43-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 43-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

Karina Castillo



To Whom It May Concern:

44-1 My name is Karina Castillo and I am a 21-year-old living in the city of Wilmington. I
am daughter of Fidel Castillo. My dad has been working at California Cartage
44-2 Company, located on Pacific Coast Highway, for about 20 years. This has been our
main source of income since I can remember. I have reviewed the proposal from the
Port of L.A. about the International Gateway Project and discovered that Cal Cartage
44-3 has to be demolished because it is on the project site. Although the plan is proposed
for efficient transport of cargo and for environmental purposes, the proposed
relocation for Cal Cartage in only 10 acres! The biggest distraught is the 1,500
44-4 people employed by Cal Cartage. Many people will lose their jobs and many will not
have new jobs guaranteed. This is truly devastating and upsetting. I supplicate for
you to please reconsider the construction of this railroad. People depend entirely on
their jobs to survive, and unless you can absolutely guarantee the current 1,500
employees at Cal Cartage secure jobs; then Gateway Project should be reconsidered.
No only will this project be demolishing businesses, but also the workers lives and
families. Thank you for your time.

Send to Chris Cannon
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

1 **Comment Letter 44: Karina Castillo**

2 **Response to Comment 44-1**

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 44-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 44-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 44-4**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17

Fidel Castillo



To Whom It May Concern:

45-1 | My name is Fidel Castillo and I live in the city of Wilmington. I have been working at California Cartage Company located on 2401 E. Pacific Coast Highway, for 20 years. I have lived in Wilmington all my life and I started from a low position in the company. I am now currently the supervisor for the Toys R Us division. We unload containers and ship the contents all over the United States. I have read the draft proposal from the Port, in which they plan to construct a railroad at my work site.

45-2 | This would require California Cartage Company to be demolished. This company has been here for many years as well as many of the employees. It makes no sense to leave about 1,500 employees without jobs. We desperately need to keep our jobs. Not only do we individually depend on it, but also our families, and community. I highly encourage and ask you to please build the railroad somewhere else, provide

45-3 | another place for the size of Cal Cartage, or promise all 1,500 employees a secure job. Otherwise, hundreds of people will be out of work. This will be a serious tragedy to our community. Thank you for your time.

Send to Chris Cannon
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

1 **Comment Letter 45: Fidel Castillo**

2 **Response to Comment 45-1**

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 45-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 45-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

Sent: Tuesday, November 15, 2011 8:08 PM
To: Ceqacomments
Subject: SCIG Project DEIR

46-1

I believe the method used to measure project operational impacts in section 3.2 is incorrect; the significance of a project-related impact is measured in relation to an existing threshold (Guidelines Section 15064.7(a), not to a level of pollution that would have occurred had the project not been developed. For example, in table 3.2-24, project year 2013 VOC lb/day average daily emissions total 89 lb/day, exceeding the established threshold determining impact significance of 55 lb/day, yet the table concludes no significance because the "baseline" VOCs were subtracted from the project VOC output rendering the project's year 2013 VOC output compliant somehow. On its face, the document's method of analyzing impact significance in at least this section seems awkward and misleading at best.

Dennis

A. Dennis Crable
Crable & Associates, Environmental Consultants
765 West Altadena Drive

Altadena, California 91001
626.676-6993

Certified SBE (MTA No. 38662), MBE, DBE, UDBE

(Specializing in CEQA/NEPA project management for over 16 years...)

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1 **Comment Letter 46: Crable & Associates**

2 **Response to Comment 46-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0054
(916) 319-2054
(916) 319-2154 FAX

DISTRICT OFFICE
110 PINE AVENUE, SUITE 804
LONG BEACH, CA 90802
(562) 495-2915
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WEB SITE
www.asm.ca.gov/lowenthal

Assembly
California Legislature

BONNIE LOWENTHAL
ASSEMBLYMEMBER, FIFTY-FOURTH DISTRICT



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ENVIRONMENTAL SAFETY & TOXIC
MATERIALS
LEGISLATIVE ETHICS

November 16, 2011

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

Re: Southern California International Gateway (SCIG) Rail Project DEIR

Dear Mr. Cannon:

47-1 As you continue your work on the Southern California International Gateway (SCIG) Rail Project, I urge you to keep in mind the importance of existing businesses that may be seriously impacted by the project, specifically Fast Lane and Cal Cartage. These businesses provide a significant service to the Port, and are an important source of employment for many Southern Californians.

I hope that both the Port of Los Angeles and BNSF will do whatever they can to allow these businesses to continue serving the Port, while becoming more efficient and able to serve their customers at the same level they do today.

Please be particularly aware of existing jobs, and the families they support, the bills they pay, and the way each job helps sustain businesses large and small all around our region.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Lowenthal".

BONNIE LOWENTHAL
Assemblymember, 54th District

1 **Comment Letter 47: Bonnie Lowenthal, California State Assembly**

2 **Response to Comment 47-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5

1 Michael F. Ford
2 1956 Fashion Avenue
3 Long Beach, CA 90810
4 (714) 366 9404 Mike@MFFord.Com

November 11, 2011

5
6 Chris Cannon, Director of Environmental Management
7 Port of Los Angeles
8 425 South Palos Verdes Street
9 San Pedro, CA 90731

10 RE: Southern California International Gateway (SCIG) Project
11 Draft Environmental Impact Report (DEIR)

12 Dear Sir:

13 During the November 10, 2011 SCIG Public Hearing on the above project DEIR, several
14 "issues" were raised concerning health risks and so called "zero emissions technology".

15 I respect neighbors who oppose the project because they do not want change in the
16 neighborhood we live in. They have that right, whether I agree with them or not.

17 The positions I oppose are those that through honest misunderstanding; failure to read the
18 executive summary of the DEIR, or deliberate deception, seek to stall or kill this project for
19 ulterior purposes.

20 Concern was expressed that the project is not using Linear Synchronous Motor (LSM) or Linear
21 Inductive Motor (LIM) technologies, which were claimed to be cleaner, more efficient, safer
22 modes than diesel powered locomotives.

23 I spent the rest of the evening on the 10th, and the better part of November 11th researching
24 these claims. I studied the General Atomics (in partnership with others) systems; "Zero
25 Emissions" Electric Container Moving System for the Ports of Long Beach / Los Angeles LSM
26 Technology Program presentation to the California Energy Commission April 27, 2009 (ITSC;
27 AECOM, General Atomics, MacQuarie Bank, 2009);and the same firms "Zero Emissions"
28 Propulsion on Standard Railway / Roadway Infrastructure presentation for GreenTech Forum
29 August 3-4, 2009 (Pasadena Convention Center seminar).

30
31 I also studied the History of Existing Maglev Systems Encyclopedia II; General Atomics other
32 website publications, POLA press releases re maglevs 11/28/2006 and 03/22/2007 (Updated

48-1

33 economic impact study re POLA/POLB & Alameda Corridor); the General Atomics Low Speed
34 Urban MagLev Technology Development Program TRB 2003 annual report; ITSC Port
35 Container Moving System; General Atomics MagneRail™ website pages, General Atomics
36 website news releases re Maglev from 05/1998 through 12/2007; Article 2011 North American
37 Maglev Transport Institute http://namti.org/?page_id=9 Maglev vs. Train Comparisons which
38 includes (online) video links of spectacular collisions involving high speed maglev movers.
39 Lastly, "A Perspective on Maglev Transit and Introduction of the PRT Maglev" by Galen Suppes,
40 Dept. of Chemical & Petroleum Engineering, University of Kansas

41 Based on the above, the following CRITICAL observations are made:

- 42 • Not one maglev project in operation today includes heavy container transport.
- 43 • Every system in operation today is some form of light rail people mover.
- 44 • ALL cost, environmental impact and efficiency estimations appear to be for personnel
45 movement systems operating under optimal conditions, or circumstances that have NO
46 RELEVENCE to container movement costs, environmental impact or practicality.
- 47 • The most 'famous' maglev technology developer in America appears to be General
48 Atomics. They are studying container movers in San Diego, but have not (reportedly)
49 gone beyond the prototype experimental single TEU mover. It is not ready for "prime
50 time" commercial use.
- 51 • General Atomics has envisioned hybrid Maglev/Rail movers that move individual units
52 one at a time via remote or onboard guidance. This appeared to have the greatest use
53 potential in the current POLA / POLB environment, but has huge downside risks that I
54 submit; make it a completely unusable system here.
- 55 • MagLev systems operating over the 4 miles to SCIG would necessarily operate under
56 the LEAST rather than optimal conditions. It is unlikely they could ever achieve 'lift off'
57 speed (20 to 50 mph for commuter trains-unknown for heavy transport trains). They
58 would instead operate under highest drag conditions for the entire route!
- 59 • All environmental analyses for Maglevs are based on optimal condition commuter trains
60 that are from 30% to 40% LIGHTER than normal light rail commuter trains. Inverse
61 results exist when weight is increased. The magnitude of negative net results for a
62 freight train is simply not published online, if it exists at all.
- 63 • We don't even know if the so called Bechtel Formula is applicable where such a
64 magnitude of difference exists.
- 65 • The 'East Yard Communities for Environmental Justice put out a flyer in late August,
66 2011 claiming one-million (more) containers will go to the SCIG facility, and one-million
67 two-hundred thousand more would go to the ICTF facility to its North. I accept that
68 number.
- 69 • IF the General Atomics 'model' rail-towed street-wheeled container trailer were used,
70 there would be TWO MILLION TWO HUNDRED THOUSAND more INDIVIDUAL "mini
71 train" trips to SCIG and ICTF each year. That's 6,027 MORE REMOTE driven trips A
72 DAY!
- 73 • While the website touts individual trailer components being feasible, it is simply
74 unrealistic to envision that many unmanned vehicle trips going "through the

75 neighborhoods” every day. On the other hand, the maximum trailer ‘consists’ they report
76 as being technically possible is twenty per consist. $6,027 / 20 = 301.35$. That is still a
77 HUGE volume of unmanned mini-trains to be passing through ‘our neighborhoods’. All
78 graphics suggest that trains would NOT be twenty TEUs, but rather blocks of four (1,204
79 daily trips).

80 I submit that ONE such unmanned trip over the current rail system is too much for safety. The
81 developer states that only one car can be present on a rail section at any one time, therefore
82 “collisions are impossible”. This does not square with trains having twenty TEU trailers, unless
83 they envision not simply modifying track, but replacing it with shorter segments.

84 Refer to pages 3 and 4 of the ‘Zero Emissions ECMS presentation for POLB/POLA. It shows a
85 four rail-wheeled bogey with trailer hitch. It shows it towing individual container trailers that have
86 the usual rubber wheels in four clusters of two, or four wheels per axle.

87 I have seen many container trailers that are bent or out of line. It is only the drivers skill that
88 keeps them in their lane on the roadway. Such trailers towed over rails are likely to run into or
89 over railside obstructions beyond the railroads ability to keep clear (abandoned cars,
90 refrigerators, junk, etc. Alternatively-trailer brakes can lock or catch fire during remote dragging.

91 Trains have engineers and safety warning horns. Unmanned rail-towed highway trailers are not
92 so equipped, nor would it be feasible to man them unless the port is going to mandate hiring
93 three hundred to twelve hundred new mini-train operators each day.

94 In fairness, the General Atomics design by inference clearly envisions an above grade-crossing
95 system.

96 It is not feasible or practical to build such a system to reach Terminal Island wharfs all the way
97 to and from the SCIG (and ICTF)

- 98 1. The Heim lift bridge adjacent rail line could not handle 300 to 1200 individual mini train
99 trips a day.
- 100 2. Even if a bridge could handle that many trips, navigation would be impeded due to
101 inability to lift the bridges (trains cannot handle too steep a grade, so the rail level tends
102 to be near the water surface).
- 103 3. Building new bridges would require even more condemnation of leased property within
104 the Port and into nearby Wilmington and Long Beach.
- 105 4. Increasing the number of new Maglev lines increases danger from unmanned vehicles.
- 106 5. The “proposed” Maglev lines would require complete replacement of all existing rail lines
107 with embedded maglev lines. It is not feasible to shut the Port down for the several
108 years building the in-ground LSM power lines would take, even if the new right of ways
109 were available.
- 110 6. Net environmental or cost benefits when the huge amount of per trip energy generation
111 requirements are considered, do not seem probable. I am also considering the
112 generation costs in terms of money and pollution for the electricity. We are not talking

- 113 about 110v or 220 volt systems. We are talking about 395Kvh systems PER TRAIN!
114 Even with probable cycling, the amount of energy required is huge.
- 115 7. MagLev cost savings are promoted based on efficiencies and scales that are not
116 applicable to heavy container freight hauling. The data cited in lines 24 to 40 also
117 included REAL data on why the first MagLev line ever built was abandoned only fifteen
118 years after it was built due to higher than expected wear and maintenance costs.
 - 119 8. Of the 20 +/- Maglev or HSR lines built, 10% have had catastrophic accidents.
120 Catastrophic in this sense is where death occurred, though others had accidents with
121 property and serious infrastructure damage took place.
 - 122 9. The ONLY safe method of commuter Maglev is with above grade crossings and lines. It
123 is unknown if this would be adequate for heavy freight since the speeds and physics are
124 so different than light rail passenger lines.
 - 125 10. The Los Angeles Metro Line routinely kills several people each year. Let's not increase
126 that annual death toll using far heavier freight carrying hybrid technology that is untried,
127 and still in the very early commercial use experimental stages.
 - 128 11. Eventually the technology will be state of the art – but it has not reached that yet.
 - 129 12. It took forty years (1912) to 1960 for LSM technology to evolve to patentable meaningful
130 uses. The first passenger Maglev was not built until 1989, and is no longer in operation.
131 The system could be well suited to replace short distance (500 or 600 mile) air travel,
132 and maybe even cross country travel, but it is not yet suitable for heavy freight
133 movement. We cannot delay the SCIG for another twenty years waiting on Maglev /
134 LSM/LIM.

48-1

135 My other issue or concern is the apparent desire on the part of certain “environmental
136 advocates” to kill, or delay this project as long as possible, based on health based scare
137 tactics, and outright racism. I chose to live where I live. It IS an ethnically and culturally
138 diverse community that I dearly love. That does not mean that either I or my neighbors are
139 too ignorant to speak for ourselves, or that we need some ambulance chasing
140 “environmental justice” attorney claiming the project should be stopped for no other reason
141 than we are collectively “people of color”. Whether we oppose or support SCIG, I don't
142 believe there is one among us that seriously believes this project location selection was, or
143 is, race based. It is an industrial use project located in an appropriately zoned industrial use
144 area. It conforms to zoning, specific plan and Tidelands Grant Act mandates.

145 When the POLA and BNSF originally conceived this project, it was ten years ago. It has
146 taken this long to reach the present Draft EIR stage of the process, and IF everything goes
147 well, it would be another 3 years before SCIG could operate.

148 BNSF followed the rules and guidelines in place when they applied for this project. All plans
149 have a certain amount of flexibility, and it is clear that BNSF modified their plans to
150 incorporate state of the art, PROVEN technology with strong attention to environmental and
151 health concerns. They have also agreed to sequential upgrades of equipment according to
152 a documented schedule, and in accordance with, or better than reasonably foreseeable
153 standards and technologies. As one resident suggested at the Silverado Park public
154 hearing, they have already offered to build a sound attenuation / mitigation wall between the

155 project and the West Side residents. The sticking point is the City of Long Beach itself,
156 refusing (so far) to make the land for such a wall available.

48-1

157 I have to wonder why MY city is refusing to cooperate with a reasonable request from
158 residents in the affected area for a sound wall. With or without the project, such a wall along
159 the TI Freeway makes sense. Long Beach now has the chance to have the wall built at
160 someone else's (BNSF) expense.

161 There was also a cynical and emotional exhortation by a self-identified Cabrillo High School
162 teacher to the effect that the DEIR could not be trusted because it is prepared by or at the
163 behest of BNSF. I need to know if this teacher is (1) a resident, (2) speaking on behalf of
164 Cabrillo High School & LBUSD, and (3) If he is simply an environmental 'conscientious
165 objector" that opposes industrial progress in general.

166 I respectfully remind the POLA and POLB that Cabrillo High and Admiral Kidd Park were
167 built long after the industrial uses that are on the SCIG site now. Use that is similar in
168 nature and character to that being proposed.

169 Lastly, Cal-Cartage and the Grain Shipping firm currently on the site are afraid of losing their
170 businesses and the many hundreds of jobs they support. My reading of the DEIR indicates
171 relocation is intended for Cal-Cartage at the South end of the site. Other sources tell me
172 that location is far smaller , and inadequate compared with what they have now.

48-2

173 I don't know what leases are in effect, but surely there is a moral obligation to assist them
174 both in finding new sites for their businesses within or very near to the harbor. POLA
175 routinely helps tenants to relocate within the Harbor area. Please make a sincere effort to
176 do the same for those two firms. Growth and progress should not be so mercenary that you
177 forget or ignore the needs of your loyal, long term tenants too.

178 Please adopt the DEIR without further delay.

179 Respectfully submitted,

180 

181 Michael F. Ford,

182 Resident, West Long Beach

183 Refs: <http://itsco.us/portbenefits.asp> ;

184 <http://innovativetransportationsystems.com/lmexample.asp> ;

185 http://en.wikipedia.org/wiki/Maglev_train;

186 http://www.ccdott.org/transfer/projresults/2005/task%201.26/task%201.26_18.pdf

187 <http://www.21stcenturysciencetech.com/articles/Summer03/maglev2.html>

188 <http://www.askmar.com/Inductrack/2007%20Maglev%20Freight%20Conveyor%20Systems.pdf>

189

190 <http://atg.ga.com/EM/transportation/magnetruck/index.php>

191 <http://www.threesquaresinc.com/gtt/wp-content/uploads/2009/04/sandorshapery.pdf>

192

193 <http://www.monorails.org/pdfs/General%20Atomics%202003.pdf>

194 http://namti.org/?page_id=9

195 http://www.experiencefestival.com/a/Maglev_Train_-_Existing_Maglev_Systems/id/1739694

196

197 http://www.energy.ca.gov/proceedings/2008-ALT-1/documents/2009-04-27_workshop/presentations/17_Zero_Emissions_Electric_Container_Moving_System.pdf

198

199

200 <http://faculty.washington.edu/jbs/itrans/suppes.htm>

201 <http://www.pdfgeni.com/book/motor-rail-pdf.html>

202 http://atg.ga.com/EM/transportation/news_articles/Updated%20Economic%20Impact%20Study%20Shows%20That%20Ports%20of%20Los%20Angeles.pdf

203

204 Info: "Maglev was invented in 1912 by a New Yorker. In 1964 Powell and Danby
205 of Brookhaven National Labs on Long Island, NY invented a practical form of
206 repulsion maglev utilizing superconducting magnets, the technique later adopted
207 by the Japanese. The U.S. government sponsored maglev research in the early
208 70s ,....."

209 The formula at : <http://faculty.washington.edu/jbs/itrans/suppes.htm> (line 200
210 above) has an error in the stated formula under Magnetic Drag. The stated
211 formula says that "S" = conductivity of the track, the example indicates that it is
212 "K" that is conductivity of the track. It appears to be a typographical error only
213 however anyone relying on this formula to calculate magnetic drag with various
214 loads, speeds or differences in systems should verify the formula themselves.

1 Comment Letter 48: Michael F. Ford**2 Response to Comment 48-1**

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 48-2

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

Sent: Thursday, November 17, 2011 6:04 AM
To: Ceqacomments
Subject: La Harbor Grain relocation

To Whom It May Concern:

49-1

I am writing to encourage you to find a place at the harbor to relocate LA Harbor Grain, if the planned railroad development project is approved. LA Harbor Grain has provided much needed employment for many individuals over the past fifty-three years. This company has provided income for thousands of families over the years, as well as providing income for the suppliers of their product, and those they ship to overseas. LA Harbor Grain is a great example of the backbone of the American economic model. Its founder, Howard Wallace, started a business to meet a growing demand overseas, for a commodity that he could supply. It started small, employing a handful of individuals. Many of those early employees have become like family, and remained with the company for several generations. I was amazed to see how many current and former employees came to the funeral of Mr. Wallace, when he passed away, over a decade ago. The funeral home could not contain all who came to pay their final respects.

49-2

49-3

I know there are undoubtedly many factors to consider before making a final decision in this issue, but I would urge you to do everything possible to find a way to keep LA Harbor Grain in business, at the port. Thank you for your time in reading my letter, and attention to this matter.

Sincerely,

Linda Robinson

-----Confidentiality Notice-----
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1 **Comment Letter 49: Linda Robinson**

2 **Response to Comment 49-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 49-2**

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

11 **Response to Comment 49-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name Anne Williams
Address 626 Wilshire Blvd Suite 200
City, State, Zip LA, CA 90017
Email awilliams@ccala.org

Please provide us with your comments

(see attached testimony)

- Good evening, my name is Anne Williams and I am the Vice President of Legislative and Legal Affairs for the Central City Association of Los Angeles.
- We represent over 400 members employing over 350,000 people in the Los Angeles region.
- CCA supports the BNSF Southern California International Gateway project, for several reasons:
 - First, the project is good for the economy:
 - SCIG brings \$500 million in private investment to our Ports and creates direct and indirect jobs at a time when our region desperately needs them.
 - SCIG will create up to 1,500 jobs annually over three years of construction,
 - and 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.
 - Second, the project is good for the environment:
 - SCIG provides necessary, near-dock rail for BNSF, which will otherwise have to transport trucks 24 miles up the 710 Freeway.
 - This will remove millions of truck miles from the 710 Freeway, reducing congestion and improving the region's air quality.
 - It will also help realize the intended usage of the Alameda Corridor, which provides environmentally sound transportation from the San Pedro Bay Ports to inland destinations.

50-1-1





- Third, the project is good for the community.
 - the DEIR’s independent analysis concluded that SCIG reduces the cancer risk to the surrounding community.
 - It is better for the residents of West Long Beach and Wilmington than the existing trucking operations.
 - BNSF accomplished this by proposing innovative, electric wide-span cranes, specifying non-residential truck routes and proposing operations that minimize emissions such as keeping switching operations at the southern end of the facility.

- CCA supports SCIG as an opportunity to improve air quality and reduce cancer risk.
- We are still reviewing the DEIR and may submit written comments as well.
- But it was important for us to be here today because our region cannot afford to wait for any alternative solutions, as proposed by some opponents.
- Those alternatives have already been evaluated and found to either be infeasible or insufficient to accommodate anticipated container volumes.
- We urge you to finalize this EIR without delay.
- Thank you for your time.

You have 3 minutes. If you get cut back use the second and third paragraphs.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name Debbie Vongviwat
Address 2033 E. 4th St
City, State, Zip Long Beach, CA 90814
Email DebbieVongviwat@gmail.com

Please provide us with your comments

As a resident of Long Beach I oppose the BNSF-SCIG project for the following reasons:

50-2-1 (1) The base line data use to compare reduction in diesel emission is being compared to 2006 data before the existing trucks & equipment at the local company (calcartage) switched to cleaner technology - more current data ~~is~~ needs to be used which would demonstrate that SCIG will not reduction emission significantly, as it claims

50-2-2 (2) The noise pollution will be significantly higher and the data pulled from the ~~WHO~~ WHO organization was misquoted and has no real mitigation plan for SCIG's ^{noise} pollution

50-2-3 (3) The Civic Rights act states that low-income communities of color should not be ^{over}burdened by a project ~~to~~ for the "greater good", b/c that would be an environmental injustice to our communities

50-2-4 In addition, three months to review a 5,000 page DEIR is not enough time for the community to have a thorough examination of the ~~project~~ project, I urge the Port of LA to

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 • Mail comments must be postmarked by December 22, 2011

50-2-4

extend the comment period ~~which will allow for~~
to ensure full authentic participation of
communities ^{who may be} directly impacted by this project
if approved.

Donald Compton, J. D.

acting Public Lobbyist
233 East M Street,
Wilmington, Ca. 90744

16 November, 2011

Ch4 ist, pher Cannon, Director

Environmental Section
City Harbor Dept.
425 S. Palos Verdes Street,
San Pedro, Ca. 90731

Re; Personal Public Comment on Draft E. I. R. for S. C. I. G. Plan

Dear Director Cannon;

50-3-1 Plwase understand that I am Legally Blind and that I must do all my own Clerical Work, AS IS. I am a retired local Educator and have an earned Law Degree. For the past Ten Years, I have been very active, here in my HomeTown of Wilmington, with the Neighborhood Council, aka, the W. N. C., and have relegated to being a Back Bencher, since its Leasers have not allowed my presence on its Board, either as an Educator or as its Parliamentarian, so I have decided to help form a competing East Neighborhood Council, the E. N. C., of Wilmington that would represent WORKING POOR FAMILIES and their kids, since the existing single Council in Wilmington, for the past Ten Years, refuses to give up any Wilmington Territory for such a Rival, given the WNCs complete domination by Business, Chamber of Commerce, Industry, and the paid Employees of the City Harbor Dept., itself.

MY HOME TOWN NEEDS A EQUAL STATUTE COUNCIL, say, the ENC, that would deal with Working Poor Families Issues, not those of traditional Business or Industrial Concerns like those of the Refineries and Railroads, etc, but, instead, with Crime Issues in our Ghost Town Area, the lack of affordable Housing, the need for a Metro Gold Platform Station, here, so working folks and their kids can get to Downtown, Los Angeles, quickly and without the need for a car to get there, for the best of Malls, Produce Market, Jobs of all kinds, and Government Buildings and Cultural Venues, plus so much more IN OUR TRUE CIVIC CENTER, Downtwon, just as it was for our Grandparents, a long time ago.

In Opposition to the S. C. I. G. Plan

As the going Public Lobbyist for East Wilmington, I represent the THOUSAND Residents that the Director of the S. C. AQMD, Ms. Susana Nakamura's attached Letter to me, in essence, states are exposed to CARCINOGENIC LEVELS of Diesel Emissions, daily; those within, say, one hundred yards of the South BNSF Owned, Watson Railway, here in Wilmington. She has told me, just last week, that she has not received any written response, of note, from said Railroad on the C. A. R. V. Study and Report of 2005 that she has made the basis for her conclusion of the Watson Yard being Carcinogenic.

50-3-2

Finally, then, Councilwoman Janice Hahn, several months ago, sent me a Copy of her Letter to BNSF C. E. O., Matt Rose, urging him to have his Wilmington Watson Yard Operation ROUTED AROUND the Residents close to the South Yard, along Hyatt Street and McFarland Avenue, including the Las Flores Homes. That Route Around has been extant for more than THREE YEARS, according to LAHD's Ron Gromes, and, still, isn't being used, enough to reduce the DPM Levels to below Ms. Nakamura's least dangerous level of 25 parts per million, remaining, still as high as 170 that she says BNSF still has not refuted with any Credible Study Results whatsoever.

BNSF CANNOT BE TRUSTED TO Do better elsewhere

As I have been briefed on the S. C. I. G. Plans Draft E. I. G. that should have been done by AN OUTSIDE AGENCY, not an inhouse LAHD one, to avoid the appearance, at least, of a Conflict of Interest, THE SCIG PLAN SHOULD BE IN OR on the Alameda corridor, not adjacent to it IN THE VICINITY of Lincoln Village Homes, & all.

50-3-3

50-3-4

If the Watson Wilmington Yard has been deemed Carcinogenic via the same kind of BNSF Railroad Operation, near the Dominguez Channel, why should this be allowed to happen elsewhere, given BNSF's bad Performance in Wilmington?

50-3-5

50-3-6

Congresswoman Janice Hahn's Representative, Elise Swanson wants an answer to the

50-3-6

this Public Lovvivist on behalf of the Thousand in mal Jeopardy, and Vessie Marquez and hir Organizaion, the Coalition for Safe Environment, et al.
PUT YOUR SCIG inside the Alameda Corridor or far away from Homes.

Sincerely,
[Signature]



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

May 24, 2011

Mr. Donald Compton
Home Town Advocate
233 East M Street
Wilmington, CA 90744

Dear Mr. Compton;

I'm responding to your letter dated May 7, 2011. Per your request, this is to confirm our previous discussions regarding the health risk at the Watson Railyard.

In November 2007, the California Air Resources Board (CARB) released a Health Risk Assessment (HRA) for the Watson Railyard. The Health Risk Assessment estimates the projected incidence of cancer cases in an exposed population. Based on 2005 data, the CARB HRA found that the area with the greatest impacts around the Watson Railyard has an estimated potential cancer risk of over 100 chances in a million, occurring at an area of about 110 acres right next to the railyard boundary, where about 1,000 residents live based on 2000 U.S. Census Bureau data. The maximum individual cancer risk was estimated at 175 in a million.

The CARB HRA conducted for the Watson railyard looked at a "snapshot" of risk, by assuming that receptors will be exposed to a particular level of diesel particulate matter (DPM) emissions for 70 years, without accounting for adopted rules and regulations that will reduce emissions from drayage trucks, locomotives and cargo handling equipment in the future.

The AQMD has requirements for controlling air toxics from sources under its jurisdiction such as refineries and industrial factories. Two such rules are Rule 1401 - New Source Review of Toxic Air Contaminants and Rule 1402 - Control of Toxic Air Contaminants from Existing Sources. Rule 1401 establishes cancer and non-cancer risk requirements for new, relocated, or modified sources of toxic air pollutants. Rule 1402 establishes facility-wide risk requirements for existing facilities that emit TACs and implements the state Air Toxics "Hot Spots" program. To put the risk requirements of the AQMD's two rules in perspective with those determined at the Watson Railyard, the AQMD's rules require no more than 10 in a million and 25 in a million cancer risk for Rules 1401 and 1402, respectively.

Thank you for your letter. If you have any questions, please call me at (909) 396-3105.

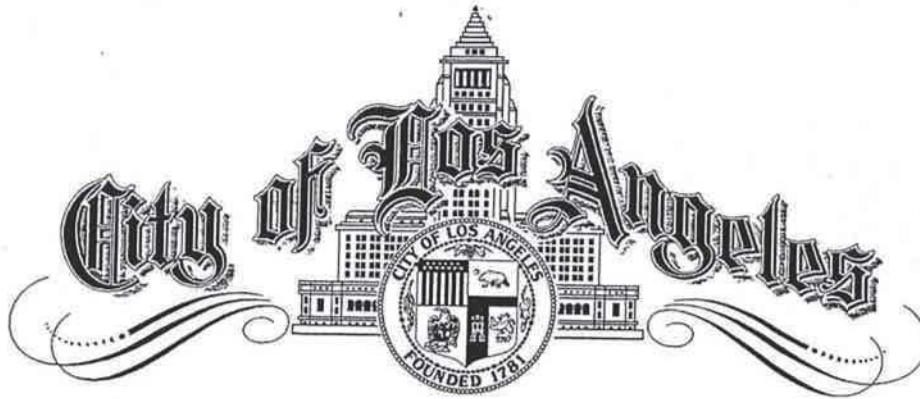
Sincerely,

A handwritten signature in black ink that reads "Susan Nakamura".

Susan Nakamura

Planning and Rules Manager

CITY HALL
200 N. Spring Street
Room 435
Los Angeles, CA 90012
(213) 473-7015
Fax (213) 626-5431



JANICE HAHN
Councilwoman
Fifteenth District

April 29, 2011

Ms. La Donna DiCamillo
Director, Government Affairs
BNSF Railway
One World Trade Center, Suite 1680
Long Beach, CA 90831

Dear Ms. DiCamillo:

This letter is in regards to the railway operations at BNSF's Watson Yard in Wilmington, CA. In 2009, we sent a letter to Matt Rose, CEO, BNSF Railway urging your company to route around your rail operations to use the Port of Los Angeles' Thenard Junction. This junction has been an active and available rail line for over three years, and is located just to the northeast of the Watson Yard.

I want to clarify that I still fully support having BNSF Railway route around their operations to use the Thenard Junction. I believe that it is the best option to greatly improve the quality of life for the residents of Wilmington, as there are homes that reside as close as twenty five feet to your railroad tracks, and have an increased risk and exposure to diesel particulate matter.

I am proud of the progress we have made together in designing and working towards a Quiet Zone designation for the McFarland Line, however, the best quality of life for Wilmington residents is achieved by BNSF railway actively using the Thenard Junction for their rail operations.

I would appreciate the opportunity to discuss this issue with you further. If you require any additional information, please contact Elise Swanson on my staff at (310) 732-4515 or by e-mail at elise.swanson@lacity.org.

Sincerely,

A handwritten signature in black ink that reads 'Janice Hahn'.

JANICE HAHN
Councilwoman, 15th District
City of Los Angeles

DISTRICT OFFICES:

HARBOR CITY/HARBOR GATEWAY
19401 S. Vermont Ave.
Suite #G104
Torrance, CA 90502
310-516-7933

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

WILMINGTON OFFICE
544 N. Avalon Blvd., Suite 102
Wilmington, CA 90744
310-233-7201

Donald Compton, J.D.

The Public Lobbyist

233 East "M" Street., Wilmington, CA 90744
Tel: (310) 830-5905





SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name MIKE FORD
Address 1956 FASHION AV.
City, State, Zip LONG BEACH, CA 90810
Email MIKE@MFFORD.COM

Please provide us with your comments

50-4-1

PLS SEE ATT'D 10 PAGE LETTER DTD 11-11-11, AND APPROX. 50± PAGES OF BACK-UP DATA, REFERENCED ON PAGES 5 AND 6 OF LETTER.

1 Michael F. Ford
2 1956 Fashion Avenue
3 Long Beach, CA 90810
4 (714) 366 9404 Mike@MFFord.Com

November 11, 2011

5
6 Chris Cannon, Director of Environmental Management
7 Port of Los Angeles
8 425 South Palos Verdes Street
9 San Pedro, CA 90731

10 RE: Southern California International Gateway (SCIG) Project
11 Draft Environmental Impact Report (DEIR)

12 Dear Sir:

13 During the November 10, 2011 SCIG Public Hearing on the above project DEIR, several
14 "issues" were raised concerning health risks and so called "zero emissions technology".

15 I respect neighbors who oppose the project because they do not want change in the
16 neighborhood we live in. They have that right, whether I agree with them or not.

17 The positions I oppose are those that through honest misunderstanding; failure to read the
18 executive summary of the DEIR, or deliberate deception, seek to stall or kill this project for
19 ulterior purposes.

50-4-1

20 Concern was expressed that the project is not using Linear Synchronous Motor (LSM) or Linear
21 Inductive Motor (LIM) technologies, which were claimed to be cleaner, more efficient, safer
22 modes than diesel powered locomotives.

23 I spent the rest of the evening on the 10th, and the better part of November 11th researching
24 these claims. I studied the General Atomics (in partnership with others) systems; "Zero
25 Emissions" Electric Container Moving System for the Ports of Long Beach / Los Angeles LSM
26 Technology Program presentation to the California Energy Commission April 27, 2009 (ITSC;
27 AECOM, General Atomics, MacQuarie Bank, 2009); and the same firms "Zero Emissions"
28 Propulsion on Standard Railway / Roadway Infrastructure presentation for GreenTech Forum
29 August 3-4, 2009 (Pasadena Convention Center seminar).

30

31 I also studied the History of Existing Maglev Systems Encyclopedia II; General Atomics other
32 website publications, POLA press releases re maglevs 11/28/2006 and 03/22/2007 (Updated

33 economic impact study re POLA/POLB & Alameda Corridor); the General Atomics Low Speed
34 Urban MagLev Technology Development Program TRB 2003 annual report; ITSC Port
35 Container Moving System; General Atomics MagneRail™ website pages, General Atomics
36 website news releases re Maglev from 05/1998 through 12/2007; Article 2011 North American
37 Maglev Transport Institute http://namti.org/?page_id=9 Maglev vs. Train Comparisons which
38 includes (online) video links of spectacular collisions involving high speed maglev movers.
39 Lastly, "A Perspective on Maglev Transit and Introduction of the PRT Maglev" by Galen Suppes,
40 Dept. of Chemical & Petroleum Engineering, University of Kansas

41 Based on the above, the following CRITICAL observations are made:

- 50-4-1
- 42 • Not one maglev project in operation today includes heavy container transport.
 - 43 • Every system in operation today is some form of light rail people mover.
 - 44 • ALL cost, environmental impact and efficiency estimations appear to be for personnel
45 movement systems operating under optimal conditions, or circumstances that have NO
46 RELEVENCE to container movement costs, environmental impact or practicality.
 - 47 • The most 'famous' maglev technology developer in America appears to be General
48 Atomics. They are studying container movers in San Diego, but have not (reportedly)
49 gone beyond the prototype experimental single TEU mover. It is not ready for "prime
50 time" commercial use.
 - 51 • General Atomics has envisioned hybrid Maglev/Rail movers that move individual units
52 one at a time via remote or onboard guidance. This appeared to have the greatest use
53 potential in the current POLA / POLB environment, but has huge downside risks that I
54 submit; make it a completely unusable system here.
 - 55 • MagLev systems operating over the 4 miles to SCIG would necessarily operate under
56 the LEAST rather than optimal conditions. It is unlikely they could ever achieve 'lift off'
57 speed (20 to 50 mph for commuter trains-unknown for heavy transport trains). They
58 would instead operate under highest drag conditions for the entire route!
 - 59 • All environmental analyses for Maglevs are based on optimal condition commuter trains
60 that are from 30% to 40% LIGHTER than normal light rail commuter trains. Inverse
61 results exist when weight is increased. The magnitude of negative net results for a
62 freight train is simply not published online, if it exists at all.
 - 63 • We don't even know if the so called Bechtel Formula is applicable where such a
64 magnitude of difference exists.
 - 65 • The 'East Yard Communities for Environmental Justice put out a flyer in late August,
66 2011 claiming one-million (more) containers will go to the SCIG facility, and one-million
67 two-hundred thousand more would go to the ICTF facility to its North. I accept that
68 number.
 - 69 • IF the General Atomics 'model' rail-towed street-wheeled container trailer were used,
70 there would be TWO MILLION TWO HUNDRED THOUSAND more INDIVIDUAL "mini
71 train" trips to SCIG and ICTF each year. That's 6,027 MORE REMOTE driven trips A
72 DAY!
 - 73 • While the website touts individual trailer components being feasible, it is simply
74 unrealistic to envision that many unmanned vehicle trips going "through the

75 neighborhoods” every day. On the other hand, the maximum trailer ‘consists’ they report
76 as being technically possible is twenty per consist. $6,027 / 20 = 301.35$. That is still a
77 HUGE volume of unmanned mini-trains to be passing through ‘our neighborhoods’. All
78 graphics suggest that trains would NOT be twenty TEUs, but rather blocks of four (1,204
79 daily trips).

80 I submit that ONE such unmanned trip over the current rail system is too much for safety. The
81 developer states that only one car can be present on a rail section at any one time, therefore
82 “collisions are impossible”. This does not square with trains having twenty TEU trailers, unless
83 they envision not simply modifying track, but replacing it with shorter segments.

84 Refer to pages 3 and 4 of the ‘Zero Emissions ECMS presentation for POLB/POLA. It shows a
85 four rail-wheeled bogey with trailer hitch. It shows it towing individual container trailers that have
86 the usual rubber wheels in four clusters of two, or four wheels per axle.

50-4-1

87 I have seen many container trailers that are bent or out of line. It is only the drivers skill that
88 keeps them in their lane on the roadway. Such trailers towed over rails are likely to run into or
89 over rai-side obstructions beyond the railroads ability to keep clear (abandoned cars,
90 refrigerators, junk, etc. Alternatively-trailer brakes can lock or catch fire during remote dragging.

91 Trains have engineers and safety warning horns. Unmanned rail-towed highway trailers are not
92 so equipped, nor would it be feasible to man them unless the port is going to mandate hiring
93 three hundred to twelve hundred new mini-train operators each day.

94 In fairness, the General Atomics design by inference clearly envisions an above grade-crossing
95 system.

96 It is not feasible or practical to build such a system to reach Terminal Island wharfs all the way
97 to and from the SCIG (and ICTF)

- 98 1. The Heim lift bridge adjacent rail line could not handle 300 to 1200 individual mini train
99 trips a day.
- 100 2. Even if a bridge could handle that many trips, navigation would be impeded due to
101 inability to lift the bridges (trains cannot handle too steep a grade, so the rail level tends
102 to be near the water surface).
- 103 3. Building new bridges would require even more condemnation of leased property within
104 the Port and into nearby Wilmington and Long Beach.
- 105 4. Increasing the number of new Maglev lines increases danger from unmanned vehicles.
- 106 5. The “proposed” Maglev lines would require complete replacement of all existing rail lines
107 with embedded maglev lines. It is not feasible to shut the Port down for the several
108 years building the in-ground LSM power lines would take even if the new right of ways
109 were available.
- 110 6. Net environmental or cost benefits when the huge amount of per trip energy generation
111 requirements are considered, do not seem probable. I am also considering the
112 generation costs in terms of money and pollution for the electricity. We are not talking

- 113 about 110v or 220 volt systems. We are talking about 395Kvh systems PER TRAIN!
114 Even with probable cycling, the amount of energy required is huge.
- 115 7. MagLev cost savings are promoted based on efficiencies and scales that are not
116 applicable to heavy container freight hauling. The data cited in lines 24 to 40 also
117 included REAL data on why the first MagLev line ever built was abandoned only fifteen
118 years after it was built due to higher than expected wear and maintenance costs.
 - 119 8. Of the 20 +/- Maglev or HSR lines built, 10% have had catastrophic accidents.
120 Catastrophic in this sense is where death occurred, though others had accidents with
121 property and serious infrastructure damage took place.
 - 122 9. The ONLY safe method of commuter Maglev is with above grade crossings and lines. It
123 is unknown if this would be adequate for heavy freight since the speeds and physics are
124 so different than light rail passenger lines.
 - 125 10. The Los Angeles Metro Line routinely kills several people each year. Let's not increase
126 that annual death toll using far heavier freight carrying hybrid technology that is untried,
127 and still in the very early commercial use experimental stages.
 - 128 11. Eventually the technology will be state of the art – but it has not reached that yet.
 - 129 12. It took forty years (1912) to 1960 for LSM technology to evolve to patentable meaningful
130 uses. The first passenger Maglev was not built until 1989, and is no longer in operation.
131 The system could be well suited to replace short distance (500 or 600 mile) air travel,
132 and maybe even cross country travel, but it is not yet suitable for heavy freight
133 movement. We cannot delay the SCIG for another twenty years waiting on Maglev /
134 LSM/LIM.

50-4-1

135 My other issue or concern is the apparent desire on the part of certain "environmental
136 advocates" to kill, or delay this project as long as possible, based on health based scare
137 tactics, and outright racism. I chose to live where I live. It IS an ethnically and culturally
138 diverse community that I dearly love. That does not mean that either I or my neighbors are
139 too ignorant to speak for ourselves, or that we need some ambulance chasing
140 "environmental justice" attorney claiming the project should be stopped for no other reason
141 than we are collectively "people of color". Whether we oppose or support SCIG, I don't
142 believe there is one among us that seriously believes this project location selection was, or
143 is, race based. It is an industrial use project located in an appropriately zoned industrial use
144 area. It conforms to zoning, specific plan and Tidelands Grant Act mandates.

145 When the POLA and BNSF originally conceived this project, it was ten years ago. It has
146 taken this long to reach the present Draft EIR stage of the process, and IF everything goes
147 well, it would be another 3 years before SCIG could operate.

148 BNSF followed the rules and guidelines in place when they applied for this project. All plans
149 have a certain amount of flexibility, and it is clear that BNSF modified their plans to
150 incorporate state of the art, PROVEN technology with strong attention to environmental and
151 health concerns. They have also agreed to sequential upgrades of equipment according to
152 a documented schedule, and in accordance with, or better than reasonably foreseeable
153 standards and technologies. As one resident suggested at the Silverado Park public
154 hearing, they have already offered to build a sound attenuation / mitigation wall between the

155 project and the West Side residents. The sticking point is the City of Long Beach itself,
156 refusing (so far) to make the land for such a wall available.

157 I have to wonder why MY city is refusing to cooperate with a reasonable request from
158 residents in the affected area for a sound wall. With or without the project, such a wall along
159 the TI Freeway makes sense. Long Beach now has the chance to have the wall built at
160 someone else's (BNSF) expense.

50-4-1

161 There was also a cynical and emotional exhortation by a self-identified Cabrillo High School
162 teacher to the effect that the DEIR could not be trusted because it is prepared by or at the
163 behest of BNSF. I need to know if this teacher is (1) a resident, (2) speaking on behalf of
164 Cabrillo High School & LBUSD, and (3) If he is simply an environmental 'conscientious
165 objector' that opposes industrial progress in general.

166 I respectfully remind the POLA and POLB that Cabrillo High and Admiral Kidd Park were
167 built long after the industrial uses that are on the SCIG site now. Use that is similar in
168 nature and character to that being proposed.

169 Lastly, Cal-Cartage and the Grain Shipping firm currently on the site are afraid of losing their
170 businesses and the many hundreds of jobs they support. My reading of the DEIR indicates
171 relocation is intended for Cal-Cartage at the South end of the site. Other sources tell me
172 that location is far smaller, and inadequate compared with what they have now.

50-4-2

173 I ~~don't know~~ ^{though their} what leases are in effect, but surely there is a moral obligation to assist them
174 both in finding new sites for their businesses within or very near to the harbor. POLA
175 routinely helps tenants to relocate within the Harbor area. Please make a sincere effort to
176 do the same for those two firms. Growth and progress should not be so mercenary that you
177 forget or ignore the needs of your loyal, long term tenants too.

178 Please adopt the DEIR without further delay.

50-4-3

179 Respectfully submitted,

180 

181 Michael F. Ford,

182 Resident, West Long Beach

183 Refs: <http://itsco.us/portbenefits.asp> ;

184 <http://innovativetransportationsystems.com/lmexample.asp> ;

185 http://en.wikipedia.org/wiki/Maglev_train;

186 http://www.ccdott.org/transfer/projresults/2005/task%201.26/task%201.26_18.pdf

187 <http://www.21stcenturysciencetech.com/articles/Summer03/maglev2.html>

188 <http://www.askmar.com/Inductrack/2007%20Maglev%20Freight%20Conveyor%20Systems.pdf>

189

190 <http://atg.ga.com/EM/transportation/magnetruck/index.php>

191 <http://www.threesquaresinc.com/gtt/wp-content/uploads/2009/04/sandorshapery.pdf>

192

193 <http://www.monorails.org/pdfs/General%20Atomics%202003.pdf>

194 http://namti.org/?page_id=9

195 http://www.experiencefestival.com/a/Maglev_Train_-_Existing_Maglev_Systems/id/1739694

196

197 http://www.energy.ca.gov/proceedings/2008-ALT-1/documents/2009-04-27_workshop/presentations/17_Zero_Emissions_Electric_Container_Moving_System.pdf

198

199

200 <http://faculty.washington.edu/jbs/itrans/suppes.htm>

201 <http://www.pdfgeni.com/book/motor-rail-pdf.html>

202 http://atg.ga.com/EM/transportation/news_articles/Updated%20Economic%20Impact%20Study%20Shows%20That%20Ports%20of%20Los%20Angeles.pdf

203

204 Info: "Maglev was invented in 1912 by a New Yorker. In 1964 Powell and Danby

205 of Brookhaven National Labs on Long Island, NY invented a practical form of

206 repulsion maglev utilizing superconducting magnets, the technique later adopted

207 by the Japanese. The U.S. government sponsored maglev research in the early

208 70s ,....."

209 The formula at : <http://faculty.washington.edu/jbs/itrans/suppes.htm> (line 200

210 above) has an error in the stated formula under Magnetic Drag. The stated

211 formula says that "S" = conductivity of the track, the example indicates that it is

212 "K" that is conductivity of the track. It appears to be a typographical error only

213 however anyone relying on this formula to calculate magnetic drag with various

214 loads, speeds or differences in systems should verify the formula themselves.

215



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

COMMENT CARD

PLEASE PRINT

Name: Ana Valdivia

Address: 447 W. 8th St. Apt. A

City, State, Zip: Long Beach, CA 90813

E-mail: ana.v.33@hotmail.com

Please provide us with your comments

50-5-1

I am against the projects because they are coming to our community and creating more pollution to the air we breath in. As a member of Generation Verde, we are spreading the word on how harmful these projects are to our healths and to our environment. We are also trying to get support from people for going

50-5-2

againnst these prejects.This proposal is violating the rights of low-income populations and the minority.

50-5-3

None of us are against these people building the railyards to create new jobs, but the location is what the problem is. They can create thousands of jobs in a place where it wouldn't affect so many people, specially students attending schools where there are already railyards near creating an uncomfortable environment, since they have to breath in such horrible air quality.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

COMMENT CARD

PLEASE PRINT

Name: Betsy Cheek

Address: 390 W. 7th Street

City, State, Zip: San Pedro, CA 90731

E-mail: bcheek@sanpedrochamber.com

Please provide us with your comments

50-6-1

50-6-2

As President/CEO of the San Pedro Chamber of Commerce and our 450 member organizations: The Chamber continues to support the BNSF, SCIG Project and strongly urges the Port to work out a reasonable solution maintaining Fast Lane Transportation's integrated operations. The project will provide improved green facilities and green jobs. During the 3-year construction phase, approximately 1,500 jobs annually will be created, contributing more than \$85 million in federal, state and local taxes. This project will result in cleaner air and healthier lives. SCIG will also result in the elimination of 1.5 million truck trips on the 710 freeway each year. Upon completion, SCIG will create up to 14,000 new direct and indirect jobs in Los Angeles. BNSF has always been and continues to be an excellent corporate community partner. We look forward to the successful completion of this project.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

COMMENT CARD

PLEASE PRINT

Name: Joeann Valle

Address: 1400 W 240th Street

City, State, Zip: Harbor City, CA 90710

E-mail: info@hchgchamber.com

Please provide us with your comments

On behalf of the Harbor City/Harbor Gateway Chamber of Commerce Board of Directors The analysis for SCIG found that is not only meets the port's own standardbut is 17 times better due to the commitments BNFS has made. SCIG will only be served by 2007 or newer trucks. BNSF willinvest more than 100 million in green technologies including: Electric-powered container cranes that regenerate power to the grid, LNG-fueled yard equipment. Qualified local residents willreceive priority for all new job offers at SCIG.

50-7-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

COMMENT CARD

PLEASE PRINT

Name: Tahia Hayslet

Address: 663 W. 10th Street

City, State, Zip: San Pedro, CA 90731

E-mail: exec.dir@harborinterfaith.org

Please provide us with your comments

I feel that the EIR addressed all pollution and traffic concerns. This project creates jobs and I feel it answers all the questions that the community may have with regards to this project. I support the project as a community member and from someone who works in the area and often drive the streets and freeways of san pedro/long Beach. I do not have any issues. Traffic control and pollution has fully been addressed. Again provides cleaner air and less traffic.

50-8-1



Wilmington Jaycee Foundation, Inc.

1371 Eubank Ave.
Wilmington, CA 90744
Phone (310) 518-4533

November 15, 2011

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 Draft Environmental Impact Report

Dear Mr. Cannon:

- 50-9-1 The Wilmington Jaycees Foundation is going on record as not supporting the SCIG project as it is being presented. At this point in time we don't believe enough thought has been given to the relocation of businesses in the project area. You are reducing the area used by California Cartage by about 70% and Fast Lane Transportation significantly. The proposed relocation areas to be used by Fast Lane Transportation are being gerrymandered in a negative manner. 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.
- 50-9-2 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.
- 50-9-3 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.
- 50-9-4 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.
- 50-9-5 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

Susan M. Prichard

November 16, 2011

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

Dear Mr. Cannon:

SUBJECT: SCIG Draft Environmental Impact Report (DEIR)

I would like to take this opportunity to ask you to help Fast Lane Transportation. Mr. Wilson and his family have been involved in our community since 1979. Over that 30 period of time, the company has become prosperous and its management and employees have shared their bounty with the community.

Whereas everyone realizes the need for the Southern California International Gateway Project (SCIG), no one feels it should be at the expense of Fast Lane Transportation or its employees due to the loss of their land without an acceptable substitute.

I feel the Port, BNSF and the community need to take a better look at their plan to relocate Fast Lane! Although we cannot make them whole, we can at least provide them with land that will facilitate the company's operation – equivalent acreage, access, and utility, and access to the over-weight route. Additionally, we need to ensure that with SCIG's final relocation plan, Fast Lane will not be further impaired due ^{to} future improvement projects, such as the Port of Long Beach On-Dock Rail Support Facility Project, possible eminent domain procedures.

Yours truly,



Susan M. Prichard

SMP/sp

50-10-1



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name Kevin Bass
Address Paintens and Allied Trades District Council 36
City, State, Zip _____
Email Kevin.Bass@DC36.org

Please provide us with your comments

50-11-1 This is an opportunity for a rare win, win, win. This project will facilitate better movement through out the port, it will produce less air pollution, and it will create many needed jobs.

Please make this project a reality.

Sincerely

Kevin Bass



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name Kat Madrigal
Address 1427 Ravenna Ave.
City, State, Zip Wilmington, CA
Email KMadrigals@gmail.com

Please provide us with your comments

50-12-1

The EIR for the SCIGP is going to displace many people. My uncle and many ^{other} community members' livelihood depends on this project NOT being built the way it has been proposed.

50-12-2

The Community of Wilmington has so many problems with the rail yards. That rail technology is not new and this project may hurt the residents' air quality more than it will help it. It is not environmentally superior.

50-12-3

This issue with jobs is important. If BNSF and The Port of LA really wanted to help this community, they would focus on a project that could help the health of the ~~community~~ residents such as a state of the art hospital where residents could find many jobs depending on skill and education. ^{but} this project is not the answer.



EL PROYECTO "SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY"

16 de noviembre de 2011 a las 6 PM

TARJETA PARA COMENTARIOS ESCRITOS

FAVOR DE USAR LETRA DE MOLDE

Nombre Elizabeth Reyes
Domicilio 3197 Springdale dr. Apt. 173
Ciudad, Estado, C.P. Long Beach, CA 90810
E-mail reyes_eliza55@yahoo.com

FAVOR DE DARNOS SU OPINION O COMENTARIO

50-13-1 Hello My name IS Elizabeth. Im a resident of Long Beach. I am
opposed to thing project because this would be really bad for
our community. The SCIG supposedly says that it will create more
jobs, less traffic and cleaner air. More Jobs is good. But really
less traffic and cleaner air? Everyone knows that the air quality
50-13-2 isn't very good. There are very high cases of cancer. This will
bring more trucks into our streets and more pollution. I attend
Juan Rodriguez Cabrillo High. As seen on the maps of the project
site, My school will be closer. I'm in a sport, cross country.
This sport involves running. If this project is passed it will impact
me and my team. The SCIG isn't a good project. Many or
50-13-3 certain people are for this project because BNSF says it
will create greener jobs, cleaner air and less traffic. They
have shoved lies into these peoples' minds. If they only
knew what it will truly cause. Its absurd, people that are for
this project. I live within a quarter mile of a railyard. Imagine that.
50-13-4 The noise is horrible. I feel the trains move. The vibration is strong.
It would be better to not hear or feel anything. This would also
50-13-5 cause Global warming because of the green house gases let out
into the air. Hope fully this project will stay in the port not
50-13-6 in our community to not ruin of live and our physical being.

Entregarlo hoy o enviarlo a: Christopher Cannon, Director, Environmental Management Division,
Port of Los Angeles 425 S. Palos Verdes St. San Pedro, CA 90731

Los comentarios enviados por correo deben llevar sello de correo de Dic. 22 de 2011 o antes.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name Jose Garcia
Address 1178 W. Grant St.
City, State, Zip Wilmington, CA 90714
Email jgarcia00@sbcglobal.net

Please provide us with your comments

50-14-1 I do not support the BNSF project. My father has worked at Cal Cartage for 37 years. He supported my family and put us through college thanks to Cal Cartage. Please do not take the opportunity for other employees of cal Cartage to do the same. As a resident of Wilmington I support Mr. Cury & the employees of Cal Cartage to remain and continue to support our local economy. I am currently working on a 180 million dollar project at Harbor UCLA Medical Center and understand the importance of infrastructure and construction in our country. I think by selecting a different site to build the BNSF project, we can continue to support these industries without eliminating jobs.

50-14-2



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name

Pat Navz

Address

City, State, Zip

San Pedro Ca

Email

Please provide us with your comments

1. Take care of Fast Lane, Cal Cartage
Three Rivers

Quiet Pointing at each other
(Port, BNSF)

and solve the problem of those three.

2. Make all BNSF tracks a quiet zone.



EL PROYECTO "SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY"

16 de noviembre de 2011 a las 6 PM

TARJETA PARA COMENTARIOS ESCRITOS

FAVOR DE USAR LETRA DE MOLDE

Nombre Laura Espinosa
Domicilio 1018 Marine Apt C
Ciudad, Estado, C.P. Wilmington
E-mail _____

FAVOR DE DARNOS SU OPINION O COMENTARIO

- 50-16-1 Queremos que los empleos seden y los entrenamientos sean en Wilmington para nuestros jovenes que quicren aprender carreras tecnicas y con sueldos y benefisios dignos para los empleados que los en cargados pongan
- 50-16-2 clausulas donde cumplan con los requisitos de ambiente limpio y reforesten toda la areas que no tienen Vejetasion
- 50-16-3 Wilmington se ba mejorar y ba recibir economicamente beneficios,
- 50-16-4 y que tengam controles de renta de vivienda para no perjudicarnos a los recidentes de bajos recursos.

Name: Laura Espinoza

Address: 1018 Marine Apt C

City, State, Zip: Wilmington

Please provide us with your comments:

- 50-16-1** | We would like to see job openings and trainings in Wilmington for our youngsters that want to learn technical careers with fair salaries and benefits to the employees as well as the people in charge establish guidelines to fulfill environmental requirements and reforest all the areas that
- 50-16-2** | don't have vegetation.
- 50-16-3** | Wilmington will get better and will receive economic benefits. There should be controls for
- 50-16-4** | housing that don't hurt low income residents.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name Helen LaFarga
Address 1372 Lakme Av
City, State, Zip Wilm., Ca
Email _____

Please provide us with your comments

50-17-1

I support the SCIG
AS A 40yr. Resident of Wilm.,



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name

Kim Napolillo

Address

650.101 Breacon Ct

City, State, Zip

Long Beach CA 90803

Email

knapolillo@resinon.net

Please provide us with your comments

50-18-1

I support the SoCal International Gateway project because we need to provide additional jobs in the South Bay area.

This will be a state of the art project utilizing new technology and while maintaining ~~very~~ ~~newer~~ stricter environmental standards.



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name Lori Gastelum
Address 1065 Eubank Avenue
City, State, Zip Wilmington CA 90744
Email lori_gastelum@yahoo.com

Please provide us with your comments

50-19-1 Living with the trains now is unbearable. Horns blaring early morning late night. Cannot understand the cruelty of some train engineers. Dont want any more.

1 **Comment Letter 50: Wilmington Public Meeting Comment Cards**

2 **Response to Comment 50-1-1**

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 50-2-1**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 50-2-2**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 50-2-3**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 50-2-4**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 50-3-1**

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 50-3-2**

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 50-3-3**

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)).

1 Response to Comment 50-3-4

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 50-3-5

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 Response to Comment 50-3-6

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 Response to Comment 50-4-1

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 50-4-2

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 50-4-3

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 The commenter attached a number of documents that relate to chapters that were
29 recirculated and therefore no responses were provided pursuant to CEQA Guidelines §
30 15088.5(f). . Copies of the commenter's attachments are included in the electronic
31 versions (CD and POLA website) of the Final EIR. The commenter's attachments: 1) List
32 of references; 2) Zero Emissions Container Movement Systems for Ports of Long
33 Beach/Los Angeles; 3) Maglev Trains – Existing Maglev Systems; 4) Yahoo: Updated
34 Economic Impact Study Shows Port of Los Angeles, Long Beach and Alameda Corridor
35 Remain Vital to U.S. Economy; 5) LA Ports to Study magnet levitation Cargo Trains; 6)
36 ITSC Zero Emission Port Container Moving Systems; 7) MagneRail Linear Motor
37 Technology; 8) Transportation Technology – Related News; 9) MAGLEV v. Train
38 Comparison; 10) A Perspective on Maglev Trains and Introduction of the PRT Maglev.

39 Response to Comment 50-5-1

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

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 50-5-2**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6 **Response to Comment 50-5-3**

7 This comment refers to a chapter or section of the DEIR that was recirculated. No
8 response is necessary per CEQA Guidelines §15088.5(f)(2).

9 **Response to Comment 50-6-1**

10 This comment refers to a chapter or section of the DEIR that was recirculated. No
11 response is necessary per CEQA Guidelines §15088.5(f)(2).

12 **Response to Comment 50-6-2**

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 50-7-1**

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 50-8-1**

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 50-9-1**

31 This comment refers to a chapter or section of the DEIR that was recirculated. No
32 response is necessary per CEQA Guidelines §15088.5(f)(2).

33 **Response to Comment 50-9-2**

34 This comment refers to a chapter or section of the DEIR that was recirculated. No
35 response is necessary per CEQA Guidelines §15088.5(f)(2).

36 **Response to Comment 50-9-3**

37 This comment refers to a chapter or section of the DEIR that was recirculated. No
38 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 50-9-4

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 50-9-5

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 Response to Comment 50-10-1

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 Response to Comment 50-11-1

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 50-12-1

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 50-12-2

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 50-12-3

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 Response to Comment 50-13-1

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 Response to Comment 50-13-2

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 50-13-3

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 50-13-4

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 50-13-5

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 50-13-6

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 50-14-1

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 50-14-2

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 50-15-1

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 Response to Comment 50-15-2

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 50-16-1

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 50-16-2

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 50-16-3**

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 50-16-4**

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 50-17-1**

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 50-18-1**

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 50-19-1**

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)).

1 **Comment Letter 50B: Wilmington Public Meeting Transcript**
2 **Comments**

3 **Response to Comment 50B-1-1**

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 **Response to Comment 50B-1-2**

10 This comment refers to a chapter or section of the DEIR that was recirculated. No
11 response is necessary per CEQA Guidelines §15088.5(f)(2).

12 **Response to Comment 50B-1-3**

13 This comment refers to a chapter or section of the DEIR that was recirculated. No
14 response is necessary per CEQA Guidelines §15088.5(f)(2).

15 **Response to Comment 50B-2-1**

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 50B-3-1**

22 As described in DEIR Section 3.11 (Utilities), BNSF would be required to coordinate any
23 needed pipeline relocations with the owners and operators of those pipelines at the time
24 of Project construction.

25 **Response to Comment 50B-3-2**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 50B-3-3**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 50B-3-4**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 **Response to Comment 50B-3-5**

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 50B-3-6**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 50B-4-1**

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 **Response to Comment 50B-5-1**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 50B-6-1**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 50B-6-2**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 50B-6-3**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 50B-7-1**

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 50B-8-1**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 50B-9-1**

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 50B-10-1

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 50B-10-2

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 Response to Comment 50B-10-3

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 50B-11-1

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 50B-12-1

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 50B-12-2

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 Response to Comment 50B-12-3

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 Response to Comment 50B-12-4

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 Response to Comment 50B-13-1

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 Response to Comment 50B-13-2

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 50B-13-3**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 50B-13-4**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 50B-13-5**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 50B-14-1**

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 50B-15-1**

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)).

22 **Response to Comment 50B-16-1**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 50B-16-2**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 50B-16-3**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 50B-16-4**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 **Response to Comment 50B-16-5**

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 50B-17-1

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 50B-17-2

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 50B-17-3

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 50B-17-4

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 50B-18-1

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 50B-18-2

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 Response to Comment 50B-18-3

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 50B-19-1

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, therefore no further response is required. (Public
3 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

4 **Response to Comment 50B-20-1**

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 **Response to Comment 50B-21-1**

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 50B-22-1**

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)).

22 **Response to Comment 50B-23-1**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 50B-24-1**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 50B-24-2**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 50B-24-3**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 **Response to Comment 50B-24-4**

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 50B-24-5**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 50B-24-6**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 50B-24-7**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 50B-24-8**

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 50B-24-9**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 50B-24-10**

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 50B-24-11**

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 50B-24-12**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 **Response to Comment 50B-24-13**

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

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 50B-24-14**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6 **Response to Comment 50B-24-15**

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 50B-24-16**

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 50B-25-1**

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 50B-26-1**

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 50B-26-2**

31 This comment refers to a chapter or section of the DEIR that was recirculated. No
32 response is necessary per CEQA Guidelines §15088.5(f)(2).

33 **Response to Comment 50B-26-3**

34 This comment refers to a chapter or section of the DEIR that was recirculated. No
35 response is necessary per CEQA Guidelines §15088.5(f)(2).

36 **Response to Comment 50B-26-4**

37 This comment refers to chapters or sections of the DEIR that were recirculated. No
38 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 50B-26-5

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 50B-26-6

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 Response to Comment 50B-26-7

8 This comment refers to chapters or sections of the DEIR that were recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 Response to Comment 50B-26-8

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 50B-27-1

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 50B-28-1

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 50B-29-1

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 50B-29-2

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 50B-29-3

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 50B-29-4

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 Response to Comment 50B-30-1

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 50B-31-1

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 50B-32-1

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 50B-32-2

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 Response to Comment 50B-32-3

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 Response to Comment 50B-32-4

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 Response to Comment 50B-32-5

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 50B-32-6

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 50B-32-7

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 Response to Comment 50B-33-1

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 50B-33-2

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 50B-34-1

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 50B-34-2

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 Response to Comment 50B-35-1

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 50B-36-1

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 50B-37-1

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 50B-38-1

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 50B-39-1

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 50B-40-1

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 Response to Comment 50B-40-2

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 Response to Comment 50B-40-3

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 50B-40-4

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 Response to Comment 50B-40-5

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 50B-40-6**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 50B-41-1**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 50B-42-1**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 50B-42-2**

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 50B-42-3**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 50B-42-4**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 50B-43-1**

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 50B-44-1**

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 50B-45-1**

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

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 50B-46-1**

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 **Response to Comment 50B-47-1**

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 50B-47-2**

16 This comment refers to a chapter or section of the DEIR that was recirculated. No
17 response is necessary per CEQA Guidelines §15088.5(f)(2).

18 **Response to Comment 50B-48-1**

19 This comment refers to a chapter or section of the DEIR that was recirculated. No
20 response is necessary per CEQA Guidelines §15088.5(f)(2).

21 **Response to Comment 50B-49-1**

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 50B-50-1**

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 50B-51-1**

34 This comment refers to a chapter or section of the DEIR that was recirculated. No
35 response is necessary per CEQA Guidelines §15088.5(f)(2).

36 **Response to Comment 50B-51-2**

37 This comment refers to a chapter or section of the DEIR that was recirculated. No
38 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 50B-52-1

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 50B-53-1

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 Response to Comment 50B-53-2

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 Response to Comment 50B-53-3

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 50B-54-1

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 Response to Comment 50B-54-2

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 50B-54-3

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 50B-55-1

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 Response to Comment 50B-55-2

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

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 50B-55-3**

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 50B-55-4**

10 This comment refers to a chapter or section of the DEIR that was recirculated. No
11 response is necessary per CEQA Guidelines §15088.5(f)(2).

12 **Response to Comment 50B-56-1**

13 This comment refers to a chapter or section of the DEIR that was recirculated. No
14 response is necessary per CEQA Guidelines §15088.5(f)(2).

15 **Response to Comment 50B-56-2**

16 This comment refers to a chapter or section of the DEIR that was recirculated. No
17 response is necessary per CEQA Guidelines §15088.5(f)(2).

18 **Response to Comment 50B-57-1**

19 This comment refers to a chapter or section of the DEIR that was recirculated. No
20 response is necessary per CEQA Guidelines §15088.5(f)(2).

21 **Response to Comment 50B-57-2**

22 This comment refers to a chapter or section of the DEIR that was recirculated. No
23 response is necessary per CEQA Guidelines §15088.5(f)(2).

24 **Response to Comment 50B-57-3**

25 This comment refers to a chapter or section of the DEIR that was recirculated. No
26 response is necessary per CEQA Guidelines §15088.5(f)(2).

27 **Response to Comment 50B-58-1**

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 50B-58-2**

34 This comment refers to a chapter or section of the DEIR that was recirculated. No
35 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 50B-59-1**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 50B-59-2**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 50B-59-3**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 50B-59-4**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 50B-60-1**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 50B-61-1**

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)).

22 **Response to Comment 50B-62-1**

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 50B-63-1**

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 50B-64-1**

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 50B-64-2**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 50B-65-1**

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 **Response to Comment 50B-65-2**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 50B-66-1**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 50B-67-1**

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)).

22 **Response to Comment 50B-68-1**

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 50B-69-1**

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 50B-69-2**

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 50B-70-1**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 50B-71-1**

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 **Response to Comment 50B-71-2**

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 50B-71-3**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 50B-72-1**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 50B-73-1**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 50B-74-1**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 50B-75-1**

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 50B-76-1**

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 50B-76-2

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 50B-77-1

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 50B-78-1

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 50B-79-1

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)).

22 Response to Comment 50B-80-1

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 Response to Comment 50B-81-1

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 50B-82-1

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 Response to Comment 50B-83-1

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 50B-84-1

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 50B-84-2

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 Response to Comment 50B-84-3

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 Response to Comment 50B-85-1

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 50B-86-1

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19

20

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



November 16, 2011

Dear Mr. Cannon,

51-1 | A Long Beach Press Telegram article from a few weeks ago describes the SCIG, a rail facility proposal, which would take over the property where Cal Cartage and other businesses have been for years. I have worked there for 14 years.

51-2 | If the goal of this rail project is to reduce truck traffic on roads, then build it at the terminal where containers can move directly from ship to rail. If the goal is to create jobs, then why cause the loss of more than 1,000 jobs at existing companies? If the goal is to clean the air, allow Cal Cartage to remain where they are since they have been a leader with clean technology.

51-3 | Consider placing this rail facility closer to the terminals inside the port where it will add jobs without causing others to lose their jobs. Many people earn their livelihoods and have made careers at the companies which would have to move or shutdown for the SCIG.

Sincerely,


Steve Belgum

1 **Comment Letter 51: Steve Belgum**

2 **Response to Comment 51-1**

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 51-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 51-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

15



CITY OF CARSON

November 16, 2011

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



Dear Mr. Canon,

Today, I write this letter in support of the new BNSF Rail Facility project known as, Southern CA International Gateway (SCIG) project. I apologize that I am unable to be present to read this letter into the record personally.

This project has so many positive attributes to the surrounding communities. First of all this project will create JOBS! Thousands of Californians are frustrated with the lack of jobs that are available. There is a greater push for job creation now more than ever to help the 12% that are unemployed in our great state. Trade unionism is on an unstoppable march for progress, equality and justice, determined to build from the debris of the current crisis, a new, better society where those who are too big to fail cannot be allowed to continue to ignore those who they have regarded as too small to matter.

Secondly, this project is a green, innovative project bringing to the residents of surrounding communities cleaner air! Air quality in the United States has been steadily improving over the last 30 years, with CA being the leader in environmental legislation. Through projects like these, with the cooperation of the private sector, we work to green our future. This project is a perfect example of how we can grow our economy and protect our environment.

Third, less traffic! The environmental impact report has found that SCIG will have a positive impact on traffic, both locally and regionally, by eliminating trucks from the 710 freeway, reducing congestion.

52-1

52-1

↑ California has a pro-growth agenda, a pro-job agenda and a pro-environment agenda. This project is moving the community in the right direction and I am proud to support this important project.

Sincerely,



Julie Ruiz-Raber
Mayor Pro Tem

JRR:gd

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

1 **Comment Letter 52: City of Carson**

2 **Response to Comment 52-1**

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)).

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SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD



PLEASE PRINT

Name JOHN C. TAYLOR, TRUSTEE OF THE JOHN C. TAYLOR TRUST.
Address P.O. BOX 15271
City, State, Zip LONG BEACH, CA. 90815-0271
Email CELL PHONE# (562) 208-1762 FAX PHONE# (562) 425-3921

Please provide us with your comments

AS I UNDERSTAND THIS PROPOSED PROJECT, THE FOLLOWING LIST OF PARCELS WILL END UP BEING LAND LOCKED, DUE TO THE RELOCATION OF THE TESORO REFINERY PUMPING STATION. INCLOSED PLEASE SEE A COLOR CODED PARCEL MAP.

JOHN C. TAYLOR TRUST. PARCELS

7428-038-002-07-000

7428-038-003-07-000

7428-038-004-07-000

7428-038-015-07-000

(NOTE) PARCEL #1 IS OWNED BY PATRICK WILSON, PRESIDENT OF FAST LANE TRANSPORTATION, INC. FAST LANE TRANSPORTATION, INC HAS BEEN A LEASE TENANT OF MINE SINCE 1981 AND HAS OCCUPIED THESE LISTED PARCELS SINCE JUNE 1996, DURING WHICH TIME I HAVE ALSO BEEN ABLE TO STORE SOME OF MY OWN CARGO CONTAINERS ON MR. WILSONS LOT#1 FREE OF CHARGE.

RESPECTFULLY SUBMITTED,
John C Taylor 11/15/2011

PUBLIC RIGHT OF WAY IN
THE CITY OF LOS ANGELES, CALIFORNIA
VACATION PROCEEDINGS UNDER THE PROVISIONS OF THE
CALIFORNIA STREETS AND HIGHWAYS CODE
PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENTS VACATION LAW
FOR
A PORTION OF
HOBSON AVENUE

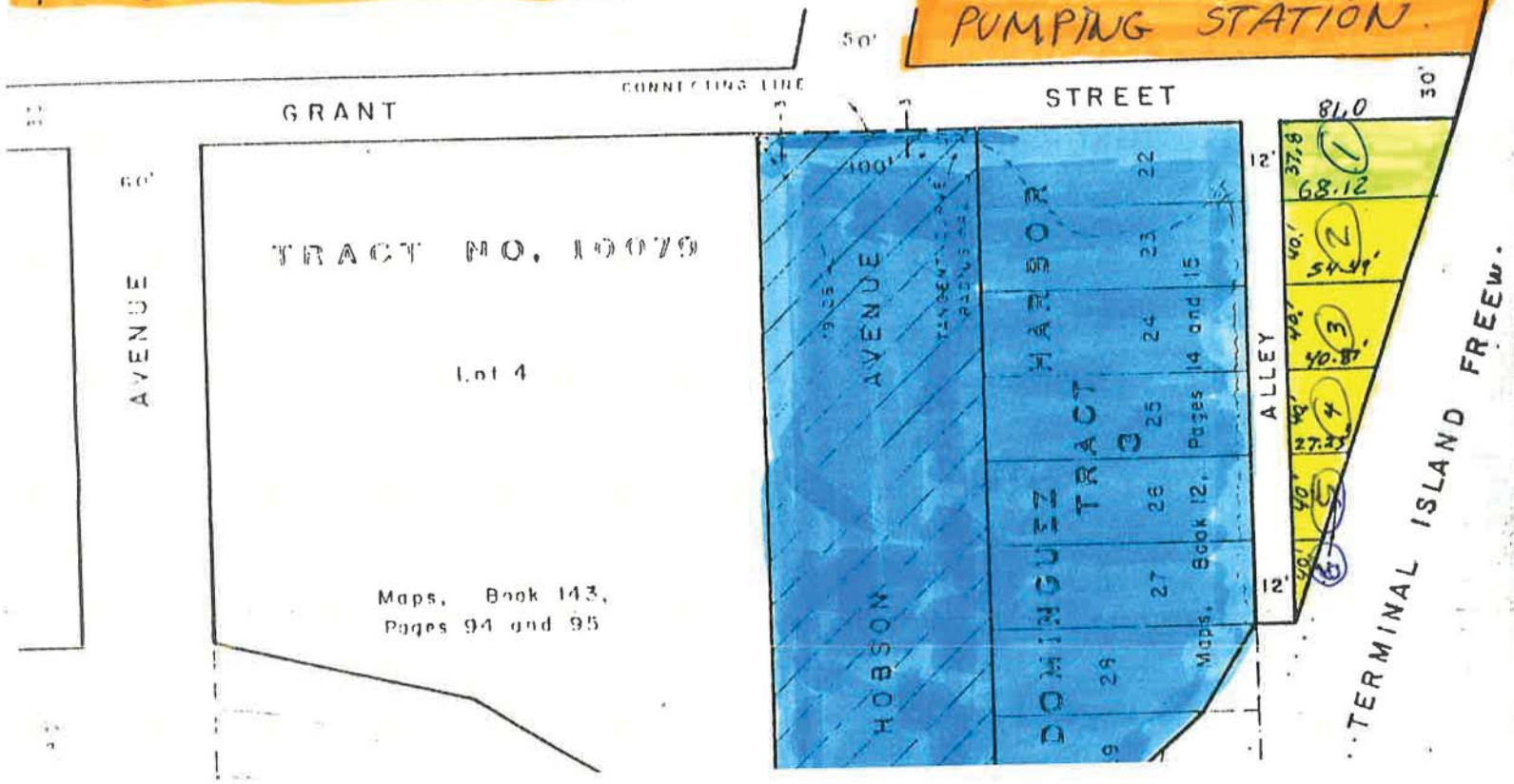
PORT OF L.A. PROPERTY

JOHN C. TAYLOR TRUST PROPERTY

PATRICK WILSON PROPERTY

TESORO REFINERY
PUMPING STATION.

TESORO REFINERY
PUMPING STATION.

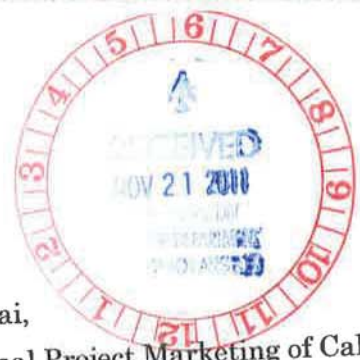


1 **Comment Letter 53: John C. Taylor**

2 **Response to Comment 53-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5



11/17/11

My name is Takashi Kozakai,

I am Director of International Project Marketing of California Cartage. Co.

54-1

In my Division only I am handling about 500-600 containers per month of Project cargo. 95% of those cargoes are transload and trucking to inland states from our facility in Wilmington.

The project cargo means machinery to new plan for automobile manufactures, Auto parts maker, Electronics plant, Windmills and, Solar panel, etc.

This port has this kind of project cargo more than any other ports in USA. My customer brought those cargoes to this port because we are here.

Those containers are included lot of over weight or over sized permit containers.

Transloading has to be done near port in "Over weight Corridor Area"

Probably our facility is only place Port can handle large size of containerized project Cargo. This can not be done at other place. There will be no alternative location to handle hose cargo

The port must have Transloading facility for permit containers like us as part of the port function.

If you take our failifity to SCIG, Port of LA has no place to handle those projects cargo containers. And will lose those Project cargoes to Port of Huston when new canal opened.

54-2

I understand The Port need Rail facility.

That can be done at other places at Port Tidelands property; on-dock rail line Plus ICTF. ICTF and Alameda Corridor are not in full capacity.

Port does not need off dock rail facility if you use ICTF and some alternative on dock rail site. On dock rail facility is the best place for less air pollution.

54-3

Please think for alternative rail site on Port tideland property for win win situation for everybody.

54-4

Port of LA will lose most of The Projects cargo if you SCIG is build at our location.

Takashi Kozakai

11/16/11



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Wednesday, November 16, 2011

WRITTEN COMMENT CARD

PLEASE PRINT

Name TAKASHI KOZAKAI
 Address 2130 Playa Del Amo #137
 City, State, Zip TORRANCE, CA 90501
 Email Kozakai@earthlink.net

Please provide us with your comments

PL see attached.

1 **Comment Letter 54: Takashi Kozakai**

2

3 **Response to Comment 54-1**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6 **Response to Comment 54-2**

7 This comment refers to a chapter or section of the DEIR that was recirculated. No
8 response is necessary per CEQA Guidelines §15088.5(f)(2).

9 **Response to Comment 54-3**

10 This comment refers to a chapter or section of the DEIR that was recirculated. No
11 response is necessary per CEQA Guidelines §15088.5(f)(2).

12 **Response to Comment 54-4**

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

19

LAW OFFICES OF

PHILLIP G. YORK

ATTORNEY AT LAW

SUITE 101 PACIFIC PLAZA

2018 PACIFIC COAST HIGHWAY • LOMITA, CALIFORNIA 90717

TEL: (310) 539-8500 • FAX: (310) 539-8502

E-mail: philyor@pacbell.net



November 17, 2011

CHRISTOPHER CANNON
DIRECTOR OF ENVIRONMENTAL MANAGEMENT
PORT OF LOS ANGELES
425 S PALOS VERDES STREET
SAN PEDRO CA 90731

RE: SCIG RAIL PROJECT

Dear Mr. Cannon:

By way of introduction, I was President of the Lomita Chamber of Commerce in 2005, and am currently serving on the executive committee of the Pacific Gateway Workforce Investment Board, appointed to that Board by the City of Lomita.

55-1 | It is clear that in this competitive world, the businesses which operate in conjunction with our ports should be given the opportunity to improve their efficiency, consistent with environmental concerns. From my review of the proposed project, it appears that BNSF Railway has met or exceeded the environmental standards in this respect. The importance of our country being able to compete in the global market cannot be overstated. Further, it appears that the project will create numerous job opportunities in the area, so important in this difficult economy.

I respectfully urge the Port's approval of the SCIG Rail project.

Very truly yours,

Phillip G. York

PGY/mmi

1 **Comment Letter 55: Law Offices of Phillip G. York**

2 **Response to Comment 55-1**

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

JUAN SANTOS
11-16-11



ESTIMADO SEÑOR,

ES MI ENTENDIMIENTO QUE SU PLAN ES TOMAR EL LUGAR DONDE TRABAJA LA COMPAÑIA DE CAL CARTAGE Y CONVERTIRLO EN UNA VIA DE FERROCARRIL. TENGO ENTENDIDO QUE LA COMPAÑIA DONDE TRABAJA NO TIENE LUGAR A DONDE IR.

56-1

HE TRABAJADO PARA ESTA COMPAÑIA POR 38 AÑOS. HACIENDO DIFERENTES TRABAJOS. GRACIAS A ESTA COMPAÑIA. TUVE LA OPORTUNIDAD DE DARLE UNA EDUCACION A MIS CUATRO HIJOS, 3 DE ELLOS RECIBIERON SUS MASTRIAS Y UNO DE ELLOS SU DOCTORADO GRACIAS A ESTE TRABAJO QUE ME A ALUDADO. CAL CARTAGE POR 38 AÑOS

56-2

POR FAVOR LE PIDO QUE RECONSIDERE LA DECISION DE PONER UNA COMPAÑIA COMO ESTA FUERA DEL NEGOCIO. POR CONSTRUIR UNA VIA DE FERROCARRIL. SI USTED CONTINUA CON SU PLAN MUCHOS COMPAÑEROS MIOS Y LLO PERDEREMOS NUESTRO TRABAJO Y NUESTRAS FAMILIAS PERDERIRIAN SUS HOGARES Y SUFRIRIAN LAS CONSECUENCIAS. A MI EDAD DE 61 AÑOS SERIA MUY DIFICIL CONSEGUIR UN TRABAJO NUEVO.

ATTN. CHRIS CANNON
PORT OF LOS ANGELES

November 16, 2011

Chris Cannon
Port of Los Angeles

Dear Sir,

56-1 It is my understanding that your plan is to take the place where I work , the company Cal Cartage, and turn it into a rail yard. I understand the company where I work doesn't have anywhere to go.

I have worked for this company for 38 years doing different jobs. Thanks to this company, I was able to provide my 4 children with an education, three of them have masters' degrees and one has a doctorate. This is all thanks to the company I have worked for for 38 years, Cal Cartage.

56-2 Please, I ask that you reconsider your decision to place a company like this out of business to construct a rail yard. If you continue with your plan many of my coworkers and I will lose our jobs, our families will lose their homes and they would suffer the consequences. At my age of 61 years old it would be very difficult to find a new job.

Sincerely,
Juan Santos

1 **Comment Letter 56: Juan Santos**

2 **Response to Comment 56-1**

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 56-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

November 16, 2011



Dear Mr. Chris Cannon.

My name is Zoila Escobar. I am sending this letter regarding to the train project. I do not agree with for the following reasons

57-1 | I have only 4 years working at California Cartage Co. But I also have coworkers with more than 20 years at this Co. That indicate to me it is a really solid Co. beneficiary of many families for many years. I have been in this country for more than 22 years and I have worked for different companies and some of them have disappeared so in my opinion this is a good source employment for the neighborhood, city and state. I am a single mother with 2 sons, my income is indispensable for us to survive. I do not have any one I know that is in the train industry. But I have a lot friends working at California Cartage Co, K&R Transportation, Container Freight Station and California Multimodal LLC. All of them located at 2401 E P.C.H. Wilmington, CA 90744 as Warehouse, Office, Yard Personal and many drivers supporting their families. Also you have to think about our Economic Country situation. My question is the city or the state prepared to support the un- employment for more than 3000 people at this moment? One more thing if you never heard about us is for a simple reason. Because our company has a good control for all above mentioned companies in order, good organization, security, quiet , disciplined and good service to the public.

Att.

Zoila Escobar
Safety Administrator Assistance.
California Calcartage LLC
2401 E Pacific Coast Hwy
Wilmington, CA 90744
Off. phone # 562 495 0068 Ext. 252
Cell : 562 522 6881
Fax # 562 590 -7088

1 **Comment Letter 57: Zoila Escobar**

2 **Response to Comment 57-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5

6

Hagner, Dennis

From: Lila Orshefsky [lila_orshefsky@yahoo.com]
Sent: Tuesday, November 22, 2011 6:18 PM
To: Ceqacomments
Subject: SCIG

58-1 | I attended a presentation with my dad about the project, and when they mentioned the trees they planned to install for aesthetic appeal, I thought it would be a good idea to look at native drought-tolerant trees. It would go hand-in-hand with the efforts to go green, and it would mean much less irrigation costs to worry about. Plus, with current water shortages, we don't need another row of thirty palm trees.

Lila Orshefsky
3822 E. 1st St. #3
Long Beach 90803

1 **Comment Letter 58: Lila Orshefsky**

2 **Response to Comment 58-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

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William C. Velásquez Institute

November 21, 2011

Cris Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90733

Dear Cris Cannon,

On behalf of the William C. Velasquez Institute (WCVI) I write to voice my organization's concern about the SCIG project's impact on California Cartage and the people who are employed by them. WCVI is a national, nonprofit, nonpartisan Latino-focused policy research and development organization.

59-1

WCVI is deeply concerned that the proposed project will result in the loss of jobs for hundreds of Latino workers who are now employed by Cal Cartage. This company, Cal Cartage, is the largest single employer of Latinos in the harbor. The basic workforce is between 700 and 750 people and that increases during the high season to upwards of 1,000 people.

Most of the core employees at Cal Cartage have been with the company for a very long time – many for over 20 years and some for over 30 years. They have been able to make a good living here with excellent health benefits and put their kids through school. A large number of their kids have attended and graduated from college. This came from their employment at Cal Cartage. These people are freight handlers – they manually unload steamship containers and transfer the freight to outbound trailers where again it is all manually loaded. If you displace this company with the railroad, you will be adding hundreds of Latinos to the unemployment rolls.

59-2

The EIR states that Cal Cartage is being offered by the Port a ten acre site where it can downsize and relocate its operation. From what I am told by the employees, that is not possible. They have 3 big buildings now and 70 acres. So they will be effectively out of business if the BNSF is allowed to take over this property.

59-3

If the port needs another rail facility, it needs to be located somewhere else – maybe Terminal Island. The Port needs to analyze more closely other options. The Wilmington-Long Beach area has over 13% unemployment right now. Our economy has major issues and the last thing we need to do is to displace a company that employs regularly over 700 people with the majority of them being Latino. The port needs to find another location for this project.

Thank you for the opportunity to address you on this important issue. Please feel free to contact WCVI if you have any comments or questions at agonzalez@wcvi.org or 323-222-2217.

Sincerely,

Antonio Gonzalez
President

Vilma Guillen
Office Assistant
2914 N. Main St.
Los Angeles, CA.90031
323-222-2217 Office
323-222-2011 Fax
vguillen@wcv.org
www.wcvi.org

1 **Comment Letter 59: William C. Velasquez Institute**

2 **Response to Comment 59-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 59-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 59-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

12



November 29, 2011

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

SUBJECT: BNSF's Southern California International Gateway Draft Environmental Impact Report

Dear Mr. Cannon:

The Valley Industry and Commerce Association (VICA) strongly supports the Draft Environmental Impact Report prepared for the Southern California International Gateway (SCIG), BNSF Railway's proposed near-dock rail facility.

The cargo volume at the Ports of Los Angeles and Long Beach has tripled since 1995 and is expected to double again by 2015. In building SCIG, BNSF will improve an existing industrial site and replace it with a state-of-the-art facility that sets a new environmental standard for intermodal projects in North America.

Once SCIG is completed, trucks will only need to drive four miles to stations at BNSF's Hobart and Commerce facilities, eliminating more than 1.5 million truck trips from the 710 freeway each year.

BNSF has also committed to using only trucks meeting the Port's Clean Air Action Plan (CAAP) goals and, by 2016, using a truck fleet of at least 90 percent LNG or equivalent emission vehicles. All vehicles will be equipped with GPS tracking to ensure travel strictly on designated, industrial routes that avoid residential areas.

Beyond the environmental benefits of the facility, SCIG will create jobs. According to a study by IHS Global Insight, approximately 1,500 jobs annually will be created during the three-year construction phase, contributing more than \$85 million in federal, state and local taxes. Upon completion, SCIG will create 14,000 permanent direct and indirect jobs in Los Angeles and 22,000 permanent direct and indirect jobs in Southern California by 2036. With the unemployment rate exceeding 12 percent in Los Angeles County and 14 percent in the City of Los Angeles, our region's highest priority must be job creation.

60-1

Through improved operational efficiency, SCIG will also help Southern California's ports remain competitive. With completion of the Panama Canal widening expected in 2014, the Gulf of Mexico and East Coast ports of Atlanta, New York and Baltimore are aggressively pursuing opportunities to attract cargo away from the San Pedro Bay Ports. Adding near-dock intermodal capacity to our ports will increase efficiency and competitiveness for shippers, in accordance with the Port of L.A.'s rail policy.

BNSF has shown that green growth is possible by meeting (and exceeding) the port's standards for new projects. VICA looks forward to their investment of \$500 million in our regional economy at a time when it is urgently needed.

Sincerely,



Stuart Waldman
President

CC: The Honorable Antonio Villaraigosa
City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA90012

Dr. Geraldine Knatz, Executive Director
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA90731

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

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

Robin Kramer, Commissioner
Douglas P. Krause, Commissioner
Los Angeles Board of Harbor Commissioners
425 South Palos Verdes Street
San Pedro, CA 90731

1 **Comment Letter 60: Valley Industry and Commerce Association**

2 **Response to Comment 60-1**

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

Hagner, Dennis

From: Brian Ulaszewski [bulaszewski@hotmail.com]
Sent: Wednesday, November 16, 2011 11:20 PM
To: Ceqacomments; Cannon, Chris
Subject: Additional SCIG documents

Hello Mr. Cannon,

61-1 | I am a resident of Long Beach and intend on responding to the SCIG - DEIR. The available documentation does not
include schematic level drawings of the on and off-site improvements. The material in the DEIR is diagrammatic, lacking
61-2 | the specificity I am looking for. Is possible to send electronic files (pdf, eps, dwf, dwg, etc.) of the project proposal, most
importantly including the off-site improvements for the north (Sepulveda Bridge and underpass) and south (PCH
61-3 | interchange) lead tracks? That material would be incredibly helpful to better understand the project's scope.

Thank you in advance,
Brian Ulaszewski
1059 East 2nd Street
Long Beach, CA

1 **Comment Letter 61: Brian Ulaszewski**

2 **Response to Comment 61-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 61-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 61-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

12



SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

Tuesday, November 10, 2011

COMMENT CARD



PLEASE PRINT

Name Gregory Kaszniak & Victoria Iwata
Address 2352 ADRIATIC AVENUE
City, State, Zip LONG BEACH, CA. 90810
Email (BEST NOT TO CHOP UP ANOTHER email address with the further "public relations" deceptions)

Please provide us with your comments

62-1 If the S.C. Int.'l Gateway Project has to increase pollution (in the air - toxic particulate matter; ambient sounds, ie noise; hazardous waste, etc.) and the not-in-my-backyard ("NIMBY") westside community stance prevails - then the only solution is to implement this project at the L.A. port. (where James Johnson, et al say "it belongs")

62-2 The Westside LB community is/has been disproportionately impacted (all negative - pollutants, noise, traffic, etc.) by the port, the oil refineries, freeways & it is, so often stated, "Enough is enough" - but slow, small daily assaults & injuries leading to disease(s) & death seems to be what this area has been zoned for. Why else propose the project here?

62-3 As William James said, "Empire civilized the British, Empire will corrupt us even more" - The

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 • Mail comments must be postmarked by December 22, 2011

global economic project, of which the port is, is →

62-3

Simply another manifestation of an (unjust) Empire. * How could it be otherwise?

62-4

If comments are requested for the "environmental impact report" (for the record) then

The summation is thus: it looks good on paper, but as one commentator (an educator/teacher) stated, "it smells & is deceptive", but not, it appears, to a public relations port bureaucrat, or hired business agents representing labor (in orange jumpsuits).

This is sick slickness at it's highest (lowest) level.

The 'divide & conquer' rule is evident and ~~is~~ there is

~~it is~~ a time to STOP ^{to} begin dismantling ~~the~~ _{ANY} method of empire.

1 **Comment Letter 62: Gregory Kaszniak & Victoria Iwata**

2 **Response to Comment 62-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 62-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 62-3**

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 62-4**

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



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CALIFORNIA 93001

November 23, 2011

REPLY TO
ATTENTION OF

Regulatory Division



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

Dear Mr. Cannon:

This letter is submitted in response to the City of Los Angeles Harbor Department (Port) Notice of Availability for the Draft Environmental Impact Report (EIR) for the Southern California International Gateway Project (SCIG) dated September 23, 2011 (Corps File No. SPL-2011-01058-TS).

63i-1 The U.S. Army Corps of Engineers Regulatory Division (Corps) has reviewed the draft EIR and spoken with Port engineering staff to determine whether any elements of the proposed project would require a Department of the Army permit. Based on our review and coordination with Port staff, the proposed widening of the existing railroad bridge across the Dominguez Channel would include installation of pile supports in navigable waters but would not involve a discharge of dredged or fill material into waters of the U.S. Therefore, a Department of the Army authorization pursuant to Section 404 of the Clean Water Act would not be required (33 U.S.C. 1344). Modification of the existing railroad bridge over the Dominguez Channel, including installation of pile supports may affect the navigable capacity of waters of the U.S. Since the Biological Resources section of the EIR indicates the existing railroad bridge crosses navigable waters of the U.S. defined at 33 CFR 329.4, and pursuant to 33 CFR 320.2 and Section 9 of the Rivers and Harbors Act (1899, 33 U.S.C. 401), modifications to bridges over navigable waters of the U.S. may require authorization from the U.S. Coast Guard rather than the Corps.

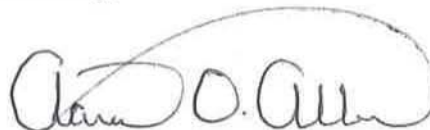
63i-2

Notwithstanding our determination, your proposed project may be regulated under other Federal, State, and local laws. We recommend you contact the U.S. Coast Guard regarding their jurisdictional and permit authority over the proposed project.

63i-3

If you have any questions about this letter or our determination, please contact Theresa Stevens, Ph.D. of my staff at 805-585-2146 or via e-mail at theresa.stevens@usace.army.mil. Please be advised that you can now comment on your experience with the Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron O. Allen". The signature is fluid and cursive, with a large loop at the end.

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
Regulatory Division

CF:
U.S. Coast Guard
Commander, 11th Coast Guard District (oan)
Coast Guard Island, Building 50-3
Alameda, CA 94501-5100

U.S. Coast Guard
Marine Safety Office/Group LA-LB
1001 South Seaside Avenue, Building 20
San Pedro, CA 90731
Attn: Waterways Management

1 **Comment Letter 63i: US Army Corps of Engineers**

2 **Response to Comment 63i-1**

3 Thank you for your review of the draft EIR and your confirmation that a Department of
4 the Army authorization pursuant to Section 404 of the Clean Water Act would not be
5 required per 33 U.S.C. 1344. 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.

8 **Response to Comment 63i-2**

9 The lead agency thanks the Army Corps for its determination and recommendations
10 regarding permitting construction activities in the Dominguez Channel. The
11 determination of permitting jurisdiction does not affect the EIR’s impact analysis, and
12 therefore no modifications to the EIR are required.

13 **Response to Comment 63i-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.

17

18

Donald Compton, J. D.

acting Public Lobbyist
233 East M Street,
Wilmington, Ca. 90744

25 November, 2011



Christopher Cannon, Director
LAHDS Environmental Section
425 S. Palos Verdes Street,
San Pedro, Ca. 90731

Re; PUBLIC COMMENT on Draft E. I. R. for SCIG Plan for Carson Area, NEAR DOCK

Dear Director Cannon;

Please understand that I am Legally Blind and that I must do all my own Clerical Work, AS IS.. On 16 November, 2011, I attended the aforementioned Event with Hundreds of Others, an Event you served as one of the Main early Speakers who outlined the Draft E. I. R. briefly.

At our October, regular, Wilmington Neighborhood Council, WNC, Meeting, a Spokesman for the BNSF Railroad, Trini Jimenez, told us that, in essence, he was pleased that THE DRAFT E. I. R. WAS AN INHOUSE LAHD Document... that I ip because BNSF and LAHD are so closely allied ON DICK..

Another severe Critic, as I have read, is the AQMDs Director, Ms. Susan Nakamura, who was at your 16 November Event, put into writing to me and others that in essence, THE BNSF RAILYARD IS CARCINOGENIC for, at least, ONE THOUSAND, 1000, Residents who live close to the WATSON BNSF Railyard. She told me, just a week ago that SHE HAS RECEIVED NOT A WRITTEN WORD FROM BNSF that Rebut the C. A. R. V. Findings, of same, on said BNSF Yard in Wilmington, TO DATE; at least anything that could be fact checked for accuracy...

As I was leaving the 16 November Event, on the sidewalk, I ran into LAHDS Deputy General Manager, Mr. Michael Christianson and we talked for a few minutes. I told him my concerns for the Near Dock Intermodal Plan THAT WOULD BRING BNSF emissions, as per the C. A. R. V Report of 2005 for Wilmington TO ANOTHER near Residential Area, off the Alameda Corridor with my plea that IT NOT BE DONE because if BNSF OPERATIONS ARE deemed so dangerous to health and safety for Wilmington residents, why would a RESPONSIBLE LAHD allow it at a second s?

6311-1

6311-2

Handwritten signature
Handwritten signature



Faint, illegible text

[The remainder of the page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document.]

1 **Comment Letter 63ii: Donald Compton, J.D.**

2 **Response to Comment 63ii-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 63ii-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 § 21091(d); CEQA Guidelines § 15204(a)).

14

15

NOVEMBER 16, 2011

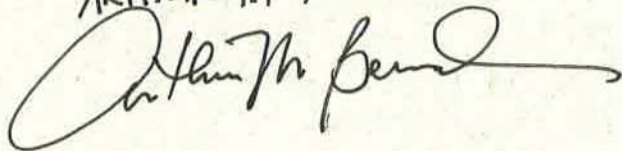
Dear Mr. Cannon:

64-1 I am very worried about your plans to put a railroad in Wilmington and shut down my company. I have been working for California Cartage for 16 years at 2401 E. PCH. I am the Day Shift Supervisor of the Security Guards. This is a good company and I can't imagine working any place else.

64-2 I live in Long Beach near work at the cross streets of Willow and Santa Fe. I live there with my wife and we both need my job. Please do not put the railroad on this land. It is very important to keep Cal Cartage where it is and put the railroad someplace else. There are other places for the railroad. There is nowhere else for Cal Cartage.

Thank You,

ARTHUR M. BERNAL



ARTHUR M. BERNAL
P.O. BOX 9544
LONG BEACH, CA 90810

1 **Comment Letter 64: Arthur Bernal**

2 **Response to Comment 64-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 64-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8

9

Hagner, Dennis

From: Arthur Crable [dennis@crable-associates.com]
Sent: Tuesday, November 29, 2011 5:11 PM
To: Ceqacomments
Cc: Babcock-Doherty, Debra
Subject: Fw: SCIG Project DEIR

65-1 | As a follow up, it seems to me that the AQ impact analysis employs two incorrect standards of analysis:
65-2 | (1) using the "No Project" scenario as baseline to measure impact significance: and (2) using a baseline of
any machination rather than existing SCAQMD significance thresholds to ascertain project impacts. This
document should be corrected and recirculated.

65-3 | Can someone respond to this email only to make sure it has been received and added to Public Comment?
Thank you.

Dennis

A. Dennis Crable
Crable & Associates, Environmental Consultants
765 West Altadena Drive
Altadena, California 91001
626.676-6993
Certified SBE (MTA No. 38662), MBE, DBE, UDBE
(Specializing in CEQA/NEPA project management for over 16 years...)

----- Forwarded Message -----

From: Arthur Crable <dennis@crable-associates.com>
To: "ceqacomments@portla.org" <ceqacomments@portla.org>
Sent: Tuesday, November 15, 2011 8:08 PM
Subject: SCIG Project DEIR

I believe the method used to measure project operational impacts in section 3.2 is incorrect; the significance of a project-related impact is measured in relation to an existing threshold (Guidelines Section 15064.7(a), not to a level of pollution that would have occurred had the project not been developed. For example, in table 3.2-24, project year 2013 VOC lb/day average daily emissions total 89 lb/day, exceeding the established threshold determining impact significance of 55 lb/day, yet the table concludes no significance because the "baseline" VOCs were subtracted from the project VOC output rendering the project's year 2013 VOC output compliant somehow. On its face, the document's method of analyzing impact significance in at least this section seems awkward and misleading at best.

Dennis

A. Dennis Crable
Crable & Associates, Environmental Consultants
765 West Altadena Drive
Altadena, California 91001
626.676-6993
Certified SBE (MTA No. 38662), MBE, DBE, UDBE
(Specializing in CEQA/NEPA project management for over 16 years...)

1 **Comment Letter 65: Crable & Associates**

2 **Response to Comment 65-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 65-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 65-3**

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

Hagner, Dennis

From: Arthur Crable [dennis@crable-associates.com]
Sent: Tuesday, November 29, 2011 7:40 PM
To: Ceqacomments; Hagner, Dennis
Subject: Fw: SCIG Project DEIR

Follow up-

66-1 The analysis for Air Quality in the No Project Alternative appears to be misleading as far as impacts as well. Now the document subtracts "baseline" emissions from "No Project" scenario emissions without removing the existing "baseline" sources of emission. The analysis should add the existing condition emissions to hypothetical "No Project" emissions, then compare those to the proposed project (and controlling thresholds of significance). I feel the analytical methodology employed in this section of the document is misleading and should be revised.

Dennis

A. Dennis Crable
Crable & Associates, Environmental Consultants
765 West Altadena Drive
Altadena, California 91001
626.676-6993
Certified SBE (MTA No. 38662), MBE, DBE, UDBE
(Specializing in CEQA/NEPA project management for over 16 years...)

----- Forwarded Message -----

From: "Hagner, Dennis" <DHagner@portla.org>
To: 'Arthur Crable' <dennis@crable-associates.com>
Sent: Tuesday, November 29, 2011 6:01 PM
Subject: RE: SCIG Project DEIR

I will be included

From: Arthur Crable [<mailto:dennis@crable-associates.com>]
Sent: Tuesday, November 29, 2011 5:11 PM
To: Ceqacomments
Cc: Babcock-Doherty, Debra
Subject: Fw: SCIG Project DEIR

As a follow up, it seems to me that the AQ impact analysis employs two incorrect standards of analysis: (1) using the "No Project" scenario as baseline to measure impact significance; and (2) using a baseline of any machination rather than existing SCAQMD significance thresholds to ascertain project impacts. This document should be corrected and recirculated.

Can someone respond to this email only to make sure it has been received and added to Public Comment? Thank you.

Dennis

A. Dennis Crable
Crable & Associates, Environmental Consultants
765 West Altadena Drive
Altadena, California 91001
626.676-6993
Certified SBE (MTA No. 38662), MBE, DBE, UDBE

(Specializing in CEQA/NEPA project management for over 16 years...)

----- Forwarded Message -----

From: Arthur Crable <dennis@crable-associates.com>
To: "ceqacomment@portla.org" <ceqacomment@portla.org>
Sent: Tuesday, November 15, 2011 8:08 PM
Subject: SCIG Project DEIR

I believe the method used to measure project operational impacts in section 3.2 is incorrect; the significance of a project-related impact is measured in relation to an existing threshold (Guidelines Section 15064.7(a), not to a level of pollution that would have occurred had the project not been developed. For example, in table 3.2-24, project year 2013 VOC lb/day average daily emissions total 89 lb/day, exceeding the established threshold determining impact significance of 55 lb/day, yet the table concludes no significance because the "baseline" VOCs were subtracted from the project VOC output rendering the project's year 2013 VOC output compliant somehow. On its face, the document's method of analyzing impact significance in at least this section seems awkward and misleading at best.

Dennis

A. Dennis Crable
Crable & Associates, Environmental Consultants
765 West Altadena Drive
Altadena, California 91001
626.676-6993
Certified SBE (MTA No. 38662), MBE, DBE, UDBE
(Specializing in CEQA/NEPA project management for over 16 years...)

-----Confidentiality Notice-----
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1 **Comment Letter 66: Crable & Associates**

2 **Response to Comment 66-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5



"INTERNATIONAL BUSINESS AND MARITIME STUDIES"

PORT OF LOS ANGELES HIGH SCHOOL

November 22, 2011

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:

As the Executive Director of Port of Los Angeles High School, an independent public charter school with 950 students and 75 administrators, faculty, and staff, I am writing to express my 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.



"INTERNATIONAL BUSINESS AND MARITIME STUDIES"

PORT OF LOS ANGELES HIGH SCHOOL

67-1

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 at 12 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.

I support 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,

James Cross
Executive Director
Port of Los Angeles High School

CC:

Mayor Antonio Villaraigosa
Mayor, City of Los Angeles
200 N. Spring Street, 3rd Floor
Los Angeles, CA90012



"INTERNATIONAL BUSINESS AND MARITIME STUDIES"

PORT OF LOS ANGELES HIGH SCHOOL

CC:

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA90731

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 67: Port of Los Angeles High School**

2 **Response to Comment 67-1**

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



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Office of District Counsel
P.O. Box 4940
Diamond Bar, CA 91765-0940

Writer's Direct Dial:
(909) 396-2302
Fax: (909) 396-2961

November 30, 2011

via electronic-mail 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: Southern California International Gateway

Dear Mr. Cannon:

INTRODUCTION

68-1 The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway railyard project. This comment letter focuses on the issue of the proper baseline under the California Environmental Quality Act (CEQA) for the air quality analysis of the proposed project. SCAQMD staff believes that the Port of Los Angeles (Port) needs to use a baseline that will accurately quantify and identify the impacts of the project. The current approach, which uses year 2005 emissions in the impacted area as the baseline, fails to meet these goals, at least for some analysis areas. SCAQMD staff will also be providing additional comments.

68-2 First, the DEIR contains a misleading discussion regarding the baseline for the health risk assessment. The DEIR states that "The air quality analysis and the health risk assessment (HRA) of toxic air contaminant emissions associated with construction and operation of the proposed Project reported in Chapter 3.2 were conducted in accordance with a project-specific protocol prepared by the Port and reviewed and approved by SCAQMD...." Section ES 8.1, p. ES-85. This sentence implies that SCAQMD has approved the Port's approach to the baseline issue, which is described in the immediately following sentence. SCAQMD has not agreed to the Port's approach to the baseline issue for the HRA, and requests that this be clarified in the final EIR.

THE ANALYSIS IN THE DEIR

The SCAQMD staff believes that the CEQA baseline selected by the Port obscures the actual impacts of the project. The DEIR states that the Notice of Preparation (NOP) for this EIR was released in September 2005, and that therefore, "the baseline conditions for the proposed Project are, in general, the operational activities that occurred, and conditions as they existed, in 2005." Section ES 2.3, p. ES-3. Furthermore, the DEIR states that "Pursuant to CEQA Guidelines Section 15125(a) and the *Sunnyvale West Neighborhood Association v. City of Sunnyvale* (2010) 190 Cal. App. 4th 1351 (*Sunnyvale*) case, the impacts were analyzed compared to the existing setting, which, for this project is the time of the Notice of Preparation (NOP) or 2005." Section ES 8.1, p. ES-85. The results of this analysis are presented in Appendix C-3.

68-3

As explained in the Appendix, "For the determination of significance from a CEQA standpoint, this HRA determined the incremental increase in health effects values due to the proposed Project by estimating the net change in impacts between the proposed Project and Baseline conditions." App. C-3, section 6.0, p. C3-34. This method of analysis resulted in a determination that the project impacts ("CEQA Increment") were negative 160 in a million cancer risk, which is to say that the project results in an actual reduction in cancer risk of 160 in a million compared to existing conditions. Table C3-7-1, p. C3-34.¹ However, this method of analysis improperly takes advantage of reductions in cancer risk that are the result of unrelated regulatory requirements and fleet turnover of mobile sources that are not the result of the project and would occur anyway if the project did not occur, as the existing tenants would be using cleaner equipment in the future than they are today.

THE DEIR ANALYSIS IS UNREALISTIC

A simplified example will illustrate the problem with the DEIR's approach.

Assume there is an existing facility that has emissions of 1000 lbs/day in the selected baseline year of 2005. In the future, if nothing else changes, the emissions will be reduced by the year 2020 to 500 lbs/day as a result of already-adopted and enforceable regulations and the impact of normal fleet turnover to newer vehicles (which are legally required to be cleaner than today's vehicles). The facility proposes a modification to increase operations so that its emissions in the year 2020 will be 750 lbs/day. If these emissions of 750 lbs/day are compared to year 2005 emissions of 1000 lbs/day, it appears that there is a reduction in emissions and no significant impact, even though in reality the modification added 250 lbs/day of emissions. As a result, there will be no alternatives and no mitigation measures designed to reduce that 250 lb/day increase. In our view, this approach does not comply with CEQA.

68-4 ¹ Due to site specific calculations, the "CEQA Increment" does not equate to the maximum impact under the CEQA Baseline minus the Proposed Project as illustrated in the Table.

68-5 It would be very helpful to have an explanation of how the 160 in a million was derived.

68-6

The analysis of the health impacts suffers from the same defect identified above. The Appendix admits that the analysis takes advantage of emission reductions that are already required by existing rules, which in our view wrongly credits the project with unrelated emission reductions that would occur anyway, and would be even greater without the project. Thus, the Appendix states that factored into the impacts of the project were the following: “Reductions in emissions due to (a) the incidental phase-in of cleaner vehicles or equipment due to normal fleet turnover; (b) the future phase-in of cleaner fuels as required by existing regulations or agreements; and (c) the future phase-in of cleaner engines as required by existing regulations or agreements.” Section 2.2, App. C-3, p. C3-4. Therefore, the project is given credit for emission reductions that would occur anyway, and would be even greater if the project did not occur. It defies common sense and logic to conclude—as the DEIR has—that a project largely designed to increase locomotive capacity will reduce cancer risk.

68-7

The purpose of CEQA is to “give the public and government agencies the information needed to make informed decisions, thus protecting ‘not only the environment but also informed self-government.’” *In re Bay-Delta, etc.* (2008) 43 Cal. 4th 1143, 1162. CEQA also requires the lead agency to avoid or mitigate any significant adverse impacts to the extent feasible. Thus, CEQA contains a “substantive mandate” that public agencies not approve projects with significant environmental impacts if “there are feasible alternatives or mitigation measures” that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal. 4th 105, 134 (emphasis in original). In our view, the use of year 2005 emissions as the baseline compared to future project emissions erroneously obscures the project’s true impacts. Indeed, the approach taken in the DEIR would mean that projects in an urbanized area will frequently be identified to have no significant air quality operational impacts, because already-adopted air quality rules will so dramatically reduce emissions from existing equipment in the future that future emission—even with an expansion project—will be less than emissions at the time of the NOP. This approach is not consistent with CEQA because it fails to identify the significant adverse impacts *of the project*. CEQA Guidelines §15064 specifically requires the EIR to analyze the impacts of the project and determine “whether a project may have a significant effect...” and §15064(d) says “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...” (emphasis added). The analysis in the DEIR violates this Guideline by not focusing on changes caused by the project and improperly taking credit for other changes that are not related to the project.

THE DEIR ALTERNATIVE ANALYSIS ILLUSTRATES A MORE REALISTIC APPROACH

68-8

The weakness in the DEIR approach is amply demonstrated by the alternative approach analysis which compares project impacts with what is called a “floating baseline.” This means that baseline emissions “were estimated by fixing activity levels at the time the NOP was released and allowing for future changes in emission factors due to adopted rules and regulations.” Section ES 8.1, p. ES-85. In other words, this alternative attempts to avoid the flaws of the EIR’s primary approach it does not credit to the project the emission reductions due to adopted

68-8

rules that would occur anyway. Instead, such reductions are included in the alternative baseline. In our view, a baseline such as this alternative analysis that does not credit the project with reductions that would occur anyway due to adopted rules, is a more realistic baseline. However, the DEIR describes this analysis as one “not required by CEQA.” *Id.* We believe that an analysis which realistically evaluates the impacts of the actual project, rather than crediting the project with unrelated future emission reductions, is in fact required by CEQA.

68-9

The “floating baseline” analysis, according to the Port’s own calculations, results in a CEQA increment of 17 in a million cancer risk increase. Appendix C3 Section 7.4, table C3-7-10, p. C3-68. This risk level exceeds 10 in a million, which is the level identified by the Port as a significant increase. Appendix C3, Section 6.0, p. C3-33, and Table C3-7-1, p. C3-34.² Yet the DEIR as a whole concludes that the “CEQA Increment” using the 2005 baseline is a negative 160 in a million (i.e., a reduction in risk of 160 in a million), which is below the CEQA significance threshold of 10 in a million, so the impact is not significant. Appendix C3, Section 7.1, p. C3-34. Thus, the DEIR admits that the project increases cancer risk beyond what would occur without the project by 17 in a million, yet concludes there is no significant impact. This is an untenable result. It means that the DEIR fails to examine feasible mitigation measures or alternatives that could avoid or substantially lessen that significant cancer risk.

SUNNYVALE DECISION DOES NOT PRECLUDE A REALISTIC ANALYSIS

68-10

The DEIR takes the position that its approach is required by *Sunnyvale West Neighborhood Association v. City of Sunnyvale* (2010) 190 Cal. App. 4th 1351 (“*Sunnyvale*”). Section ES 8.1, p. ES-85. We disagree. In that case, the court reasoned: “The statute requires the impact of any proposed project to be evaluated against a baseline of existing environmental conditions...which is the *only way to identify the environmental effects specific to the project alone.*” *Id.* at 1380 (emphasis added). Therefore, the court concluded that the CEQA document improperly evaluated only the “incremental change in these conditions due to the project against the *already worse* traffic environment of the future.” *Id.* at 1387 (emphasis added). In contrast, in this case the environment is expected to improve in the future, not get worse, so the rationale of *Sunnyvale* does not apply.

A leading treatise discusses the CEQA Guidelines’ conclusion that the baseline is “normally” present conditions, stating that “by using the word ‘normally’ the Resources Agency has implicitly recognized that at least in some circumstances a ‘past’ or ‘future’ baseline might be appropriate.” Michael H. Remy, et al. “Guide to CEQA (California Environmental Quality Act)” (11th Ed. 2007) p. 199. Later, that treatise states “where a proposed policy change would require the agency or the public to forego a substantial environmental benefit that otherwise would occur, the action should be treated as causing a significant effect.” *Id.* p. 209. In this case, the alternative baseline approach makes it clear that the project results in foregoing an

² SCAQMD staff does not have sufficient information to determine whether it concurs that the 17 in a million result is the correct result, but at minimum it illustrates that using a more realistic baseline demonstrates significant cancer risk impacts.

68-10

incremental benefit, estimated by the part as 17 in a million cancer risk, which exceeds significant thresholds and thus should be considered significant. To the extent that the *Sunnyvale* court used language implying that a future or realistic baseline could never be appropriate, that language is dicta. The court was simply not confronted with the situation where future conditions without the project will be better than present conditions rather than worse. In such a case, looking *only* at a comparison of year 2005 emissions to future emissions with the project artificially makes it appear that the project actually provides an emissions benefit, which is not correct. This approach fails to identify “the environmental effects specific to the project alone,” which is the objective of the *Sunnyvale* court. It would be perverse indeed to conclude that *Sunnyvale* precludes the lead agency from determining that impacts are significant when the project concededly has a cancer impact of 17 in a million more than conditions without the project. The *Sunnyvale* court was concerned with a case where the lead agency used a baseline other than existing conditions in order to minimize project impacts. The opposite result occurs in this case. The “existing conditions” baseline actually minimizes impacts – in fact erroneously concludes that the project reduces risk. Were a court confronted with the facts of this case, we believe it would conclude that an alternative which looks at a realistic baseline is not only appropriate but required under CEQA.

68-11

If the Port continues to believe that *Sunnyvale* always requires a comparison of future impacts with the existing (2005) environmental conditions, one way to satisfy this concern is to do both analyses, but consider the impacts significant *if they are significant under either analysis*. That way, the Port has complied with its view of *Sunnyvale*, yet has also provided a realistic analysis and will require all feasible mitigation measures and consideration of a range of reasonable alternatives.

68-12

Accordingly, CEQA requires the Port to analyze health impacts and emissions impacts using a realistic baseline, and to evaluate alternatives and mitigation measures to address significant impacts identified under this approach.

Should you have any questions or wish to discuss this issue, please contact me at (909) 396-2302 or bbaird@aqmd.gov.

Sincerely,



Barbara Baird
District Counsel

BB:pa

e:\share\barbara\railroads\scig baseline comments.doc

cc: Barry R. Wallerstein, D.Env., Executive Officer

1 **Comment Letter 68: South Coast Air Quality Management District**

2 **Response to Comment 68-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 68-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 68-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 68-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 68-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 68-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 68-7**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 68-8**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 68-9**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 **Response to Comment 68-10**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 **Response to Comment 68-11**

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 68-12**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4

PRIORITY ONE

PRINTING ★ COPYING ★ GRAPHICS

November 28, 2011

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



Re: Comments on SCIG Draft EIR

Dear Mr. Cannon,

69-1 Please count this as a letter of support for the Southern California International Gateway Project . . . with one qualification.

As a community activist, I have written about and advocated for several years for many of the positive elements that are built into the SCIG project: cleaner air, improved traffic flow, good jobs and continued advantage over competing ports. Consequently, I believe this project must be completed.

69-2 Like any infrastructure project of this scale, however, there are negative impacts to immediately adjacent residents and businesses. I know the residents have vociferously expressed their opinions on what they see as the impacts on them, and I'm sure you will be taking them into account as the project moves forward. As a small business owner, however, my concern is focused on those businesses whose operations are interrupted through involuntary reconfiguration or relocation.

69-3 Specifically, I am concerned with how this project impacts Fastlane Transportation. I have known and worked with owner Pat Wilson for several years. In the 32 years he has been in business, he has grown to the point where he employs more than 100 people, most of whom are Wilmington residents. The jobs are well-paid, with medical and retirement benefits . . . something Wilmington desperately needs. Pat and his employees have been strong supporters of Wilmington community organizations, and Pat, himself, has contributed many hours to the community as president of the Wilmington Chamber of Commerce for several years. Fastlane Transportation is a Wilmington community asset.

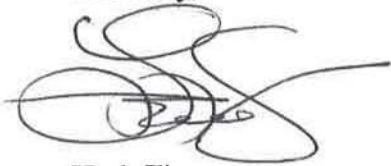
69-4 ✓ The reconfiguration/relocation plan for Fastlane, as indicated in the DEIR, is a step backward for this business. Among other things, it results in less physical space, is extremely inefficient since

Our Priority is You!

69-4 ↑ it is bisected by railroad tracks, includes a public thoroughfare, is obstructed by utility company infrastructure, and will be difficult to build out based on the timetable dictated in the DEIR. The danger here is that Fastlane will have to contract in size, with a consequent loss of jobs.

69-5 | My understanding is that there has been little communication between BNSF, the Port and Fastlane. I would strongly encourage you to open a dialog with Fastlane Transportation, the goal of which, would be to find a relocation site that will allow the business to continue to grow, and continue to create jobs for the Wilmington community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Herb Zimmer', with a large, stylized flourish extending to the right.

Herb Zimmer
President

1 **Comment Letter 69: Priority One**

2 **Response to Comment 69-1**

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 69-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 69-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 69-4**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 69-5**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

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21



November 23, 2011

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 express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

70-1

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 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 at 12 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
San Pedro, CA90731

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 70: Inland Empire Economic Partnership**

2 **Response to Comment 70-1**

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



Svornich Government Affairs

Municipal Advocacy & Negotiations—Public Relations
Community Outreach- Land Use Planning, Zoning & Permits
Crisis Management & Solutions—Regulatory Compliance

November 29, 2011

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info@svornich.com

Web Site:

www.svornich.com

Honorable Cindy Miscikowski
President
Board of Harbor Commissioners
City of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Dear ~~Commissioner~~ President Miscikowski:

On behalf of our client, Mortimer & Wallace, Inc. (dba Los Angeles Harbor Grain Terminal), we would like to express our deep and serious concern regarding the manner in which our client's domestic grain exporting business is being placed in jeopardy by the Southern California International Gateway (SCIG) intermodal rail yard project.

As we are all aware, the SCIG project has taken six (6) years from inception to the Environmental Impact Report (EIR) hearing process. Over the last month, we have attended and testified at both public hearings. **To date, no member of the port staff have ever contacted our client's business informing them that their fifty-two (52) year tenancy at the port is in jeopardy.** In fact, all communication with the port over the past six years has been at L.A. Harbor Grain's volition and not once has any plan been put forth by port staff on how this long-time port business is going to be relocated and their critical role in the export of U.S. domestic grain preserved. Furthermore, the SCIG project not only threatens L.A. Harbor Grain's existence, it places the over one hundred (100) local employees jobs at risk.

Prior to the Draft EIR being certified by your commission sometime early next Spring, we would hope that the Harbor Commission would give explicit instruction to port staff to report on the relocation plans for L.A. Harbor Grain (and other half dozen affected businesses) that SCIG threatens. To date, port staff has provided no answers or solutions and we find this fact quite disturbing.

In the next day or do, we hope you will not mind our contacting your office to schedule an appointment so our client may express their concerns to you and seek your assistance in assuring a fair and equitable resolution to this serious issue. Thank you.

71-1

71-2

Very Truly Yours,

SVORINICH GOVERNMENT AFFAIRS

RUDY SVORINICH, JR.

HONORABLE RUDY SVORINICH, JR.,

President

President Pro Tempore of the Los Angeles City Council (ret.)

Councilman, 15th District, City of Los Angeles (ret.)

RS:dms

cc: Members of the Board of Harbor Commissioners

Geraldine Knatz, PhD, POLA Executive Director

Howard Wallace, Jr., President, L.A. Harbor Grain Terminal

1 **Comment Letter 71: Svorinich Government Affairs**

2 **Response to Comment 71-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 71-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8
9

NAIOP

COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION

SoCAL CHAPTER

December 5, 2011

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

Re: Approval of DEIR for the Southern California International Gateway Project

Dear Mr. Cannon:

NAIOP SoCal strongly urges that the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway Project (SCIG) be approved. 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. The net effect of the plans surrounding the SCIG is clear. Not only does the project score below the Port risk score of 10, it scored a NEGATIVE 161. 17 times cleaner than the standard set for the Port. The SCIG will use electric-powered container cranes that actually regenerate power to the grid; utilize LNG-fueled, or its equivalent, for the yard equipment; plug-in, not diesel powered, refrigeration units, a LEED-certified administration building; a design that eliminates on-street queuing; and much more. BNSF has committed to use only 2007 or newer trucks to transport the cargo between the marine terminals and the SCIG, a mere 4 miles as opposed to the current 24 miles. By 2026, 90% of the truck fleet will be LNG or its equivalent emission vehicles.

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. 1.5 million truck trips a year would be taken off the 710 freeway. Required truck routes are established that keeps 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 destinations in inland Southern California and out of the region do so more efficiently and environmentally friendly.



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Stan Wendzel, BioRealty, Inc.

Pamela Westhoff, Sheppard Mullin

NAIOP SoCAL EXECUTIVE STAFF

Cynthia G. Fusco, Executive Director

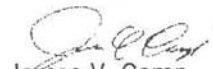
Vickie Talley, Director of Legislative Affairs

Also of great importance is the SCIG project will create numerous well-paying jobs. With unemployment near 12% 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 \$46,600 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 operational 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 the 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 the construction of what is a very important project to the future of the Ports and our economy.

Sincerely,



James V. Camp
Chair, Legislative Affairs Committee
NAIOP SoCal Board Member

Cc: Mayor Antonio Villaraigosa
City of Los Angeles

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles

Los Angeles Board of Harbor Commissioners

72i-1

1 **Comment Letter 72i: NAIOP Commercial Real Estate Development**
2 **Association, SOCAL Chapter**

3 **Response to Comment 72i-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)).

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CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Southern California International Gateway Project
DOT Case No. HRB 11-008

DATE: December 8, 2011

TO: Chris Cannon, Director of Environmental Management
Port of Los Angeles

FROM: Edward Guerrero Jr., Transportation Engineer
Department of Transportation

SUBJECT: **TRAFFIC IMPACT ASSESSMENT - DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PROPOSED SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY (SCIG) PROJECT**

The Department of Transportation (DOT) has completed its review of the traffic impact analysis prepared by the Port of Los Angeles and Environ for the proposed Southern California International Gateway (SCIG) Project, dated September 2011. After careful review of the pertinent data, DOT has determined that Section 3.10 of the Draft Environmental Impact Report (DEIR) adequately describes the project related impacts of the proposed development.

PROJECT DESCRIPTION

The SCIG is generally bound by Sepulveda Boulevard to the north and Pacific Coast Highway to the south, and lies between Dominguez Channel to the west and the Terminal Island Freeway to the east. The project will create a new inter-modal facility which will allow freight to be loaded onto the rail network via the Alameda Corridor 4 miles north of the port area instead of at the Burlington North Santa Fe Hobart Yard located in the City of Commerce.

The project is anticipated to reach its operational capacity in 2023, when it is projected to handle approximately 2.8 million twenty-foot equivalent unit (TEU) containers per year and would eliminate 95 percent of the existing and future intermodal truck trips between the Port and Hobart Yard by diverting traffic to the project site.

DISCUSSION AND FINDINGS

Significant Traffic Impacts

The traffic impact analysis for the SCIG project included a review of 25 intersections, of which 18 lie within the City of Los Angeles. Per DOT Traffic Study Policies and Procedures, revised August 2011, a significant impact for an intersection is identified as an increase in the Critical Movement Analysis (CMA) Vehicle-to-Capacity ratio (V/C) due to project related traffic, under the thresholds given in Attachment A.

72ii-1

72ii-2

72ii-2 ↑ Based on DOT's current traffic impact criteria, the proposed project **will not** create a significant traffic impact at any of the study intersections

RECOMMENDATIONS

72ii-3 | **Proposed Signal at Pacific Coast Highway and 1st Street (Project Driveway)**
 In addition to coordinating the project's Pacific Coast Highway overpass reconstruction and traffic signalization needs with the California Department of Transportation (Caltrans), the project should also include direction to contact LADOT Traffic Signal Design staff to insure that full and appropriate coordination with the City's traffic signal system, immediately adjacent to the project, is considered.

72ii-4 | **Construction Impacts**
 POLA should coordinate all worksite traffic control issues with DOT's Southern District Office. Issues to address include any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related traffic be restricted to off-peak hours.

If you have any questions, please feel free to contact me or Shozo Yoshikawa of my staff at (213) 485-1062.

EG:sy

c: Fifteenth Council District Office
 Sean Haeri, Jay Kim, Crystal Killian, John Varghese, DOT

1 **Comment Letter 72ii: Los Angeles Department of Transportation**

2 **Response to Comment 72ii-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 72ii-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 72ii-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 72ii-4**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

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**BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES**

866 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012 / (213) 974-2222

MARK RIDLEY-THOMAS
SUPERVISOR, SECOND DISTRICT



December 6, 2011

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

Dear Board Members:

A diverse group of labor and business leaders are in support of BNSF (BNSF) Railway's proposed Southern California International Gateway (SCIG) project, which is designed to be the greenest intermodal facility in the United States.

BNSF's \$500 million of private investment will allow containers to be loaded onto rail just four miles from the docks, rather than traveling 24 miles on local roads and the 710 freeway to downtown rail facilities. SCIG will allow 1.5 million more containers to move by more efficient and environmentally preferred rail through the Alameda Corridor each year.

At the same time, the project will create thousands of good local jobs and remove more than 1.5 million truck trips from the 710 freeway every year, yielding significant benefits for local and regional air quality and relieving traffic congestion. 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.

According to IHS Global Insight forecasts, the facility will create 22,000 new direct and indirect jobs in Southern California by 2036, including 14,000 jobs in Los Angeles. Approximately 1,500 jobs annually (direct and secondary) could be added to the regional economy during the three-year construction phase. BNSF has just finalized a Project Labor Agreement with the Los Angeles-Orange County Building and Construction Trades Council for construction of SCIG. The company has also committed to creating a local jobs training program and offering priority hiring for new jobs to qualified local job applicants.

72iii-1

I hope you will extend favorable consideration of this project and join me in supporting this important economic development opportunity that will help keep our Ports and regional goods movement economy competitive.

With hope,



MARK RIDLEY-THOMAS

Supervisor, Second District

CC:

Members, Board of Harbor Commissioners
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn

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

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES IN SUPPORT OF BNSF RAILWAY'S SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT

A resolution of the County of Los Angeles to support a proposed intermodal rail yard, BNSF Railway's Southern California International Gateway, based upon the important role it will play in providing good local jobs, improving air quality and reducing traffic.

WHEREAS, BNSF Railway has applied to the Port of Los Angeles for a permit to construct and operate the Southern California International Gateway near-dock intermodal rail yard on an existing industrial site west of the Terminal Island Freeway; and

WHEREAS, SCIG will allow containers to be loaded onto rail just four miles from the docks, rather than traveling 24 miles on local roads and the 710 freeway to downtown rail facilities, allowing 1.5 million more containers to move by more efficient and environmentally preferred rail through the Alameda Corridor each year.

WHEREAS, 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; and

WHEREAS, BNSF has committed to initially allow only trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. By 2026, 90 percent of the truck fleet 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 adherence; and

WHEREAS, the Port of Los Angeles has recently released a draft Environmental Impact Report (DEIR) for the proposed project, which carefully analyzed the potential impacts of the project related to areas such as air quality, socioeconomics and traffic; and

WHEREAS, the DEIR concluded that the facility would improve traffic and air quality in the local area and along the 710 Freeway; and

WHEREAS, the DEIR also concluded that the facility would result in a reduction of excess cancer risk of 160 in a million (17 times lower than the standard set by the Port of Los Angeles for new projects); and

WHEREAS, unemployment in Los Angeles county is more than 13%; and

WHEREAS, the facility is expected to create approximately 1,500 jobs annually during the construction phase, contributing more than \$85 million in federal, state and local taxes; and

↑ WHEREAS, BNSF Railway has recently finalized a Project Labor Agreement (PLA) with the Building and Construction Trades Council for the construction of SCIG, ensuring that these will be good union jobs; and

WHEREAS, upon completion, SCIG will create up to 22,000 new direct and indirect jobs in Southern California by 2036, according to a study by IHS Global Insight; and

WHEREAS, the ports of Long Beach and Los Angeles need to remain competitive in the face of port development elsewhere in North America and the expansion of the Panama Canal; and

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES DOES HEREBY RESOLVE, that we are supportive of the proposed Southern California International Gateway (SCIG) because of the jobs, air quality and traffic benefits it will bring to Long Beach and Southern California.

1 **Comment Letter 72iii: Mark Ridley-Thomas, Board of Supervisors**
2 **County of Los Angeles**

3 **Response to Comment 72iii-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
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December 6, 2011

LACMA

Serving L.A. County Doctors Since 1871



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

Re: Comments in Response to the SCIG Draft EIR

Dear Dr. Knatz:

72iv-1 The Los Angeles County Medical Association (LACMA) is a professional association representing physicians from every medical specialty and practice setting as well as medical students, interns and residents. LACMA has maintained a leadership role in public health advocacy on regional air quality issues for over 50 years. LACMA recognizes that the South Coast Air Basin suffers from acute air quality challenges. These challenges stem mainly from particulate pollution that occurs as a byproduct of diesel engines and other sources in our region. Over 2,000 peer-reviewed studies since 1997 have linked increased diesel soot particle pollution to strokes, heart disease, respiratory ailments, and premature death. These studies have also shown a correlation between living near a surface transportation corridor and significant cancer risk from air contaminants, with communities living near ports having even higher cancer risks. Particulate air pollution contributes to an estimated 9,200 premature deaths per year in Southern California alone, with an average reduction in life of ten years. This pollution also results in 2,400 hospital admissions, 980,000 Lost Work Days, and, 140,000 cases of Asthma & Lower Respiratory Symptoms per year. The estimated economic value of the health impacts of particulate and ozone pollution from these issues is over \$19 billion annually statewide.¹ Port-related vessels and vehicles account for 12 percent of the South Coast Basin's particulate matter, 9 percent of the NOx and 45 percent of the SOx.² Reducing air pollution by just *small amounts* has been directly associated with a decrease in respiratory and cardiovascular disease occurrences and an estimated increase in average life expectancy.

¹ Source: California Air Resources Board

² Clean Air Action Plan "Fact Sheet," <http://www.cleanairactionplan.org/reports/studies.asp>

72iv-2

The Southern California International Gateway Draft EIR (SCIG) proposes to construct an “intermodal rail facility serving the San Pedro Bay Port marine terminals that would meet current and anticipated containerized cargo demands, provide shippers with comparable intermodal options, incorporate advanced environmental controls, and help convert existing and future truck transport into rail transport, thereby providing air quality and transportation benefits.”³ The proposed SCIG project would handle 5,542 trucks every day traveling between the Port and the SCIG - an average of nearly 4 trucks per minute of every hour of every day, for 360 days every year. The SCIG EIR proposes that trucks be required to meet 2007 EPA on-road standards and be compliant with the 2010 Clean Air Action Plan (CAAP). The SCIG project will also have eight inbound and eight outbound locomotive trips every day, and proposes that locomotives using the facility be augmented with low-emitting switching engines, meet 1998 SCAQMD MOU and 2005 CARB MOU standards, “maximize” the use ultra-low-sulfur diesel fuel, and include the use of automatic idling reduction devices.

72iv-3

LACMA understands the potential value of developing a more efficient intermodal facility to handle future growth, but has serious concerns that not enough consideration has been given to reducing health impacts associated with such growth through the SCIG EIR document. LACMA finds it troubling that the SCIG EIR acknowledges air quality impacts that “exceed local, state and national ambient air quality standards” yet finds these significant impacts “unavoidable.” If one of the core purposes of the project is to “provide air quality and transportation benefits,” it would seem that the project in its proposed state fails at reaching this goal. If the drafters of the SCIG EIR assume that implementing more aggressive emissions control technologies is “not yet viable” because of the increased cost, perhaps they did not take into account the major costs associated with not implementing more stringent emissions reductions, such as the increased burden on the public health system, not to mention the physical and mental effects of the surrounding communities.

72iv-4

LACMA urges the Port to consider *at a minimum* the inclusion into the final SCIG EIR mitigation measures that require drayage trucks using the facility to be powered by liquefied natural gas to help significantly reduce the air quality impact that would be caused by the almost 16 million miles of driving between the SCIG and the Port that will occur every year. Drayage trucks powered by LNG fuel are just one example of existing technologies that can be employed to reduce the major public health impact this project will undoubtedly have. Indeed, hundreds of LNG trucks are today in service at the ports and account for 7% of the truck moves made at the Port of Long Beach.⁴

72iv-5

Avoiding truck trips, namely through infrastructure planning and investments to increase the use of on-dock rail, is another strategy that deserves further exploration in the SCIG EIR.

³ SCIG Draft EIR, Executive Summary, Project Purpose (ES.2.2), Page ES-2, Line 44

⁴ POLB Truck Move Data Analysis Report, November 16, 2011, viewed via “Truck Activity Report” link from <http://www.polb.com/environment/cleantrucks/default.asp>

72iv-6

LACMA believes that the Port of Los Angeles should also scrutinize the potential for future emissions reductions from this facility, and integrate the development of a companion Zero Emissions Container Movement System (ZECMS) into the SCIG proposal. A ZECMS implementation plan may *begin* with a demonstration project serving the SCIG but should also require incremental progress towards a fully zero-emission future within 20 years or less.

Sincerely,

A handwritten signature in black ink that reads "Debra R Judelson MD". The signature is written in a cursive, slightly slanted style.

Debra Judelson, MD
Chair, LACMA Air Quality Committee

1 **Comment Letter 72iv: Los Angeles County Medical Association**

2 **Response to Comment 72iv-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 72iv-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 § 21091(d); CEQA Guidelines § 15204(a)).

14 **Response to Comment 72iv-3**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 72iv-4**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 72iv-5**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 72iv-6**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

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Building Owners & Managers Association Greater Los Angeles

*Enhancing value in commercial real estate
through advocacy, education and networking.*

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 Building Owner's and Manager's Association Greater Los Angeles (BOMA/GLA) and representing over 1,500 members, I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.

- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility.

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.

With unemployment at 12 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.

BOMA/GLA 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,

Michele Dennis
President
BOMA Greater Los Angeles

1 **Comment Letter 72v: Building Owners & Managers Association Great**
2 **Los Angeles**

3 **Response to Comment 72v-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)).

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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!*

December 12, 2011

IGR/CEQA No. 110946AL-DEIR

Southern California International Gateway (SCIG)

Vic. LA-01 / 8.56

SCH # 2005091116

Ms. Lisa Ochsner
City of Los Angeles
Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90731



Dear Ms. Ochsner:

Thank you for including the California Department of Transportation (Department) in the environmental review process for the above referenced project. The proposed Project involves constructing and operating an intermodal rail yard that would transfer containerized cargo between trucks and railcars. The proposed Project area is currently occupied by businesses, some port-related, under existing leases of various kinds with both the LAHD and other property owners. The proposed Project would result in the termination of these leases and in some tenants relocating to nearby sites. Other non-LAHD land would require property acquisition by BNSF and the removal of existing businesses. For the purposes of this EIR, it is assumed that construction of the proposed Project would occur from 2013 to 2015 and that BNSF would operate SCIG under a new 30-year lease with LAHD starting in 2016 and ending in 2046.

73-1 The Department concurs with the report that this project potentially will ease traffic conditions on the I-710 freeway, which is the primary roadway facility that services current Hobart Yard traffic, it is estimated that the project will reduce over 1.3 million truck trips per year between the SCIG project site and the NSF Hobart Yard. This is due to the fact that the trips will occur to SCIG rather than to Hobart Yard, thus eliminating the trips on I-710.

73-2 The analysis report states that, "*The interrelation among the intermodal facilities related to the San Pedro Bay Ports results in the distribution of a set amount of loaded container trips to intermodal facilities. While the total number of off-dock intermodal loaded container trips is fixed in the analysis, the proposed Project would operate with fewer drayage trucks per intermodal lift as compared to the existing Hobart Rail yard facility*". Therefore, the proposed project will ease traffic conditions on I-710 only if these reduced trips will not be replaced by trips generated by future port expansion.

73-3 The Department concurs with this project on the basis that "*the total number of off-dock intermodal loaded container trips is fixed*", thus, it is assumed that no additional future trips to be generated by intermodal trips or any other type of trips. Please include the Department in the environmental review process when future container trips are changed.

73-4 | As part of the traffic mitigations on the State facility, the port proposed reconstruction of site entrance from Pacific Coast Highway (SR-1). The Department concurs with this finding and is looking forward to working with the applicant and consultants. The proposed improvement of this access must be constructed prior to the project build out year.

73-5 | 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.

73-6 | 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. 110946AL.

Sincerely,



DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

1 Comment Letter 73: Department of Transportation**2 Response to Comment 73-1**

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 73-2

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 Response to Comment 73-3

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 Response to Comment 73-4

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 Response to Comment 73-5

21 Section 3.12.4.1 of the DEIR specifically cites the need for a construction storm water
22 permit and storm water control measures in order to control storm water run-off during
23 construction. Section 2.4.3.1 describes those measures in detail. As described in DEIR
24 Section 3.12.4.3.2 stormwater during the operational phase of the Project would be
25 managed by the new storm drain system that would be installed. Because stormwater
26 discharge in the area currently receives no treatment, the stormwater treatment
27 technologies implemented under the proposed Project would result in a reduction in
28 stormwater pollutants. The facility would be operated in accordance with one or more
29 industrial SWPPPs and would be governed by SUSMP requirements. Accordingly the
30 proposed Project would not result in discharges that would create pollution or cause
31 water quality standards to be violated.

32 Response to Comment 73-6

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

35

36

December 18, 2011

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

Subject: Comments Submittal RE Southern California International Gateway
Draft EIR

Summary

74-1

We appreciate the Port's recognition of the value of advancing technologies and recognition of non-cancer health risks and we conclude that the proposed project should proceed only after (1) reduction of major criteria pollutants below thresholds of significance, (2) reduction of impacts so that statement of overriding considerations is not necessary, and (3) objective demonstration that all possibilities for future expansion of on-dock rail opportunities were adequately investigated and realized such that the proposed near-dock facility is necessary.

Recognition

74-2

We appreciate the Port's recognition in LM AQ-8 and LM AQ-9 of the significant reduction in impacts that can result from advancing technologies and the Port's inclusion of the chronic non-cancer hazard index and acute non-cancer hazard index in the Expanded Health Risk Assessment, Section 4.3.1.1.4. 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 tenants can make towards greenhouse gas reduction, which we hope to see applied port-wide.

Concerns

74-3

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

74-3 ↑ advancements and operational capabilities for effective impact reductions during construction and from start of operations forward.

74-4 We also observe that the nature of the Proposed Project concept, increased inter-modal transfer, increases container moves, reduces efficiency of operations, increases potential for errors and accidents, increases pollution and Port footprint, and is contrary to improved container transport methodology such as on-dock rail.

74-5 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.

Recommendations

If the project moves forward as proposed, we request incorporation of the following revisions.

- 74-6 1) Recognize as noise-sensitive uses the established facilities in close proximity to the Project, including Mary Bethune School, Hudson Middle School, Cabrillo Child Development Center, the Loram Manor, and Santa Fe Convalescent Hospital, and revise Chapter 3.9 Noise to define the specific mitigation measures intended to reduce impacts to the established noise sensitive uses.
- 74-7 2) Include recognition of daytime noise as impact in Chapter 3.9 Noise due to proximity to the above listed Sensitive receptors.
- 74-8 3) Define specific planned actions/goals/targets for implementation of advancements referenced in LM AQ-8 and LM AQ-9 such as planned (estimated) date or quarter for (a) demonstration, (b) certification or verification, and (c) implementation to demonstrate greater commitment than as currently discussed as, “when available.”
- 74-9 4) Require specific implementation of advancements resulting from LM AQ-8 and LM AQ-9 within 12 months of certification or verification rather than allowance for, “if the technology is determined by the Port to be feasible, the tenant will work with the Port to implement.” Phased scheduling should allow for segments of 25% (or so) implementation of total, such as 25% within 12 months, 50% within 24 months, 75% within 36 months, and full implementation within 48 months of certification or verification.
- 74-10 5) Revise Sections ES.7.1 Zero Emission Container Movement Technologies, 3.2.5 Consideration of Project Conditions Subject to Approval, and PC AQ-10 Zero Emission Technologies Demonstration Program such that the SCIG facility lease will contain (without allowance for “Commissioners may consider”) project conditions requiring participation in zero emission technology demonstrations, participation in emission technology stakeholder

- 74-10 ↑ groups, cooperation to allow testing of zero emission technology on site, participation in collaboration of development of zero emission technologies, and to provide match funding to the Technology Advancement Program.
- 74-11 6) Advance implementation schedule of PC AQ-11 Low-Emission Drayage Trucks to achieve the following schedule: 33 percent in 2017; 66% in 2019; and, 100% in 2021.
- 74-12 7) 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.
- 74-13 8) Please define specific quantification intended by the term, “maximized” in Section 1.6.3 U.S. Environmental Protection Agency Locomotive Rule discussion that BNSF has . . . “Maximized the use of ultra low sulfur (15 parts per million) diesel fuel by January 1, 2007, for locomotives fueled in California, six years before such fuel is required by regulation.”
- 74-14 9) 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.
- 74-15 10) 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.
- 74-16 11) 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.
- 74-17 12) Consider request for implementation of limited highway rule changes that would allow for truck drayage of two or more piggy-back container trailers to/from the Project site to allow more containers to be transported by less trucks.

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

1 **Comment Letter 74: Port Community Advisory Committee**

2 **Response to Comment 74-1**

3 Environmental impact analyses (see DEIR and RDEIR Chapter 3) demonstrate that all
4 feasible mitigation measures were applied to significant and unavoidable impacts,
5 including criteria pollutant impacts from operation of the proposed Project (see Impact
6 AQ-4 in RDEIR Section 3.2.4.3). The RDEIR Air Quality analysis concluded that no
7 further feasible mitigation measures were available to reduce the impacts to less than
8 significant. Please see Master Response 4, Feasibility of Mitigation Measures, and Master
9 Response 7, ZECMS. With respect to possibilities for future expansion of on-dock rail,
10 this has also been addressed in the RDEIR (see RDEIR Section 5.2.1.1) and see Master
11 Response 6, On-Dock Rail.

12 **Response to Comment 74-2**

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 therefore no further response is
16 required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

17 **Response to Comment 74-3**

18 Please see the response to comment 74-1. The RDEIR identified and applied all feasible
19 mitigation. Health risk impacts under impact AQ-7 were mitigated to less than
20 significant (see RDEIR Section 3.2.4.3).

21 **Response to Comment 74-4**

22 Please see Master Response 6, On-Dock Rail, which discusses the feasibility and
23 limitations of on-dock rail and describes why near-dock railyards will be needed.

24 **Response to Comment 74-5**

25 Please see the response to comment 74-1 and 74-3. The RDEIR air quality analysis (see
26 RDEIR Section 3.2.4.3) identified all feasible mitigation measures for criteria pollutants.
27 The RDEIR GHG analysis has been revised and reissued as part of the RDEIR (see
28 RDEIR Section 3.6) including additional mitigation measures to address GHG emissions.

29 **Response to Comment 74-6**

30 The commenter is referred to the revised noise analysis reissued as part of the RDEIR.
31 The RDEIR noise analysis (see RDEIR Section 3.9) evaluated all of the noise sensitive
32 uses suggested by the commenter with the exception of Santa Fe Convalescent Hospital
33 which is located north of the Project and was determined not to be affected by project
34 operational noise. The noise analysis considered all applicable noise thresholds related to
35 noise sensitive uses in full compliance with CEQA, including evaluation of nighttime
36 sleep disturbance and classroom speech intelligibility. It defined specific mitigation
37 measures to reduce proposed Project -impacts to established noise sensitive uses.

38 **Response to Comment 74-7**

39 The RDEIR noise analysis (see RDEIR Section 3.9) identified significant daytime
40 operational noise impacts, which were mitigated to less than significant. After application

1 of MM NOI-1 through MM NOI-3, which include a soundwall along the eastern edge of
2 the Terminal Island Freeway, the residual daytime operational noise impacts were less
3 than significant.

4 **Response to Comment 74-8**

5 The commenter is referencing the lease measures evaluated as part of the DEIR, which
6 have been revised and reissued as part of the RDEIR. See RDEIR Section 3.2.4.3, which
7 describes two mitigation measures, MM AQ-9 Periodic Review of New Technology and
8 Regulations and MM AQ-10 Substitution of New Technology. MM AQ-9 requires that
9 no later than every five (5) years the project applicant and the Port conduct a review of
10 new regulatory requirements or new feasible technologies that would reduce emissions
11 and that these technologies be implemented if determined to be feasible. MM AQ-10
12 requires that new technologies that are as good as or better than the existing measures be
13 considered for use in the Project subject to the Port's review and approval. These
14 measures represent feasible mitigation measures identified in the RDEIR air quality
15 analysis. In addition, project condition PC AQ-11 (see RDEIR Section 3.2.5), if approved
16 by the Board of Harbor Commissioners, would require BNSF to commit specific funding
17 levels towards a zero-emission technology demonstration program. Also, see Master
18 Response 4, Feasibility of Mitigation Measures, and Master Response 7, ZECMS.

19 **Response to Comment 74-9**

20 The commenter is referencing the lease measures evaluated as part of the DEIR, which
21 have been replaced with mitigation measures MM AQ-9 and MM AQ-10 in the RDEIR
22 as described above in the response to comment R74-8. MM AQ-9 requires that if a
23 review of new technology and regulations identifies new technology that is feasible in
24 terms of cost, and technical and operational feasibility, that the Port work with the project
25 applicant to implement the technology. It is not feasible to require that the technology be
26 implemented in the specific time frame suggested by the commenter, or with the specific
27 phase-in schedule suggested by the commenter. Depending on the technology, many
28 operational and cost factors may need to be accounted for in the introduction of the
29 technology, and these cannot be known in advance of the technology review. It would be
30 infeasible for the RDEIR to require a specific schedule for their implementation when the
31 technologies themselves, though they may be promising, are unproven for use in the
32 proposed Project at this time. See Master Response 4, Feasibility of Mitigation Measures,
33 and Master Response 7, ZECMS.

34 **Response to Comment 74-10**

35 See Master Response 7, ZECMS. The commenter is referencing the project conditions
36 evaluated as part of the DEIR, which have been revised and reissued as part of the
37 RDEIR. The commenter is referred to the revised PC AQ-11 Zero Emission
38 Technologies Demonstration Program (see RDEIR Section 3.2.5) which describes in
39 detail the requirements of the applicant to participate in the zero emission technology
40 demonstration program and provide specified funding for the program. The Port
41 recommends that these project conditions be included in the lease between the LAHD
42 and BNSF for the SCIG facility. It appears that the commenter is requesting that PC AQ-
43 11 be converted to a lease measure by eliminating the discretion of the Board Harbor
44 Commissioners to adopt the project condition. The lease also requires Board of Harbor
45 Commissioners' approval. However, the RDEIR maintains PC AQ-11 (see Section
46 3.2.5).

1 Response to Comment 74-11

2 Please see the response to comment R45C-59-3. The air quality analysis and mitigation
3 measures have been revised and reissued as part of the RDEIR (see RDEIR Section
4 3.2.4.3). Mitigation measure MM AQ-8 Low Emission Drayage Trucks is shown to be
5 sufficient to reduce the health risk impacts to less than significant.

6 Response to Comment 74-12

7 Please see the response to comment R45C-60-6 on the feasibility of requiring specific
8 Tier 4 fleet targets. Tier 4 locomotives are expected to utilize a new, untested technology
9 that simply does not currently exist at a size adequate for line-haul locomotive engines.
10 Under even the most optimistic scenario, there will only be a limited number of prototype
11 high-horsepower Tier 4 locomotives operating in California for field testing in 2013. It is
12 infeasible to commit in advance to purchase and deploy locomotives by a date certain
13 when those locomotives have not yet been designed, tested, or deployed.

14 Response to Comment 74-13

15 The commenter is incorrect that BNSF's "maximization" of the use of ultra-low sulfur
16 diesel (ULSD) fuel in locomotives by January 1, 2007 needs to be quantified to
17 accurately analyze the proposed Project's impacts. Such quantification would have no
18 effect on the RDEIR air quality analysis of the Project (Section 3.2), Alternatives
19 (Chapter 5), or cumulative impacts (Chapter 4). By opening day of the Project in 2016
20 all locomotives will be operating with ULSD fuel per EPA requirements.

21 Response to Comment 74-14

22 Thank you for the comment. The commenter is referencing the project conditions
23 evaluated as part of the DEIR, which have been revised and reissued as part of the
24 RDEIR. MM AQ-2 (see RDEIR Section 3.2.4.3) has been revised to require all trucks
25 used during the construction of the SCIG facility to meet EPA 2007 on-road emissions
26 standards for heavy-duty trucks for both NOx and PM (i.e. to meet model year 2010 truck
27 emissions standards).

28 Response to Comment 74-15

29 The commenter is referencing the DEIR GHG analysis, which has been revised and
30 reissued as part of the RDEIR (see RDEIR Section 3.6.4.3). It is not appropriate to
31 remove the qualification phrase "when feasible" from the description of MM GHG-1, as
32 there may be requirements for construction equipment to remain idling due to safety or
33 other operational reasons for longer than the five (5) minute duration required in MM
34 GHG-1.

35 Response to Comment 74-16

36 The commenter is referencing the DEIR traffic analysis, which has been revised and
37 reissued as part of the RDEIR (see RDEIR Section 3.10). The commenter offers no
38 evidence as to why the impact finding in impact TRANS-1 is incorrect. Accordingly the
39 RDEIR's analysis of construction truck traffic in impact TRANS-1 complies with CEQA.

1 **Response to Comment 74-17**

2 It is beyond the jurisdiction of the Port of Los Angeles to request rule changes for truck
3 drayage on highways; this is under the jurisdiction of Caltrans and the U.S. Department
4 of Transportation. Accordingly the commenter's suggestion would not be feasible.



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



December 15, 2011

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

Dear Christopher:

I write this letter of support 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 (DIER), 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 services.

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 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; equivalent replacement for existing infrastructure that is suitable for their office, warehouse, maintenance facilities and equipment repair space; 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.

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:ha

c: Pat Wilson, Owner, Fast Lane Transportation, Inc.
LA Board of Harbor Commissioners
Geraldine Knatz, Executive Director, Port of Los Angeles

1 **Comment Letter 75: Don Knabe, Board of Supervisors County of Los**
2 **Angeles**

3 **Response to Comment 75-1**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6
7



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

December 20, 2011



Mr. Christopher Cannon
Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, California 90731

DRAFT ENVIRONMENTAL IMPACT STATEMENT /ENVIRONMENTAL IMPACT REPORT FOR THE SOUTHERN CALIFORNIA INTERNATIONAL GATWAY PROJECT

Dear Mr. Cannon:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "The primary objective and fundamental purpose of the proposed Project is to provide an additional near-dock intermodal rail facility serving the San Pedro Bay Port marine terminals that would meet current and anticipated containerized cargo demands, provide shippers with comparable intermodal options, incorporate advanced environmental controls, and help convert existing and future truck transport into rail transport, thereby providing air quality and transportation benefits".

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.

- 76-1
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

76-2

2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

76-3

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.

76-4

4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

76-5

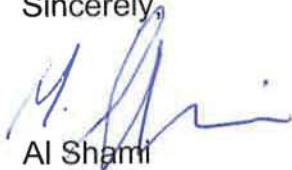
5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed

- 76-5 ↑ and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 76-6 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 76-7 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 76-8 8) Hazardous substances would be present on the Project site during construction (e.g., fuels and lubricants, wastes from demolition and remediation, paints and solvents). If released, these substances could pose risks to human health and the environment. For example, demolition wastes containing volatile or fluid hazardous wastes, such as PCB-containing oils or residual fuels from abandoned storage tanks, should be contained and packaged in accordance with regulatory requirements and regularly transported to appropriate disposal facilities.
- 76-9 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

Mr. Christopher Cannon
December 20, 2011
Page 4

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
nritter@dtsc.ca.gov

CEQA # 3377

1 **Comment Letter 76: Department of Toxic Substances Control**

2 **Response to Comment 76-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 76-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 76-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 76-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 76-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 76-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 76-7**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 76-8**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 76-9**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29

30



Northwest San Pedro Neighborhood Council

"Your Community Voice"

January 5, 2012

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



Diana Nave
President

John Mavar
Vice
President

Craig Goldfarb
Treasurer

Cynthia Gonyea
Secretary

RE: COMMENTS ON SCIG DRAFT EIR

At the December 12, 2011 Board and Stakeholder meeting, the Northwest San Pedro Neighborhood Council passed the following resolution commenting on the draft Environmental Impact Report (EIR) for the proposed Southern California International Gateway (SCIG) project:

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 Draft Environmental Impact Report/Statement (DEIR/DEIS); and

WHEREAS, the NWSPNC commented on the SCIG project during the Notice of Preparation comment period in 2005; 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);

77-1 | WE NOW PROVIDE the following comments to the SCIG project and hope that the LAHD will incorporate additional mitigations to address the issues raised.

77-2 | NOW THEREFORE, BE IT RESOLVED, that the NWSPNC requests the LAHD analyze and create Quiet Rail Zones in the Port area.


BE IT FURTHER RESOLVED that the NWSPNC requests that the LAHD include a provision for the analysis and mitigations within the SCIG DEIR/DEIS for:

- 77-3 | • Analysis of the potential issues and impediments that would limit the ability of the community to safely evacuate the area around the SCIG Facility.
- 77-4 | • Development of a comprehensive community notification and evacuation/response plan.
- 77-5 | • Development of a 24 Hour Hotline where concerns about the facility operations can be provided to the LA Harbor Department and BNSF.

- 77-6 | • Review of the traffic studies to ensure that the relocation of California Cartage, FastLane, Three Rivers, San Pedro Forklift and LA Harbor Grain Terminal will not result in adverse traffic impacts.
- 77-7 | • That financial penalties be put in place for truck traffic that deviates from the approved routes to the SCIG facility and the relocated businesses.

77-8 | BE IT FURTHER RESOLVED that the NWSPNC requests the LAHD work with the proposed
77-9 | businesses that will be relocated to identify suitable locations where these businesses can continue to prosper and create jobs in our community. In addition, the LAHD should update the proposed traffic impacts and propose additional mitigations as needed once the specific locations are identified.

Thank you for considering these comments on the draft EIR. Please contact the chair of our Port Committee, Phil Nicolay, at 310-469-4474 if you have any questions or need additional information.



Diana Nave, President

CC: Geraldine Knatz

1 **Comment Letter 77: Northwest San Pedro Neighborhood Council**

2 **Response to Comment 77-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 77-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 77-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 77-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 77-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 77-6**

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 **Response to Comment 77-7**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 77-8**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 **Response to Comment 77-9**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32

33

Boys & Girls Clubs of the Los Angeles Harbor

Established 1937

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
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Fax (310) 831-5470

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

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Immediate Past President
Mike Lebovitz

January 11, 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 in support of BNSF Railway's proposed near-dock rail facility also known as the Southern California International Gateway (SCIG). SCIG proves that green and growth can go together and BNSF's \$500 million investment in our regional economy and creating approximately 1500 jobs annually is another example of the value of this "Grow the Port Green" project.

The Boys & Girls Clubs of the Los Angeles Harbor supports green growth. SCIG is a great 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. I look forward to approval of the EIR.

Thank you in advance for your consideration.

Sincerely,

Mike Lansing
Executive Director
(310) 833-0807

Staff

Executive Director
Mike Lansing

Director of Development
Derald Sidler

Director of Operations
Tony Tripp

Director of Events
and Marketing
Deanna Deering



78-1

Board of Directors

James Artiano

Betsy Brien

Joe Buscaino

Gwen Butterfield

Sergio Carrillo

John Ek

John Kostrencich

Dennis Lane

David Payne

Ken Pope

Joe Rich

Anthony Santich

John Vidovich

Jayne Wilson

Suzy Zimmerman

1 **Comment Letter 78: Boys and Girls Clubs of LA Harbor**

2 **Response to Comment 78-1**

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

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

January 13, 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 businesses that will be dislocated by the SCIG rail project. Business owners like Pat Wilson of Fast Lane Transportation have a stake in our community and provide much needed jobs. Los Angeles Harbor Grain Terminal is the only grain elevator in the Port of Los Angeles, acting as an import link for US farmers who sell their grain to foreign countries. I don't think the Port of Los Angeles can afford to lose this important export business at a time when we are trying to expand our exports. Other businesses have also contacted my office to express their concerns.

79-1

I understand that efforts will be made to relocate at least some of the businesses and all will be compensated. However, I hope none of these businesses will be lost from the Region – that every job will be saved. The uncertainty over their future is generating concerns among their customers and employees, which has the potential to damage these businesses now.

I urge the Port and BNSF to immediately create a plan with workable, reasonable solutions to keep these businesses in the Port area and one that will allow the project to move forward. We cannot afford to lose one job and businesses like these are important to the economic health of the Harbor Area.

Sincerely,

WARREN T. FURUTANI
Assemblymember
55th Assembly District



1 **Comment Letter 79: Warren Furutani, California State Assembly**

2 **Response to Comment 79-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5

6

The Los Angeles Coalition

A COALITION FOR THE ECONOMY & JOBS IN LOS ANGELES



January 17, 2012

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

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

Douglas P. Krause
Harbor Commissioner
425 South Palos Verdes Street
San Pedro, CA 90731

Dr. Sung Won Sohn
Harbor Commissioner
425 South Palos Verdes Street
San Pedro, CA 90731

Robin Kramer
Harbor Commissioner
425 South Palos Verdes Street
San Pedro, CA 90731

Dear Port Commissioners:

As members of the Los Angeles Coalition for the Economy and Jobs, we are writing to express our strong support for the 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.

80-1

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.



80-1

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. Upon completion, SCIG will be the most environmentally friendly intermodal yard in North America. It will reduce congestion and improve air quality by eliminating more than 1.5 million truck trips from the 710 freeway. This will be accomplished by reducing the current 24-mile truck route between the Ports and the BNSF Hobart and Commerce facilities into a four-mile trip.

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.

Respectfully,



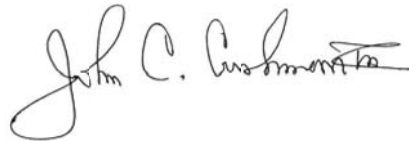
Russell Goldsmith
Los Angeles Coalition Chairman
Chairman & CEO
City National Bank



Ronald L. Olson
Partner
Munger, Tolles & Olson LLP



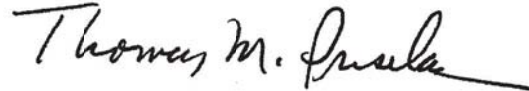
Marc I. Stern
Vice Chairman and Chief Executive Officer
The TCW Group, Inc.



John C. Cushman, III
Chairman of the Board
Cushman & Wakefield



David Fisher
Chairman of the Board
The Capital Group Companies, Inc.



Thomas Priselac
President & CEO
Cedars-Sinai Medical Center



President & CEO
AEG



James A. Thomas
Chairman, President & CEO
Thomas Properties Group



Barry Meyer
Chairman & CEO
Warner Bros.



Ed Roski
Chairman & CEO
Majestic Realty



Ambassador Robert Tuttle
Co-Managing Director
Tuttle-Click Automotive Group



Elise Buik
President & CEO
United Way of Greater Los Angeles



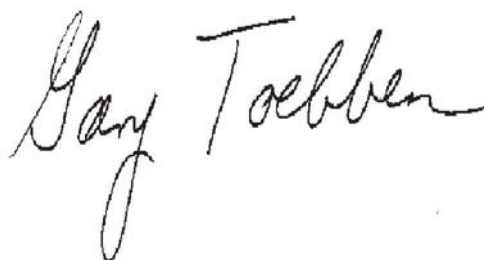
Samuel Hoi
President
Otis College of Art and Design



President
Cal Poly Pomona



David Bohnett
Principal
Baroda Ventures, LLC



Gary Toebben
President & CEO
Los Angeles Area
Chamber of Commerce



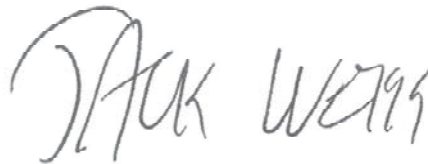
Steven Lavine
President
California Institute of the Arts



John Long
Chairman & President
Highridge Partners, Inc.



John Emerson
President
Personal Investment Management
The Capital Group Companies, Inc.



Jack Weiss
Managing Director and Head of Los Angeles
Office
Kroll



Art M. Gastelum
President & CEO
Gateway Science & Engineering

CC:

The Honorable 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

The Honorable Tom LaBonge, 4th District
Los Angeles City Council
Chair
Trade, Commerce & Tourism Committee
200 N. Spring Street
Los Angeles, CA 90012

The Honorable Bill Rosendahl, 11th District
Los Angeles City Council
Vice-Chair
Trade, Commerce & Tourism Committee
200 N. Spring Street
Los Angeles, CA 90012

The Honorable Eric Garcetti, 13th District
Los Angeles City Council
Member
Trade, Commerce & Tourism Committee
200 N. Spring Street
Los Angeles, CA 90012

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

1 **Comment Letter 80: Los Angeles Coalition**

2 **Response to Comment 80-1**

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
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South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Office of District Counsel
P.O. Box 4940
Diamond Bar, CA 91765-0940

Writer's Direct Dial:
(909) 396-2302
Fax: (909) 396-2961

January 19, 2012

via electronic-mail 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: Southern California International Gateway

Dear Mr. Cannon:

81-1 On November 30, 2011, this office filed comments on the Draft EIR for the Southern California International Gateway, specifically addressing our concern that the document fails to adequately identify significant adverse environmental impacts of the project because it does not use a realistic baseline for analysis. As explained in the DEIR, the Port apparently believes it is foreclosed from using a realistic baseline against which to measure adverse impacts by the court decision in *Sunnyvale West Neighborhood Association v. City of Sunnyvale* (2010) 190 Cal. App. 4th 1351 ("*Sunnyvale West*"). See Section ES 8.1, p. ES-85.¹ We wish to bring to your attention a subsequent case which makes clear the fact that the *Sunnyvale West* case should not be interpreted as preventing the Port from analyzing the significant impacts of the project using a realistic baseline.

81-2 As a reminder, we had pointed out that the DEIR includes an "alternative" analysis in the health impact section which conceded that the project increases cancer risk beyond what would occur without the project by 17 in a million, yet concludes this impact is not significant, even though the Port's significance threshold is 10 in a million. The rationale was that CEQA only allows a significant impact to be measured against a baseline of conditions in the year the NOP was issued (2005 in this case). Compared to conditions in 2005, the risk imposed by the project when it is fully operational will be smaller - but it would be even smaller without the project. Thus the DEIR obscures the significant impact of the project, which is an increase in risk of 17 in a million.

¹ Our previous letter referred to this case as "*Sunnyvale*" but in view of the potential for confusion resulting from the need to discuss a later case also involving the City of Sunnyvale, we now refer to this case as "*Sunnyvale West*."

81-3

A recent case decided by the same court that decided *Sunnyvale West* makes clear that an EIR may properly evaluate a project's impact by comparing the project with conditions in the future without the project. In *Pfeiffer v. City of Sunnyvale*, 200 Cal. App. 4th 1552 (2011), the court of appeal pointed out that *Sunnyvale West* "acknowledged" that "future conditions may be considered in determining a proposed project's impact on the environment." *Pfeiffer*, 200 Cal. App. 4th at 1573. The court further explained that *Sunnyvale West* had pointed out that discussion of "foreseeable changes and expected future conditions" in fact "may be necessary to an intelligent understanding of a project's impacts over time and full compliance with CEQA." *Pfeiffer, Id., quoting Sunnyvale West*, 190 Cal. App. 4th at 1381. The court emphasized that the CEQA document must give "due consideration to both the short-term and long-term effects. CEQA Guidelines §15126.2(a)." *Pfeiffer, Id.* at 1573. Finally, the court drew an analogy to the CEQA Guidelines applicable when a proposed project is compared with an adopted plan, in which case the analysis shall examine existing physical conditions at the time of the NOP "as well as the potential future conditions discussed in the plan. CEQA Guidelines §15125(e)." *Pfeiffer*, 200 Cal. App. 4th at 1574, *quoting Sunnyvale West*, 190 Cal. App. 4th at 1381 (emphasis by court of appeal). Accordingly, the *Pfeiffer* court made clear that a lead agency may measure significant impacts against a "future baseline," at least where the CEQA analysis also "included existing conditions...in its analysis of traffic impacts." *Pfeiffer*, 200 Cal. App. 4th at 1572.²

As noted in our earlier comments, we believe that CEQA not only allows but actually *requires* a determination of significant impacts that does not inaccurately credit the project with unrelated improvements in air quality that will occur anyway, and would be even greater without the project. The DEIR concludes that the "CEQA increment" for health risks (likelihood of contracting cancer) is a negative 160 in a million (based on comparing 2005 conditions without the project to future conditions with the project). This comparison improperly credits the project with the large improvements in air quality that will happen anyway, due to adopted rules, and that would be even greater without the project. The DEIR's determination of insignificance cannot be supported in this case, because it fails to identify the adverse impacts "caused by the project." CEQA Guidelines § 15064(d). Moreover, this error has real-world results, since it means that the DEIR fails to examine, and the lead agency will likely fail to require, feasible mitigation measures or alternatives that could substantially avoid or lessen the significant adverse impacts caused by the project, including a significant increase in cancer risk.

² Another case has relied on *Sunnyvale West* to invalidate a CEQA analysis where it was not clear what baseline was used. *Madera Oversight Coalition, Inc., v. County of Madera*, 199 Cal. App. 4th 48 (2011). That case is not relevant here, however, because it appears that traffic conditions with the project (1,121 vehicles) may have been compared to future traffic conditions under full build-out rather than against existing undeveloped conditions (9 vehicles). *Id.* at 82. Thus, like *Sunnyvale West* itself, this case did not present the situation we have here, where future conditions will actually be better than existing conditions (cleaner air). In the case of SCIG, the comparison with existing conditions makes it artificially appear that the project makes the air cleaner, whereas it actually makes the air dirtier than it would be without the project.

Mr. Christopher Cannon

January 19, 2012

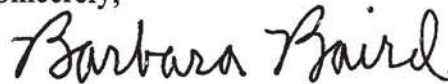
Page 3

81-4

We reiterate our request from our previous letter. If the Port continues to believe that *Sunnyvale West* always requires a comparison of future impacts with existing (2005) impacts, even where the project makes future conditions worse than they would otherwise be, the Port should prepare an analysis using a realistic baseline as well as one using the 2005 baseline. The Port must then consider the project impacts to be significant *if they are significant under either analysis*. This way, the Port can comply with its view of the *Sunnyvale West* case, yet also provide a realistic analysis of significant impacts, and must then require all feasible mitigation measures and consideration of a range of reasonable alternatives.

Should you have any questions or wish to discuss this issue, please contact me at (909)396-2302 or bbaird@aqmd.gov.

Sincerely,



Barbara Baird, District Counsel

BB/pa

e:\share\barbara\railroads\scig baseline 2d set.doc

cc: Barry R. Wallerstein, D. Env., Executive Officer

1 **Comment Letter 81: South Coast Air Quality Management District**

2 **Response to Comment 81-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 81-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 81-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 81-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14
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16

Hagner, Dennis

From: Duong, Toan [TDUONG@dpw.lacounty.gov]
Sent: Monday, January 23, 2012 7:29 AM
To: Ceqacommments
Cc: Ibrahim, Amir; Yanez, Jarrett
Subject: Southern California International Gateway- Port of Los Angeles- DEIR Comments

Mr. Chris Cannon, Director of Environmental Management:

Thank you for the opportunity to review the City of Los Angeles Harbor Department's (LAHD) Draft Environmental Impact Report (DEIR) for the Southern California International Gateway Project. The project involves constructing and operating an intermodal rail yard that would transfer containerized cargo between trucks and railcars serving the San Pedro Bay Port marine terminals. The project site is located adjacent to the Dominguez Channel (levee portion), approximately four miles north of the San Pedro Bay Ports. The project also includes reconstructing and widening a bridge over the Dominguez Channel to accommodate additional railroad tracks.

HAZARDS-FLOOD

82-1 | ● The Los Angeles County Flood Control District (LACFCD) has an existing easement for the Dominguez Channel adjacent to the proposed project site. A levee certification program resulting from a Federal Emergency Management Agency (FEMA) map modernization effort showed that while the levees are structurally sound, they are no longer able to contain FEMA's 100 year flood as described in FEMA's 44 CFR 65.10. The DEIR correctly states that the project site is located in a FEMA-mapped flood zone X, however preliminary analysis by the LACFCD has shown this area may be re-mapped by FEMA as a Special Flood Hazard Area. The LACFCD is currently studying alternatives to mitigate the channel's hydraulic deficiency, including possible channel modifications in the LAHD project area. The LAHD's proposed project should in no way impact the LACFCD's ability to provide flood protection and improve the channel. This includes ensuring continuous vehicle access to the levees for emergency and routine maintenance purposes.

82-2 | ● The LAHD's proposed bridge reconstruction will consist of wider bridge piers and abutments. Further submittals from the LAHD should include a hydraulic analysis to ensure the reconstructed bridge does not cause a reduction in channel capacity and exacerbate the existing hydraulic deficiency.

82-3 | ● Further coordination with the LACFCD is highly encouraged to minimize potential conflicts between LACFCD and LAHD projects. If an encroachment, connection, alteration, or access to an LACFCD facility is required, a construction/access permit from the Los Angeles County Department of Public Works, Land Development Division Permits/Subdivisions Section would be required.

If you have any questions regarding the flood hazards comments, please contact Ms. Elaine Kunitake at (626) 458-7153 or email at ekunitake@dpw.lacounty.gov.

We request the opportunity to review all future documents associated with the subject project. Please contact me directly for any further question or assistant. Thank you.

Toan Duong

Land Development Division

Los Angeles County Department of Public Works

(626) 458-4945

tduong@dpw.lacounty.gov

1 **Comment Letter 82: Los Angeles County Department of Public Works**

2 **Response to Comment 82-1**

3 Thank you for the comment. The DEIR Water Quality impact analysis in Section 3.12
4 used the latest information available at the time of the analysis. The LAFCD’s ongoing
5 remapping effort of the Dominguez Channel has not yet produced new information that
6 would necessitate a reanalysis.

7 **Response to Comment 82-2**

8 BNSF would coordinate with LAFCD during final design and prior to construction in
9 order to ensure the protection of and access to flood control facilities. Details of
10 structures, construction practices and access are appropriate to permit and license
11 applications which will occur later in the process but are unnecessary for the purposes of
12 an EIR.

13 **Response to Comment 82-3**

14 Once the project has received environmental clearances, detailed design and hydraulic
15 analyses of the proposed bridge pier and abutment design specifics would be conducted
16 as part of the permitting process. The design would incorporate modern flood control
17 principles and be compliant with all regulatory requirements. BNSF would consult with
18 LACFCD throughout the design and permitting process, and LACFCD would have the
19 ability, through the permitting process, to ensure that the proposed reconstruction does
20 not exacerbate the existing hydraulic deficiency.

21 **Response to Comment 82-4**

22 See the responses to comments 82-2 and 82-3.

23 **Response to Comment 82-5**

24 Thank you for the comment. The commenter’s information is acknowledged.
25



January 17, 2012

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

Dear Mr. Cannon:

83-1

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 make this project an important step to improving the lives of those within adjacent communities.

83-2

Although the board fully supports the project as proposed, it is concerned with the loss of acreage that will result to businesses currently operating in the proposed area. It is our hope that Port of Los Angeles staff will work with these businesses to identify suitable relocation sites. We understand that any short-term job losses resulting from SCIG project will be mitigated by the creation of additional permanent jobs by the time of full build-out.

83-3

Once again, we are happy to see the benefits that will accrue to the local community in terms of job opportunities and the utilization of green technology. It is our hope that this project wins favorable approval from the Board of Harbor Commissioners. The future well-being of all those who live within the SCIG project area depends on its successful construction and implementation.

Thank you for the opportunity to comment on the BNSF SCIG project.

Very truly yours,

Sonia Bailey, President
Board of Directors

Very truly yours,

Margaret I. Hernandez
Interim Executive Director



Harbor Area & South Bay

YWCA Harbor Area & South Bay
437 West 9th Street Tel: (310) 547-0831
San Pedro, CA 90731 Fax: (310) 547-4443

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 83: YWCA Harbor Area & South Bay**

2 **Response to Comment 83-1**

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 83-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 83-3**

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
18



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

January 20, 2012

Dear Mr. Cannon:

84-1

With appropriate study and associated mitigation, the Wilmington Chamber of Commerce believes the SCIG project can result in a world class facility and a model of green growth for the rest of the country, demonstrating how a major infrastructure project can result in community benefits and job growth. We support the continued efforts of the Port of Los Angeles and BNSF Railway in achieving this reality.

84-2

This Project, as described in the DEIR, has the potential to improve many aspects of the environment, particularly traffic, air quality, and land use. The DEIR, states that this project will make a significant improvement in air quality. Diesel emission standards improve over time and we believe incorporating the best drayage engine technologies available as a part of the (FEIR) will strengthen the project and ensure ultimate implementation.

84-3

According to the DEIR, only two private businesses Fast Lane Transportation, Inc. and California Cartage Company, and one public agency (Alameda Corridor Transportation Authority) would be relocated as a result of the Project. The relocation sites are inadequate for the private businesses. Significantly, Fast Lane Transportation, Inc. is the only business operating within the Project boundaries that owns the land which would be taken for the construction of the Project.

84-4

We understand that the relocation sites identified for Fast Lane and Cal Cartage in the DEIR have been deemed inadequate, particularly for the purpose of preserving the jobs for the employees of these companies as well as operational deficiencies. While the construction and completion of the project will result in a significant number of new jobs, that must be balanced and mitigated with the potential loss of existing jobs, some of which have been held by employees of Fast Lane and Cal Cartage for decades.

84-5

It is not clear if the traffic that would be rerouted from Fast Lane and Cal Cartage to their respective relocation sites has been sufficiently studied. The combined existing traffic counts-477,000 truck roundtrips-is an extraordinary number and inadequately mitigating this volume of traffic could have a significant effect on existing businesses and the community.

84-6

Finally, the Cumulative Analysis section of the DEIR appears to need additional study. The result of the impact from the Port of Long Beach project, Pier B Rail Yard Expansion, is not clear. The scope of that project clearly intrudes into Wilmington to the extent that it appears that this project will take land that has been identified as relocation sites, further exacerbating the dislocated business.



84-7

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,

A handwritten signature in blue ink that reads "Dan Hoffman". The signature is written in a cursive, flowing style.

Dan Hoffman
Executive Director

1 **Comment Letter 84: Wilmington Chamber of Commerce**

2 **Response to Comment 84-1**

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 84-2**

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 **Response to Comment 84-3**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 84-4**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 84-5**

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 84-6**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 **Response to Comment 84-7**

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
36



January 25, 2012

Mr. Chris Cannon
Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA. 90733

Subject: Comments on Port of Los Angeles Draft EIR for the SCIG project.

Dear Mr. Cannon:

We are pleased to have the opportunity to comment on the Draft SCIG EIR. Our comments focus on the parts of the EIR which **deal directly with the future of California Cartage's operations in the ports that will be severely impacted by the SCIG/ BNSF project, as proposed.**

Our review and comments on the document have the following elements:

1. Corrections of factual errors;
2. Request for clarification of statements and data contained within the EIR document;
3. Request for further analysis of project components and proposed alternatives; and
4. General comments.

Summary statement:

Upon review of the SCIG EIR document, California Cartage would like to go on record **opposing the draft SCIG project EIR as it is currently written.** We believe that the EIR **contains various factual errors** which need to be corrected as these errors may have significant impact on the veracity and accuracy of traffic, air quality, and other environmental data detailed in the EIR which, in turn, could impact on the findings in the EIR document.

We believe that the EIR is **woefully inadequate in its analysis of the possible alternative project locations both for the SCIG project and for the proposed relocation alternatives for existing tenants** who will be replaced or be significantly and negatively impacted by the proposed SCIG project.

Additionally, we are very concerned that the **description of the proposed alternative locations for existing tenants, such as California Cartage, significantly lack accuracy, feasibility, and necessary detail.**

For a more detailed description of the position of California Cartage concerning this EIR please note our following comments:

Correction of factual errors:

Error One:

85-1

The EIR repeatedly makes the claim that the SCIG operation will be cleaner than the existing transloading operation. These statements blatantly ignore the facts. California Cartage's operation has been recognized by all major California and Regional Air Quality regulatory agencies, as well as by both ports, to be the cleanest trucking operation in the harbor. The Company has been a leader in working with both ports -- testing, in actual operation, clean technology vehicles. The company has converted almost all of its yard equipment to clean fuel technology. Yard trucks were replaced with LNG alternative fueled trucks. All forklifts were retrofitted with emission control devices. Any remaining diesel fueled top handlers are being phased out. California Cartage has participated in close cooperation with the ports in the implementation of the Clean Trucks program, and has been repeatedly recognized publically by the aforementioned entities for its accomplishments in this area. By ignoring this fact, the EIR errs in making the case that the SCIG operation will be cleaner than the current operation of California Cartage.

Error Two:

85-2

In the Project Description Chapter, Section 2.2.2 (Project Setting), the EIR states that California Cartage currently occupies 86 acres for permitted use by the LA Harbor and 19 acres from Southern California Edison ("SCE"). The correct figures are the following: 70 acres from the port and 17 acres from SCE. (It should be noted that not all the SCE acreage is useable for commercial purposes).

Request for further analysis of project components /alternatives:

Item One:

85-3

The EIR indicates that California Cartage will be relocated to a nearby 10 acre site which is currently used as maintenance/office building for the ACTA facility. (See Section 3.8.2.1.3 Tenant Relocation Areas - Land Use). The document assumes that the site will be usable by California Cartage for transloading operations (Section 2.4.2.1). We disagree.

The proposed site is bordered on three sides by unavoidable physical barriers to any entry while the eastern portion of the parcel is bordered by a BNSF rail spur which, if continued to be utilized, will prevent usable, unimpeded, and efficient access to the site. The nearby road access even to the 10 acre site is so severely limited that it would not be able to handle the traffic that would be operating to and from the site. We believe that the EIR needs to point out the severe site limitations of the 10 acres which is accessible only from one point on the east side of the property. Since three sides of the area are not possible for any sort of vehicular (or even pedestrian) access, the site can have only one possible physical entry/exit. This fact makes for a very unsafe situation, especially in case of the possibility of an emergency such as a fire or a major accident. In addition, the site is located directly south of a 50-foot high, huge, open, and hazardous storage area of large sulfur piles which pose an on-going health impact, especially during Santa Ana conditions.

The proposed site is so severely limited in size and configuration that it cannot accommodate a viable transloading operation and could only (possibly) be used for vehicle storage and vehicle maintenance operations which certainly precludes California Cartage from conducting on the

85-3 ↑ site any integrated and full-scale transloading operations. This recommendation in the draft EIR is tantamount to shutting down California Cartage's transloading operations in the Port of Los Angeles.

We urge the EIR to analyze in much greater detail and accuracy the limiting site conditions of the 10 acres especially from the points of view of viability, access, health and safety impacts.

Item Two:

85-4 When describing the proposed relocated facilities on the 10 acre site for California Cartage, the EIR states the following: "*These structures are assumed generally to resemble the existing structures in size and appearance, except that California Cartage warehouses would be smaller, more modern, and more efficient structures than the existing warehouses, given the large reduction in property acreage.*" This statement is completely without foundation as the recommended reduction equates to a 72 percent reduction in the operational footprint of California Cartage. California Cartage's current operation utilizes 3 large buildings on roughly 70 acres. There is no physical or logistical ability to squeeze that size of an operation into the 10 acres proposed. In order to have a viable transloading operation which requires enough room for a transloading facility, truck bays for loading and unloading cargo, and space for requisite yard and other equipment, California Cartage would need a contiguous area of at least 30 acres. While warehouses can be modernized to some degree, the very nature of a transloading operation requires considerable space for the in and out movement and repackaging of cargo which needs to be on a single platform and cannot be "modernized" by going multi-story or squeezing into a much smaller space. Besides the mobile aspect of the transloading activity, California Cartage would also need space for the parking of vehicles overnight and for other facilities such as truck fueling, air quality monitoring and testing equipment, and a certain amount of space for administrative staff. Since a 10 acre parcel of land could only accommodate less than a third of what would be needed for a minimum sized efficient and modern transloading operation of about 30+ acres, we have no idea where the draft EIR found any basis or supportive data for the statement cited above.

We urge the SCIG EIR to re-examine and correct these assumptions which are not based in fact or with knowledge of the nature of transloading activity.

Item Three:

85-5 The draft EIR indicates that California Cartage could continue with some limited operations by utilizing the area currently provided by Southern California Edison adjacent to California Cartage's existing leasehold. That space is roughly 17 acres gross but only 10 acres of usable space due to tower legs, PCH easement, and being divided by a railroad spur. The parcel currently can be directly accessed from the main portion of the California Cartage site. Since the SCIG Project would occupy that entire existing area, the EIR makes the assumption that future access for California Cartage's vehicles to the Edison site would be provided through a newly built access road at the north end of the SCE's property (Please note section 2.4.2.5 of EIR).

85-6 ↓ The EIR states that "*The SCE access road 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. The access road would be improved and dropped below existing grade for a short distance in order to pass under the proposed north lead tracks. A bridge would carry the tracks over the road. In*

addition, emergency access to the SCE parcel would be provided at several points throughout the proposed rail yard."

Once again the EIR describes a project component that is difficult to comprehend and substantiate from an engineering and traffic point of view (not to mention its considerable costs) and lacks any reliable and verifiable detail.

California Cartage utilizes the SCE site for parking personal vehicles when personnel are off the main premises driving other vehicles and for trucks and chassis which are parked overnight when the daily work shifts are finished.. Were it not for this arrangement, the drivers of these trucks would have to take their trucks to other locations (most likely to their homes) at considerable inconvenience to the nearby residents. In doing so, they would also create additional truck traffic in nearby communities which is currently avoided by the utilization of part of the Southern California Edison site. The area is also utilized for the transloading of overweight cargo that originates in the harbor and is readied for shipment to other parts of the country.

As for the nature of this proposed road to be built below grade, we have no indication in the EIR as to the length of such a road and the degree of the grade at which the road would have to be built in order to provide safe, through passage for the trucks which, at times, could be pulling heavy, 45' containers. The AASHTO design of such a road will require an access driveway that will be too wide for allowable ingress and egress between the existing Edison tower legs to include the 35 foot per leg clearance area for the SCE site. The road design will have to take into consideration the restrictions that such AASHTO design considerations will require. (Section 2.4.2.5). The EIR needs to examine these facts in order to assure that such a proposed access road will, in fact, be feasible from an engineering point of view and will meet the needs of the equipment that will be using this road.

It should also be noted that the SCE site cannot be used by California Cartage for anything other than truck and vehicle movement and parking. There can be no structures of any kind constructed on the SCE site, which fact requires California Cartage to have another location or locations nearby for its transloading operation.

Without providing much greater clarity and specificity about the physical configuration of the new, proposed access road, the EIR analysis cannot accurately determine what impact this new road would have on traffic on the nearby roads such as Sepulveda Blvd. Since this road is planned for the joint use of Edison equipment, California Cartage trucks and vehicles, as well as trucks for the continued operations of Three Rivers, depending on the time of the day, there could be severe queuing problems causing bottlenecks on Sepulveda Blvd. or exit difficulties from this access road onto Sepulveda Blvd. - a major truck route for the ICTF and a through road for the community to the nearby Long Beach Freeway.

Truck and regular vehicular traffic on Sepulveda Blvd. in the vicinity of UP's operations is already severally stressed at certain times of the day. The EIR indicates that the planned SCIG operations at the northeast end of the facility will also be utilizing Sepulveda Blvd. Depending on the volume of drayage trucks serving the UP and the future BNSF operations, in conjunction with the continued operations of Three Rivers, and others, the combined traffic impact on Sepulveda Blvd. would cause even more congestion in the future. The EIR needs to address this situation and what traffic mitigations need to be put in place to alleviate what will become a severe problem in the future for cargo movement and for the regular non-commercial traffic in the area.

Item Four:

The draft EIR does not identify whether or not this access road will be a public or private road. The EIR also ignores the fact that the SCE site will be required to provide an emergency exit that must be usable by all the vehicles operating on the site. The suggested emergency gate on the south side of the SCE property, as described in the EIR, would not be sufficient for this purpose.

85-9

For months, California Cartage was provided preliminary (unofficial) information by port staff that vehicle access to the SCE property will be through a tunnel that would be built underneath the existing Three Rivers operation. It appears that the tunnel idea has been abandoned, but for some reason the EIR does not explore that ,or any other, alternative as it simply assumes that a depressed road underneath the new rail bridge that will be built above it is the most environmentally appropriate alternative. We believe the EIR should examine various alternative vehicle access options to and from the SCE property and through the Three Rivers operation and that such analysis be much more detailed, thorough, and realistic than the simplistic and totally inadequate description of the access road currently contained in the draft EIR.

Item Five:

The EIR ignores the fact that transloading is a vital element of any port activity. Having a transloading facility in or very near a harbor - as is the case with California Cartage – significantly reduces the number of containers being moved to other locations in the country. California Cartage has operated in its current location since the 1950s and it is estimated that its transloading operation, on an annual basis, reduced, by about 30 percent, the container transport out of the harbor. Transloading is not an activity that can be eliminated in an active port. The severe reduction or elimination of California Cartage's operation in the harbor will force shippers to transport their containers out of the harbor area to transloading facilities further inland thus contributing to additional truck traffic, especially on the Long Beach Freeway. Since the port is not prepared to provide an alternative, viable site to California Cartage (other than the small 10 acre site), it is not likely that any other transloading company could find a suitable site within the port to offer this service. Therefore, in order for the EIR to accurately reflect the traffic impact of the elimination or reduction of California Cartage's transloading activities, it must factor into the EIR's traffic analysis the **increased container traffic** that will be generated on nearby freeways. The Draft EIR is woefully inadequate in addressing the environmental impact of the elimination of California Cartage's clean truck operations and how this situation would cause additional container traffic in and around the two harbors as well as additional air pollution as other transloading activities would be increased outside of the port – but within this air basin - that do not meet the stringent air quality standards required of truck and equipment that operate within the Port of Los Angeles.

85-10

Item Six:

California Cartage is also a major transloader of Overweight Cargo which can only get to the existing site by way of designated Overweight Corridors. Neither the proposed 10 acre site or the SCE site have a connection to the overweight corridors which means that California Cartage will no longer be able to continue with that aspect of their business forcing overweight cargo to go elsewhere. The EIR does not take into consideration how this will impact traffic of such overweight cargo that must find alternate routes within the harbors from the existing corridors to California Cartage.

85-11

85-12

In summary, we strongly urge the Port to recognize in this EIR the continued importance of transloading activity in the ports as provided by California Cartage and the negative environmental impact (aside from the economic disruption and harm) that would be caused by the severe reduction in scope or the highly possible elimination of the company's transloading activity. The Port should facilitate the continuance of clean port-related operations. With that in mind the EIR should be more rigorous in finding a feasible alternative transloading site in the harbor in addition to or in lieu of the designated, but impractical and infeasible 10 acre site.

Request for clarification of statements and data contained within the EIR document:

Item One:

85-13

The EIR makes the claim that the BNSF rail yard will be cleaner than the operations by the current tenants. We inquire: what emission data was used to support this statement? As of 2008, the Port CAAP had set in motion a gradual phase-out of older trucks and by December of 2011 all trucks with engines older than 2007 were not allowed to operate in the port. This means that the existing truck operations will - by the Port's own policies - be cleaner than the proposed rail yard which will not eliminate diesel emission of its fleet until 2025.

85-14

We also find it surprising that although the CARB Guidebook limits siting sensitive use sites (such as homes and schools) near existing industrial sites, certain commercial use sites, and transportation sites **including rail yards**, that no such limits would be applicable in reverse, when a use, such as a rail yard, is proposed to be located near such sensitive use sites! The CARB regulations and restrictions should be applied in both directions.

Item Two:

85-15

In Section 3.8.4.4 –Summary of Relocation Impacts- the EIR states that *"As discussed in Chapter 2 Project Description (Section 2.4.2.1), only three of the existing businesses within the proposed Project site (a portion of California Cartage, Fast Lane Transportation and the ACTA maintenance yard, Table 2-3) would be relocated to nearby properties as part of the proposed project, that relocation is assessed in detail in this EIR."*

California Cartage finds this statement misleading and inaccurate since, as we have pointed out in our comments above, the EIR is woefully inadequate in describing the physical aspects of the relocation sites and their environmental impacts. Without a much more detailed and realistic examination of the facts surrounding the relocation aspects of the SCIG Project, the draft EIR statements on this issue are without any demonstrable foundation.

Item Three:

85-16

The EIR indicates that the container traffic from the proposed SCIG site will be almost a 30-fold increase over the traffic generated by the current operations at California Cartage. Yet the draft EIR analysis asserts that:

*"...the proposed project would result in a **reduction in the volume/capacity ratio** (an improvement in intersection performance) at a number of study locations. This is due to several factors:*

85-16

1. *The proposed SCIG project would operate more efficiently than the existing intermodal facilities, thus producing fewer total truck trips than would have been generated without the project.*
2. *Relocated land uses would shift the majority of existing tenant trips to Anaheim Street from Pacific Coast Highway and Sepulveda Boulevard.*
3. *Proposed Project truck trip routing would limit trucks to designated truck routes.”*
(Section 3.10 Transportation/Circulation)

This aggressive assertion stretches credulity and begs the question as to how staff arrived at the claim that SCIG would operate more efficiently than existing intermodal facilities -- By what standards and at what point in time? Other terminal operators may also take issue with this statement.

General Comments:

Item One:

The Draft EIR, at best, is very “sketchy” in its analysis of alternate sites for the proposed BNSF SCIG project. We understand that the size and capacity of the proposed SCIG project was partially planned to accommodate future cargo volumes as projected in the 2004 Parson Report. That Report examined the historic cargo volumes and made assumptions of future volumes based on past patterns. We would argue that the projections made in 2004 did not foresee the collapse of cargo volumes experienced since 2008 and the expansion of the Panama Canal – both of which will have potentially negative impacts on future cargo volumes (especially on cargo volumes predicted back in 2004) in this region . These recent developments were identified in the Tioga Study of 2009 which identified a 7-year volume setback after the 40% decline in cargo traffic during the years of 2008 and 2009. Since that time, both ports have accelerated their plans for, and construction of, on-dock rail.

85-17

In Section 1.1.5.3 of the draft EIR we are told that “...recent cargo volumes suggest that the 2009 forecast may have substantially underestimated future growth and that near-dock intermodal volumes may reach 4.4 million TEUs earlier than the 2009 forecast predicts”. Yet there are other studies and analyses which indicate that cargo volumes – in this region - may not grow at the rate assumed by the Port. The apparent discrepancy in cargo forecasts and the combination of all of the rail plans, as described in the draft EIR, would suggest that the initial estimates and plans for the proposed SCIG facility could be materially impacted.

In light of these developments, the question should be asked: Is the proposed SCIG project of the size and scope that is appropriate given the disputes in the projections of future cargo volumes in this region and the build-out of the various on-dock rail projects in both ports?

Given the dramatic changes in the market and other circumstances, we believe it would be prudent for the Port to re-examine the current and future projected cargo volumes and provide for a more detailed examination of the other possible sites for the SCIG projects than is currently provided in the Draft EIR. Since the capacity and size considerations of these alternate sites were based on much greater projected cargo volumes, we urge that the Port revisit those assumptions and their relevance to the evaluation of the feasibility and capacity of the alternate sites for BNSF’s proposed project. For example, a rail facility at the West Anaheim location would be closer to the port terminals which in turn would reduce truck traffic to and from the terminals. The East Anaheim facility is vacant most of the time and has all the prerequisite features for a viable rail yard. It is also closer to the terminals than the proposed SCIG location

85-17

↑ and would not involve the shutting down or relocation of existing, long term port tenants. The existing Watson Yard should also be reevaluated in light of the changed and projected market conditions.

Item Two:

85-18

The Ports of Los Angeles and Long Beach have made public commitments to actively pursue possible Zero Emission Technology to move cargo in and around the harbors. Both ports have spent valuable resources and several years examining the feasibility of using Zero Emission Technology. These efforts have resulted in technical proposals from multiple national and international firms. (See Section 2.6.2.3 of Project Description.) The ports are currently evaluating the various aspects of such a project - from the point of view of engineering feasibility, financing, regulatory requirements, and a framework of possible public-private partnerships for the construction, operation, and maintenance of such a project. The EIR asserts that none of the proposals provided were "*deemed sufficiently mature, at this time, to commit valuable port... resources to a full scale deployment*". Ironically, the same claims were made several years ago when the Port decided to push ahead with its Clean Truck Program - yet the Port moved ahead and today it proudly touts the success of that program. As shown on the port's website: "*Effective January 1, every local short-haul or "drayage" truck calling at the Port of Los Angeles meets the strictest clean air and safety standards of any major port in the world.*"

The same commitment and aggressive pursuit should be exhibited in connection with ZECMS technology. And what better project to start with than SCIG!

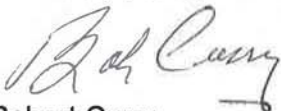
We urge the Port to make a more sincere effort in this draft EIR to examine the potential and the feasibility of such a freight carrying system and its impact on the nature and capacity of the proposed SCIG facility. After having both ports make such a concerned (and we trust genuine effort) at implementing such technology, it is distressing to see that the EIR essentially dismisses that potential as "premature" in its examination of the SCIG project.

In closing:

California Cartage appreciates the opportunity to comment on the draft SCIG EIR and we sincerely hope and trust that the port will take into serious consideration our comments. The adequacy and accuracy of this EIR is essential to ensuring that the Port will proceed with the best option in bringing improved rail service to the Port while ensuring that other critical businesses in the port will not be harmed or terminated by the construction of this project. We believe the EIR can point the way to a project alternative that accomplishes all of these goals.

We look forward to continue working with the Port of Los Angeles on making this project EIR a document worthy of the sincere efforts of so many people.

Sincerely yours,



Robert Curry
President
California Cartage Company

1 **Comment Letter 85: Cal Cartage**

2 **Response to Comment 85-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 85-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 85-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 85-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 85-5**

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16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 85-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 85-7**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 85-8**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 85-9**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 **Response to Comment 85-10**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 **Response to Comment 85-11**

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 85-12**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 85-13**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 85-14**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 85-15**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 85-16**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 85-17**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 85-18**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22

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Green Path Freight, Inc.

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San Diego, CA 92127
858-472-5029
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January 25, 2012

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

Comment:

Draft EIR - Southern California International Gateway (SCIG) Project

Dear Mr. Cannon:

This comment requests evaluation of a new alternative. It is a feasible alternative and mitigation measure considerably different from those previously analyzed or eliminated (Section 2.5 of the DEIR) that would clearly lessen the environmental impacts of the project. I named the alternative "10,000-ft SCIG & ICTF". Details are in **Parts A through F** and a table of contents is at the end of this comment. An Adobe pdf is available through email.

86-1

The 10,000-ft SCIG & ICTF also increases capacity to match demand and provide more jobs. The BNSF SCIG is too small for its share of near-dock traffic. It will be filled to capacity in 2023 just seven years after it opens. It is sufficient for total SPB Port traffic of 25.2 million TEUs, not the 43.2 million build-out capacity anticipated in 2035.

The new SCIG (153 acres) would be substantially more efficient and productive at lower environmental impact if trains up to 10,000-feet long fit on a single loading track of the same length. By being long enough to hold an entire train, switching to break and build trains to and from short segments (DEIR, p. 1-11, 1-15) would be eliminated along with its cost, operational time, emissions and noise. Specifically,

- Lower Emissions: The reduction of on-site emissions from eliminating switching by line-haul locomotives extends the remarkable feat of the SCIG project in operating at lower emissions and twice the capacity of the existing ICTF in 2007.
- Much Less Noise: Switching is five times louder than any other project noise source. Eliminating it has the potential to reduce mitigated impact on West Side neighborhoods to less than significant levels.
- Reduced Traffic Near & Through West Side Neighborhoods: Non-port trucks using Sepulveda and SR-103 diverted to Alameda Street and PCH. General east-west through traffic disinclined to use Willow.

86-2

These benefits are obtainable by joint development with the ICTF Expansion and Modernization (177 acres) and reshaping the parcels to be long and thin instead of short

86-2

and fat. The two projects control all of the required land except the Sepulveda right-of-way; the rest is just civil engineering and railroad operational design. Overcoming institutional obstacles may be a challenge but both ports, both railroads, nearby residents, and the Southern California economy would all benefit.

The two side-by-side railyards would substantially lessen significant project effects and exceed project objectives. The planned SCIG and existing ICTF sites divided at Sepulveda Blvd. limit loading tracks to 4,000 feet. Re-division into two, long, side-by-side railyards permits filling the 2,000-ft gap with loading tracks. Sepulveda would be closed and the traffic rerouted to PCH. BNSF would use the easterly yard and Union Pacific would use the westerly yard. Truck entrances would be as proposed by the railroads except that Union Pacific would exit to Alameda instead of Sepulveda.

86-3

BNSF, as the project applicant, has the power to pursue the 10,000-ft SCIG & ICTF alternative, at least, through the point of formal requests to the ICTF Joint Powers Authority (JPA) and its permit holder, Union Pacific. Los Angeles Harbor Department, as the lead agency, separately has the power to include the 10,000-ft SCIG & ICTF as a considered alternative. The ICTF-JPA is empowered and may be obligated to cooperate. It is owned and governed by the Ports of Los Angeles and Long Beach, both of which will benefit from the most effective project concept. The ports are owned by their respective cities, which face environmental impacts and need more jobs.

I support the SCIG project goals and appreciate the quality of the Draft Environmental Impact Report (DEIR). Without it this comment would not be possible. However, the project needs improved response to long-term port needs and more mitigation of the impact on nearby residents. Both are provided by the 10,000-ft SCIG & ICTF.

This alternative uses available land more efficiently and can prevent the future need for yet another railyard site. The 10,000-ft SCIG & ICTF alternative is a bold step to satisfy long-term demand for near-dock intermodal transfer.

My assessment of the business case, technical merits and conceptual design of the 10,000-ft SCIG & ICTF alternative follows. Comment and challenge are welcome.

PART A: WHAT DO WE WANT?

86-4

No one can answer with any authority the question: What do we want from the SPB Ports? Is it as many jobs as possible or should port business be limited to reduce impacts. Fairly or not, the BNSF SCIG proposal is a pathfinder exploring the relative appeal of the different answers. That is much harder than concluding the environmental process and building an intermodal transfer railyard.

My vision of the SPB Ports and the regional goods-movement system emerges from assumptions about what we want. Four assumptions about what we want are made for this comment:

1. The contribution and share of the SPB Ports in the Southern California economy is to be maintained and, if possible, increased;
2. The 2035 planning horizon and identified build-out capacity of the SPB Ports are not the end of port growth to serve national and Southern California customers;
3. Environmental impacts of port-related goods movement are kept within historic regional shares, including reduction to meet air quality goals;
4. Local environmental impacts on nearby residents are similarly addressed.

VISION STATEMENT FOR THIS COMMENT

The SPB Ports and the regional goods-movement system must have high capacity to meet customers' needs for many decades while achieving low environmental impact.

The place of near-dock intermodal transfer in this overall vision is the subject of **Part B**. Meeting the challenges embodied in the first two assumptions requires that each facility operate at the lowest cost possible and contribute to the most effective regional goods movement system. Addressing environmental impacts is a necessary part of the cost. Making sure that a facility boosts port capacity and regional cost effectiveness can justify the cost.

Its proposed SCIG provides BNSF with a near-dock intermodal transfer facility of equal capacity to its competitor, Union Pacific. This strengthens the railroad duopoly upon which the success of the SPB Ports depends. As such, it is very helpful. However, a different project is needed to achieve the benefits of the stated vision.

"Many decades" are the planning horizon in my vision instead of 2035. There is nothing wrong with the earlier horizon. However, recognition of longer-term needs identifies possible missteps that make post-2035 response infeasible, or at least problematic.

The BNSF SCIG and Union Pacific's Modernized ICTF, if built as proposed by each railroad, would be very difficult to modify for higher volumes of container traffic. The coming decisions for both projects should be made with full consideration of opportunities and consequences for many decades.

PART B: MARKET for NEAR-DOCK INTERMODAL TRANSFER

The proposed SCIG and ICTF Modernization are too small to serve the demand. Therefore, substantial economic value is left untapped. Untapped economic value is OK under some visions of the SPB Ports' future, but not under the vision for this comment.

The capacity of the two transfer facilities should be set to handle the most efficient balance between on-dock and near-dock demand. This balance was not estimated in the DEIR (Table 1-5). For the sake of competitiveness of our ports there must be no overflow to the distant off-dock intermodal yards in East LA and no artificial forcing of the traffic into on-dock intermodal transfer.

Without knowing the efficient balance container traffic will be shifted, intentionally or unintentionally. Either way, inefficiency is introduced that would hurt the SPB Ports in the competition for container business. Useful estimates of the demand for near-dock are derivable from available data, which reveals the large un-served demand forced elsewhere (Table 1):

Table 1.
2035 CONTAINER TRAFFIC FORCED TO OTHER TRANSFER FACILITIES
 (5.6 million TEU Capacity of SCIG & ICTF Modernization)

Source	Year	Direct Rail Share of SPB Ports	Near-Dock Share of Direct Rail	Near-Dock Market in 2035 (million TEUs)	Traffic Forced to Other Transfer Facilities
SPB Results	2008	42.2%	44.6%	8.1	2.5 to 4.0 million TEUs
UP Results	2008	42.2%	44.6%	8.1	
BNSF	2023	40%	55.4%	9.6	
Union Pacific	2023	40%	55.4%	9.6	
MCGMAC	2010-30	40%	50%	8.6	

Note: 43.2 million TEUs forecast for SPB Ports in 2035

For future traffic, the share moving by direct rail is set by port estimates to be 40% of SPB containers. Although 2008 was higher, the ports' estimate looks realistic and will be used in subsequent calculations in this comment letter. The near-dock share of direct rail ranges from 44.6% to 55.4%. The background of each estimate is the subject of subsequent sections. Coincidentally, SPB results for on-dock in 2008 were 55.4% (Table 2).

Examination of DEIR Estimate of Traffic Shares

Demand for near-dock intermodal transfer of international containers was not separately measured for DEIR Table 1-5. Instead, planned on-dock capacity was assumed to be fully used and subtracted from total direct rail demand for selected years 2012 through 2035. The remainder was listed for the two near-dock (or off-dock) railyards. Using 2035 as an example, total rail demand (17.3 million TEUs) minus on-dock (12.9 million TEUs) leaves near-dock demand of 4.4 million TEUs to be evenly split between BNSF SCIG and Union Pacific ICTF.

Just using the remainder makes traffic share artificially volatile, at 6.6% to 14.3% for near-dock (last line DEIR Table 1-5). The remainder approach to estimating demand serves the goal of maximizing on-dock rail but does not appear to match the national train traffic models of the railroads, which are relatively stable and not volatile. Moreover, the distant off-dock yards are lumped in but the project objective and port policy is to serve this traffic at near-dock railyards.

A closer look is presented in Table 2. It incorporates additional detail for 2008 from DEIR Table 1-2, which separates near- and off-dock. The table is constructed under the assumption that the two railroads equally share each category of traffic. This means that total near- and off-dock traffic in DEIR Table 1-2 (2.74 million TEUs) was 1.37 million TEUs to each railroad. For Union Pacific, its near-dock ICTF moved 1.06 million TEUs leaving 0.31 million TEUs served by its East LA yard. For BNSF, all of its share went to its East LA off-dock yard.

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Table 2.
DIRECT RAIL INTERMODAL CONTAINER TRANSFER IN 2008

Freight Mode	Union Pacific		BNSF	Traffic Share for Both Railroads	
	TEUs (millions)			Of Direct Rail	Of SPB Ports
ICTF/SCIG Near-Dock	1.06	34.5%	0	17.3%	7.4%
Off-Dock East LA	<u>0.31</u>	<u>10.1%</u>	<u>1.37</u>	<u>27.3%</u>	<u>11.1%</u>
Total Near- & Off-Dock	1.37	44.6%	1.37	44.6%	18.5%
On-Dock	<u>1.70</u>	<u>55.4%</u>	<u>1.70</u>	<u>55.4%</u>	<u>23.7%</u>
Total Direct Rail	3.07		3.07	100.0%	42.2%

The same reasoning applied to 2035 traffic in DEIR Table 1-5 yields Table 3. Note that off-dock traffic is eliminated and the near-dock (and off-dock) share is only 25.4%, compared to 44.6% in Table 2. "Off-dock" will be omitted from this text when discussing future traffic, except transload. However, it will be shown as zero in tables as a reminder that no international containers from the ports should go that far for loading.

The 2.2 million TEUs at each railroads' near-dock yard is actually less than the capacity in the respective proposals of 2.8 million TEUs each. This surprisingly indicates excess capacity available for growth beyond 2035 but the excess capacity, and the consequent delayed development of the full impacts of the proposed SCIG project, appears to be an illusion.

Contrary to its Table 1-5 the DEIR states that the 2.8-million-TEU capacity at SCIG will be filled by 2023 (DEIR p. 2-11) just seven years after it opens. Full capacity of eight roundtrip trains per day is the basis for DEIR analysis of impacts for 2023 and later years. Air emissions decline after 2023 as technology improves. Under the principle of equal traffic shares to each railroad, Union Pacific's modernized ICTF would follow a similar pattern.

Table 3.
DIRECT RAIL INTERMODAL CONTAINER TRANSFER in 2035 FROM TABLE 1.5 of DEIR

Freight Mode	Union Pacific		BNSF	Traffic Share for Both Railroads	
	TEUs (millions)			Of Direct Rail	Of SPB Ports
ICTF/SCIG Near-Dock	2.20	2.20	2.20	25.4%	10.2%
Off-Dock East LA	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>	<u>0.00</u>
Total Near- & Off-Dock	2.20	2.20	2.20	25.4%	10.2%
On-Dock	<u>6.45</u>	<u>6.45</u>	<u>6.45</u>	<u>74.6%</u>	<u>29.8%</u>
Total Direct Rail	8.65		8.65	100.0%	40.0%

The low near-dock traffic in DEIR Table 1-5 may be a distraction that will be clarified in the Final DEIR. However, two versions of the SPB Ports' forecast may be in play. The DEIR schedule for environmental impacts may be based on the original container traffic forecast published in 2007. The update published in 2009 accounts for reduced traffic after the

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recession. However, the very low near-dock forecast in DEIR Table 1-5 is not fully explained by use of different forecasts.

I believe that total direct rail traffic in Table 3 is correct but that near-dock demand is higher and on-dock demand is lower. If this comment withstands review and the 10,000-ft SCIG & ICTF alternative is built, direct rail could serve more containers. The increase could boost the build out capacity of 43.2 million TEUs estimated for the SPB Ports.

The Efficient Balance Between On-Dock & Near-Dock

If new railyards are constructed for intermodal transfer, they should meet three key objectives:

- Serve the efficient balance between on-dock and near-dock container traffic;
- Prevent trucking of international containers to the distant East LA railyards of Union Pacific and BNSF; and
- Maximize future port capacity by keeping on-dock railyards clear for containers most efficiently transferred to long, on-dock unit trains.

Increased capacity of the 10,000-ft SCIG & ICTF can meet all objectives, while the proposed SCIG and ICTF Modernization projects appear to be substantially undersized.

In this comment, "efficient balance" exists when the comprehensively accounted cost of facilities and operations is minimized while creating the opportunity to serve the most customer traffic. A project's environmental costs of all types are part of the equation. The value of opportunities to serve demand decades beyond the 2035 planning horizon must also be included.

The efficient balance is indicated by actual results reported for 2008 (Table 2), when 44.6% of direct rail containers moved through near-dock (and off-dock) railyards and 55.4% through on-dock yards (column 5). Near-dock capacity needed in 2035 will be 7.7 million TEUs (44.6% of 40% of 43.2 million TEUs) instead of the 4.4 million TEUs reported in DEIR Table 1-5. The situation in 2035 appears likely to be as shown in Table 4. Near-dock demand is 75% higher than in Table 3. Note that the required on-dock capacity is lower and its construction schedule might be adjusted.

**Table 4.
BALANCED DIRECT RAIL INTERMODAL CONTAINER TRANSFER in 2035**

Freight Mode	Union Pacific TEUs (millions)	BNSF	Traffic Share for Both Railroads	
			Of Direct Rail	Of SPB Ports
SCIG/ICTF Near-Dock	3.86	3.86	44.6%	17.9%
<u>Off-Dock East LA</u>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>	<u>0.00</u>
Total Near- & Off-Dock	3.86	3.86	44.6%	17.9%
<u>On-Dock</u>	<u>4.79</u>	<u>4.79</u>	<u>55.4%</u>	<u>22.1%</u>
Total Direct Rail	8.65	8.65	100.0%	40.0%

A fair question is the accuracy of an estimate of the efficient on-dock/near-dock balance based on 2008 results. The recession year 2008 is representative because excess capacity was available at both on- and near-dock railyards for Union Pacific. Its on-dock volume was

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6.4% lower than 2006 and its total of near- and off-dock was 18.5% lower, falling below the capacity of its near-dock ICTF (calculated from slide 17 of presentation at Port of Los Angeles Public Rail Workshop, 2009). Union Pacific divided its traffic 44.6% to near- plus off-dock and 55.4% to on-dock when it could have adjusted traffic to its ICTF, barring unknown factors.

Implicit Market Calculations by Union Pacific & BNSF

A good assumption is that railroads understand their markets. The demand for near-dock is implied by the first year the railroad says its facility will operate at capacity. For that year the capacity is paired with the forecast level of total SPB Port traffic and direct rail traffic. Demand share is simply facility capacity divided by direct rail traffic.

New capacity in the Union Pacific ICTF Expansion and Modernization will be filled just a few years after opening. Tables 2.2-1 through 2.2-3 of Union Pacific's Application for Development Project Approval (ADPA) (2007) indicate the proposed capacity of 2.8 million TEUs will be filled by 2016. This run out date was identified in the context of the 2007 container traffic forecast available at the time.

The DEIR for the Modernized ICTF is about to be released. It is likely to show a fill date similar to BNSF's SCIG because the ports' updated forecast indicates a 6- to 7-year delay in reaching traffic levels in the original 2007 forecast. A seven year delay from 2016 is 2023, the same year given for SCIG in its own DEIR.

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When the 5.6 million-TEU capacity of both new near-dock transfer facilities is reached in 2023, total port container traffic is forecast to be 25.2 million TEUs and the direct rail share would be 10.1 million TEUs (DEIR Table 1-5). BNSF's proposed SCIG and Union Pacific's Modernized ICTF are sized to handle 55.4% (5.6/10.1) of direct rail containers (Table 1). After 2023, growing traffic would be forced inland or back into the ports' on-dock yards.

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Summary of Demand for Near-Dock Intermodal Transfer

At the very least, increased capacity of the 10,000-ft SCIG & ICTF will postpone run out of near-dock capacity for many years. But what then? Given the importance of port business to the Southern California economy, any measure should be explored to increase capacity at environmental impact low enough to satisfy the last two assumptions in **Part A**.

The planning horizon is 2035 for the ports in general and in the DEIR. To satisfy demand through 2035 both BNSF and Union Pacific need higher capacity for near-dock intermodal container transfer than incorporated in their proposals. My best estimate of near-dock demand is shown in Table 5. In the table, near-dock demand is backed off to 44.6% from the very high 55.4% implied by the railroads' fill date for their facilities.

A concept able to serve at least 7.7 million TEUs by 2035 is needed. The higher traffic in Table 1 (column 5) may be a measure of 1.9-million TEUs of marginal traffic that could be efficiently served on- or near-dock. It will not be included unless confirmed by future studies. If confirmed its accommodation near dock could add to the ports build-out capacity. On-dock land is the scarcest resource and must be dedicated to activities that cannot be performed outside marine terminals.

Similarly, extension of the planning horizon confirms a need for higher near-dock capacity. Consider the scenario planners will face in 2035. Their 25-year horizon at 2% annual

growth would lead to the last column of Table 5. By 2060 near-dock demand may be 12.7 million TEUs per year even without consideration of marginal traffic.

Table 5.
BEST ESTIMATE OF DEMAND
(million TEUs)

LOCATION	2008	Share of SPB	Share of Direct Rail	2023	2035	2060 @ 2% CAGR
Near-Dock	1.06		44.6%	4.5	7.7	12.7
Off-Dock	1.68		0%	0	0	0
On-Dock	<u>3.40</u>		<u>55.4%</u>	<u>5.6</u>	<u>9.7</u>	<u>15.7</u>
TOTAL DIRECT RAIL	6.14	40.0%		10.1	17.3	28.4
Transload to Near-Dock	0			0	0	0
Transload to Off-Dock	1.12	7.8%		2.0	3.4	5.5
Local & Regional Truck (including Transload to Truck)	7.07	52.2%		13.1	22.5	37.0
TOTAL SPB PORTS	14.3			25.2	43.2	70.9

Note: CAGR is Compound Annual Growth Rate

The second fair question is whether the updated container traffic forecast is usefully accurate. Yes. It is, so far, on track but somewhat volatile. Traffic growth in 2010 far exceeded the 5.5% forecast by increasing 19.3%, meaning little growth above last year should be expected. The small 0.7% gain from last year is not reason to panic. For 2011, traffic was 14,001,603 compared to forecast traffic of 13,519,000 TEUs. To stay on track, we need growth of 5.5% from 2012 through 2020, and 4.7% from 2021 through 2035.

Other Important Estimates

Market demand for near-dock transfer is even higher in technical memoranda for the Multi-County Goods Movement Action Plan (TM 4a, p. 1-16). That document estimates 20% of port traffic for near-dock (and off-dock). If that is correct 2035 demand may be 8.6 million TEUs that would be best served by the near-dock railyards. By 2060 demand would reach 14.2 million TEUs.

Recently released reports for the Regional Rail Simulation for the Comprehensive Regional Goods Movement Plan & Implementation Strategy (CRGMP&IS) identify a need to add capacity at the SCIG and ICTF to serve future domestic container demand (Regional Rail Simulation Findings Technical Appendix, 2011, p. 28). This traffic would be domestic backhauls and transloads, which pass through the ports as international containers, are trucked to transloaders, and repacked into larger domestic containers. Some of the domestic containers (holding 7.8% of the TEUs in Table 5) are currently trucked to East LA or other inland rail yards.

Any use of near-dock yards for transloaded containers that could go to inland yards would eventually impair capacity of the SPB Ports. Instead, capacity for transloaded and other domestic containers should be increased by applying some of the same high productivity technology and operations embodied in the proposed SCIG. While occupying much more acreage, the combined inland yards moved fewer containers in 2007 than the future

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capacity of SCIG and ICTF. The CRGMP&IS report identifies planned expansions of inland yards to a level only 13% higher than future capacity of SCIG & ICTF (CRGMP&IS report, Table 16).

The combined 793 acres of the inland yards is 2.4 times larger than the near-dock proposals of BNSF and Union Pacific. In East LA, BNSF has 289 acres at its Hobart and East Commerce Yards, and Union Pacific has 280 acres at its Commerce and LATC Yards. Further inland, Union Pacific has 100 acres at its City of Industry Yard and BNSF has 168 acres at its San Bernardino Yard. Ample room is available for increased intermodal transfer capacity at these inland railyards.

PART C: THE 10,000-ft SCIG & ICTF CONCEPT

Both BNSF and Union Pacific need higher capacity for intermodal container transfer than incorporated in their proposals. I believe the 10,000-ft SCIG & ICTF alternative is in the long-term business interest of both railroads and worth redesigning their projects. A well-balanced system of intermodal transfer will generate more traffic for their railroads.

This basic concept is intended to provide the capacity needed in 2035 (Table 5, next to last column) without exceeding the emissions of the smaller BNSF and Union Pacific proposals. The following **Part D: Enhancements** increases capacity for additional containers that might be served by 2035 and to serve growth foreseeable by 2060 (last column).

If SCIG and Modernized ICTF are built as proposed by the railroads, converting them to the 10,000-ft SCIG & ICTF alternative years from now is likely to be infeasible.

Serving the Market

Serving an annual market of 7.7 million TEUs in 2035 requires combined near-dock capacity at SCIG and ICTF to be 4.1 million container lifts per year (at 1.85 TEU per container). The two projects, as proposed, only offer 3.0 million lifts. The other 1.1 million containers would add to traffic on the I-710 to East LA or needlessly fill on-dock rail yards and force extreme short-haul container trucking between marine terminals. I-710 already must be used for a share of containers going to transloaders (1.8 million containers in 2035) and the largest share of 12.2 million containers for regional customers. Why add to its burden unless there is no alternative?

The higher capacity is primarily needed for demand from the efficient balance between on- and near-dock but would also back up the complex on-dock expansion campaign. The DEIR states that all of the planned on-dock projects may not be built (p. 1-24). Maximizing capacity on the land committed for SCIG and ICTF railyards would serve well, especially if the ports find a way to expand above their current build-out capacity of 43.2 million TEUs.

If BNSF and Union Pacific believe they will not need the capacity of the 10,000-ft SCIG & ICTF, they should make two formal commitments: (1) Conditions on drayage to the East LA and other inland railyards, and (2) recognition that no more land will be available for future expansion of near-dock capacity.

The conditions require that drayage trucks pay the full cost of the highways they use. Unfortunately, financing plans for exclusive truck lanes along the I-710 call for substantial subsidy from taxpayers even if ideas for partial payment by trucks materialize. Drayage trucks that could have gone to the near-dock yards should pay all of the cost to remove the

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burden from taxpayers. Instead the railroads can rely on their rail facilities after loading containers near the ports.

Capacity of the Basic 10,000-ft SCIG & ICTF

Both of the railyards in the 10,000-ft SCIG & ICTF would have six loading tracks, yielding a total length of 120,000 feet compared to about 96,000 feet of track in the SCIG and modernized ICTF as proposed by the railroads. Based on length of track, the 10,000-ft SCIG & ICTF would boost capacity 25%. In terms of container lift capacity, the two railyards could handle 3,750,000 lifts per year.

Additional capacity should be expected from loading time recovered by eliminating train building and breakdown, allowing the trains to operate as true unit trains. Trains 10,000-foot long generally run with three locomotives in front and two in back. After arriving and uncoupling the railcars, locomotives would exit to their service facilities from both ends of the loading track. This will be assumed to add a further 10% capacity, but a formal estimate is needed. A fair preliminary estimate of capacity is 4.13 million lifts per year. This matches the likely market of 4.1 million lifts.

Loading Bay Design

Each railroads' transfer facility would be 405 feet wide at its narrow point because 810-ft-wide narrow points are located north of Sepulveda adjacent a petroleum facility and north of PCH at a bend in the Dominguez Channel. Considering dimensions in available cross sections (Figure 12 of the Union Pacific ADPA for ICTF and Figure 12 from BNSF North SIG Intermodal Improvement Project in Seattle) the active loading area for each railroad would be 402 feet wide. For additional width to accommodate part of a 15-foot service road at the constriction, a short easement on SCE right-of-way may be needed. Elsewhere the site is wider to accommodate service roads and equipment repair areas similar to the railroads' own proposals.

The loading area would include useful features from both cross sections. The typical composite section for each railroad would be dominated by two tall, wide-span, rail mounted gantry (RMG) cranes with facing horizontal jibs. Between each crane's supports, 3 tracks (22-ft-wide each), 2 lanes for lift from trucks (12-ft each), and 8 five-high container stacks (9.5-ft each) would be serviced. Trucks would stop along the lift lanes instead of backing up to the stack.

A 15-ft truck travel lane would bisect the space between cranes as in the BNSF SIG North facility, providing access to a third truck lift lane under the jib of each crane. This feature provides for direct transfer of containers between truck and rail without going over or stopping in the stack. Up to one third of the traffic could follow the shortcut, yielding an increment of capacity increase.

Smaller nested cranes are used at some transfer facilities with wide-span cranes. Nested cranes along the central direct transfer area might be considered for the move between truck and rail, but not as far as the stack. Flexibility to move a container from the center lanes to the stack would be provided by the wide-span cranes.

Container stack capacity per track was taken from the Union Pacific ICTF cross section which has 2.5 stacks per track. For each crane, 7.5 stacks are indicated and were rounded up. However, this could be reduced as low as 5 stacks if one third of the containers skip the stack in direct transfer from a central truck lane. Careful modeling seems likely to permit

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six or seven stacks, thus creating width for the service roads and eliminating need for an SCE easement. The modelers should also consider the value of adding a track or truck lane.

Multiple crane sets along the loading bay increase capacity as demand increases. BNSF shows four sets of cranes along the 4,000-ft length of each set of three tracks in its proposed SCIG (DEIR, p. 2-14), which indicates up to ten crane sets might serve each set of tracks in the 10,000-ft SCIG & ICTF.

Rail Gradient in SCIG and ICTF

The 10,000-ft SCIG & ICTF requires the loading tracks in both terminals to have gradient of 0.1 percent to follow the natural land contour, which is well within tolerance. However, loading tracks at the existing ICTF, the expanded and modernized ICTF, and perhaps the proposed SCIG are essentially flat with no gradient. Is this a problem? No.

Ground elevation at the north end of the existing ICTF south of 223rd Street/Wardlow Rd. is 25 feet. Elevation at the south end of the proposed SCIG near PCH is 12 feet. Raising the grade three feet at the south end will limit the elevation difference to 10 feet over 10,000 feet of loading track. Adding three feet may already be in the detailed SCIG plans to facilitate connection to the San Pedro Subdivision, which is at 14 feet in the vicinity of PCH.

Some perspective is useful. The Ports' gradient specification for on-dock railyards is 0.1 percent, which is 1 foot of elevation change per 1,000 feet of track. This is a very strict specification and is not a limit for successful operation. Inland intermodal transfer facilities are much steeper, with gradients of 0.3 to 0.6 percent.

Train Entry

Track layout of entries for the SCIG and ICTF facilities should prevent slowing traffic on the Alameda Corridor (AC). The AC is essentially a freeway for trains running 40 miles per hour with reduced speeds at the north and south ends where it integrates with slower-speed track. The corridor could absorb delay now since it operates at about one-third of its capacity, but will eventually suffer an impact from SCIG that is not quantified in the DEIR. The differences are summarized in Table 6.

Union Pacific has the ideal track layout. At its turnout from the AC, the speed limit is 40 mph and its track layout functions as an off ramp for arriving trains and an on-ramp for departing trains. This track is part of the North Delores Yard, which is separate from the ICTF. With ample track Union Pacific need not affect AC train speeds.

Upon exiting the Alameda Corridor, Union Pacific trains have one train length before reaching the turnout to its ICTF. In a direct entry to a 10,000-ft loading track the length is 1.7 trains and 1.9 train lengths if the full length of the South Delores Yard were used as a temporary stopping place. These margins above a single train length permit the back end of a train to travel 0.7 to 0.9 train lengths beyond the Alameda Corridor before coming to a stop. Even under its own ICTF Modernization proposal, with 4,000-ft tracks, Union Pacific has 1.3 train lengths to the end of its loading track, assuming 8,000-ft trains.

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**Table 6.
TRAIN ENTRY ACCESS CHARACTERISTICS & CONSEQUENCES**

	Union Pacific Modernized ICTF	BNSF Proposed SCIG	For BNSF with Basic 10,000-ft SCIG & ICTF
<u>Access Characteristics</u>			
LENGTH of ARRIVAL/DEPARTURE TRACK			
Train Length	10,000 ft	8,000 ft	10,000 ft
AC to Transfer Facility turnout	1.0	0	0
Loading track: AC to end	1.7	1.1	1.5
Storage track: AC to end	1.9	1.1	1.0
Storage plus Tail track	No tail	0.9	1.4 to Wardlow
CAPACITY of ARRIVAL/DEPARTURE TRACK			
Trains	8	1 or 2	1 or 2
TRAIN SPEED LIMIT on ALAMEDA CORRIDOR at TURN OUT to LEAD TRACK			
	40 mph	25 mph	25 mph
SHARP TURNS on LEAD TRACK			
	No	Yes	Yes

Note: AC is Alameda Corridor

Consequences

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Union Pacific Modernized ICTF	BNSF Proposed SCIG	For BNSF with Basic 10,000-ft SCIG & ICTF
SLOWING on ALAMEDA CORRIDOR		
Limited or None	Yes, locomotives stop just off corridor track Yes, sharp entry turn limits train speed	Reduced or Limited
CHANGEOUT LINE-HAUL to ULTRA-LOW-EMISSION SWITCHER LOCOMOTIVES		
Yes	No. Track length too short for locomotive change out procedure	Yes

BNSF's proposed SCIG has no on/off ramp, like having a stop light at the edge of the freeway that requires a truck to use a travel lane to slow down or accelerate. Although the speed limit at its AC turnout is 25 mph, its operation plan has arriving trains stopping as soon as the end clears the AC and departing trains using the AC to accelerate (DEIR, p. 3.2-79). In both cases, one of the three tracks on the AC will be temporarily unavailable to on-dock trains.

Under its proposal BNSF trains only have 1.1 8,000-ft train lengths to the end of loading tracks. That means the back of a stopped BNSF train will be just clear of the through track on the Alameda Corridor without room to change out locomotives. Under the basic 10,000-ft SCIG & ICTF concept, this increases to 1.5 10,000-ft train lengths allowing the train to stop well clear. The storage track along the San Pedro Sub would provide 1.4 train lengths if the north tail track is extended to Wardlow Rd.

Track in the 10,000-ft SCIG & ICTF provides BNSF margin to stop or start a train well clear of the Alameda Corridor but not as easily as Union Pacific. Nevertheless, the valuable environmental benefit from extension of BNSF's loading area north of Sepulveda is that line-haul locomotives can be changed out for Ultra Low Emission Switchers (ULES), as in the Modernized ICTF.

Sharp turns affect the entry to BNSF's facility but not Union Pacific's. The first sharp turn for BNSF immediately follows the turnout from the Alameda Corridor and the second is not far beyond. The two turns reverse the train direction by approximately 140 degrees or almost a U-turn (DEIR, p. 2-13). The turns, by themselves, limit trains to an unstated speed that is likely to be lower than 25 mph but better than the near zero speed required by stopping. Therefore, some impairment of a track on the AC remains.

Closure of Sepulveda Blvd.

The 10,000-ft SCIG & ICTF requires the closure of Sepulveda Blvd at Intermodal Way and closure of Willow west of SR-103. Under the applicants' proposals for SCIG and modernized ICTF, SR-103 will only carry container truck traffic exiting the Modernized ICTF. With the 10,000-ft SCIG & ICTF that traffic is switched to Alameda St. and SR-103 can be converted to a parkway starting at Willow Street carrying traffic to a junction with PCH. Through traffic from Willow would use the enhanced roadways built for the Schuyler Heim Bridge replacement to travel up Alameda Street back to Sepulveda.

If the West Side community prefers, Willow could dead end and SR-103 north of PCH could be converted to other use. A direct connection over the two side-by-side railyards would be very expensive. The connection would consist of bridges and other construction similar to alternatives considered for the Schuyler Heim Bridge replacement.

Integrated Operation with On-Dock Transfer

Union Pacific's Application for Development Project Approval (ADPA) (p. 17, 2007) identifies short trains arriving and departing marine terminal transfer facilities that are combined into full trains at its Delores Yard. This important strategy adds valuable flexibility to port container operations.

The short trains are usually moved by Pacific Harbor Lines, for example a 3500-ft train carrying 78 containers visible on Google Earth image dated March 7, 2011. This train probably came from two partially filled loading tracks at the West Basin marine terminal.

Trains from one or two loading tracks at a marine terminal offer a middle ground between moving one container at a time by truck and 280 containers on an 8,000-ft train built from all of the loading tracks at an on-dock transfer facility. With the basic 10,000-ft SCIG & ICTF concept these short trains could be efficiently added to any train at the two facilities.

Reorganize the ICTF JPA to Include SCIG

The Intermodal Container Transfer Facility (ICTF) Joint Powers Authority (JPA) should be reorganized to include the SCIG project. The authority is ideally structured to serve this role. It is governed by both ports which are owned by their respective cities. As such it encompasses major stakeholders who must agree on transfer facility size, concept, and design and defend their choices.

The reorganized authority might be called ICTF/SCIG JPA. Its purpose would be building the basic and/or Enhanced 10,000-ft SCIG & ICTF described in this comment.

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The governing board of the authority would still be appointed by the Port of Los Angeles and the Port of Long Beach. Since the respective cities own and govern each port, the needs and views of the City of Los Angeles and City of Long Beach would be incorporated. An advisory board might include certain other stakeholders if they are committed to finding solutions leading to construction of this important facility.

The ICTF/SCIG JPA would be better prepared than the Los Angeles Harbor Department alone (aka Port of Los Angeles) to work with remaining stakeholders and mobilize financial support for environmental mitigation.

PART D: ENHANCEMENTS TO INCREASE CAPACITY

These enhancements build on the capacity of the basic 10,000-ft SCIG & ICTF concept, which is assumed as a baseline for this part of the comment.

Serving the Market

Increasing capacity to 13 million TEUs, well beyond the 7.7 million TUEs (4.1 million lifts) in the basic concept, is needed for the following reasons:

- Demand for near-dock in the decades beyond the 2035 planning horizon;
- Serving marginal demand that is a close call on efficiency grounds that might otherwise be transferred at on-dock facilities;
- The direct rail share of port traffic, now estimated as 40%, could end up closer to historic highs of 42.2% as ships too large for the new Panama Canal come into service;
- The railroads' implied division of traffic directing 55.4% of direct rail to near-dock could be a better match to national train traffic models decades from now.

Any of these reasons, or some combination, suggest combined capacity of the Enhanced 10,000-ft SCIG & ICTF should be 13 million TEUs (Table 5), which equals 7.0 million lifts. The economic benefits of that capacity justify actions and spending for environmental mitigation not currently contemplated by the railroads, the ports, or the Southern California region.

Best options for high throughput goods-movement corridors to serve post-2035 demand must be selected and developed. For example, the Alameda Corridor may need extension to beyond Colton with three clear tracks adjacent to congested rail yards. Air quality constraints are likely to only be met by zero-emission trucks and trains.

Upgraded cranes are needed to serve the largest ships coming into service. These ships need incrementally taller, longer, faster cranes found in some Asian and European ports. At least one marine terminal at each SPB Port has some berths deep enough and planned dredging will enlarge ship access. But crane upgrades are needed to offer service that the upgraded Panama Canal cannot. This important improvement can mitigate concerns about losing market share to east coast U.S. ports.

Joint Train Entry from the North

The least locomotive operation would result from enabling BNSF to enter its railyard from the north instead of the complicated south entry in its own proposal, which is preserved in the basic 10,000-ft SCIG & ICTF described in **Part C**. BNSF can operate at the lower impact

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achieved by modernized Union Pacific ICTF only if it has a north entry. All train movements by both railroads would use Ultra-Low Emission Switchers (ULES).

The most effective solution is dedicated access partly on the easterly two tracks of the North Delores Yard and partly built through unused width in the northerly and southerly limits of the yard. In those areas, storage track also would be added to maintain close to the existing 55,000-ft total of storage track. The existing connection to the Alameda Corridor would serve, or a new connection near the Blue Line bridge about 2,000 feet north could add track length to the access tracks. Then each access track through North Delores could hold an entire 10,000-ft train without bypassing the lead to the Enhanced 10,000-ft SCIG & ICTF. Actual length would be over 11,000 feet. This improvement will be assumed.

Union Pacific would lose the space to store two trains from its current capacity of about eight trains but only because they are longer. Remaining track would hold four 10,000-ft trains and two 6,500-ft trains. Union Pacific also has room for seven more trains in its South Delores Yard.

Joint North Entry requires changing the approach to storage on the San Pedro Subdivision. A turnout from the lead to BNSF's facility could direct a train around the southwest corner of the SCE substation to two 10,000-ft storage tracks running south to just beyond PCH.

Alternate BNSF Train Entry

An alternate operation plan is needed for BNSF if the Joint Train Entry is rejected by Union Pacific. This alternate train entry is not as good as Joint North Entry.

BNSF, with assistance from the Ports, could develop its Harbor Subdivision for arrival and departure of its trains. The Harbor Subdivision connects to the Alameda Corridor at West Thenard. This 100-ft-wide right-of-way could accommodate four or five arrival/departure tracks.

A 10,000-ft train would use approximately one-mile of track from the Alameda Corridor to Watson Junction for slowing (or acceleration). It would stop after clearing the junction and extend up the Harbor Subdivision as far as I-110. Grade separations would be needed at Wilmington, Broad, Avalon, Main, and Figueroa. Lakme Avenue would be closed. Widening two rail overpasses would extend the facility to BNSF Ironsides Yard.

For the short trips to the BNSF SCIG, trains powered by ULES would leave the Harbor Subdivision at Rolling Junction and head southeast to Long Beach Junction. Rail overpasses would be needed at Alameda Street and over the Alameda Corridor.

With these facilities, BNSF SCIG operations would have no effect on the Corridor. This alternate BNSF train entry could be applied to BNSF's own SCIG proposal but the lower traffic served would probably not justify the cost.

The Storage Track Gap

Union Pacific's Delores Yards, with their roughly 130,000 feet of track (not counting the locomotive service and storage area) earn substantial advantage for Union Pacific over BNSF. This giant railyard is four miles long. It has about the same track for train storage and building as Union Pacific's largest railyard in California, the Davis Yard in Roseville. The Davis Yard has about 136,000 feet for storage, not counting 165,000 feet for classification of non-intermodal railcars.

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BNSF gets along with far less storage track for all of its port operations, a situation that will continue under its own SCIG proposal (Table 7). Its train build-and-break area has only 8,000 feet of track compared to Union Pacific's 55,000 feet. BNSF also has 60,000 feet of storage track used for non-intermodal at its Watson Yard and a nearby addition along the Harbor Sub compared to Union Pacific's 75,000 feet for non-intermodal.

**Table 7.
NEAR-DOCK RAILYARDS and TRANSFER FACILITIES**

Railyard	Use	Track Length (ft)	Capacity (Trains)	Intermodal Share (2007 2008 2009 2011)			
Proposed by BNSF (2016 Initial Operation)				8,000-ft trains			
SCIG DEIR Proposal	Transfer	48,000	6 broken	100%			
	Build & Break	8,000	1 broken	100%			
Watson	Storage	36,000	Non-Intermodal	0%	0%	0%	0%
Harbor Sub Addition	Storage	24,000	Non-Intermodal	0%	0%	0%	empty
Modernized Union Pacific (2016 Initial Operation)				6,000 to 8,000-ft trains			
ICTF Modernization	Transfer	48,000	6 broken	100%			
Delores North	Build & break	55,000	8 unit	60%	99%	100%	100%
Delores South	Storage	75,000	Non-Intermodal	95%	79%	100%	81%
Basic 10,000-ft SCIG & ICTF (2018 Initial Operation)				10,000-ft trains			
ICTF	Transfer	60,000	6 unit	100%			
Delores North	Build & break	55,000	6 unit	100%			
Delores South	Storage	75,000	Non-Intermodal	20%			
SCIG	Transfer	60,000	6 unit	100%			
San Pedro Sub	Storage	20,000	2 unit	100%			
Watson + Harbor	Storage	60,000	Non-Intermodal	0%			
Enhanced 10,000-ft SCIG & ICTF (2030 Initial Operation)				10,000-ft trains			
ICTF	Transfer	60,000	6 unit	100%			
SCIG	Transfer	60,000	6 unit	100%			
Joint South Delores	Storage	40,000	4 unit	100%			
San Pedro Sub	Storage	20,000	2-unit	100%			
UP North Delores	Storage	55,000	Non-Intermodal	0%			
UP South Delores	Storage	35,000	Non-Intermodal	0%			
BNSF Watson+Harbor	Storage	60,000	Non-Intermodal	0%			

Note: Track length and intermodal share interpreted from aerial images of respective year.

Union Pacific states in its Application for Development Permit Approval (p. 15) that the current ICTF is supported by the North Delores Yard (north of I-405) and that South Delores Yard supports its other operations. This pattern of use will continue after its proposed modernization. However, aerial images show South Delores with its 75,000 feet of track is used mostly for intermodal so capacity in use by Union Pacific is even higher. Considering this large capacity, the Joint North Entry will be assumed even though it uses Union Pacific land.

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BNSF has no such facility. Separately, BNSF's proposal includes two 4,000-ft storage tracks along the San Pedro Subdivision east of the site, enough for only one train broken into segments. Of course, BNSF may state that they can compensate for the deficit in other ways or at a location in East LA. One way that appears to be in action is BNSF service to marine terminals on Terminal Island. They all have ample storage track that must help BNSF compete effectively.

Strengthen the Railroad Duopoly with Equal Facilities

We have two railroads operating in Southern California that each move about 50% of the intermodal freight. This minimal competition raises questions about pricing and service levels, which could limit growth in rail services if one railroad gained market share advantage. The duopoly is a fact of life so the best answer for all parties, including Union Pacific, is to strengthen the duopoly and make it transparent. There may be some advantages in the duopoly: An additional national railroad competitor would have to duplicate facilities in built up Southern California.

Confidence in the duopoly can promote confidence in the ports' ability to serve future customers and enable public/private projects that benefit both railroads equally. Unbalanced benefits are a hard sell.

Joint Train Storage at South Delores

I propose that part of the South Delores Yard be used to support the two intermodal transfer railyards equally in order to increase capacity. Updated storage track at South Delores would increase the capacity of BNSF's transfer facility. This use of 40,000 feet of track in South Delores leaves 35,000 feet for exclusive use by Union Pacific.

Assuming Joint North Entry and turnout from the AC just south of the Blue Line, train storage that enhances transfer capacity is possible as summarized in the last section of Table 7. A second advantageous operational change would move Union Pacific non-intermodal operations to North Delores.

Trains not moving directly between the AC and loading tracks in the transfer facilities would continue into South Delores or to new track along the San Pedro Sub for temporary storage. When a loading track became available a train would back up onto one of the access tracks in North Delores and then enter the transfer facilities. A departing train would reverse the process.

Certainly, making part of the South Delores Yard available for joint storage and allowing access through North Delores would be a hard decision for UP. They now have an asset that allows them to operate at lower cost and that they theoretically could leverage into a dominant position at the ports. I believe the market share they might gain would decrease the total market, thus negating the strategy. The common good of both railroads can be closely aligned with that of all of Southern California but the advantage of one railroad over the other cannot.

Capacity Estimate

The baseline for estimating capacity is the SCIG proposed by BNSF, since the ICTF DEIR is not yet available. BNSF lists capacity of 1.5-million lifts and Union Pacific has the same capacity, for a total of 3.0-million lifts. Increasing the track length and eliminating building and breaking trains were accounted for in **Part C** to bring estimated capacity to 4.1 million lifts (next to last column Table 8).

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**Table 8.
CAPACITIES OF PROPOSED INTERMODAL TRANSFER FACILITIES**

Proposed Transfer Facility	BNSF Proposed SCIG	Union Pacific Modernized ICTF	Total Proposed by Railroads	Basic 10,000-ft SCIG & ICTF	Enhanced 10,000-ft SCIG & ICTF
Initial Operation	2016	2016		2018	2030
At Capacity	2023	2023		2035	2060
ANNUAL					
SPB Ports TEUs			25,200,000	43,200,000	70,900,000
Direct Rail TEUs			10,100,000	17,300,000	28,400,000
Near-Dock TEUs ¹	2,800,000	2,800,000	5,600,000	7,700,000	13,000,000
Lifts	1,500,000	1,500,000	3,000,000	4,100,000	7,000,000
Days/Year ²	360	360	360	360	360
DAILY CONTAINERS					
Lifts	4,167	4,167	8,333	11,389	19,444
Export Container	2,083.5	2,083.5	4,167	5,694	9,722
Import Container	2,083.5	2,083.5	4,167	5,694	9,722
DAILY TRUCKS					
One-Way Trips ³	5,542	5,542	11,083	15,147	25,860
TRAINS					
Containers/Train	260	260	260	396	396
Load Factor ⁴	90%	90%	90%	96%	96%
5-well railcars ^{5,6,7,8}	26	26	26	36	36
Typical length	7,200	7,200	7,200	10,000	10,000 feet
DAILY TRAINS					
Train Movements	16	16	32	29	50
Arriving	8	8	16	14.4	25
Departing	8	8	16	14.4	25
Round Trip	8	8	16	14.4	25

Notes:

1. TEUs and Lifts are roughly half import and half export.
2. Union Pacific's ICTF operates 24/7, with five days off per year.
3. Truck trips are 33% without a container to accommodate customer schedules.
4. Load factor reported as 96% by BNSF at on-dock yards (DEIR, p. 1-16).
5. Each well in a railcar holds 2 forty-foot or 4 twenty-foot containers.
6. Container census of UP ICTF by aerial image, 70% 40-ft and 30% 20-ft containers.
7. Two railcars, first with 9 forties and 2 twenties, second with 8 forties and 4 twenties.
8. 11.5 containers per 5-well railcar.

A lift is counted at a transfer facility when a container is loaded onto or removed from a train. Each day in the basic 10,000-ft SCIG & ICTF concept, 11,389 lifts serve export and import containers moved to and from marine terminals, respectively, by 15,147 one-way truck trips. Each 10,000-ft train will have 36 five-well railcars holding a mix of 20- and 40-ft containers that averages 11.5 containers per railcar. At that rate, the 180 wells will hold 396 containers. Each train requires 792 lifts, half for the exports and half for the imports.

Assuming the same load factor reported by BNSF for its on-dock trains, fourteen or fifteen trains will be needed. At a more conservative 90% load factor the train count would be the same as proposed by the railroads. During a visit by a round trip train, export containers

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will be unloaded from the arriving train, which will become a departing train when loaded with import containers. In train operations this counts as two train movements because each is separately dispatched on regional rail lines after not moving for at least several hours.

To achieve the higher capacity of the Enhanced 10,000-ft SCIG & ICTF (last column Table 8), additional measures described in previous sections of this **Part D** are necessary to improve the flow of trains, trucks, and containers. The characteristics of the trains will stay the same as in the basic concept but 25 daily trains will be required to move 71% more containers.

Estimates of the capacity enhancement from each measure are needed for the following:

- Relocated Joint North Entry from the Alameda Corridor;
- Two access tracks through North Delores railyard;
- Adding storage space for full-length trains;
- Joint train storage at South Delores railyard and along the San Pedro Subdivision;
- Nested cranes for direct transfer between truck and train.

All five of these measures decrease the cycle time, thus, increasing the number of times a loading track can be used each day.

RELOCATED ENTRY AND ACCESS TRACKS. These two measures mainly prevent slow trains on the Alameda Corridor. However, one access track will also be used to position a full-length arrived train for immediate movement into one of the intermodal transfer facilities after a loading track is cleared by a departing train. This meets the conditions usually assumed for storage track.

STORAGE TRACK. BNSF reports 8,000 feet of storage track in its own proposal but it is not very useful for increasing capacity. Storage track is typically assumed to hold trains or railcars that can be moved a short distance onto a loading track in a single train movement by a switching locomotive. The BNSF track arrangement requires at least two movements and probably more for each half of an 8,000-ft train.

The eight trains per day in the BNSF proposal will break into 16 train segments to fit on twelve short loading tracks. Loading track will be used at the rate of 1.33 trains per day (16/12). This track turn rate can be increased by adding efficient storage track. The track turn rate of 1.33 is lower than the 1.79 trains per day typical for transfer railyards that have no storage track at all. The low rate is probably caused by the complex train movements dictated by the cramped track layout. That is not BNSF's fault: It is making due with a difficult site.

The value of storage track is approximated by part of the ports' Maximum Practical Capacity (MPC) model. More storage track increases a railyards intermodal transfer capacity. This is measured in terms of the ratio of storage track to loading track. In layman's terms for a given transfer facility, each time storage track equal to total loading track is added, capacity increases 25% (Table 9). The first line in the table shows the case of no storage track.

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**Table 9
INCREASING CAPACITY WITH STORAGE TRACK**

Storage Track	Ratio (Storage/Loading)	Track Turns per Day	Trains per Day per Facility
No Storage Track	0	1.79	10.7
Storage = 50% of loading	0.50	2.00	12.0
Storage = Loading	1	2.23	13.4
Storage = Twice Loading	2	2.78	16.7

In equation terms the model is:

$$Track\ turns/Day = 1.79e^{0.22(\frac{Storage}{Loading})}$$

This equation has a constant, 1.79, which is multiplied by the effect of the storage track. When there is no storage track the remaining part of the equation reduces to one, leaving the constant. The value of the constant depends on the rate containers are loaded. For the ports' on-dock yards at the time the equation was developed, the rate of loading appears to have permitted each track to be used 1.79 times per two-shift day.

Joint management of six storage tracks in South Delores and along the San Pedro Sub provides most of the capacity increase. With six storage tracks for the twelve tracks in both transfer facilities, the ratio in the Enhanced 10,000-ft SCIG & ICTF will be 0.50, allowing 2.00 track turns per day. This increases capacity 50% ((2.00-1.33)/1.33) to 6.15 million lifts.

REMAINDER. We need a further increase to reach the goal of 7.0 million lifts. The other constant in the equation, 0.22, summarizes operational efficiency in use of the storage track. Operation efficiency permitted by the access track may justify increasing the constant. However, the increase may already be partly included by eliminating building and breaking trains so it will not be reevaluated. The remaining capacity increase might have to come from small, nested cranes for direct transfer of containers between truck and rail.

A more effective solution may be joint use of additional new storage track along the Harbor Sub to bring the length of storage track up to equivalence with loading track. Including a rail bridge over the Alameda Corridor to the South Delores Yard would enable this substantial capacity. However, each train would have to travel an extra three miles. The access track in North Delores more often could be immediately filled with a train, which is essential to justify use of the track turn equation and Table 9.

Side Effects

MORE TRUCKS. The Basic and Enhanced 10,000-ft SCIG & ICTF in this comment will generate 37% and 133% more one-way truck trips, respectively, than proposals by the railroads. Keeping within the emissions budget set by the vision statement for this comment will require reciprocal reductions in emissions per truck trip as described in **Part F**. The potential for congestion on port area roads will also have to be addressed.

MARINE TERMINAL SPACE ALLOCATION. A certain share of space at marine terminals is allocated to containers waiting to be taken to the near-dock intermodal transfer facilities.

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To the extent the dwell time in the marine terminals can be reduced, increasing throughput can be accommodated and might be able to serve traffic in the Basic concept.

Traffic levels in the Enhanced version will probably require expanded container storage at the near-dock facilities to avoid upsetting the storage balance at marine terminals. This might best be accomplished by retaining the Watson Land Co. parcel, acquiring other parcels along Alameda Street, and using the SCE right-of-way. This land would be used for container stacks and provided with mechanized links to the loading tracks.

To succeed in adding throughput, the storage areas would have to be designed and organized as a satellite marine terminal managed jointly by marine terminals that use it. A satellite marine terminal enables the marine terminal to retain responsibility for the container until it clears customs, a function traditionally performed by keeping the container inside its on-dock secure facility. Direct movement from ship to satellite marine terminal may be possible.

PART E: ENVIRONMENTAL BENEFITS & ISSUES

While serving more containers than facilities proposed by the railroads, the environmental impact can be the same or smaller. Even at more than double the capacity of the railroads' SCIG & Modernized ICTF, the Basic and Enhanced 10,000-ft SCIG & ICTFs will be good neighbors. The Basic concept is balanced with the SPB Ports stated build-out capacity anticipated in 2035. The Enhanced concept serves growth through 2060.

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Noise Reduction

Facilities that operate 24/7 should avoid disturbing West Side neighborhoods. This impact is called Impact NOI-6 (DEIR, p. 3.9-50 to 63 and 3.9-76), which is mitigated with sound walls but still has significant and unavoidable impact during nighttime operations. Basic and Enhanced 10,000-ft SCIG & ICTF inherently provide more reductions. Potentially, NOI-6 could be rated less-than-significant impact. Formal estimates are needed for two measures promising large reductions in project noise.

NO SWITCHING. All of the noise from switching to build and break trains will be eliminated by the 10,000-ft SCIG & ICTF. DEIR Table 3.9-16 lists trains as the most intense on-site noise source, at 70 to 95 decibels. Other sources range from 59 to 70 decibels. Repeated train movements from switching would be five times louder than any other on-site sources of noise. Eliminating this noise source could make noise a non-issue.

NO TRUCKS ON SR-103. Noise from trucks will be similarly reduced. Currently, truck traffic closest to West Side neighborhoods runs on SR-103. Trucks inside the 10,000-ft SCIG & ICTF will be 500 feet further away. Union Pacific's plan to use SR-103 for future trucks exiting its modernized ICTF would also be eliminated. Since Sepulveda Blvd. will be closed, other trucks will divert to other routes.

Regional Air Pollution Reduced

The big picture is that all versions of transfer facilities in this comment letter provide large reductions in emissions from trucks because they travel only 4 miles per one-way trip instead of 20 miles. Drayage up I-710 to East Los Angeles railyards for containers not served near-dock will have five times higher emissions that worsen regional air quality.

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The intermodal transfer facilities proposed by the railroads only address this issue through 2023. After that the drayage emissions from I-710 will come back and eventually exceed current levels unless zero-emission trucks become common.

Local Emissions Reduced

The SPB Ports have done more than any other ports on earth to reduce the impact of their operations. They have been remarkably successful. However, local emissions from the project will occur in an area of poor ambient South Bay air quality and oil refineries. Review of comments submitted to the ICTF ADPA indicates West Side residents are also subject to special releases from oil refineries. Therefore, local air quality remains a sensitive issue.

The budget for emissions from the 10,000-ft SCIG & ICTF is assumed to be the total of proposals by the two railroads. Based on analysis in BNSF's proposal, project operational emissions (Impact AQ-3) will be below significant levels even without mitigation (DEIR, p. 3.2-53 to 58). However, mitigated minus baseline emissions (Impact AQ-4) in that budget lead to significant and unavoidable impacts in part of the West Side as far east as Santa Fe Avenue (DEIR, p. 3.2-76 to 78).

In other words, allowable project emissions have a significant impact extending up to three-thousand feet from the site but generally less.

No air quality monitoring stations are located in the West Side, so background and baseline air quality was taken from the North Long Beach monitoring station located 2.5 miles to the northeast. The station is one-third mile north of the nearest major emission source, which is the San Diego Freeway, and one mile east of the Long Beach Freeway. There are no nearby rail sources with their high emission from diesel but establishing a baseline in this way is standard practice because many years of data are needed.

Actual air quality at the SCIG site and West Side is probably worse because they are near many major sources of emissions such as the existing Union Pacific ICTF, numerous other railyards, the Alameda Corridor, and oil refineries. If the baseline is higher, mitigated minus baseline will be lower and might not be significant. A closer look at air-quality effects may be justified for the 10,000-ft SCIG & ICTF.

The existing Union Pacific ICTF appears to emit about four times more than will BNSF SCIG, indicating the ICTF must have much higher impact on the West Side. The modernized ICTF is expected to benefit the West Side by lowering the emissions to about the same level as the BNSF SCIG. Together, the two projects apparently will have about half the emissions of the existing ICTF. The benefit to Southern California's economy will be facility capacity four times higher under the railroads' proposals and ten times higher under the Enhanced SCIG & ICTF.

Additional measures are needed for the Basic and Enhanced SCIG & ICTF to keep within their share of the emission budget.

LOCOMOTIVES. If the basic 10,000-ft SCIG & ICTF is developed, arriving and departing locomotives will be able to directly access loading tracks and the Alameda Corridor, which appears likely to provide enough emission reduction. Emissions listed under "Locomotives On-Site" in tables in Section 3.2 of the DEIR will be avoided. Those avoided emissions would be from line-haul locomotives used by BNSF for building and breaking trains. This measure will reduce on-site emissions 7% based on an average of all categories for operations in 2035.

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For the Enhanced concept, the higher number of arriving and departing trains would more than double the cumulative local emissions compared the railroads' proposals. Zero-emission locomotives appear to be the only way to get the emissions within the budget. On this issue, the railroads have a choice. They have special privileges under federal law that make use of zero-emission locomotives voluntary and confer immunity to California's efforts to move faster than the nation.

Without such voluntary use, an end to growth of rail service from the ports to national markets may be necessary to attain air quality mandates. One way to that unattractive outcome is the possible success of opposition by nearby residents to new rail facilities in general, not just against BNSF's SCIG. Or, the ports could simply make no effort to grow past their stated build-out capacity. The opposition might be avoided if the railroads were more forthcoming.

Ironically, aggressive exercise by railroads of their legitimate rights could limit and eventually destroy their Southern California port business. They could let Southern California know their plans but so far have kept their own counsel. After all, BNSF and Union Pacific are world leaders in railroading and planning by government could be better informed by their direct participation. They have made marginal concessions that are appreciated but growing beyond 2035 presents new challenges for all parties.

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TRUCKS. For the Basic concept, cumulative emissions from more trucks on-site and off-site after 2023 would exceed levels identified in the DEIR unless truck emissions were gradually reduced as truck count increased. By 2035 emissions per truck trip would have to fall 27%. Assuming Project Condition AQ-11 (DEIR, p 3.2-96) is implemented, by 2023, 75% of the trucks, and eventually 90%, will be 2007 or later. The 27% reduction could come from increasing the low-emission trucks faster than in AQ-11 and ending up at 100%. Drayage companies will be compensated with 37% more containers to move.

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For the Enhanced concept, truck emissions must be reduced 57% from DEIR levels. A high share for various zero-emission trucks may be required after 2030. However, unlike the situation with locomotives, California has successfully required more aggressive emission reductions than the nation. By 2030 we can probably encourage better low-emission trucks than the 2007 standard. In fact, that progress is proposed in the draft 2012 Regional Transportation Plan (RTP) by the Southern California Association of Governments (SCAG). Drayage companies will be compensated with 133% more containers to move.

PART F: THE BUILD-OUT TRAP

What will take the place of Southern California's container business starting in 2035? If port business cannot be increased after 2035, its share of our economy will shrink. And the sector's jobs will shrink faster as goods-movement processes become more efficient.

A build-out trap occurs when facilities stop growing to meet the needs of their customers. Some customers must then find other ways to get the service they need. In the case of the San Pedro Bay Ports and container services provided throughout Southern California, some customers may have to go elsewhere in 2035 when the ports reach their build-out capacity of 43.2 million TEUs. It would be better to assure all customers of the SPB Ports' and Southern California's intent and plans to grow beyond 43.2 million TEUs.

Three market segments will compete for capacity: the railroads' traffic to national markets, transload into domestic containers for regional and national markets, and direct trucking to local and regional customers. The most flexible segment with the most options, rail service to national markets, would slowly relocate to other ports. This raises questions about long-term train traffic through Southern California to national markets.

As other markets grow they will fill the capacity leaving none for national rail. That means the railroads will slowly lose their container traffic from Southern California. BNSF and Union Pacific would find other port options for some traffic but not all of it. At 2% compound annual growth rate, the process would be complete in 2062 after 27 years. Maybe that is why Union Pacific entertained serving the proposed port of Colonet in Baja California.

The vision for Southern California goods movement in the draft 2012 RTP expresses intent to accommodate port growth but shares the SPB Ports' time horizon of 2035. What then? Certain specific proposals in the RTP are much more far reaching and able to serve higher levels of port traffic than the build-out capacity.

The East-West Corridor is the best example. It is a proposed limited-access freeway for trucks extending from I-710 in Commerce to I-15 in Ontario. It would roughly follow the Union Pacific railroad's route, called the Los Angeles Subdivision, but in its own 100-ft-wide right-of-way. The project will face difficult land acquisition but is the kind of project that solves long-term goods-movement issues. It would serve the second largest share of through truck traffic in the SCAG region after the Long Beach Freeway. Part of the through traffic is generated by the ports.

Rail service needs similar treatment. The Los Angeles Subdivision is the best rail route from the ports as far east as Pomona and Ontario. It is more direct and faster, with a speed limit of 70 mph compared to 50 mph on BNSF's San Bernardino Sub and 60 mph on Union Pacific's Alhambra Sub. The Los Angeles Sub should become the rail version of the East West Corridor. This is not a new idea, just one that has seemed too hard to implement.

It is locally impaired by degradation of its right-of-way to as little as 60 feet from the original 100 feet that exists along much of its length. The width should be restored in a joint land acquisition process and the full width developed for an extension of the Alameda Corridor (AC) to Colton. Somewhere between Pomona and Ontario the extended AC would transfer to the Alhambra Sub for the run to Colton. The right-of-way would hold five tracks. The extended AC needs three tracks, and Union Pacific may eventually need two tracks. Locally, track geometry for 70-mph trains might require marginally more width.

An additional 3 miles of corridor for rail from I-710 to the Los Angeles River would be added to the land acquisition process for 40 miles already in the truck's East West Corridor. In the Commerce area, the route would probably run north of Union Pacific's Commerce Yard through recovery of rail right-of-way and new acquisitions.

Without the East West Corridor and extended Alameda Corridor, the capacity of Southern California's goods-movement system may be able to serve the SPB Ports' build-out capacity but be inadequate after 2035. As such, the East West Corridor in the RTP is a pathfinder like the BNSF SCIG proposal, exploring the relative appeal of different assumptions about Southern California's future. Is it as many jobs as possible or should goods movement in general be limited to reduce impacts?

86-4

The SCIG and modernized ICTF projects were conceived when far more rapid increases in container traffic were expected. The slower growth now forecast creates a short time when both projects can be redesigned around the 10,000-ft SCIG & ICTF.

The most challenging work will be institutional relations. Union Pacific must consider whether to press its obvious advantages in serving the ports conferred by its Delores Yard and its rail routes. BNSF must decide if it can wait a little longer for a near-dock railyard to help it compete with Union Pacific on a more equal footing. The ICTF-JPA must be modified and the appropriate legal structure for the two railyards implemented. A fair deal for the West Side neighborhood must be negotiated.

It is not too late to create a better project for the ports, the railroads, the nearby residents, and all of Southern California. I encourage all stakeholders to give full consideration to the 10,000-ft SCIG & ICTF and accept the necessary schedule impacts. I believe those impacts will be moderate. The benefits, however, will be large and long lasting.

Very Truly Yours,

Phillip C. Birkhahn

Phil Birkhahn
RCE 55341
Owner, Green Path Freight, Inc.

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1 **Comment Letter 86: Green Path Freight, Inc.**

2 **Response to Comment 86-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 86-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 86-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 86-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

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December 14, 2011

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

Re: Comments on the Draft Environmental Impact Report for the Southern California International Gateway (SCIG) Rail Project.

Dear Mr. Cannon:

Thank you for this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Southern California International Gateway (SCIG) Rail Project, released by the Port of Los Angeles on September 2011. We appreciate your thorough evaluation of existing and projected environmental health impacts.

This review was conducted by our Bureau of Toxicology and Environmental Assessment. The review focuses on the impacts that the DEIR identifies as potentially significant to the health of area residents, specifically noise and air quality. Based on the information presented in the DEIR and published research, we conclude that there will be significant and unavoidable noise impact during the construction phase of the project for nighttime operations. The proposed project will also result in significant and unavoidable air quality impacts that will result in exceedance of construction-related emissions thresholds as per the South Coast Air Quality Management District (SCAQMD).

The linkage between project goals and potential health benefits is extremely important and should be clearly explained in the DEIR. Where applicable we have provided references to research reports and data sources that may help your staff address these issues in the DEIR.

1. Air Quality

87-2 The DEIR provides a detailed report on the impacts associated with the construction and operational phases of the project. However, the DEIR does not mention indoor air quality impacts during either the construction or the long-term operational phases of the project and its relation to the outdoor air quality. While concentrations of outdoor air pollutants may be higher, people spend a larger proportion of their time indoors, leading to elevated indoor exposures (children may spend an estimated 85% of their time indoors)¹. The infiltration of unwanted ultrafine particles in poorly insulated and ventilated residential buildings (single and multiple family dwellings) in areas in proximity to high traffic volume or during construction activities is a concern. Ultrafine particulates (PM<0.1µm) and exhaust gases can migrate into the indoor environment of such dwellings despite best available ventilation and filtration technology. Ultrafine particulates may be a significant contributor to severe cardiovascular and neurological health impacts.² Research has shown that traffic related emissions affect ambient air quality, and that populations in proximity to 150-300 meters from a major roadway are the most affected by ultrafine emissions.³

87-3 The DEIR identifies exceedances of the SCAQMD thresholds for 1-hour and annual nitrogen dioxide (NO₂), 24-hour and annual PM₁₀ concentrations during the construction phase of the project. A number of studies have shown that sensitive receptors such as children, the elderly and those with chronic respiratory illnesses are prone to adverse effects from particulates and NOx.⁴

In order to reduce the impacts identified in the DEIR in table 3.2-34, page 3.2-94, the proposed mitigation measures must be implemented.

2. Noise

87-4 The DEIR identifies environmental noise impacts during the construction and operation phases of the proposed project. This impact would cause ambient noise levels to be increased by three dBA (CNEL) or more during night time operations, which would be a noticeable audible change. In addition this noise increase would exceed the maximum noise levels allowed by the Long Beach City Municipal Code.

¹ Wiley JA. Study of Children's Activity Patterns. 1991. California Air Resource Board. Contract No. A733-149.

² Delfino R, Sioutas C, Malik S. 2005. Potential role of ultrafine particles in associations between airborne particle mass and cardiovascular health. *Environmental Health Perspective* 113(8).

³ Zhu Y, Hinds WC, Kim S, Shen S, Sioutas C. 2002. Study of ultrafine particles near a major highway with heavy diesel traffic. *Atmospheric Environment*. 36(27):4323-4335.

⁴ McConnell R, Islam T, Shankardass K et al. 2010. Childhood incident asthma and traffic related air pollution at home and school. *Environmental Health Perspective* 118(7).

87-4 ↑ The application of the proposed mitigation measures listed under table 3.9-39 (Mitigation Monitoring for Noise, page 3.9-77 of the DEIR) would still result in residual significant noise impact at night time during the operational phase of the project. Exposure to excess noise can often result in more than a life style nuisance, it can also result in significant physiological impacts including high blood pressure and other cardiovascular effects.⁵ There is a causal association between noise and levels of annoyance, disruptions in school children's performance, sleep disturbance, mood, heart rate, blood pressure, hearing loss, and stress related health effects.^{6,7,8} Mitigation measures should be strictly adhered to during the construction phase of the project near schools, residential areas, parks and other locations where vulnerable populations are present.

If you have any further comments, please contact Evenor Masis at (213)738-3220

Sincerely,

Handwritten signature of Cyrus Rangan, M.D., F.A.A.P., A.C.M.T., Director of the Bureau of Toxicology and Environmental Assessment. The signature is written in cursive and includes the text "Cyrus Rangan" followed by "M.D. F.A.A.P. A.C.M.T.".

Cyrus Rangan, M.D., F.A.A.P., A.C.M.T., Director
Bureau of Toxicology and Environmental Assessment

⁵ Jakovljevic B, Belojevic G, Paunovic K, Stojanov V. 2005. Road traffic noise and sleep disturbances in an urban population: cross sectional study. *Croat Med J* 47:125-133.

⁶ Moudon AV. Real noise from the urban environment: How ambient community noise affects health and what can be done about it. *Am J Prev Med* 37(2):167-171.

⁷ Stanfeld SA, Matheson MP. Noise Pollution: non auditory effects on health. *British Med Bulletin* 68:243-257.

⁸ Jarup L, Babisch W, Houthuijs D et al. 2008. Hypertension and exposure to noise near airports: the HYENA study. *Environmental Health Perspectives*; 116(3).

1 **Comment Letter 87: County of Los Angeles Public Health**

2 **Response to Comment 87-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 87-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 87-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 87-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

15

January 18, 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 Lomita Chamber of Commerce and representing approximately 230 members, I am writing to express 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 DEIR determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

88-1 ↑ 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 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 San Pedro's Ports. Completing SCIG signals that the ports and industry can work together to benefit 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 at 12 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 Lomita Chamber of Commerce 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.

Most sincerely yours



George M. Kivett
Executive Director
Lomita Chamber of Commerce

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

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 88: Lomita Chamber of Commerce**

2 **Response to Comment 88-1**

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



January 26, 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 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 23, 2011. The proposed SCIG Project is a new near-dock intermodal rail facility located to the north of the California Sulphur Company (CSC) facilities. 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 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 waste 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 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.

While CSC is not included in the project boundaries (Draft EIR Figures 2-2 and 2-5) nor identified as affected by the proposed project (Draft EIR Table 2-1), some elements of the project have the potential to directly or indirectly affect our operations.

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 (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

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Wilmington, CA 90744
(562) 437-0768 Fax (562) 436-7866

Mailing Address:
P.O. Box 176
Wilmington, CA 90748



89-1

(Draft EIR pp. 2-27 and 3.10-41). It is also likely the BNSF would be constructing the project. Absent including the Traffic Management Plan as a mitigation measure, CSC requests that the Final EIR include a confirmation that the Traffic Management Plan provide for continuous access to the CSC facility from Pacific Coast Highway during project construction.

89-2

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). We could not find in the 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. If the existing truck counts for Cal Cartage and Fast Lane is in excess of 400,000 round trips this could result in several hundred thousand truck trips to and from the relocation sites. If access to the Cal Cartage and other relocation sites is via the CSC access road, this number of trucks would for all practical purposes prohibit access to the CSC facility. In the Final EIR, please provide a description of the proposed access to the relocation site(s) and 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 Draft EIR such calculations and analyses can be found.

89-3

3. CSC Emergency Access. 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). It would seem likely that the relocation of Cal Cartage or placement of some other Port tenant at this location would necessitate the closure of Grant Street, Foote Avenue and Opp Street, which would eliminate the emergency access for CSC. Since this was not identified as a significant effect in the Draft EIR (e.g., see 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 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

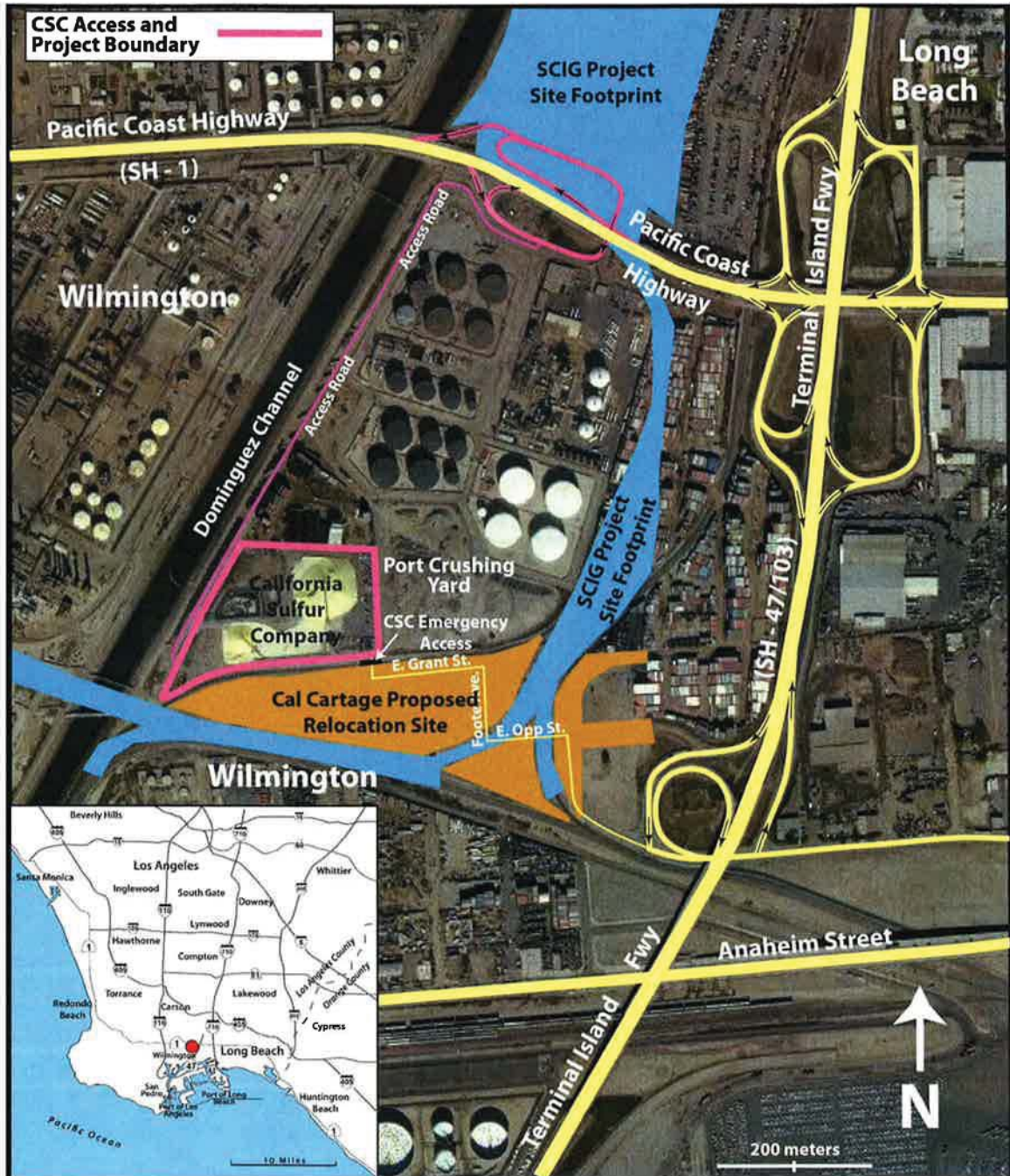


Figure 1. California Sulfur Company (CSC) locality and access route relative to the SCIG Project and Relocation Sites.

1 **Comment Letter 89: California Sulphur Co.**

2 **Response to Comment 89-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 89-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 89-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

12

Hagner, Dennis

From: Totta, Anna [ATOTTA@CCHARITIES.ORG]
Sent: Friday, January 27, 2012 2:22 PM
To: Ceqacomments
Subject: Draft EIR for the SCIG Project

Dear Mr. Cannon:

90-1 | Catholic Charities has two site which would be affected should the SCIG project be approved: Our emergency homeless shelter for families located at 2241 Williams Ave., Long Beach, 90810 and Mahar House Community Center located at 1115 Mahar Ave, Wilmington, CA 90744. Since both of these programs serve children and since the asthma rate is so much higher in these communities due to polution from the port and trucks, adding further pollution elements will only add to this unhealthful environment. Therefore, please note that we consider that there are serious flaws in the Draft Environmental Impact Report and we are against the approval of this project.

Thank you.

Anna Totta
Regional Director
Catholic Charities of Los Angeles, Inc.
123 East 14th Street
Long Beach, CA 90813
562.591.1641
atotta@ccharities.org

1 **Comment Letter 90: Catholic Charities of Los Angeles**

2 **Response to Comment 90-1**

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

LAW OFFICES OF
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January 23, 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:

91-1

My office is legal counsel for Three Rivers Trucking Inc. (Three Rivers) The purpose of this letter is to formally put the Port of Los Angeles on notice that the 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 not only my client but those other companies, located within the project area.

91-2

I also want to go on the record to set forth that you have used your position as chairmen of the two public meetings to manipulate the time offered to people to testify. In particular my client's President Bruce White was cut off from completing his testimony while others in favor of the project were allowed to run well over the 3 minute arbitrary rule. In light of the facts I will outline below, Three Rivers stands to lose its business and over 200 jobs will be lost and yet you refused to allow Mr. White the right to publicly state his case. Be put on Notice that all 200 employees and their families will seek a public forum, one that you have attempted to deny my client.

I have attached one document to this letter: Exhibit A the letter dated November 8, 2011 received by my client from Southern California Edison.

91-3

I suggest that you read Exhibit A before going any further with my formal letter. Clearly, SCE was not consulted in the drafting of the DEIR and has "no intention" of allowing redevelopment of my client's facilities standing in the way of this project. As a result of this letter the heart of the mitigation section

91-4

↓ of the DEIR is misleading and inaccurate. Moreover, in response to this Exhibit A my office was asked to

91-4 and did forward letters to SCE, BNSF and the PUC to determine whether the representations made in the DEIR will be honored. It has been two months with no response from any of these entities.

Specifically, BSNF states in the Project Description Section:

“Three Rivers Trucking would maintain the properties they currently lease from SCE. All of these businesses (including California Cartage) would construct new facilities that are assumed to generally resemble the existing facilities except for being more modern and efficient... They are assumed to continue operating on their existing parcels through the first construction year while the new facilities are being constructed and then to resume operations on their sites and the existing leased SCE property” (Sub ES3.2.1)

91-5 The Project Description continues by alluding to an access tunnel for SCE access but does not discuss or attempt to show mitigation for the Three Rivers Trucks (which are part of the overweight corridor vehicles) as well as other large tractor trailers that now utilize the Project area. The north end tracks bisect Three Rivers dock and building making its entire operation unusable. Mitigation measures must be discussed in the DEIR and in fact the access road and redevelopment is a required mitigation measure. No such meaningful discussion can be found in the DEIR and no alternative access is discussed in order to lessen the fatal impact on my client. What type of access, what type of trucks will it support, are there other locations for a bridge. The document is silent. The DEIR is required to show mitigation measures, both environmental and socio-economic and clearly it has failed to do so.

Specifically, the DEIR states “The SCE access would be upgraded to the standards of AASHTO Edition 5 (2004) to allow it to serve as a primary access for Three Rivers Trucking and the portion of California Cartage that is assumed to stay on the property leased from SCE. (despite Exhibit A attached hereto which is reality) The access road would be improved and dropped below existing grade for a short distance in order to pass under the proposed north lead tracks. A bridge would carry the tracks over the road. In addition, emergency access to the SCE parcel would be provided at several points throughout the proposed rail yard”

91-6 Three Rivers is at a loss at this description in the DEIR as it describes a project component that is difficult to comprehend and substantiate from an engineering and traffic point of view and lacks any detail or credibility. These are merely unsubstantiated words on a page that cannot be proven. The DEIR fails to set forth the length of the road: the degree of the grade which is essential to have safe passage for heavy 45 foot containers. A reading of AASHTO requires a design that is too wide to be accommodated between the SCE towers. Considering that SCE refuses to relocate the Three Rivers transload operation, one must assume it will not remove or relocate its towers.

91-7 This access road, where it will be built or how it affects traffic patterns on are not discussed. These secondary environmental impacts are not found within the DEIR. This road if utilized by SCE, California Cartage and others may have a severe impact causing bottlenecks from queuing to the site. This in turn may cause tie-ups on this major road and access by others to the Long Beach Freeway. This area is so severely impacted now that any restriction could be devastating to traffic patterns in the area. The DEIR fails to discuss this issue.

91-8 This project and the fact that SCE refuses to rebuild the Three Rivers transload operation ignores the fact that transloading is a crucial element of the Port. Three Rivers moves over 40,000 export containers a year within the Port operations. Even if Three Rivers were to find available facilities offsite, how would the traffic patterns be affected and how does the overweight corridor come into play. The DEIR is silent on this aspect of its traffic study. Moreover the largest transload operation at the Port, California Cartage which operates on over 90 acres comprising three 200,000 square foot building has been reduced to 10 acres. Again, does the Port really believe that the loss of all these transload facilities is a good thing! Where will California Cartage and Three Rivers move to? What impact will thousands of extra truck trips outside the Port have on the already overburdened traffic patterns?

91-9 Without the construction of a new dock and warehouse this project terminates operations of Three Rivers and the loss of 200 jobs. The DEIR has not discussed this issue. In fact, Three Rivers is not discussed again in the DEIR! Edison has stated as set forth in Exhibit A that it refuses to relocate Three Rivers. With no alternative the exported fruit and vegetables all 40,000 containers, will at best relocate in Oakland with the loss of jobs and revenue to both my client and the Port. These products are produced in the Central Valley of California. The total lack of understanding found in the DEIR is palpable and renders the DEIR inadequate.

91-10 The Section " Growth Inducing Impacts" sets forth job growth of between 660 jobs in 2016 to upwards of 1096 jobs by 2046. First of all these numbers are not defensible and do not take into account the immediate job losses of over 200 as a result of just the displacement of Three Rivers. Further there is no mention of Three Rivers in the entire Land Use Section, the false assumption being that SCE is going to rebuild these lost facilities.

91-11 CEQA was a legislative mandate to require lead agencies and the decision makers who ultimately determine the fate of a project to vet all issues and allow the public to understand the ramifications of a project, both environmental and socio-economic. This document fails in all respects.

91-12 BNSF and the authors of this DEIR need to understand and detail the impacts this project will have on Three Rivers. With no alternatives, with no cooperation from SCE this project is an economic disaster and if the Decision Makers at the Port and ultimately the City Council are not made aware of these facts the entire CEQA process becomes a sham.

91-13 Based on the foregoing one must review the California Code of Regulation, specifically Article 7, Sections 15080-15097.

91-14 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 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

91-15

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 the Port have been subject to the Clean Trucks Program, a program that you, Mr., Cannon were in charge of. 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.

91-16

The DEIR attempts to set forth mitigation measures for the loss of hundreds of jobs not only from Three Rivers but other companies in the path of this project. As set forth above these mitigation measures are not based on fact. 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.

91-17

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, export companies such as Three Rivers will need to relocate not in Los Angeles but in Ports located in Northern California. The Port has no basis for any findings of Overriding Considerations as required by the Code of Regulations.

91-18

As set forth above the DEIR identifies new potential locations for certain companies and for many other unnamed businesses sites a general conclusion that these businesses would move to other compatible areas in the general vicinity of the Port. For Three Rivers relocation is not available and the DEIR fails to consider the environmental impacts caused by relocating businesses such as Three Rivers. This failure underestimates the environmental impacts of the proposed project. Where do you move Three Rivers and 40,000 container trips some of which require use of the overweight corridor; Where do you move California Cartage, its 600,000 square feet of transload warehouse space and acres of parking for over 150 trucks and hundreds of containers? Where do you move LA Grain, its one mile rail head servicing up to 150 rail cars containing exported grain, Where do you move San Pedro Forklift which fumigates upon request from the United States government over 70% of incoming and outgoing fruits, vegetables furniture and flowers and 99% of air cargo arriving at LAX. Job losses alone from these companies totals well in excess of 300. Traffic pattern disruption will overwhelm the roadways. Loads requiring overweight corridor access will be permanently terminated with loss of business.

91-19

I have in preparation of this letter interviewed San Pedro Forklift, a company not mentioned in the DEIR. This major fumigation company has no place to go. Permits from AQMD; Department of Pesticide Regulation; USDA compliance and Clean Air Act rules make relocation impossible outside of the Port location. Loss of jobs and capacity of the Port to fumigate imports and exports worth in excess of 100 million dollars hangs in the balance and yet the DEIR never mentions this company. One must assume that the authors thought this was a forklift rental operation!

91-20

Los Angeles Harbor Grain Terminal exports over 99% of the grain to Asia, operates a transload facility moving over 60,000 containers. It employs over 50 full time employees and utilizes one mile of track to handle hundreds of BNSF railcars. There is no place in the DEIR mentioning where they will go and what impacts this has on the export business.

91-21

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 trucks 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 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.

91-22

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.

91-23

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.

91-24

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 baseline study that is without merit. The 2004 Parsons report is not worthy of consideration and did not

91-24 ↑ 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 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?

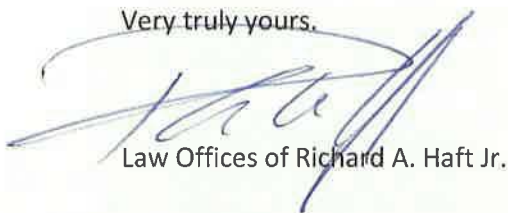
91-25 Other Alternatives were dismissed without adequate discussion; The Watson yard, West Anaheim and East of Anaheim all are viable alternatives and represent virtually no loss of employment and facilities at the Port. The DEIR is virtually worthless with a baseline and future growth projections that have no basis in fact and no meaningful discussion of these alternative sites.

91-26 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 lose 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.

91-27 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.

In conclusion, Exhibit A to my letter is but one piece of evidence that shows the total lack of credible mitigation measures set forth in the DEIR. The baseline data are set forth on phantom facts of 'moving just around the corner' rendering the traffic study and air quality studies useless. Moreover, my client is but one displaced company that faces economic ruin, the loss of hundreds of jobs and the relocation of operations that may impact areas far from the present location, render the cumulative impact section useless and affect the fundamental business model within the Port of Los Angeles. In light of the foregoing the DEIR is legally indefensible.

Very truly yours,



Law Offices of Richard A. Haft Jr.

1 Comment Letter 91: Law offices of Richard A. Haft**2 Response to Comment 91-1**

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 91-2

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 Response to Comment 91-3

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 Response to Comment 91-4

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 Response to Comment 91-5

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 Response to Comment 91-6

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 Response to Comment 91-7

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 Response to Comment 91-8

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 Response to Comment 91-9

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 91-10

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 91-11

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 Response to Comment 91-12

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 91-13

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 91-14

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)).

22 Response to Comment 91-15

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 Response to Comment 91-16

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 Response to Comment 91-17

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 Response to Comment 91-18

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

34 Response to Comment 91-19

35 This comment refers to a chapter or section of the DEIR that was recirculated. No
36 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 91-20**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 91-21**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 91-22**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 91-23**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
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13 **Response to Comment 91-24**

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15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 91-25**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 91-26**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 91-27**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 The commenter attached an additional document. This document does not specifically
26 address sections of the DEIR or its adequacy. Therefore, no responses are provided.
27 Copies of the commenter’s attachments are included in the electronic versions (CD and
28 POLA website) of the Final EIR. The commenter’s attachment was:

- 29 1. Letter from Southern California Edison dated 8 November 2011.

30
31

Brian Ulaszewski
1059 E Second Street
Long Beach, California 90802
bulaszewski@hotmail.com

via electronic mail 12.01.31

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 DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Cannon:

I appreciate the opportunity to respond to comment on the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway intermodal container transfer facility. This comment letter focuses on recommended project alternatives for infrastructure servicing the proposed facility which travel through the City of Long Beach. It is believed that there are project alternatives from those proposed in the DEIR that are less impactful to existing residential neighborhoods and school campus adjacent to the proposed project site.

92-1

West Long Beach has long been environmentally impacted by the refineries of the City of Carson, Ports of Long Beach and Los Angeles and their supporting infrastructure. Currently there is a series of major infrastructure proposals in and around West Long Beach with the potential to further impact the community. These new developments and capital improvements proposed around the port complex should be sited appropriate so that current land-use conflicts and infrastructure impacts are not confounded. If those projects are located in or around West Long Beach they should be designed to minimize their impact on the surrounding community and should properly mitigate those impacts.

In response to existing land-use conflicts and infrastructure impacts from goods movement, a proposal has been developed to create a regional-scale park that buffers West Long Beach from port support facilities in Los Angeles and Carson. The attached brief description of the proposal describes an open space proposal that separates conflicting land-uses with a greenbelt that sequesters air pollutants, reduces local heat island, manages stormwater, provides natural habitat and expands recreational opportunities for residents of West Long Beach.

92-2

Burlington North Santa Fe Railroad (BNSF) proposes to build a near-dock intermodal container transfer facility on a portion of Los Angeles Harbor Department land located between the City of Carson and West Long Beach. Called the Southern California International Gateway (SCIG), the 150 acre facility would employ twenty electrified, rail-mounted, wide-span gantry cranes to maximize 2.8 million Twenty-foot Equivalent Unit annual throughput capacity. The proposal's off-site improvements including trains tracks, bridges and grade-separations, require focused attention due to their close proximity to existing residents and schools in the City of Long Beach.

The Environmental Impact Report (EIR) for the Southern California International Gateway should further explore alternative sites for the facility within the Ports of Long Beach and Los Angeles. Locating the rail 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 of the Los Angeles Harbor Department and Southern California Edison properties would be continued with this new development.

92-3 Along with alternative site locations for the Southern California International Gateway the project alternatives studied through the environmental review process, should include alternative configurations of the facility and off-site infrastructure improvements proposed to serve the facility that reduce potential impacts. Impacts as defined in the Draft Environmental Impact Report (DEIR) can be reduced or eliminated entirely through alterations in the proposed project. The following are SCIG project components recommended for further study:

1 Property Acquisition and Tenant Relocations

92-4 Section 2.4.2.1 of the DEIR describes current tenants of the project area would be relocated to designated alternative sites. The two tenants of the adjacent Southern California Edison transmission corridor would remain as part of the SCIG proposal. The proposal would split one business, Cal Cartage from their main facility on the Los Angeles Harbor Department (LAHD) property where the SCIG facility would be located and the associated parking lot on the SCE property. The other tenant on the SCE property Three River Trucking is proposed to be split by the north lead track.

92-5 As part of the project alternative, the complete relocation of existing tenants on the LAHD and SCE property should be studied. These relocation sites should be appropriately sized for each tenant and best located to limit impact for surrounding occupants while providing necessary access for their respective operation. The land vacated within the SCE transmission corridor should be then studied for expansion of the urban forestry program originally proposed in the SCIG Notice of Preparation document as a mitigation measure.

2 Sepulveda Boulevard Bridge

92-6 Based on the DEIR Section 2.4.2.5, a pair of 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 M.S. and Webster E.S.).

As defined by the DEIR (Sections 3.1.5 and 3.4.5), removing the existing rail bridge would result in significant unmitigable Cultural and Aesthetic impacts along with the impacts from freight traveling directly adjacent to homes and schools. The project alternative should study building a new rail bridge to the west of the SCE transmission corridor. This alternative would avoid the impacts of 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. It is assumed that the use of LAHD and/or SCE property would require negotiation.

3 Pacific Coast Highway Grade Separation

92-7 The DEIR 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 for which it is proposed to be raised for the south lead tracks in the SCIG facility. To facilitate truck movement traveling to the port complex from the rail yard, a flyover will travel southbound to eastbound Pacific Coast Highway where trucks merge onto the southbound Terminal Island Freeway. Figure 2-4. SCIG Designated Truck Routes fails to accurately illustrate truck movement traveling to the facility from the port complex, as the northbound to westbound Pacific Coast Highway interchange travels directly by the Villages at Cabrillo community.

92-8 The project alternative should study reconfiguration of the Terminal Island Freeway interchange as part of the Pacific Coast Highway grade separation component to better facilitate truck movement to SCIG from the port complex. The goal would be to transition northbound to westbound traffic in a similar fashion to the base proposal for trucks leaving the facility, using a flyover to increase the distance between designated truck routes and the Villages at Cabrillo. As part of the project alternative, 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).

4 Storage Tracks

92-9 Based on the DEIR Section 2.4.2.2, two parallel 4,000-foot-long storage tracks would run along the eastern edge of the railyard, parallel to the existing ports-owned San Pedro Branch tracks, from one of 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 H.S. and Hudson E.S. This component of the project proposal is not accurately reflected in the project boundary as illustrated in Figure 2-3a.

92-10 The project alternative should 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 On-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 of noise, visual and air pollution on sensitive receivers.

Should you have any questions or wish to discuss the comments, please contact me at 323.309.7932 or bulaszewski@hotmail.com.

Sincerely,

Brian Ulaszewski

1 **Comment Letter 92: Brian Ulaszewski**

2 **Response to Comment 92-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 92-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 92-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 92-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
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14 **Response to Comment 92-5**

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17 **Response to Comment 92-6**

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20 **Response to Comment 92-7**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
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23 **Response to Comment 92-8**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 92-9**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 **Response to Comment 92-10**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32
33 The commenter attached an additional document. The responses to this document are
34 contained in 92-1 through 92-10. Copies of the commenter’s attachments are included in

1 the electronic versions (CD and POLA website) of the Final EIR. The commenter's
2 attachment was:

3 1. The Yards: open space proposal

4

5

January 27, 2012

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



RE: SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY (SCIG)
PUBLIC COMMENT – PLEASE INCLUDE IN THE FINAL EIR

Dear Mr. Cannon:

The Southern California International Gateway (SCIG) is a project that is directly linked to the 710 freeway extension/expansion project. Both of these projects will affect many communities including mine. Thus this letter and the following comments:

- 93-1 | 1. First of all, continuing to use trucks for goods transfer to any point of destination other than local is inefficient and outdated. The use of trucks does nothing to improve or streamline the process of goods movement. This is the 21st Century which calls for 21st Century solutions. Cargo Way is a good example of a current day solution which should be seriously looked at. Their zero-emissions rail system is able to transfer cargo directly from ships and transport it efficiently to an intermodal center for distribution. The money designated for the SCIG should instead be spent toward this goal, not a project that won't solve the problem and is outdated before it is even built.
- 93-2 | 2. It is a well known fact that trucks cause poor air quality as evidenced by numerous reports, research and studies. Regardless, the BNSF, SCAG, Caltrans and MTA, as well as the ports, appear to be intent in their plans to build the SCIG and to extend the 710 using trucks – projects that will be harmful to the health and safety of all the residents in the surrounding region.
- 93-3 | 3. Poor air quality is just one reason the use of trucks must be stopped. With 3 million more truck trips per year per the SCIG proposal, the damage to neighboring communities from traffic, noise and pollution, both in the transfer of goods from the ports by truck to the SCIG and at the SCIG cannot be avoided. And with trucks from Mexico exempted, a zero-emissions goal cannot be achieved.
- 93-4 | 4. All the communities along the 710 freeway will be adversely affected by the SCIG project, including Long Beach, Los Angeles, Downey, Compton, East Los Angeles, Carson, Signal Hill, Willowbrook, So. Gate, Bell, Maywood Bell, Commerce and Monterey Park. That's at least 13 communities with innumerable residents. Their health, safety and welfare cannot be ignored, but that is just what is happening and will happen if these two projects proceed to fruition.
- 93-5 | 5. There should be no railroad distribution centers where sensitive receptors are located. The proposed location for the SCIG will be next to several such sensitive receptors: homes, a sports field, a park and two schools. Despite claims in the DEIR to the contrary, particulate matter and noise level will increase dramatically. These facts cannot be disputed wherever or whenever trucks are involved.
- 93-6 | 6. There is no health impact assessment in the draft EIR-a fatal flaw to its validity.

- 93-7 7. Using trucks to go from the ports to an intermediate destination (rail yard) amounts to nothing more than the trucks being used as "middlemen". This constitutes an additional and unnecessary expense in addition to all the other problems trucks present. Again, the money designated for the SCIG project should instead go towards an effective 21st century solution, readily achievable with today's technological advances. And again, the distribution of goods should transfer at the ports directly to rail using a method such as SkyStorage Systems and avoid the use of trucks all together.
- 93-8 8. Despite DEIR claims that the SCIG will take 2 million trips per year off the 710 freeway, that will not happen in view of the fact that Caltrans is preparing a DEIR on an expanded 710 freeway allowing for more traffic. The claim is disingenuous in my view as the parties to both projects are mutually involved.
- 93-9 9. Several recent news articles point to reduced container volume at the ports (i.e. 12/29/11 L.A. Times- "Local ports face Panama challenge"; 12/30/11 L.A. Times-Traffic ebbs in 2011 at local ports". This only compounds the question of the need for the SCIG.
- 93-10 10. The only solution to solve the transportation problem is to employ rail for the movement of goods and to take trucks off the road period. The SCIG will not do that. It simply continues the status quo modifying it to a degree but for all intents and purposes maintaining the existing inefficient and outdated system for the movement of goods.

From just the foregoing, let alone additional facts and evidence, it should be obvious to anyone that the SCIG is the wrong way to go and should not be built.

Sincerely,



Sherry Stubbs
3200 Fairesta Street, No. 11
Glendale, CA 91214

Cc: SCAQMD

1 **Comment Letter 93: Sherry Stubbs**

2 **Response to Comment 93-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 93-2**

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

11 **Response to Comment 93-3**

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 93-4**

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 **Response to Comment 93-5**

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 93-6**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 **Response to Comment 93-7**

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

35 **Response to Comment 93-8**

36 This comment refers to a chapter or section of the DEIR that was recirculated. No
37 response is necessary per CEQA Guidelines §15088.5(f)(2).

38

1 **Response to Comment 93-9**

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 93-10**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10

11

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

Date: January 31, 2012

From: Ken Melendez
Co-Chair Port Community Advisory Committee
1327 Hunt Terrace
Harbor City CA. 90710
(310) 530-4536
Cell (310) 8037345



Regarding: Draft Environmental Impact Report for the Southern California International Gateway (SCIG) Project

Dear Chris Cannon

The Port Community Advisory Committee on January 17, 2012 passed the following

Resolution: WHEREAS, the Port of Los Angeles (the Port) has released the Draft Environmental Impact Report for the Southern California International Gateway project "the Project" to be operated by project applicant BNSF Railway, and

WHEREAS, the Project will displace a number of local businesses which occupy the area subject to the development of the Project, and

WHEREAS, Fast Lane Transportation, Inc. (Fast Lane) is one of those businesses subject to dislocation, and

WHEREAS, Fast Lane is the only local business subject to dislocation as the result of the development of the Project which owns the land upon which it operates, and

WHEREAS, the Port has identified a relocation site for Fast Lane Transportation, Inc. in the DEIR, and

WHEREAS, the relocation site is operationally deficient and inadequate to support the continued operation of Fast Lane in its present state, and

WHEREAS, Fast Lane seeks to continue to operate its business in Wilmington and retain in excess of one hundred jobs it supports, and

WHEREAS, the lack of a specific and adequate relocation plan in the DEIR creates unacceptable uncertainty resulting in difficult operating conditions for Fast Lane, then

Page1of 2

94-1



94-2

↑ THEREFORE, BE IT RESOLVED that the Wilmington Waterfront Development Subcommittee recommends to the Port Community Advisory Committee (PCAC), that PCAC recommends to the Board of Harbor Commissioners to direct Port staff to make sufficient Port land available to Fast Lane Transportation to insure Fast Lane can relocate and continue its operations within Wilmington.

Motion passed 15 Ayes, 1 Nays and 2 Abstentions.

Respectfully Submitted



Ken Melendez Co-Chair PCAC

Cc: Honorable Mayor Antonio R. Villaraigosa City of Los Angeles

Cc: Honorable Councilman Joe Buscaino (CD15) City of Los Angeles

Cc: Honorable Congresswoman Janice Hahn

Page2of2

1 **Comment Letter 94: Port Community Advisory Committee**

2 **Response to Comment 94-1**

3 Please see Master Response 8, Displaced Businesses which discusses the alternate sites
4 evaluated for use by Fast Lane and other displaced businesses. See also responses to
5 comment letter R91. These sites were determined to be operationally feasible and were
6 analyzed appropriately in the RDEIR (see RDEIR Section 2.4.2.1).

7 **Response to Comment 94-2**

8 Please see Master Response 8, Displaced Businesses.

9
10



January 27, 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 (SCIG)**

Dear Mr. Cannon:

I would like to comment regarding accusations that jobs associated with current tenants, like Cal Cartage, will be lost if the SCIG facility is built.

95-1

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.

95-2

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.

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



95-2 ↑ 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.

95-3 Finally, Cal Cartage's business does not depend on a particular site location. There are millions of square feet of commercial transloading 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. This would make an excellent home for them and they could keep all their local contractors working at the port. Consequently, there will be no job loss when they move into a new facility.

Cal Cartage is a great competitor and they have worked in the port area for many years so I do not blame them 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 just a smart business strategy on their part.

95-4 | 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
95-5 | 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,


Wally Baker
President
Jobs 1st Alliance

1 **Comment Letter 95: Jobs 1st Alliance**

2 **Response to Comment 95-1**

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 95-2**

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 **Response to Comment 95-3**

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 95-4**

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 95-5**

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

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January 31, 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 Los Angeles Area Chamber of Commerce, representing 1,600 member organizations, I am writing to express 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 DEIR, which was developed by an independent third-party, determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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.

Some have claimed the expansion of the 710 corridor will eliminate the need for SCIG, but we think such an approach to the utilization of our public assets—both the 710 and the Alameda Corridor—is illogical. SCIG provides an opportunity to load containers closer to the ports that would otherwise be going up the 710 to BNSF's Hobart Yard. The founders of the Alameda Corridor contemplated additional on-dock and near-dock capacity would be needed and ultimately built to significantly reduce such port-related cargo from the 710. This is why the Corridor is currently operating well below capacity. In addition to utilizing the Corridor as intended, SCIG will reduce congestion on the 710, as well as associated emissions for those living near the 710 corridor. Expanding the 710 is not a replacement for SCIG.

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. On top of these innovations, BNSF has committed to initially allow only trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility. Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

96-1

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. Moreover, 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 the ports consistent with the Port's rail policy.

With unemployment at 12 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 Los Angeles Area Chamber of Commerce 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. For more information, please contact Jessica Duboff, 213.580.7558 or jduboff@lachamber.com

Sincerely,



Gary Toebben
President & CEO

CC:
Mayor Antonio Villaraigosa

Geraldine Knatz, Ph.D
Executive Director, Port of Los Angeles

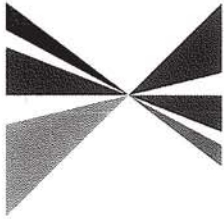
Los Angeles Board of Harbor Commissioners
President Cindy Miscikowski
Vice President David Arian
Robin Kramer
Douglas P. Krause
Dr. Sung Won Sohn

1 **Comment Letter 96: Los Angeles Area Chamber of Commerce**

2 **Response to Comment 96-1**

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



ASSOCIATION of GOVERNMENTS

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Policy Committee Chairs

Community, Economic and Human Development
Bill Jahn, Big Bear Lake

Energy & Environment
Margaret Clark, Rosemead

Transportation **97-2**
Paul Glaab, Laguna Niguel

December 19, 2011

Mr. Christopher Cannon
Director of Environmental Management
The Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90733-0151
Ceqacomments@portla.org

RE: SCAG Comments on the Draft Environmental Impact Report for the Southern California International Gateway Project [I20110202]

Dear Mr. Cannon:

Thank you for submitting the **Draft Environmental Impact Report for the Southern California International Gateway Project [I20110202]** to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372 (replacing A-95 Review). Additionally, pursuant to Public Resources Code Section 21083(d) SCAG reviews Environmental Impacts Reports of projects of regional significance for consistency with regional plans per the California Environmental Quality Act (CEQA) Guidelines, Sections 15125(d) and 15206(a)(1). SCAG is also the designated Regional Transportation Planning Agency and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) under California Government Code Section 65080 and 65082. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

SCAG staff has reviewed this project and determined that the proposed project is regionally significant per California Environmental Quality Act Guidelines, Sections 15125 and/or 15206. The proposed project involves constructing and operating an intermodal rail yard that would transfer containerized cargo between trucks and railcars to the Ports of Los Angeles and Long Beach located within the City of Los Angeles.

We have evaluated this project based on the policies of SCAG's Regional Transportation Plan (RTP) and Compass Growth Vision Principles that may be applicable to your project. The RTP and Compass Growth Visioning Principles can be found on the SCAG web site at: <http://scag.ca.gov/igr>. The attached detailed comments are meant to provide guidance for considering the proposed project within the context of our regional goals and policies. We also encourage the use of the SCAG List of Mitigation Measures extracted from the RTP to aid with demonstrating consistency with regional plans and policies. Please send a copy of the Final Environmental Impact Report (FEIR) ONLY to SCAG's main office in Los Angeles for our review. If you have any questions regarding the attached comments, please contact Pamela Lee at (213) 236-1895. Thank you.

Sincerely,

JACOB LIEB, Manager
Environmental and Assessment Services

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT [I20110202]**

PROJECT LOCATION

The proposed project would be located approximately four miles to the north of the Ports of Los Angeles and Long Beach, collectively known as the San Pedro Bay Ports (Ports), primarily on Los Angeles Harbor Department (LAHD) owned 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.

PROJECT DESCRIPTION

The proposed project involves the demolition of existing on-site structures, the termination or non-renewal of leases and relocation of businesses, and the construction and operation of a new near-dock intermodal rail facility that would handle cargo containers up to a maximum capacity of 1.5 million lifts or 2.8 million TEUs. Major physical features of the proposed project include loading and storage tracks for trains; electric-powered, rail-mounted gantry cranes (RMGs); container loading and storage areas; administrative and maintenance facilities; lighting and other utilities; paved roadways; and a truck gate complex. Lead tracks and other roadway improvements would be constructed to connect the railyard to the Alameda Corridor and to provide trucks access to the proposed project.

The rail system serving the Ports allows for efficient transport of approximately 40 percent of the nation's container cargo from the San Pedro Bay Ports to inland destinations. Currently, this intermodal cargo is transferred to and from the rail system through on-dock, near-dock and off-dock railyards. LAHD has developed, and is continuing to pursue development of additional on-dock rail facilities to increase the on-dock rail capacity in the Port of Los Angeles, and is constructing additional rail infrastructure and trackage outside the marine terminals to better connect the on-dock and near-dock railyards with the Alameda Corridor, and consequently reduce the number of truck trips to off-dock railyards.

To help accommodate the anticipated cargo volumes, the Ports plan to expand existing and construct new on-dock railyards and supporting infrastructure over the next 10 to 15 years. In addition, the Ports will seek to maximize the on-dock operations at the marine terminals by encouraging tenants to schedule round-the-clock shifts and optimize labor rules.

CONSISTENCY WITH REGIONAL TRANSPORTATION PLAN

Regional Growth Forecasts

The Draft Environmental Impact Report (DEIR) should reflect the most recently adopted SCAG forecasts, which are the 2008 RTP (May 2008) Population, Household and Employment forecasts. The forecasts for your region, subregion, and city are as follows:

Adopted SCAG Regionwide Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	19,418,344	20,465,830	21,468,948	22,395,121	23,255,377	24,057,286
Households	6,086,986	6,474,074	6,840,328	7,156,645	7,449,484	7,710,722
Employment	8,349,453	8,811,406	9,183,029	9,546,773	9,913,376	10,287,125

97-3

97-4



Adopted City of Los Angeles Subregion Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	4,140,516	4,214,082	4,292,139	4,367,538	4,440,017	4,509,435
Households	1,386,658	1,445,177	1,506,564	1,554,478	1,600,754	1,638,823
Employment	1,860,672	1,905,337	1,933,860	1,967,393	2,003,196	2,037,472

Adopted City of Los Angeles Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	4,057,484	4,128,125	4,204,329	4,277,732	4,348,282	4,415,773
Households	1,366,985	1,424,701	1,485,519	1,532,998	1,578,850	1,616,578
Employment	1,820,092	1,864,061	1,892,139	1,925,148	1,960,393	1,994,134

1. The 2008 RTP growth forecast at the regional, subregional, and city level was adopted by the Regional Council in May 2008.

SCAG Staff Comments:

The DEIR population, household and employment analyses in the DEIR (Chapter 7) were based on 2008 RTP Regional Growth Forecasts.

The **2008 Regional Transportation Plan (RTP)** also has goals and policies that are pertinent to this proposed project. This RTP 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. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

Regional Transportation Plan Goals:

- RTP G1** *Maximize mobility and accessibility for all people and goods in the region.*
- RTP G2** *Ensure travel safety and reliability for all people and goods in the region.*
- RTP G3** *Preserve and ensure a sustainable regional transportation system.*
- RTP G4** *Maximize the productivity of our transportation system.*
- RTP G5** *Protect the environment, improve air quality and promote energy efficiency.*
- RTP G6** *Encourage land use and growth patterns that complement our transportation investments.*
- RTP G7** *Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.*

SCAG Staff Comments:

Where applicable, SCAG staff finds that the proposed project meets consistency with Regional Transportation Plan Goals. The proposed project is not applicable to RTP G7.

Per RTP G1, SCAG staff finds the proposed project meets consistency. The proposed project will generate approximately 250 operational jobs starting in 2016 and 450 jobs by full build-out in 2023 (Page 2-11). Located in a regionally accessible site through a network of existing freeways and arterial routes, the proposed project provides accessibility to opportunities (Page 3.10-1).

SCAG staff finds the proposed project consistent with RTP G2. The proposed project does not impact travel safety and reliability on a regional scale. The proposed development meets the projected future demand for the Ports (Page 3.10-25).

SCAG staff finds the proposed project consistent with RTP G3. Per page 3.10-26, the proposed will reduce over 1.3 million truck trips per year and will therefore reduce the cost of roadway repairs while

97-4

creating a more interconnected regional transportation system.

Per RTP G4, the proposed project is consistent. Though the SCIG development will increase traffic during peak demand periods, the project would operate more efficiently than existing intermodal facilities, thus producing fewer total truck trips than would have been generated without the project (Page 3.10-42).

SCAG staff finds the proposed project to meet consistency with RTP G5. Given the highly disturbed and developed nature of the site, no sensitive plant species are expected to occur because no suitable habitat exists onsite (Page 3.3-6). Also, improvements in air quality are expected to continue through the development of this project (Page 3.2-7).

SCAG staff finds the proposed project to meet consistency with RTP G6. One of the objectives of the proposed project is to upgrade the existing rail transportation system to keep pace with Port development and to abolish redundant trackage so that valuable land can be better used and operations improved (Page 3.8-11).

97-4

COMPASS GROWTH VISIONING

The fundamental goal of the **Compass Growth Visioning** effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's mobility, livability and prosperity. The following "Regional Growth Principles" are proposed to provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal.

Principle 1: Improve mobility for all residents.

- GV P1.1** *Encourage transportation investments and land use decisions that are mutually supportive.*
- GV P1.2** *Locate new housing near existing jobs and new jobs near existing housing.*
- GV P1.3** *Encourage transit-oriented development.*
- GV P1.4** *Promote a variety of travel choices*

97-5

SCAG Staff Comments:

SCAG staff finds that the proposed project generally meets consistency with Principle 1, where applicable. Generally, the proposed project locates an intermodal transportation facility closer to the ports, therefore reducing vehicle miles traveled and is therefore consistent with Principle 1. The proposed project is not applicable to GV P1.3 and GV P1.4 in that the proposed project is not an appropriate for transit-oriented development or alternative modes of travel such as walking, biking and bus/rail.

SCAG staff finds the proposed project generally meets consistency with GV P1.1. The proposed project will expand upon existing transportation infrastructure and built on currently developed land (Page 3.8-11).

Per GV P1.2, the proposed project meets consistency. Within the City of Los Angeles, the forecasted jobs/housing ratio in the year 2035 will be 1.23. The proposed project will add jobs to the regional economy. During the construction phases of the proposed project, approximately 1,500 jobs annually, both direct and secondary, could be added to the regional economy (Page 7-29).

Principle 2: Foster livability in all communities.

- GV P2.1 *Promote infill development and redevelopment to revitalize existing communities.*
- GV P2.2 *Promote developments, which provide a mix of uses.*
- GV P2.3 *Promote "people scaled," walkable communities.*
- GV P2.4 *Support the preservation of stable, single-family neighborhoods.*

SCAG Staff Comments:

SCAG staff finds that the proposed project meets consistency with Principle 2. GV P2.2 and GV P2.3 are not applicable as the proposed project is a single-use development and is not appropriate for pedestrian-friendly environment.

Per GV P2.1, SCAG staff finds the proposed project meets consistency. The proposed project involves redevelopment of the existing rail transportation network to improve efficiency of the goods movement system (Page 3.8-5).

In regards to GV P2.4, the proposed project will preserves the surrounding single-family neighborhoods in the neighboring cities of Long Beach and Carson (Page 3.8-4).

Principle 3: Enable prosperity for all people.

- GV P3.1 *Provide, in each community, a variety of housing types to meet the housing needs of all income levels.*
- GV P3.2 *Support educational opportunities that promote balanced growth.*
- GV P3.3 *Ensure environmental justice regardless of race, ethnicity or income class.*
- GV P3.4 *Support local and state fiscal policies that encourage balanced growth*
- GV P3.5 *Encourage civic engagement.*

SCAG Staff Comments:

SCAG staff finds that the proposed project meets consistency with Principle 3 where applicable. GV P3.1 is not applicable as the proposed project does not include residential housing development.

Per GV P3.3, the proposed project meets consistency. The proposed project addresses environmental justice thorough its analysis (Chapter 6).

SCAG staff cannot determine consistency with GV P3.2, GV P3.4 and GV P3.5 based on the information provided in in the DEIR.

Principle 4: Promote sustainability for future generations.

- GV P4.1 *Preserve rural, agricultural, recreational, and environmentally sensitive areas*
- GV P4.2 *Focus development in urban centers and existing cities.*
- GV P4.3 *Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.*
- GV P4.4 *Utilize "green" development techniques*

97-5

SCAG Staff Comments:

Where applicable, SCAG staff finds that the project meets consistency with Principle 4.

SCAG staff cannot determine consistency with GV P4.1 based on the information provided in the DEIR.

SCAG staff finds the proposed project meets consistency with GV P4.2. The project site is located in an urban, developed area within the City of Los Angeles.

Per GV P4.3 and GV P4.4, the proposed project generally meets consistency. Construction of the proposed project will be guided by the Los Angeles Harbor Department Sustainable Construction Guidelines for Reducing Air Emissions and will reduce vehicular trips, thereby improving air quality and greenhouse gas emissions (Page 3.2-23).

CONCLUSION

Where applicable, the proposed project generally meets consistency with SCAG Regional Transportation Plan Goals and also meets consistency with Compass Growth Visioning Principles.

All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA. We recommend that you review the SCAG List of Mitigation Measures for additional guidance, and encourage you to follow them, where applicable to your project. The SCAG List of Mitigation Measures may be found here:
http://www.scag.ca.gov/igr/documents/SCAG_IGRMMRP_2008.pdf

When a project is of statewide, regional, or area wide significance, transportation information generated by a required monitoring or reporting program shall be submitted to SCAG as such information becomes reasonably available, in accordance with CEQA, Public Resource Code Section 21081.7, and CEQA Guidelines Section 15097 (g).

97-5

97-6

1 Comment Letter 97: Southern California Association of Governments**2 Response to Comment 97-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 Response to Comment 97-2

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

11 Response to Comment 97-3

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 97-4

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 Response to Comment 97-5

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 97-6

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

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Harbor City/ Harbor Gateway

CHAMBER OF COMMERCE

BUSINESS ▲ COMMUNITY ▲ GOVERNMENT

January 30, 2012

Christopher Cannon, Director
Environmental Management
The Port of Los Angeles
425 South Palos Verde Street
San Pedro, California 90731

Via Email: ceqacomment@portofla.org

In Re: BNSF/ Southern California International Gateway DEIR Comments

Dear Mr. Cannon:

Our Chamber of Commerce represents the interests of thousands of businesses adjacent to the Port of Los Angeles in the Los Angeles City communities of Harbor City and Harbor Gateway. Not surprising, given our location, many of our members provide goods and services to, or are directly working in the goods movement industry. With over 165 members, we support the need to both grow the port, while greening it.

Therefore, at our November meeting of our Board of Directors, we renewed our support for the development of the Southern California International Gateway (SCIG) and also were impressed with the comprehensive nature of the Draft Environmental Impact Report. We commend your staff and consultants for their diligence.

Since that time, I have attended the Public Comment Hearing held at Wilmington and must express my disappointment at the behavior and comments by some of the potential relocated businesses and at their tactic of using misinformed workers to pressure the POLA in order to strike a better relocation deal.

As you may know, the Harbor Gateway is home to hundreds of warehouses and trucking facilities. Due to the slow down of global trade there currently exists dozen of vacancies- more than enough to accommodate the business that may be forced to relocate. Relocating to the Harbor Gateway area would keep these businesses in the City of Los Angeles and would reinvigorate the area.

Even without the relocation of these businesses, businesses already in the Harbor Gateway have the capacity to absorb both the trade and the workers potentially affected by the SCIG's development. We believe that not one job will be lost, but

CHRISTOPHER CANNON, POLA ENV. MGMT. DIV.
BNSF/SCIG DEIR COMMENTS
1/30/2012

98-1



rather we support the conclusion of the report issued by *Global Insights*, that the development of SCIG will lead to the creation of thousands of new direct and indirect jobs in Southern California. We look forward and hope that many of them are created in Harbor City and Harbor Gateway businesses.

We believe that the development of SCIG by the Port of Los Angeles and the BNSF Railway is crucial to the future competitiveness of the San Pedro Bay Ports, and therefore vital to the economic vitality of the Southern California region. We urge the Port to swiftly complete the environmental review, and for the Board of Harbor Commissioners to approve the project without delay.

Sincerely,

ON BEHALF OF THEN PRESIDENT & BOARD OF DIRECTORS


Joann Valle
Executive Director

1 **Comment Letter 98: Harbor City/Harbor Gateway Chamber of**
2 **Commerce**

3 **Response to Comment 98-1**

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)).

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CITY OF LONG BEACH

Office of the City Manager

333 West Ocean Blvd., 13th Floor, Long Beach, CA 90802 Phone: 562.570.6711 Fax: 562.570.6583

January 30, 2012

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



RE: Comments on Southern California International Gateway (SCIG) Draft Environmental Impact Report (Draft EIR)

In reviewing the key environmental challenges facing the City of Long Beach in the new millennium, the growth and expansion of port operations at the Ports of Long Beach and Los Angeles (Ports) are at the top of the list for City planners and policy makers alike. Associated with the growth of these Ports are the expansion of the I-710 Long Beach Freeway, changes to the I-49 Terminal Island Freeway, replacement of the Gerald Desmond Bridge, a proposal to expand the Intermodal Container Transfer Facility (ICTF) directly north of the SCIG project, improvements to Pier S and Pier B, and the proposed new near-dock intermodal rail facility - the SCIG Project.

Balancing the needs of the Ports as they continue to grow, with those of the neighboring communities, is imperative. We believe that working together will yield the best outcomes for all concerned parties.

99-1 Overall, City staff are quite disappointed with the underwhelming analytical efforts and false conclusions presented in the SCIG Draft EIR and we believe that the document falls short of meeting California Environmental Quality Act (CEQA) requirements for revealing and evaluating the probable environmental impacts of this new, extremely large, intermodal rail facility, which would be sited adjacent to many sensitive receptors and thousands of residents living nearby. Further, we contend that as this evaluation is flawed and the environmental impacts of this facility on its neighbors are greatly underestimated, the mitigations proposed are found to be inadequate as well. Additionally, we note that the Draft EIR lacks explanation and supporting data for many of the calculations found throughout the document, notably in chapters 3.2 on Air Quality and in 3.9 on Noise, thus making it hard to decipher whether or not the analysis was performed correctly and actually led to the proper conclusions.

Herein, we will address City staff's concerns with the Proposed SCIG Project as presented in the Draft EIR.

Reconfigured Project Boundaries

99-2 Since the Notice of Preparation (NOP) in 2005, the project area boundaries have changed. Figures 2-1, 2-2, 2-3a and 2-3b show that now the "project site" only consists of the SCIG rail

99-2 yard and the north and south rail lead tracks servicing the site. The majority of the Long Beach portion, including the Southern California Edison property, is now outside of the project area boundaries on "relocation sites." In addition, the Union Pacific (UP) rail tracks located east of the SCE property/west of the Terminal Island Freeway are also now excluded from the project area - even though the Proposed Project's north and south lead tracks feed directly into this UP line (Figure 2-3a). Furthermore, as the north and south lead tracks serve the purpose of breaking down trains and their active lengths are probably close to 4,000 feet (as opposed to the 1,000 feet cited in the Draft EIR), the active length of the north lead track extends past multiple Long Beach schools and residential receptors; the Draft EIR needs to consider this in the impact analysis. The Draft EIR needs to establish a maximum active length for the trains to ensure active lengths are fully contained within the "project site."

Bad Baseline

99-3 City staff see three major issues with the Draft EIR air quality analysis baseline: (1) use of a 2005 baseline rather than 2011 or a more recent year; (2) provision of other "credits" for current emissions and future regulations and agreements; and (3) the diversion of trips from the Hobart Yard conclusions.

99-4 While it is true that the Notice of Preparation (NOP) of an environmental impact document on the SCIG Project was completed in 2005, CEQA Guidelines (Sec. 15125-a) require an EIR to include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the environmental analysis is commenced, from both a local and regional perspective. A six-year delay between issuance of the NOP and release of the Draft EIR is highly unusual. Given this lengthy delay, it is strongly urged that the Draft EIR revisit and update the baseline data to better reflect conditions on the ground at the time of the Draft EIR release. This is particularly true since, as the Draft EIR acknowledges, cargo demand at the Port of Los Angeles (POLA) and economic activity generally in the region, actually declined between 2005 and 2011. This means that the emission levels in 2011 are likely lower than they were in 2005; thus, the reductions in emissions reported in Section 3.2 on Air Quality are overstated. In fact, using a revised baseline in combination with the other recalculations discussed below could result in increased emissions rather than the reported reductions.

Erroneous Emissions Analysis

99-5 In addition to using the 2005 baseline, it appears that the Draft EIR air quality analysis bases current (baseline) emissions on current (presumably 2005) 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.

The other related problem is that the POLA has allowed the project to take "credit" for regulations and agreements (described in Table 3.2-7) 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.

It is reasonable for the 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:

- 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 proposed project.

Diversion of Trips from Hobart Yard

Generally, it seems reasonable to discount emissions associated with existing vehicle trips if the project truly would eliminate such trips. However, the Draft EIR states the following regarding diversion of truck trips from the Hobart Yard:

- Truck trips to and from the Hobart Yard total approximately 814,000 annual round trips in the 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 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 sometime between about 2023 and 2035. (Pages 1-19 and 1-20)

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99-6 ↑ The above statements raise several questions:

- If the project would eliminate 95 percent of truck trips to the Hobart Yard and there are currently 814,000 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?
- Is it really reasonable to assume that, as the 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?

99-7 **Understated Cumulative Impacts**

The analysis presented in Chapter 4 of the Draft EIR 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 -153 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 SCIG Project site are located within the City of Long Beach.

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 2005 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.
- 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 Draft EIR 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.

Faulty Health Risk Analysis and Ultra Fine Particulates

99-9

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.

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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 three 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.

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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.

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- 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.

Inadequate Project Alternatives Analysis

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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. 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

99-13 ↑ Action Plan (CAAP), 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 proposed SCIG project does. The Draft EIR needs to address on-dock rail more comprehensively and justify why it is not considered a viable alternative.

99-14 Of course, Chapter 5 of the Draft EIR analyzes a reduced project that involves restrictions on the number of operations at the new facility rather than a reduction in the physical size of the facility. Providing a full-sized facility so near to so many sensitive receptors and thousands of residents, with the potential for expansion of operations, makes expansion of the operation at a later date much easier to accomplish. In addition, given that several of the unavoidably significant impacts of the project relate to the construction activity, we find it a major oversight that the Draft EIR does not consider an alternative that would reduce overall construction activity and duration. This needs to be examined.

Staff also has the following comments on the alternatives analysis, focusing primarily on the air quality and greenhouse gas issues:

99-15 • 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 proposed 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 provided a comparison of the impacts of the alternative and the proposed project.

99-16 • Alternative 1 Impact AQ-3 - We disagree with the conclusion that the "no project" alternative would have a "significant" impact to regional air quality. By definition, the no project alternative does not involve new development. As such, although it may be true that not building a new near dock facility would result in increased use of more distant facilities (such as the Hobart Yard), increased use of existing facilities would not be a "project" under CEQA insofar as it would not involve discretionary approvals from a government agency. Consequently, the contention that the no project alternative would have a "significant" air quality impact under CEQA is not accurate. Assuming that implementation of the proposed project truly would result in reduced vehicle miles traveled and air pollutant emissions, it would be accurate to state that the no project alternative would not have the proposed project's benefits and may indirectly contribute to long-term increases in air pollutant emissions as cargo demand increases.

99-17 • Alternative 1 Impact GHG-1 - We disagree with the conclusion for the no project alternative with respect to greenhouses gases (GHGs) for the reasons described above. Since the no project alternative is not really a "project" under CEQA, it cannot have "significant" impacts. Again, assuming that project implementation really would reduce GHG emissions, it would be more accurate to state that the no project alternative would not have the proposed project's benefits.

99-18 ↓ • Alternative 2 Impact AQ-3 – The "Impact Determination" on page 5-39 simply states that there are no operational impacts for the alternative. Though not explicitly stated,

99-18 ↑ we presume that this determination is based on the conclusion that the alternative would reduce emissions as compared to the baseline scenario. As noted above, we adamantly disagree with the way the baseline was used in the analysis.

Inadequate Project Mitigations and Lease Conditions

99-19 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 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. 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.

99-20 The Southern California 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.

Construction Hours & Duration – Insufficient Noise Conclusions

The mitigation measures for construction noise are generally reasonable; however, we have the following comments:

99-21 • The construction hours prescribed in MM NOI-2 (7 AM to 9 PM on weekdays and 8 AM to 6 PM on Saturdays) are not consistent with the limitations prescribed in the City's Noise Ordinance, which limits noise-generating construction activity to the hours of 7 AM to 7 PM on weekdays and 9 AM to 7 PM on Saturdays. Given that the proposed hours allow weekday evening (7-9 PM) and early Saturday morning (8-9 AM) construction outside the City Ordinance's prescribed hours, the hours should either be changed or construction noise should be identified as an unavoidably significant impact unless it can be demonstrated that noise increases would be less than 3 dBA during these hours.

99-22 ↓ • MM NOI-2 excludes the PCH grade separation from the recommended construction timing restrictions. We understand that this is necessary to minimize traffic impacts, but unless it can be demonstrated that noise associated with construction of this project component can be reduced to below the threshold (3 dBA increase at a

99-22



sensitive receptor), this should also be identified as an unavoidably significant impact.

Flawed Truck Routes Analysis

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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 SCIG 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.

Flawed Traffic Noise Methodology

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/):

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"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."

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 which 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

99-24 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."

99-25 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.

99-26 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).

Inadequate Sound Mitigation

In addition to the construction mitigation concerns above, 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.

99-27 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:

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 *
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)

* 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.

Other Noise Analysis Issues

Staff have also identified these additional issues relative to the noise analysis:

- The data provided in tables 3.9-19 and 3.9-20 (pages 3.9-42 through 3.9-47) are inconsistent. For example, Table 3.9-19 shows the existing CNEL at Terminal Island Freeway northbound off-ramp and loop on-ramp at PCH as 81 dBA, while Table 3.9-20 shows the existing CNEL at that same location as 71.5 dBA. The reported existing CNELs at many of the study road segments are similarly inconsistent.
- Tables 3.9-19 and 3.9-20 also show inconsistent results. For example, Table 3.9-19 shows many segments of the Terminal Island Freeway as experiencing a reduction in noise with the project since truck activity would be transferred to rail. Table 3.9-10, on the other hand, shows a substantial increase in noise on many of the same segments, with future (2023) project-related noise increases of as much as 23.8 dBA. Why

99-27

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would the project reduce truck traffic and related noise under one scenario and then show a significant increase in another?

99-30



- A recording studio is located at 2200 West Esther Street, Long Beach (Mambo Sound & Recording). Recording studios are both noise and vibration sensitive uses and potential impacts to this facility need to be addressed.

Other Project Impacts

Local Job and Business Losses

Apparently, when the POLA redrew the project boundaries to exclude the SCE property in Long Beach from the project site and termed it "Relocation Sites" adjacent to the rail yard, they felt it was appropriate to abandon the existing businesses on the SCIG site. Over 1,200 good local jobs, employing many Long Beach residents, are being sacrificed and replaced by only 400-some new SCIG jobs. Although building the project would provide construction jobs for a while, upward of 800 permanent jobs will be lost; and the tradeoff for Long Beach residents will be worse air quality, more noise, and nighttime sleep disruption. The Draft EIR acknowledges that businesses will be displaced and relocation sites were not identified for all of them. For those businesses where relocation sites are discussed, most are too small to accommodate the business operations needed, and as a consequence, if this project is approved in this location, they most likely will be forced to close their doors. The City of Long Beach is very displeased with the irresponsible and cavalier approach being promulgated by this project and the City of Los Angeles. Losing jobs in these difficult economic times can force families out of their homes and cause a great deal of distress to neighborhoods. The City of Long Beach is anxious to work with the City of Los Angeles to ensure that these businesses can continue providing the good jobs they offer to local residents.

99-31

The Long Beach City Council held a public meeting on December XX, 2011 to discuss the SCIG project and its potential impact. They subsequently directed staff to prepare a formal comment letter addressing specific issues. Further, the Long Beach City Council directed that a full transcript of the proceedings be provided to the PoLA for their reference. The transcript is attached for reference and consideration in reviewing this comment letter, and all questions addressed in the transcript should be treated as a formal comment provided by the City of Long Beach.

The City of Long Beach appreciates the opportunity to comment on the Draft EIR for the Proposed SCIG Project. All questions regarding this comment letter should be made to Amy Bodek, Director of Development Services, at (562) 570-6428, or to Derek Burnham, Planning Administrator, at (562) 570-6261.

Sincerely,

A handwritten signature in black ink that reads "Patrick H. West".

Patrick H. West
City Manager

1 Comment Letter 99: City of Long Beach**2 Response to Comment 99-1**

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 99-2

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 Response to Comment 99-3

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 Response to Comment 99-4

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 Response to Comment 99-5

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 Response to Comment 99-6

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 Response to Comment 99-7

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 Response to Comment 99-8

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 Response to Comment 99-9

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 Response to Comment 99-10

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 99-11**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 99-12**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 99-13**

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9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 99-14**

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12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 99-15**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 99-16**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 99-17**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 99-18**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 99-19**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 99-20**

29 The RDEIR provides a more detailed discussion on the mitigation measures that were
30 evaluated and determined to be infeasible for consideration and referenced studies to
31 support the contention under Section 3.2.4. This comment refers to a chapter or section
32 of the DEIR that was recirculated. No response is necessary per CEQA Guidelines
33 §15088.5(f)(2).

1 **Response to Comment 99-22**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 99-23**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 99-24**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 99-25**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
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13 **Response to Comment 99-26**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 99-27**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
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19 **Response to Comment 99-28**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 99-29**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 99-30**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 99-31**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31



**No 710
ACTION
COMMITTEE**



OPPOSITION GROUPS (PARTIAL LIST)
Caltrans Tenants of the 710 Corridor
Natural Resources Defense Council
East Yard Communities for Environmental Justice
Glassell Park Improvement Association
Far North Glendale Homeowners Association
Crescenta Valley Town Council
La Canada Unified School District
LA RED, El Sereno

GREEN SCISSORS 2011 REPORT GROUPS
Friends of the Earth
Taxpayers for Common Sense
The Heartland Institute
Public Citizen

INUNCTION PLAINTIFFS
City of South Pasadena
Sierra Club
National Trust for Historic Preservation
California Preservation Foundation
Los Angeles Conservancy
Pasadena Heritage
South Pasadena Preservation Foundation
South Pasadena Unified School District
City of South Pasadena

**LOS ANGELES
NEIGHBORHOOD COUNCILS**
Arroyo Seco
Eagle Rock
El Sereno
Glassell Park
Highland Park
Sunland - Tujunga

CITIES
City of Glendale
City of Los Angeles
City of La Canada Flintridge
City of South Pasadena

Post Office Box 51124
Pasadena, CA 91115
Telephone 626 799.0044
no710extension@aol.com

January 25, 2012

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



**Re: Southern California International Gateway (SCIG) Project
Public Comment – Please include in the Final Environmental Impact Report**

Dear Mr. Cannon:

The No 710 Action Committee is a grassroots organization with members from the northeast area of Los Angeles. Our group is comprised of residents as well as business and health professionals who are committed to improve transportation modes across and within the County. We support projects that are environmentally responsible and financially prudent, projects that will have benefit for the entire region, not just one segment. Likewise, when a project is shown to have detrimental impacts on a particular neighborhood or public space, we recommend more practical solutions and acknowledge that every project affects our livelihood and well-being. Issues of health and safety must be at the forefront of all transportation decisions. This is the reason we must weigh in on the Southern California International Gateway.

On the surface, this project proposed by BNSF appears to be a simple expansion of rail yards in preparation for the anticipated increase in foreign imports, due to the re-opening of the Panama Canal in 2014. However, the building of this new yard does not get to the heart of the problem which lies at the Port complexes themselves. The Ports of Los Angeles and Long Beach over time have developed a system of goods transfer from ships that relies on the high use of trucks to move cargo to points outside the City. This system is inefficient, outdated, and a contributes greatly to the poor air quality in the nearby cities. The continued commitment to trucks and this method of goods movement is evidenced by the push from the Ports, BNSF, SCAG and Caltrans/Metro to build the

100-1
↓

100-1 SCIG and to expand/extend the 710 Freeway. The SCIG project is a mere bandaid and will not greatly improve efficiency of goods movement. It will, however, continue to depend on the obsolete method of container movement by truck.

100-2 Although it has been stated that there is no room for an on-dock system within the existing stretch of land, the Ports **MUST** eliminate the practice of transfer by trucks to a nearby yard. This transfer process has been damaging to the communities surrounding the Ports. To increase efficiency and to remain competitive into the future, the Ports **MUST** completely overhaul the transfer at the docks and load directly from ship to rail. We **MUST** evolve into a 21st Century, zero emissions, on/off-dock system, with clean trucks playing a part in local deliveries. It is the right thing to do. It is the right time to do it.

100-3 In addition, the proposed SCIG site is located, **SHOCKINGLY**, right next to two schools, a sports field, a community park, and homes. This is unacceptable. This community of children, seniors, and veterans deserves more consideration than this poorly chosen location. While the DEIR claims that truck traffic will actually be reduced and that trucks will be required to stay out of neighborhoods, it is anticipated that the noise level and particulate matter in this area will increase tremendously by the sheer redirection and backup of trucks at this location whether "clean" trucks or not. The friction of tires on pavement alone, releases particulate matter small enough to settle in the lungs of a small child. It won't be long before the area schools will need to install air filters as those in Wilmington have done to protect their students. But what about the outdoor play and public gathering areas? They cannot be protected.


100-4 The No 710 Action Committee strongly urges reconsideration of this highly controversial and backward moving project. We need Port facilities with modern infrastructure that can handle the increase in shipment containers without huge health impacts on the communities throughout the region.

Sincerely,

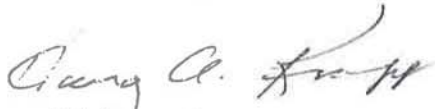
Members of the
No 710 Action Committee
Post Office Box 51124
Pasadena CA 91115



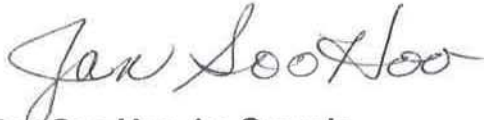
Susan Bolan, La Crescenta



Carol Teutsch, M.D, Mt Washington


Clarice Knapp

Harry & Clarice Knapp, South Pasadena



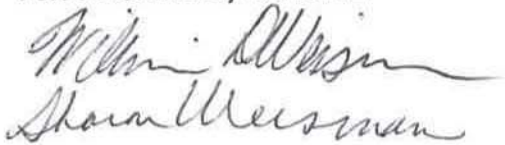
Jan Soo Hoo, La Canada



William Sherman, M.D., South Pasadena



Terre Ashmore, Sunland



William & Sharon Weisman, Glendale

Additional Signatures

Sam Burgess

SAM BURGESS
CITY OF SOUTH PASADENA

Janet Ervin

JANET ERVIN
ALHAMBRA

Elise Kalfayan

Elise Kalfayan
Glendale

Joanne Nuckols

JOANNE NUCKOLS
SO. PASADENA

Bill Graham

Bill Graham
Burbank

Tom Williams

Tom Williams
NELA Coalition/LA32NC

Claire Bogaard

Claire Bogaard
Pasadena

Don Jones

Don Jones
Apple Rock,

Trisha Gossett

TRISHA GOSSETT
HIGHLAND PARK, 90042

1 **Comment Letter 100: No. 710 Action Committee**

2 **Response to Comment 100-1**

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 100-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 100-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 100-4**

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
21

PETERSON LAW GROUP

PROFESSIONAL CORPORATION
SUITE 2800
633 WEST FIFTH STREET
LOS ANGELES, CALIFORNIA 90071

TELEPHONE (213) 236-9720
FACSIMILE (213) 236-9724

*Via Email and
Priority U.S. Mail*

January 31, 2012

Mr. Christopher Cannon
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 907031

Re: Comments and Objections to Draft Environmental Impact Report (EIR) for the Southern California International Gateway 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-(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.

101-1 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 EIR. 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.

Introductory Points for Consideration

101-2 ↓ 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.

101-2 Operationally, Fast Lane must remain in the Port area. In addition, Mr. Wilson has been active in the community both civically and charitably.

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 EIR acknowledges the special impact to Fast Lane by proposing that Fast Lane be relocated to an area to be provided as part of the proposed Project.

The EIR does not adequately address the impacts or mitigation of Fast Lane's displacement.

101-3 The proposed relocation site is irregularly shaped, poorly configured, bisected and undersized. The relocation site needs to more closely approximate the utility, size and configuration of Fast Lane's existing site. The lead agency can solve the relocation site problem.

Discussion

Fast Lane's special position is acknowledged in section 2.4.2.1 of the EIR. It is one of only three businesses that are proposed to be relocated as part of the Project. In addition, Fast Lane is the only business being displaced from land that it owns in fee. The proposed relocation site presents substantial problems to the extent that as a mitigation measure, it is potentially illusory. Additional mitigation is required.

101-4 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 proposed mitigation simply proposes to provide Fast Lane with 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 will 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.

101-4

Fast Lane must be provided with substantially more nearby land to maintain its business operations. Fast Lane's container repair and 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.

Without limitation, Fast Lane asserts the following specific comments and objections:

3.8 Land Use

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 EIR concludes "No mitigation is required."

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 EIR attempts to ignore this impact by stating "Fast Lane is currently divided by a rail line." This statement is blatantly misleading and results in a failure to address the true nature of the impact.

101-5

Fast Lane's fee owned property is bisected in its southerly portion by an existing rail line, however Fast Lane does not operate on the fee owned property south of the rail line. A tenant with an entirely unrelated business does operate there. Thus, the fact that a rail line bisects the Fast Lane fee owned property bears no impact on Fast Lane's existing operations. Fast Lane conducts its existing operations on contiguous land northerly and southerly of the rail line. Where Fast Lane's operations are bisected by a rail line a private crossing is available. Although Fast Lane's fee owned property, including a portion occupied by a tenant, is divided, its business operations are not.

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.

101-5

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 falls short of a realistic relocation site for Fast Lane. This proposed site falls short of the mitigation required for Fast Lane, given the EIR's acknowledgement that Fast Lane is 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 fallacy in the assumption that 4.5 acres is adequate mitigation is underscored by the following language in 2.4.2.1, "With one exception, this document assumes that the relocated tenants would operate at the same levels on their new sites as they would have on their existing sites." (The exception apparently applies to Cal Cartage based on the lengthy discussion about Cal Cartage following that statement.) It will be a categorical impossibility for Fast Lane to operate at the same levels on the proposed new 4.5 acre site.

3.10 Transportation/Circulation

101-6

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.

TRANS-2

101-7

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 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.

TRANS 6-

101-8

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 proposed relocation site, which is contemplated as part of the project as relocation for Fast Lane and others, does include public roadways, some of which will be subject to substantially increased truck traffic. Appropriate mitigation of this impact must be developed.

TRANS 7-

101-9

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.

Cumulative Impact LU-3

101-10

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

101-11

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

101-12

The same objections and comments as stated above to TRANS 2 are incorporated by this reference.

Cumulative Impact TRANS 6 and TRANS 7

101-13

The same objections and comments as stated above to TRANS 6 and 7 are incorporated by this reference.

Conclusion

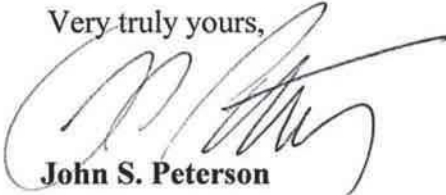
101-14

√ The EIR is deficient. It acknowledges Fast Lane's special position and need for relocation as a result of and as part of the Project, but it does not adequately address Fast Lane's relocation

Mr. Christopher Cannon
Director of Environmental Management
January 31, 2012
Page 6 of 6

101-14↑ requirements. This warrants further study and analysis in the EIR to provide for the meaningful relocation of Fast Lane as part of the Project.

Very truly yours,



John S. Peterson

JSP:bm

1 Comment Letter 101: Peterson Law Group

2 Response to Comment 101-1

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 Response to Comment 101-2

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11 Response to Comment 101-4

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13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 Response to Comment 101-5

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 Response to Comment 101-6

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 Response to Comment 101-7

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22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 Response to Comment 101-8

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26 Response to Comment 101-9

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29 Response to Comment 101-10

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 Response to Comment 101-11

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 101-12**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 101-13**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 101-14**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10

11

January 31, 2012

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

Delivered via e-mail to ceqacomment@portla.org

**RE: Draft EIR - Southern California International Gateway (SCIG) Project
(SCH 2005091116)**

Dear Mr. Cannon:

This letter documents Century Housing's comments on the 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 developed as a supportive housing campus serving previously homeless veterans, youth and families, as well as a school and child development center serving the children living on the site. An affiliate of Century Housing, Century Villages at Cabrillo is the 501(c)(3) nonprofit organization that owns, develops, manages and serves as overall steward of the Villages at Cabrillo campus. The existing Villages at Cabrillo facilities served over 1,830 persons last year, over 30 percent of whom were children. At the time of publication of the Notices of Preparation in 2005, 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.

Century is 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, and begun to add landscaping along the western boundary of the Villages at Cabrillo.

102-1

1000
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We offer the following comments on the Draft EIR, and request that they be addressed in preparation of the Final Environmental Impact Report.

General Comment: Identity of Century Villages at Cabrillo

In several sections of the Draft EIR, the Century Villages at Cabrillo campus is referred to with different names. Most often the term used is “Veterans’ Village,” but other terms may be used as well (see, e.g., Section 3.1.2.3.2 in Aesthetics/Visual Resources). It would assist the reader to use the same nomenclature throughout in order to avoid confusion.

102-2

While armed forces veterans do make up a segment of the residents on the Villages at Cabrillo campus, and the U.S. Department of Veterans Affairs leases space and operates programs for their patients on the campus, veterans only constitute approximately one-half of residents. The various short-term, transitional and permanent housing opportunities available on the Villages at Cabrillo campus serve a variety of populations from single men and women to families with children, most of whom are not veterans.

Baseline Conditions—Notice of Preparation

The Port of Los Angeles published its Notice of Preparation in September 2005, with a supplemental Notice in October 2005. The Draft EIR is based upon an environmental baseline of 2005. Six years elapsed between that date and the release of the Draft EIR for review. The baseline date of 2005 is now unrealistic and should not have been used.

102-3

It is clear that a baseline needs to be established at some point in time to permit the analysis of environmental impacts to occur, without a fixed baseline environmental setting, the analysis would be nearly impossible because the projected future state could not be compared with a fixed state.

However, the passage of time, in this case over five years, reduces the validity of the environmental analysis. This Draft EIR recognizes that difficulty by using a baseline for air quality and health hazard which incorporates changes in regulation and technology applied since 2005 which would have occurred independently of the proposed SCIG project.

Just as using the state of the environment in 2005 would result in an environmental analysis that, while technically accurate, is fundamentally flawed and unrelated to the actual environment, the Draft EIR should also have utilized other changes in the physical environmental setting when evaluating the impacts the SCIG project would have.

↑ Regarding the Century Villages at Cabrillo campus, since 2005 an 80-unit permanent housing complex, Family Commons at Cabrillo, was entitled, financed and constructed, and is occupied by 299 residents, including 167 children, beginning in January 2009, three years ago. The planned development of the Villages campus was referenced in Century Housing's letter responding to the Notice of Preparation, and the post-NOP structures are shown on the aerial photographs used throughout the Draft EIR. (E.g., Figure 3.1-1, Key Viewpoint Map, with the unlabeled viewpoint indicators.)

102-3 The Draft EIR misinterprets the findings of *Sunnyvale West 28 Neighborhood Association v. City of Sunnyvale* (2010) 190 Cal. App. 4th 1351 (*Sunnyvale West*). While the CEQA Guidelines provide that the baseline is "normally" the existing conditions at the time the Notice of Preparation is released or the environmental review is commenced, the Court in *Sunnyvale West* held that there is flexibility when determining the baseline, so long as that baseline was not beyond the expected date of project approval. Given the lengthy passage of time, use of the date of the Notice of Preparation is indefensible.

The CEQA Guidelines also provide that EIR shall discuss inconsistencies between proposed projects and applicable plans. The Villages at Cabrillo and adjacent Technology Center are the subject of a City of Long Beach Planned Development District (PD-31), a component of the City of Long Beach General Plan Land Use Element. As such, the Draft EIR should have analyzed the projected impacts of the SCIG project upon the future conditions discussed in the plan.

The Draft EIR should be revised to update the baseline environmental setting to incorporate changes which have occurred since 2005 and those planned conditions incorporated into the adopted plans of the City of Long Beach and others.

Section 2.5: Alternatives

102-4 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 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.

- 102-4
- **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 Draft EIR should be revised to evaluate The Yards alternative.

Section 3.1: Aesthetics/Visual Resources

102-5

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 three- and 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 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 Cabrillo.

102-6

The 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.)

102-6

This leased property will be used for a landscape barrier being funded, in part, by a Port of Long Beach Community Mitigation Grant. The Draft EIR should be revised to reflect the current baseline environmental setting and the effect a noise mitigation wall located along the westerly boundary of the Villages at Cabrillo landscape barrier, incorporating the land leased from the City of Long Beach, will have. That revised analysis may show that a taller noise mitigation wall will be required.

Section 3.2: Air Quality and Meteorology

In this section of the analysis, it is made abundantly clear that the Draft EIR is misinterpreting the findings of *Sunnyvale West*. The air quality analysis uses as its baseline environmental setting the actual pollutant emissions of 2005 and then analyzes the combined effects of the pollutants which would be emitted by the SCIG project and the changes in emissions from other uses resulting from pre- and post-2005 regulations. This obscures the impacts of the SCIG project. If the Draft EIR is going to include the effects of change in the environmental setting since 2005 in the air quality section of the analysis, then it must consistently include changes in the environmental setting in other areas of analysis. The effects of the SCIG project upon air quality need to be isolated in comparison with the baseline environmental setting and compared against the applicable air quality plans of the South Coast Air Quality Management District, Ports of Los Angeles and Long Beach and others.

102-7

Section 3.7: Hazards and Hazardous Materials

The primary health hazards relate to the production of air pollutants by the SCIG project, both on-site and from the trucks which will be rerouted to this site from other locations. The comments above under Section 3.2 apply here as well. The effects of the SCIG project upon air quality need to be isolated in comparison with the baseline environmental setting and compared against the applicable air quality plans of the South Coast Air Quality Management District, Ports of Los Angeles and Long Beach and others.

102-8

Section 3.8: Land Use

102-9

As noted above in the discussion of Baseline Conditions, the Villages at Cabrillo 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 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 may have external effects upon the permissible and advisable use of nearby properties, including the Villages at Cabrillo. While the Villages at Cabrillo site is largely improved, there is sufficient capacity remaining to permit substantial additional development and redevelopment to serve adults, youth and children.

Section 3.9: Noise

102-10

Again, the baseline environmental setting does not include the Family Commons housing on the Villages at Cabrillo campus, and the noise analysis should be updated to reflect that population. Also, as noted in the Aesthetics discussion above, the location of the noise mitigation wall along the eastern side of the Terminal Island Freeway is incorrectly located, and the analysis should be revised to reflect a feasible location along the western boundary of the Villages at Cabrillo property, including the right of way leased to Villages by the City of Long Beach for a landscape barrier between the Freeway and the Villages property.

102-11

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. This could be mitigated by changes in the circulation system outlined below.

Section 3.10: Transportation/Circulation

102-12

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

102-12 ↑ intersection, not a freeway ramp. As noted above, this stopping and turning movement emits noise, which will rise as traffic levels increase due to the SCIG project.

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 (turns from Southbound San Gabriel to Eastbound SR-1 are not permitted).

102-13 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 to and from the Villages at Cabrillo and the adjacent Technology Park will cause confusion and dangerous conditions. San Gabriel Avenue is the sole access point, both ingress and egress, for the Villages at Cabrillo campus. The mixing of traffic will also cause the truck traffic to slow significantly, adding to noise, air pollution and traffic hazards.

102-14 The Draft EIR should analyze the construction of a fly-over 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.

Section 4.1.2: Projects Considered in the Cumulative Analysis

102-15 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 will open within a month of this letter, and will house 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 an architect to assist in developing plans for the Phase IV development of the campus, encompassing approximately two of the remaining six developable acres on the campus. Information can be provided about the general framework of that development for inclusion in the Cumulative Analysis.

Section 6: Environmental Justice

While it is regrettable that the 2010 Decennial Census data is not yet fully available, relying solely upon 2000 Decennial Census data is unacceptable. As a result of reliance upon this obsolete data, the Draft EIR indicates that there is no population in Census Block Group 5728002, which contained the Villages at Cabrillo campus. (See Figures 6-1 and 6-2 and Table 6-2.) There are other sources of information regarding population demographics, including race and poverty. As an example, summary statistics for the Villages at Cabrillo residents is provided below.

102-16

Century Villages at Cabrillo Summary Demographics

Demographic Characteristic	Percentage of Residents
Racial Minority	54.6%
Hispanic	14.6%
Very Low-Income ($\leq 50\%$ of AMI)	93.9%
Low-Income ($\leq 80\%$ of AMI)	100%

The Draft EIR should be revised to reflect more current demographic information.

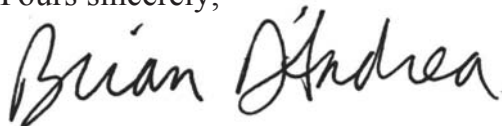
Section 7: Socioeconomics and Environmental Quality

Once again, the use of 2005 as the baseline environmental setting is demonstrated to be almost absurd. The statistics contained in this section could be easily updated to reflect the tremendous changes that have occurred in the last seven years.

102-17

Thank for the opportunity to provide comments on the Draft EIR for the Southern California International Gateway (SCIG) Project. I look forward to reviewing the responses to this and other comments.

Yours sincerely,

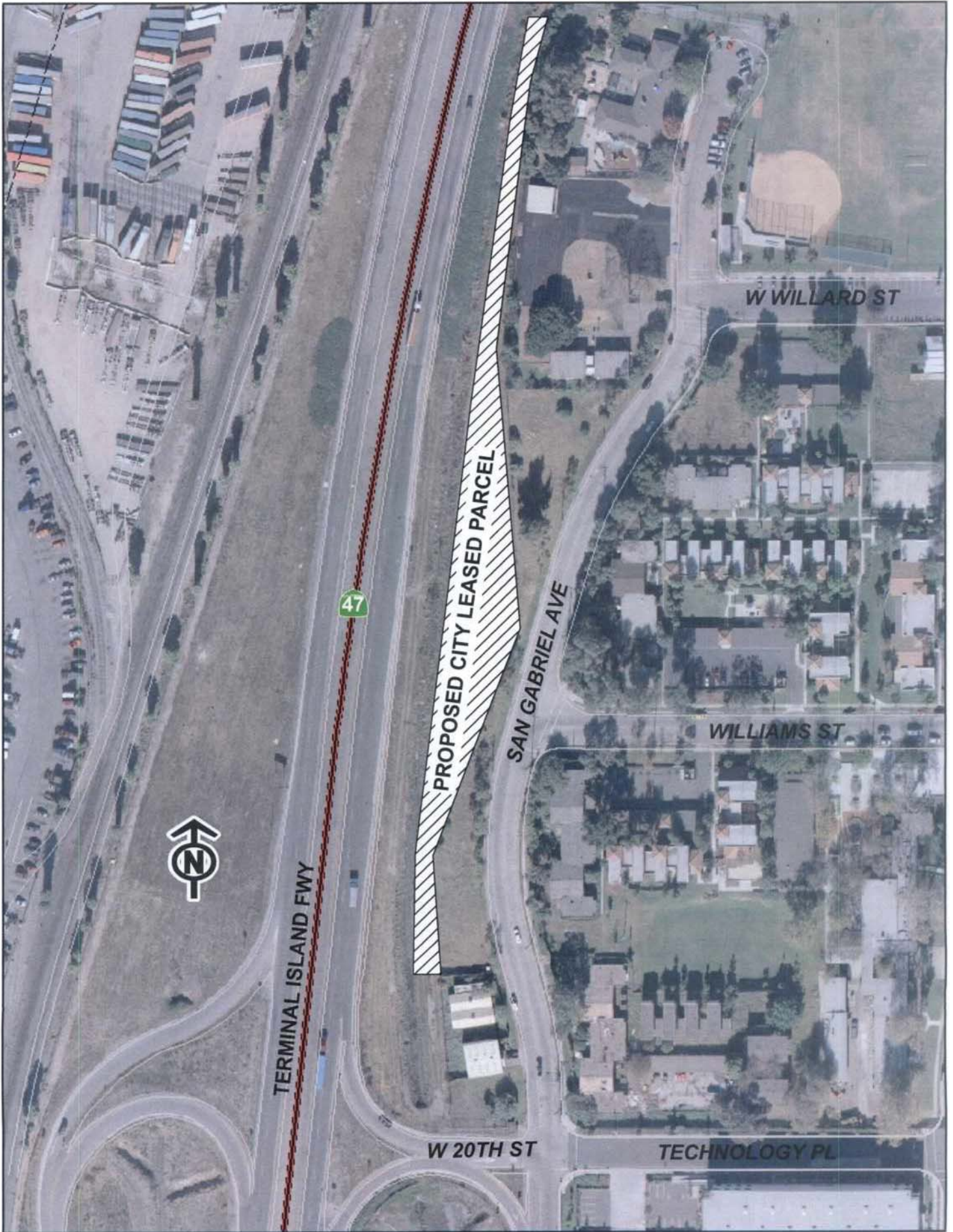


Brian D'Andrea
President

Century Villages at Cabrillo

Attachment: Map of City of Long Beach Lease Parcel

ATTACHMENT



1 Comment Letter 102: Century Villages at Cabrillo**2 Response to Comment 102-1**

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 102-2

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 Response to Comment 102-3

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 Response to Comment 102-4

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
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17 Response to Comment 102-5

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26 Response to Comment 102-8

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32 Response to Comment 102-10

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1 **Response to Comment 102-11**

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4 **Response to Comment 102-12**

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6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 102-13**

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9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 102-14**

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12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 102-15**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 102-16**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 102-17**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

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23



RAE GABELICH
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January 30, 2012

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

RE: Comments on Southern California International Gateway (SCIG) Draft EIR

Dear Mr. Cannon:

The proposed project known as SCIG will have a significant impact on the residents of Long Beach.

According to the DEIR's description of operations, the SCIG facility would operate 24 hours a day, 7 days per week, 360 days per year, with trucks and trains arriving at and departing from the facility day and night.

The project will result in 1.5 million truck trips annually when the operations are expected to begin in 2016, and ultimately reach 2 million truck trips each year by 2023, when the operations are projected to be at full capacity. That is more than 5,500 truck trips per day.

There would be 2,160 annual train trips in 2016, and 2,880 train trips each year at full capacity, which is 8 inbound trips and 8 outbound trips each day.

The proposed project is adjacent to schools, homes, parks and other sensitive locations in Long Beach. However, the project's DEIR is significantly and fundamentally flawed and it fails in its core purpose under CEQA to identify the significant environmental impacts of the project and to avoid or mitigate those impacts when feasible. The SCIG DEIR severely understates the impacts of the project and consequently the mitigation of such impacts to the affected communities.

I would like to discuss some of the significant deficiencies I see in the DEIR:

1) Faulty assumptions and baseline analysis of the DEIR

The DEIR uses 2005 as the baseline for analyzing the project impacts, based on when the project's Notice of Preparation (NOP) was issued. It is highly unusual for there to be a six-year delay between the NOP and the release of the DEIR.

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↑ The use of 2005 as a baseline goes against the spirit of CEQA, if not the specific regulations, to provide an accurate depiction of the current existing conditions at the project location.

This flawed baseline is even more significant because, as the DEIR notes, there have been significant changes in the air quality standards in the six years that have passed since the NOP was issued.

In particular, the Clean Air Action Plan and the Clean Trucks Program, adopted by the Ports of Long Beach and Los Angeles, have significantly reduced the existing emission levels from what is studied in the DEIR 2005 baseline.

103-2 According to the Port of Los Angeles's own Air Quality Report Card 2005-2010, heavy duty truck emissions of Diesel Particulate Matter (DPM), PM 2.5, PM 10, and Oxides of Sulfur (SOx) had all been reduced by 88% or greater from 2005 levels, and NOx have been reduced by 77%. Carbon dioxide, a major greenhouse gas contributor, has been reduced by 23% among heavy duty trucks.

Emissions from cargo handling equipment have been reduced by 55% for DPM, 54% for PM 2.5 and PM 10, 82% for SOx, and 44% for NOx.

All of the drayage trucks currently in operation at the existing uses of the project site meet the 2007 EPA standards.

The POLA data shows that emission levels are already dramatically lower in 2011 than they were in 2005, thus the baseline utilized in the DEIR misrepresents present conditions.

The air quality analysis of the project appears to falsely give "credit" to the project for emission reductions that have already occurred since 2005 with no project, thereby misrepresenting the true significant impacts from emissions of the proposed project.

In addition, the DEIR makes unsubstantiated assumptions that truck traffic will reduce by 95% to the BNSF's Hobart Yard. The DEIR relies on existing Hobart Yard operations, which is 24 miles away from the proposed project location, to water down the potential impacts of the project.

103-3 The traffic analysis claims that a new rail yard, with up to 2 million annual truck trips and 2,880 train trips, will have no net increase in truck or train traffic.

↓ The analysis assumes the significant reduction in truck trips to the Hobart Yard, but provides no assurances that this will take place. These assumptions run counter to all of the other regional planning models, which indicate a need to expand and provide dedicated freight lanes for the I-710 Freeway.

103-3 ↑ In fact, in initial studies conducted for the I-710 Corridor Project, the analysis concluded that even the assumption of on-dock and near-dock expansion (including the SCIG facility) still does not meet the international and domestic intermodal needs, with an anticipated 1.3 million TEU shortfall. (I-710 Railroad Goods Movement Study)

In addition, the DEIR fails to take into account the potential increase in truck trips caused by the project's dislocation of the existing businesses. One of the primary current tenants at the proposed project location is California Cartage, a transloading facility which handles approximately 357,000 truck round trips each year.

103-4 The transloading operation at this location reduces the number of truck trips that would take place on the 710 Freeway by transferring cargo from containers from the dock into larger containers that are then transported directly to distribution points.

By the DEIR's own estimate, the proposed relocation site for this business is significantly smaller and would reduce their capacity by 72 percent. All of the other cargo that would otherwise have been transloaded at California Cartage will have to be trucked to other transloading and warehouse locations in the region.

103-5 What would prevent BNSF from backfilling the business at the Hobart Yard with other business, including transloading facilities located near the Port?

How can a brand new rail yard not have any increase in trains or trucks, as the DEIR analysis seems to claim? The traffic assumptions in the DEIR's traffic study do not seem to be consistent with the assumptions in the air quality analysis.

103-6 Based on the fatal flaws of the baseline usage and other faulty assumptions, the Air Quality/Health Risk Analysis (including greenhouse gasses), Traffic and Noise analysis are all incorrect and need to be redone.

2) Failure to adequately address cumulative impacts

The DEIR states that there are no cumulative impacts from this project. This defies logic to believe that there are no impacts from a new rail yard, especially when considered with the cumulative impact of the proposed expansion of the ICTF rail facility, immediately adjacent to this proposed site.

103-7 The DEIR only addresses noise from the SCIG and ICTF rail operations, and does not consider all rail operations, including existing and other planned future train operations. These impacts need to be properly analyzed, especially considering that many of the rail lines run through the City of Long Beach and are immediately adjacent to neighborhoods.

↓ In addition, in analyzing the cumulative impacts of emissions, the DEIR also uses the fundamentally flawed 2005 baseline, thereby counting significant emission reductions

103-7 ↑ that have already taken place towards the cumulative project impacts, thereby understating the significant impacts.

3) Failure to adequately consider other alternatives, including zero emission alternative

103-8 | The Long Beach City Council has previously gone on record calling for goods movement systems that result in zero emissions. The Project Committee for the I-710 Major Corridor Expansion Study have established this as a feasible option to be included in their analysis. However, the SCIG DEIR summarily dismissed this technology as not feasible at this time, and did not give serious analysis to any alternatives that considered this technology.

103-9 | In addition, the DEIR gives minimal consideration to other locations for the project that would have far less impacts on the surrounding community, including sensitive receptors such as schools.

4) Noise and Light Impacts

103-10 | The DEIR acknowledges that even with the proposed mitigation measures, the project will have significant and unavoidable impacts on noise to the surrounding community. These noise impacts will include nighttime operational noise, and will be felt by Long Beach residents 24 hours per day, 7 days per week.

103-11 | The project description also states that there will be 40 high-mast light poles around the project, with light impacts (footcandles) that are dramatically higher than current conditions. Yet, the DEIR states that there are no significant impacts on the adjacent neighborhood.

5) Loss of Jobs

103-12 | The project proponents claim that the proposed facility will provide about 1,500 temporary construction jobs and about 400 permanent jobs at the facility. However, the existing businesses at the proposed site provide more than 1,200 permanent jobs, and more during peak seasons. Many of the current employees of the existing uses live in Long Beach. Therefore, we will see a significant reduction in the number of permanent jobs that will be provided to the local economy as a result of the project.

6) Failure to adequately provide appropriate mitigation

103-13 | Because of the misrepresentation of project impacts, the proposed mitigation measures fall woefully short of addressing the impacts. There are no specific requirements for cleaner locomotives and no community mitigation measures to address the cumulative impacts of this project.

Chris Cannon
January 30, 2012
Page 5 of 5

103-14

Also, as a result of these inadequacies, the environmental justice impacts are also severely underestimated, which shortchanges the affected Long Beach residents.

Thank you for the opportunity to comment on the Draft EIR for the proposed SCIG project, and I look forward to the Port of Los Angeles taking the necessary steps to correct the significant and fundamental flaws contained in the draft document.

Sincerely,

A handwritten signature in blue ink that reads "Rae Gabelich". The signature is written in a cursive, flowing style.

Rae Gabelich
Councilwoman, Eighth District
City of Long Beach

RG:jk

1 **Comment Letter 103: City of Long Beach - Councilwoman, Eighth**
2 **District**

3 **Response to Comment 103-1**

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 **Response to Comment 103-2**

10 This comment refers to a chapter or section of the DEIR that was recirculated. No
11 response is necessary per CEQA Guidelines §15088.5(f)(2).

12 **Response to Comment 103-3**

13 This comment refers to a chapter or section of the DEIR that was recirculated. No
14 response is necessary per CEQA Guidelines §15088.5(f)(2).

15 **Response to Comment 103-4**

16 This comment refers to a chapter or section of the DEIR that was recirculated. No
17 response is necessary per CEQA Guidelines §15088.5(f)(2).

18 **Response to Comment 103-5**

19 This comment refers to a chapter or section of the DEIR that was recirculated. No
20 response is necessary per CEQA Guidelines §15088.5(f)(2).

21 **Response to Comment 103-6**

22 This comment refers to a chapter or section of the DEIR that was recirculated. No
23 response is necessary per CEQA Guidelines §15088.5(f)(2).

24 **Response to Comment 103-7**

25 This comment refers to a chapter or section of the DEIR that was recirculated. No
26 response is necessary per CEQA Guidelines §15088.5(f)(2).

27 **Response to Comment 103-8**

28 This comment refers to a chapter or section of the DEIR that was recirculated. No
29 response is necessary per CEQA Guidelines §15088.5(f)(2).

30 **Response to Comment 103-9**

31 This comment refers to a chapter or section of the DEIR that was recirculated. No
32 response is necessary per CEQA Guidelines §15088.5(f)(2).

33 **Response to Comment 103-10**

34 This comment refers to a chapter or section of the DEIR that was recirculated. No
35 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 103-11**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 103-12**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 103-13**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 103-14**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13

14

January 31, 2012

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

RE: Comments on the Draft Environmental Impact Report for the Southern
California International Gateway Project

Dear Mr. Cannon:

California Environmental Associates (CEA) is pleased to submit comments on the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway Project (“the Project”), prepared by the Los Angeles Harbor Department (“the Port”). For the past 25 years, CEA has been working on environmental and transportation issues throughout California. Our clients include foundations, NGOs, companies, and trade associations, including the Association of American Railroads (AAR). Over the past 20 years, at AAR’s request, CEA has participated in countless forums that have examined and designed emissions reductions programs for the railroads in California. As such, we are well acquainted with the San Pedro Bay Ports’ (“the Ports”) efforts to identify and implement zero and near-zero container movement systems (“ZECMS”) and have frequently served on Technical Advisory Panels and other public venues that have considered and evaluated the potential of such programs.¹

104-1

Our comment letter addresses three principal issues. After reviewing the evidence in the DEIR and other available materials, CEA has concluded: (1) the Port has reached the correct conclusion that ZECMS would be infeasible as a mitigation measure for or alternative to the Project; (2) the Port’s evaluation criteria for reaching such a conclusion are comprehensive and well-founded; and (3) no agency or other stakeholder, except for the Ports, has developed to commercial feasibility the technical attributes of any of the possible ZEMCS, or published any conclusions contrary to this finding by the Port.

Finally, our comment letter touches on some of the challenges faced by all railroads as they implement the Tier 4 locomotive emissions standards recently adopted by the U.S. Environmental Protection Agency (EPA).

¹ While “zero” is frequently used to describe many of these technologies, “near-zero” is a more accurate term, as the emissions associated with the generation, transmission, and distribution of the electrical energy used to power a technology need to be part of any comprehensive analysis.

Potential ZECMS Not Evaluated in this Letter

104-2

It is beyond the scope of this comment letter to discuss or evaluate several potential ZEMCS that have been mentioned as possible technologies that could be considered for use as a part of current or future rail facilities in the Los Angeles Region. Excluded technologies are maglev, catenary electrification, dual mode locomotives, hybrid locomotives (with or without tender cars), and electric or fuel cell trucks. All of these technologies fail to satisfy the California Environmental Quality Act's (CEQA) definition of feasible: "Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."^{2 3}

Therefore, the remainder of this letter primarily focuses on assessing whether fixed guideway systems, using the existing rail lines or a new right of way to bring containers from the ports' terminals to near dock railyards, could be considered feasible at this time. In addition, the letter provides a brief discussion of the current status of electric trucks as a possible mitigation option.

Electric Trucks Could Not Currently be Considered as a Mitigation Measure for the Project

104-3

There are several reasons why electric trucks could not be considered as a mitigation measure for the project. First, because they are still under development, none of the possible electric truck platforms undergoing evaluation could satisfy the CEQA definition of feasibility. In fact, both principal vendors have yet to resolve basic design and performance issues. Furthermore, in the *Roadmap for Moving Forward with Zero Emissions Technologies at the Ports of Long Beach and Los Angeles, Final Technical Report, Updated August 2011* ("The Roadmap"), the Ports have indicated that:

"The reliability and durability of heavy-duty electric trucks in a short-haul port duty cycle have yet to be proven...testing of the initial Balqon units have shown inadequate speed at grade while under load and limited range, indicating further design improvements are needed."⁴

Concerns about Balqon truck performance caused the Port of Los Angeles to award a contract to Vision Motors to retrofit six of the previously purchased Balqon units, abandoning the Balqon battery-only system in favor of a hydrogen fuel cell hybrid system.⁵ The Port staff noted in its justification for the above action that "This is consistent with the Harbor Department's interest to continue its research and development efforts to innovate and deploy new technologies that advance the Clean Air Action Plan initiative."

² CEQA Guidelines Section 21061.1

³ Of the possible ZECMS' technologies, catenary electrification ZECMS comes the closest to meeting the feasibility test; however, the cost – many, many billions of dollars for the Los Angeles region alone -- and the unavoidable disruption to rail operations cause CEA to conclude that this technology is infeasible.

⁴ *Roadmap for Moving Forward with Zero Emissions Technologies at the Ports of Long Beach and Los Angeles, Final Technical Report, Updated August 2011* ("The Roadmap"), Page 19.

⁵ *Resolution No. 11-7104 Award of Purchase Order Contract with Vision Motor Corporation to Retrofit Harbor Department-Owned Balqon Electric Yard Trucks*, Executive Director's Report to the Board of Harbor Commissioners, March 31, 2011, pg. 3.

[Emphasis Added.]⁶ It appears that the Port's recognition of the need for further research and development confirms that electric truck technology—be it all-electric or fuel cell-based—does not yet meet the CEQA definition of feasible.

104-3 Also, at the recent Green Pacific conference,⁷ representatives of both Balqon and Vision acknowledged that the performance of their electric trucks was not what they had hoped it would be.

The Ports are Actively Researching Possible Fixed Guideway ZECMS to Serve Port Related Rail Projects

The Ports, as evidenced by the adoption of the Clean Air Action Plan (CAAP) and the Technology Advancement Program (TAP), are seeking emission reductions from all activities in and around the Ports. The Ports are committed to evaluating zero emission or near-zero emission technologies to determine if they are technologically and commercially proven and available, and if so, if they could be implemented at port and/or rail facilities.

104-4 The Ports are also clear that such technologies must be integrated into the existing system without compromising terminal and rail operations. However, it is without dispute that the ZECMS considered in the DEIR (see Section 2.6.2) that would require a new dedicated guideway (using maglev or linear synchronous motor (LSM) technology) or an LSM application on rail lines would either: (1) likely reduce the amount of on-dock rail, or (2) would require additional container lifts when compared to the current system. Each extra lift or loss of on-dock capacity would cause additional costs and/or transit time for the containers.⁸

Another serious operating risk that such a fixed guideway system would introduce into terminal and rail operations is the consequence of system failure and the lack of redundancy in the transportation system. A power outage or unintended damage to the linear system would render it useless until repaired. In the meantime, there would be no back-up systems in place to keep the containers flowing. In the short-term this would lower the efficiency of port throughput operations; in the long-term it would be extremely problematic and costly.

Given the limitations noted above, and the nascent and unproven status of possible fixed guideway ZECMS technologies for bringing containers to railyards (discussed in more detail below), CEA believes the Port is correct when it states in the DEIR that for

⁶ Ibid. Pg. 4

⁷ GreenPacific 2012: Applying Technology to Sustainable Marine Operations, January 17-18, 2012, produced by *Pacific Maritime Magazine* in partnership with Pacific Merchant Shipping Association.

⁸ If these costs and delays were large enough, they might cause the beneficial cargo owners to move the freight to another port (resulting in negative economic impacts to the region) and/or shift containers to another mode of transport (potentially contravening the Ports' stated goal of reducing emissions from container movement).

104-4 ↑ the Project “ZECMS technologies are not yet viable as alternatives to truck-based drayage...”⁹

The Ports Have Established Performance Criteria for Fixed Guideway ZECMS

The Ports have worked diligently over the past five years to evaluate candidate ZECMS for use at their terminals and other goods movement facilities. The performance requirements and attributes for such fixed guideway systems was most recently laid out in the Roadmap and are paraphrased below.¹⁰

Ports Key Factors to Consider for ZECMS

- **Emissions Reduction & Health Risk Benefits** – should be evaluated on a cost-benefit basis
- **Constructability** – ability to integrate system into existing infrastructure
- 104-5 • **Technology Readiness** – demonstrated reliability, durability, and commercial availability
- **Operations Compatibility** – integrates into ongoing port operations and duty cycles and compatibility with existing operations
- **Regional Scalability** – ability for incremental expansion to a regional scale
- **Cost and Economic Sustainability** – includes the capital, operational and life cycle cost, the need for subsidies/incentives, and potential to become economically competitive and sustainable relative to conventional container movement operations
- **Timeline** – expected timeframe from demonstration through commercialization and regional expansion

The Roadmap further articulates the performance requirements in the following section:

To replace short-haul drayage service currently performed by drayage trucks, a fixed guideway option will need to have the following attributes:

- “Connect the 13 existing marine container terminals spread throughout both ports to multiple near-dock intermodal facilities;
- Not impede existing on-dock rail or other operations at port terminals or operations at near-dock intermodal facilities;

⁹ DEIR Project Description, page 51.

¹⁰ *Roadmap for Moving Forward with Zero Emissions Technologies at the Ports of Long Beach and Los Angeles, Final Technical Report, Updated August 2011 (“The Roadmap”), Page 15.*

- Be cost competitive in a reasonable timeframe with existing short-haul services;
- Offer container throughput capacity that equals or exceeds marine terminal drayage requirements.”¹¹

104-5

Taken together, the above performance factors and criteria are an appropriate way to obtain an accurate and comprehensive evaluation of whether or not a given technology can meet the objectives of the Ports to implement ZECMS, but in a way that does not compromise terminal or rail operations.

Based on these Criteria, the Ports have Conducted an Extensive Review of Fixed Guideway ZECMS and will Continue to Evaluate Options in the Future

Also, as noted in the Roadmap, the Ports have engaged in several review efforts, including:

- In 2006, they evaluated various technologies through an RFP process which led to a report in 2008 which concluded “none of the 13 technologies evaluated was deemed ready for deployment at that time.”¹²
- In 2009, the Port of Long Beach issued a Request for Concepts and Solutions (RFCS). This review was aided by the Keston Institute who presented their findings in mid-2010, concluding that “none of the proposals were sufficiently mature to commit to a full-scale operational deployment or demonstrated they could deliver a reliable and financially sustainable system at this time.”¹³
- In August 2011, the Ports released the Roadmap, noted above, which summarizes their work on ZECMS to date and proposes a variety of research and demonstration projects to further advance the prospects of various ZECMS over the next several years.

104-6

Key Findings in the Roadmap for Zero Emissions Concerning Fixed Guideways

Key findings from the Roadmap report concerning fixed guideway ZECMS include:

1. “It is possible, and even likely, that issues involving insufficient technology maturity can be resolved through additional research and development. However, constraints imposed by ongoing operations at port terminals present integration issues that may render a fixed guideway solution impractical compared to trucks for short-haul.”¹⁴

104-7

¹¹ Roadmap, page 20.

¹² Roadmap, page 10.

¹³ Roadmap, page 10, See Section 3.4.4 of the Roadmap for a full discussion of the Keston Institute's conclusions.

¹⁴ Roadmap, page 21.

2. "The method to deliver containers to the guideway, load containers onto the guideway at the marine terminals, and unload containers at the near-dock intermodal facility is currently undefined..."¹⁵
3. "...[The method to load and unload containers] must be resolved so as to not adversely impact port terminal and rail yard operations."¹⁶
4. "Further and very importantly, a fixed guideway solution does not provide regional scalability and connectivity."¹⁷

In looking at the same source materials as cited in the Roadmap, CEA believes the Ports have drawn proper and supported conclusions based on the earlier research, analysis, and reports. It is particularly important to note that given the unknown method of collecting and distributing the containers from ship to near-dock railyard, it would be impossible to conclude such an approach were feasible.

Further, the DEIR properly notes that:

"... the likely very considerable capital and operating costs of fixed guideway systems have not been developed, and cannot be until technology development has proceeded further."¹⁸

This conundrum – the Port does not know what it will cost until or unless the technology has been developed further – makes the consideration of any fixed guideway system, including LSM, moot as a feasible mitigation measure or alternative for the Project.

CEA believes that the negative weightings that the Ports have assigned to various attributes of fixed guideways would apply equally to a proposal to retrofit LSM technology into existing railroad right-of-ways.

Technical Analysis of Fixed Guideways by Other Agencies Support the Ports' Conclusions Regarding Fixed Guideway ZECMS

To date, the Ports have led efforts to technically evaluate the prospects and suitability for ZECMS as they might be applied to rail projects. CEA has also examined the work of three other agencies to determine if they have useful technical data concerning fixed guideway systems.

The Southern California Association of the Governments (SCAG) has proposed in its Goods Movement Appendix of the Draft Regional Transportation Plan (RTP) to continue studying ZECMS for rail applications.

¹⁵ Roadmap, page 21.

¹⁶ Roadmap, page 21.

¹⁷ Roadmap, page 21. While beyond the scope of this comment letter, it is important to note that a regional fixed guideway would have even more obstacles that would need to be addressed.

¹⁸ DEIR Project Description, page 51-52.

104-8

Additionally, significant effort has gone into analyzing the options for a zero-emission rail system in the Basin.... Each of these efforts highlights the technical opportunities and the need to pursue a zero-emission freight transportation system for the future. However, they also highlight the difficult challenges associated with this sector, especially with regard to operational needs, integration of the technologies into the national rail system, federal safety requirements, and costs.¹⁹

SCAG recommends “continued effort among various stakeholders to work through the technical, operational, practical and financial issues to define a long-term zero-emission freight system for the SCAG region” in the 2012-2014 timeframe and recommends possibly starting “initial proof of concept and testing of several types of zero-emission locomotive technologies and supporting infrastructure” in the 2015-2016 timeframe.²⁰

The California Air Resources Board staff has prepared a Technical Options Document released in August 2009 that evaluates a variety of emissions reductions technologies. With respect to fixed guideway ZECMS, they have stated: “The economic and operational feasibility of this option [Linear Induction Motors (LIM)] are under evaluation. ...Although LIMs has been applied to passenger rail systems with success, the difference in method of operation as well as loads and distances makes the implementation of LIMs to freight rail uncertain.”²¹ CEA believes that CARB’s conclusion regarding LIM applies to the current discussions regarding LSM as current LSM proposals are similar in concept (retrofitting the existing rail lines and/or railcars with a new, unproven magnetic technology requiring wayside electricity).

Finally, in December 2011 the South Coast Air Quality Management District (SCAQMD) issued a Request for Proposals RFP #P2012-15 for the “Development and Demonstration of a Zero Emissions Linear Motor Goods Movement System.” The RFP is expected to be awarded in April 2012. Phase 1 is expected to last about 18 months and is designed to:

“include the development and demonstration of a system to move at least a single container with zero-stack emissions along existing railroad infrastructure.”²²...“The Contractor shall construct a demonstration track of sufficient length to test the proposed system’s capabilities ... and other relevant performance specifications in movement of a fully loaded 40-ft container.”²³

¹⁹ SCAG Goods Movement Appendix of the Draft RTP, December 2011, pages 34-36. (Note: SCAG’s footnotes in this RTP quote are omitted)

²⁰ SCAG Goods Movement Appendix of the Draft RTP, December 2011, pages 35-36.

²¹ *Technical Options to Achieve Additional Emissions and Risk Reductions from California Locomotives and Railyards*, California Air Resources Board, August 2009, pages 133-134.

²² SCAQMD RFP #P2012-15, “Development and Demonstration of Zero-Emissions Linear Motor Goods Movement Systems.” Issued December 2, 2011, page 2

²³ SCAQMD RFP, pg. 8

Further elements of the RFP include a “goal to match the propulsion traction performance capabilities of existing diesel locomotives.”²⁴ as well as the requirement that “...the proposed system should be robust enough to handle steep grades...”²⁵

104-8 If there is a successful bidder for this RFP and if the contractor ultimately can meet the performance requirements that the SCAQMD has laid out in a couple of years time, the resulting information will certainly be helpful in beginning to answer the concerns the Port has articulated in the Roadmap and the DEIR that “the likely very considerable capital and operating costs of fixed guideway systems have not been developed, and cannot be until technology development has proceeded further.”²⁶

There are no other public agency efforts that CEA is aware of that have attempted or may attempt to evaluate fixed-guideway ZECMS from a comprehensive technical, operational, or financial perspective.

Status of Development of Tier 4 Locomotive Technology

104-9 Based on the requirements of the US EPA rulemaking, locomotives with Tier 4 emissions control technology will not be commercially available until 2015, at the earliest. The greatly compressed development schedule for Tier 4 technology is a significant challenge for locomotive and aftertreatment component manufacturers. To meet Tier 4 emissions levels will require a revolutionary leap in both engine and aftertreatment technologies. These technologies are untested and unproven in line haul locomotive applications.

Historically, even when technology changes were more evolutionary in nature, the development of effective and reliable locomotive technology has taken an average of seven to eight years to achieve performance goals (and some changes have taken more than a decade). However, the US EPA regulation is clearly a technology-forcing regulation which allows locomotive manufacturers just six and a half years to conduct Tier 4 research and development, to integrate new components, to complete design and reliability field testing, and to begin full-scale production.

Since locomotive manufacturers are seeking to accomplish such a major technological change in an abbreviated timeframe, there are development risks associated with Tier 4 technology. These risks include the potential for in-use locomotive failures that would, in turn, cause train delays and interruptions across the goods movement system.

Conclusion

104-10 Based on CEA's review of the existing literature and our participation in various forums to consider and assess the potential applications for fixed guideway systems, we

²⁴ SCAQMD RFP, page 8

²⁵ SCAQMD RFP, page 8

²⁶ DEIR Project Description, page 51-52.

104-10

believe the Port is correct in its conclusion that a fixed guideway ZECMS is an infeasible mitigation measure or alternative for the Project. Such a system fails to meet the basic CEQA definition of feasible. It also fails to satisfy almost every one of the Ports' adopted performance criteria that such a technology would have to satisfy to be considered.

Over time, and as the Ports' TAP considers and evaluates new technologies, it may well be that some ZECMS applications could be applied to the rail operations that are within the port's terminal activities. However, at this time, there are no feasible ZECMS applications that the Port could mandate as mitigation measures for the Project.

Sincerely,



Kirk Marckwald
Founder and Principal
California Environmental Associates

Attachments

1. Marckwald Resume
2. *Roadmap for Moving Forward with Zero Emissions Technologies at the Ports of Long Beach and Los Angeles, Final Technical Report, Updated August 2011*

1 Comment Letter 104: California Environmental Associates**2 Response to Comment 104-1**

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 104-2

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 Response to Comment 104-3

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 104-4

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 104-5

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 104-6

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 104-7

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 104-8**

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10 **Response to Comment 104-9**

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 104-10**

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)).

22
23 The commenter attached an additional document. This comment refers to a chapter or
24 section of the DEIR that was recirculated. No response is necessary per CEQA
25 Guidelines §15088.5(f)(2). Copies of the commenter’s attachments are included in the
26 electronic versions (CD and POLA website) of the Final EIR. The commenter’s
27 attachment was:

- 28 1. Ports of Long Beach and Los Angeles, Roadmap for Moving Forward with Zero
29 Emissions Technologies at the Ports of Long Beach and Los Angeles

30
31
32

Jan. 30, 2012

To: Christopher Cannon, Director Environmental Management
425 S. Palos Verdes St.
San Pedro, CA 90731

POLA



From: PCAC EIR Subcommittee

RE; Additional Comments on Southern California Intermodal Gateway Project DEIR

These comments are submitted in addition to our previously submitted comments dated Dec. 18, 2011 which we include by reference. Thank you for the extension of the Comment Period.

We have some additional concerns about this DEIR/Project

Flawed Fundamental Assumption:

105-1

The assumption that the project will essentially eliminate all (95%) truck trips heading up the I-710 Freeway to the BNSF Hobart Yard seems extremely questionable. There is no substantial evidence to support this assumption. Indeed, there are factors at work that render this assumption invalid. It seems extremely unlikely that all such trips will be eliminated. We request that the environmental impacts that will occur be restudied if only various fractions of the projected truck trips are eliminated. What happens if only 25% of the trips are eliminated, or if only 50% are eliminated or if only 75% are eliminated? This will probably entail a revision and recirculation of the DEIR.

105-2

The Health Risk Assessment and the air quality assessment are both based on this unvalidated foundational assumption. Thus these analysis are deeply suspect, most likely presenting a falsely reassuring picture.

105-3

One factor that may derail this foundational assumption of eliminated truck trips to Hobart Yard is the emerging issue of "Transloading". The DEIR seems entirely silent on the issue of "Transloading". This is the process whereby for example, the contents of three 40 foot ocean going containers are unloaded and packed into two over the road 53 foot trailers or domestic containers. This ideally happens near where ocean going containers are loaded off ships. It is a win for the retailers of the cargo as it is cheaper to truck two 53 foot containers than three 40 foot ocean going containers. Also it offers the advantage of keeping ocean going containers near the Ports where they can rapidly be sent back overseas rather than having to retrieve them from , say, Kansas or somewhere in the Midwest.

Over the last year, the Journal of Commerce has featured multiple articles on this emerging trend in the goods movement industry, so the preparers of this DEIR should have known about this. Why has it been ignored in the analysis? A revised and re-

105-3 ↑ circulated DEIR should address the effects of this trend towards transloading on the operational characteristics and environmental impacts of the SCIG project.

105-4 We request that the following Journal of Commerce articles be made a part of the Public Record on this DEIR: "Surging Transload" Jan 24, 2011, "More Shippers Turn to Transloading to Streamline Supply Chain" Sept 20, 2011, "Transloading on a Roll" Feb 28, 2011

Inadequate Consideration of On-Dock Rail

On-dock rail is an alternative that could meet most or all of the project objectives with substantially less effect on the environment. The rail capacity does not have to be located in one single place, it can be spread out over different parts of *both ports*.

105-5 The technical analysis of on dock rail, consisting of just 4 pages buried in Appendix G2 reflects merely the Port's conclusions but there is no substantial evidence to support these conclusions, no facts and analysis, just BNSF's claims about whether on dock rail capacity is feasible. The projected rail capacity shortfall for 2020 really just depends on which assumptions are being used.

How will Transloading and the soon to be completed widening of the Panama Canal affect the projected rail capacity shortfall in 2020?

It appears that the project has been defined and described in such a way as to preclude on dock rail which is an alternative that could meet project objectives and thus by required by CEQA to be evaluated. Defining the project as it has been done in this DEIR appears to be a violation of CEQA law. We assert that the supposed evaluation of the on dock rail alternative is merely conclusory and as such does not serve the informational purpose of an EIR.

The DEIR needs re-analysis in this area.

105-6 We request that a document titled "Health Effects of Diesel Exhaust Air Pollution" August 28, 2003 prepared by the PCAC Air Quality Group be made a part of the Public Record on this DEIR. This document is already on file with the Port of Los Angeles. As citizens we are concerned about the health effects on people living, working and going to school within a few hundred feet of this facility. WE are concerned about the health effects, especially the non-cancer effects on the students at Hudson St School, residents of West Long Beach and the Wrigley neighborhood.

Health Impacts: This Committee has repeatedly called for a Health Impact Assessment (HIA) for all Port related activities. The US E.P.A. and the Los Angeles County Department have also requested that the Port carry out an HIA. To date, POLA has been unable or unwilling to perform this HIA. Once again we call for POLA to perform a HIA, not merely a health risk assessment. We request a Health Impact Assessment for the SCIG Project EIR.

105-7

The Gateway Cities, which include Long Beach, Compton, Paramount, Lynwood , South Gate, Commerce, and multiple other cities along the I-710 Corridor, are at present finishing a Health Impact Assessment in conjunction with the Gateway Cities Air Quality Action Plan. This is being prepared in conjunction with I-710 Corridor Project EIR/EIS. The Gateway Cities AQAP HIA will be peer reviewed by the National Academy of Sciences as this will be a truly groundbreaking and unique study of the broad impacts of a transportation project which has become necessary as a result of growth at the twin Ports of Los Angeles and Long Beach. The HIA is scheduled for release early in the Spring of 2012, with the Peer Review to follow later in the year. A public input session will be conducted by NAS as part of the peer review process.

We request that the abovementioned HIA and its Peer Review be examined in the context of the SCIG EIR to determine if it documents further impacts, especially health impacts that are unrecognized and unmitigated in the EIR/EIS. Further we see it as possible that the HIA and Peer Review will include ideas for mitigation measures that we have not previously considered.

We request that these documents be made a part of the Public Record on the SCIG EIR.

105-8

These documents may reveal significant off-Port, off the Tidelands impacts of Port related activities. Identification of these impacts would help the Port in its efforts to provide off Port mitigation measures.

Additionally we note the inconsistency between the SCIG and the I-710 Project:

105-9

CalTrans and the MTA are preparing a DEIR on a very expanded I-710 Freeway which they claim is necessary to accommodate increased truck traffic from the Ports. Yet the SCIG DEIR claims that the project will take 2 million truck trips per year off the I-710. Please explain this apparent inconsistency. Does the left hand know what the right hand is proposing to do with public money here?

Mitigation Monitoring Reporting Program:

105-10

We recommend that the project not go forward until a working Mitigation Monitoring Reporting Program (MMRP) for all POLA projects is in place. The idea has been for decision makers and an apprehensive public to be able to followup on the status of mitigation measures promised in EIRs to determine if they are actually being carried out

and what the real world results of these mitigation measures are. We see a functioning MMRP as a benefit both to the Port and to the community.

105-10

Many project EIRs have promised a MMRP but to date this has not been accomplished. It is this committee's understanding that Port staff are working on the software to have a working MMRP. We are asking the Port to get this done. After all , many projects promising mitigation monitoring in their EIRs have been done or are in progress. We see the MMRP as a key component of any and all expansion projects at the Port. We wonder why this system is not in place? It has been years since the public was promised the MMRP. We wonder what is causing the delay on this? The project should not go forward until the Port demonstrates to the Public that it has a functioning MMRP *for the projects that are already underway or completed.* This should include a periodic easily publicly available report on the status of mitigation measures that have been promised for these projects. For years now we have been hearing that POLA staff is "working on it" and "working on the software" but this "the dog ate my software" sort of excuse is wearing thin.

105-11

The EIR needs to explain through analysis the unsubstantiated conclusion that zero emission technologies are not yet feasible. After all the Port has spent substantial amounts of money developing these technologies. Also, 3 weeks ago the Mayor, top Port officials and various public dignitaries help a press conference at the Port unveiling zero emission trucks and promising great things from zero emission technologies. Why doesn't the DEIR address this issue in a substantive manner rather than essentially just offering an unsupported conclusion that these technologies are not yet feasible?

Land Use Concerns:

105-12

We note that the bulk of land at POLA is under a "Q" overlay. The Q overlay extends only to Anaheim St and does not apply to the project site.

105-13

Two specific issues exist regarding the examination of land use in the EIR, policy P4 in the circulation element and failure to address methane gas:

Policy P4 in the City of Los Angeles Transportation Element calls for a review of port planning. The on-line version was adopted in 1999 <http://cityplanning.lacity.org/cwd/gnlpln/transelt/index.htm> , but the web page includes a note to check the hard copy for any changes.

Policy P4
Review the policies of current plans such as the Port of Los Angeles 2020 Plan (Pier 300/400 Implementation Program) and the LAX Master Plan and where needed, resolve any inconsistencies with the Citywide General Plan Framework and Transportation Element.

Schedule
Ongoing

Responsibility:
Departments of City Planning, Transportation, Harbor, Airports and Public Works.

The LAX Master Plan has been studied and revised. Not so the Port of Los Angeles Plan. By law, all general plan amendments must be reviewed by the City Planning Commission. While BHC would no doubt be involved at some level, legal authority is invested in the Planning Commission and City Council. It is noted that for some reason the 2020 plan is viewed here as the Port of Los Angeles Plan when the 2020 Plan is actually a different animal from the Community Plan and addresses only a portion of Port land.

105-13

The need for an updated plan is reflected in Transportation Element Policy P4.

We question how this DEIR can determine that the Project conforms to relevant plans when the relevant plan was designed thirty years ago for a planning horizon long since past?

The City of Los Angeles on-line zoning information system (ZIMAS) indicates that the site is in a methane gas area. That didn't seem to be discussed anywhere in the EIR, whether under land use or hazards. (ran an electronic search for "methane".)

Background: The General Plan

Section 65300 of the California Government Code requires all cities in California, including charter cities, to prepare a comprehensive, long-term general plan for the physical development of the city. A general plan has seven mandatory elements, though other optional elements may be added.

105-14

While all elements of the general plan have equal status, with no element taking precedence over another, the land use element is often considered the core element of the general plan. The land use element is required to designate the type and extent of various land uses and to include quantifiable standards of land use intensity (Sec. 65302(a)). The specific standard is not defined, but varies with land use. For example residential development is defined in dwelling units per acre or population per acre. Commercial uses are typically defined in terms of floor area ratios, but are sometimes defined in terms of traffic generation. The last intensity standard is important in coordinating the land use element with the circulation element.

The circulation element must identify major thoroughfares and other transportation infrastructure. In accordance with Government Codes Section 65302 (b), the circulation element must be correlated with the land use element. As stated in *Concerned Citizens of Calaveras County v. Board of Supervisors (1985) 166 Cal.App.3d 90:*

“Correlated” means “closely, systematically, or reciprocally related” [Webster’s Third New International Dictionary (1981) p. 511].

Section 65302 therefore requires that the circulation element of a general plan, including its major thoroughfares, be closely, systematically, and reciprocally related to the land use element of the plan.

In its more concrete and practical application, the correlation requirement in subdivision (b) of [Government Code] §65302 is designed to insure that the circulation element will describe, discuss and set forth “standards” and “proposals” respecting any change in demands on the various roadways or transportation facilities as a result of changes in uses of land contemplated by the plan. (See *Twain Harte Homeowners Assn. v. Tuolumne County* (1982) 138 Cal.App.3d at p. 701 and *Camp v. County of Mendocino* (1981) 123 Cal.App.3d at p. 363.) The statutory correlation requirement is evidently designed in part to prohibit a general plan from calling for unlimited population growth in its land use element, without providing in its circulation element, “proposals” for how the transportation needs of the increased population will be met. . . .

We conclude the [Calaveras County] general plan cannot identify substantial problems that will emerge with its state highway system, further report that no known funding sources are available for improvements necessary to remedy the problems, and achieve statutorily mandated correlation with its land use element (which provides for substantial population increases) simply by stating that the county will solve its problems by asking other agencies of government for money. To sanction such a device would be to provide counties with an abracadabra by which all substance in §65302’s correlation requirement would be made to disappear.

Thus, if intensity of use is not defined in a manner adequate to anticipate future traffic generation and transportation demand , one is left with an “abracadabra” approach to meeting future transportation infrastructure needs. Because throughput at the Port in a major determining element for traffic generation, employment generation/housing demand, air emissions and other factors, it would be appropriate define land use intensities in terms of throughput for planning purposes. In any case, the intensity standard must provide a quantifiable means of correlating land use with infrastructure.

All other elements of the general plan must also be consistent and coordinated (G.C. 65300.5). For example, the noise element must address sound generated along circulation corridors; the housing element must address the need for housing generated by non-residential uses as well as regional growth; and the land use element must provide adequate sites for provision of the identified housing need.

Updates

105-14



While the general plan must be stable enough to actually provide long range guidance, with amendments limited to four times per year (GC 65358(c)), the general plan must also be kept current. The housing element must be revised at least every five years (G.C. 65588). No specific schedule has been established for updating other elements of the general plan. However, in accordance with Government Code Section 65040.5 (a), the Governor's Office of Planning and Research must notify a city which has not updated its general plan in eight years that the plan may be out of date. If the plan has not been updated in ten years, the Attorney General must be notified (GC 65040.5(b)).

Los Angeles General Plan

The Los Angeles General Plan consists of a Framework Element providing general city wide policies to serve as a foundation for the other elements, separate city wide elements addressing state requirements for all areas except land use, and several optional elements. State requirements for the land use element are fulfilled by thirty five community plans for different areas of the city. The plans are prepared by the City of Los Angeles Planning Department.

105-14

Community planning areas in the vicinity of the Port of Los Angeles are San Pedro, Wilmington-Harbor City, and Port of Los Angeles. The Harbor Gateway CPA which consists primarily of the narrow strip connecting the harbor area with the remainder of the city is also considered part of the harbor area for planning purposes.

According to the Community Plans Adoption Status posted by the City of Los Angeles Planning Department , the last comprehensive revision of the San Pedro Community Plan was approved by the Planning Commission August 13, 1998 (CPC 97-0045CPU) and was approved by the City Council March 17, 1999 (CFC 98-1771). The plan is implemented through Zoning Ordinance No. 172547, adopted May 15, 1999. An update is currently underway, though progress has slowed due to budgetary constraints.

The last comprehensive revision of the Wilmington-Harbor City Community Plan was approved by the Planning Commission on July 9, 1998 (CPC 97-0050CPU) and was approved by the City Council July 14, 1999 (CF 98-1619). The plan is implemented through Zoning Ordinance 172853, adopted November 14, 1999.

The last comprehensive revision of the Port of Los Angeles Plan was adopted on September 28, 1982 (CPC 19712/CF 82-400). The City Council subsequently adopted Ordinances 165406 (CF 88-1479; January 1990) (attached) and 165862 (CF-1479; May 1990) (attached), which established a [Q] classification for most of the land within Port boundaries, but does not apply to areas north of Anaheim Street. As stated in Ordinance 165406, the [Q] classification replaces and supersedes land use standards which would normally apply in the M-2 and M-3 Districts. Ordinance 165406 specifically gives the City Planning Commission authority over planning acts at the Port.



Since 1990, City planning actions applicable to the Port have been very limited. The only Port specific action recorded on the City's Zone Information and Map Access System (<http://zimas.lacity.org/>) is Ordinance No. 169960 (CF 93-0168) which was approved in 1994 and applied to the Pier 300/400 area. Remaining ordinances consist primarily of city wide actions such as the addition of footnotes to all Community Plans (CF 90-1422) or incorporation of policies to implement the Mello Act throughout the Coastal Zone (CPC-2005-8252-CA).

Port of Los Angeles Plan

There is currently no planning vehicle which defines intensity of use in the Port of Los Angeles Community Plan Area. This renders it extremely difficult, if not impossible, to coordinate other planning programs with Port activities. This includes other general plan elements and community plans, such as the circulation element, as well as other planning efforts such as the Air Quality Management Plan (AQMP) prepared by the South Coast Air Quality Management District (SCAQMD). As a result various agencies find themselves in a catch up situation, in which, for example, transportation infrastructure is overwhelmed and air quality standards are exceeded in the basin, despite ever more stringent controls on non-port uses.

Unfortunately, there is no abracadabra solution to the problems affecting the communities around the Port, including air pollution, traffic congestion, and blight. A comprehensive update of the Port of Los Angeles Plan is well past overdue. An update including the required statements of intensity must be prepared by the City of Los Angeles.

We assert that this project should not be approved until a planning vehicle that defines intensity of use has been made for the Port of Los Angeles Community Planning Area. Additionally an up to date Port Master Plan must be in place.

Thank you for the opportunity to comment on this DEIR.

John G. Miller, M.D. FACEP
Chairman, PCAC EIR Subcommittee

J. Miller, M.D. FACEP

*I also wish to "sign on" to these
Comments as an "individual"*

Thank you

J. Miller, M.D.

105-14

1 **Comment Letter 105: Port Community Advisory Committee**

2 **Response to Comment 105-1**

3 Please see Master Response 3, Hobart which discusses how truck trips on the I-710
4 freeway were analyzed in the RDEIR. The Master Response reviews substantial evidence
5 in the RDEIR supporting the RDEIR's assumptions about truck trips on the I-710
6 Freeway. The shifting of drayage truck trips from the Hobart Yard to the SCIG facility is
7 a central component of the Project and was evaluated appropriately under CEQA.

8 **Response to Comment 105-2**

9 Please see Master Response 3, Hobart and the response to comment 105-1. The RDEIR
10 appropriately evaluated the shifting of most drayage truck trips (assumed 95%) from the
11 Hobart Yard to the SCIG facility. SCIG would handle only international cargo, and it
12 would not be logical to assume that the majority of this cargo would be drayed to Hobart
13 Yard once the SCIG facility opened. The SCIG facility would be located closer to the
14 port marine terminals, reducing drayage costs and providing an efficient and near-dock
15 destination. The RDEIR environmental analysis appropriately reflects this assumption in
16 the impact analysis for air quality, health risk and other environmental resource areas.

17 CEQA does not require an EIR to analyze speculative scenarios that change reasonable
18 assumptions made in the impact analysis. An EIR is allowed to "make reasonable
19 assumptions based on substantial evidence about future conditions without guaranteeing
20 that those assumptions will remain true." (*Environmental Council of Sacramento v. City*
21 *of Sacramento* (2006) 142 Cal App.4th 1018,1036.) In determining the contents of an
22 EIR, a lead agency is entitled to rely on its own experts' opinions as to what studies and
23 analysis are appropriate to evaluate impacts. (*Association of Irrigated Residents v. County*
24 *of Madera*, 107 Cal.App.4th 1383,1396-1398.) CEQA does not require a lead agency to
25 conduct every recommended test and perform all recommended research to evaluate the
26 impacts of a proposed project. (*Id.*)

27 **Response to Comment 105-3**

28 As described in the response to comment 105-2, the SCIG facility would accommodate
29 international cargo coming directly from the port marine terminals, not transloaded cargo.
30 SCIG drayage trucks would be allowed to follow only designated truck routes between
31 the marine terminals and the SCIG facility; the facility would therefore not serve the
32 transloading market. Transloaded cargo is not considered part of the RDEIR Project,
33 and therefore does not need to be evaluated in the RDEIR. See Master Response 3,
34 Hobart.

35 **Response to Comment 105-4**

36 Thanks you for the comment. The cited articles will be made part of the EIR
37 administrative record, assuming they are readily available.

38 **Response to Comment 105-5**

39 Please see Master Response 5, Alternatives and Master Response 6, On-Dock Rail for a
40 discussion of on-dock rail and its analysis in the RDEIR. The Master Response cites
41 substantial evidence in the RDEIR supporting the conclusion that on-dock rail is not
42 feasible as an EIR alternative. It also explains that on-dock railyard expansions already

1 planned in both Ports will consume all available land. The Port disagrees with the
2 allegation that Project objectives were defined to preclude on-dock rail as an alternative.

3 **Response to Comment 105-6**

4 Thanks you for the comment. The cited article will be made part of the EIR
5 administrative record.

6 **Response to Comment 105-7**

7 Please see Master Response 9, HIA.

8 **Response to Comment 105-8**

9 Please see Master Response 9, HIA.

10 **Response to Comment 105-9**

11 Please see Master Response 3, Hobart which discusses why truck trips on the I-710
12 between the Ports marine terminals and Hobart Yard were analyzed appropriately in the
13 RDEIR. As discussed in Master Response 3, the RDEIR does not claim that all truck
14 trips will be reduced on the I-710, only that the effect of the Project is to reduce truck
15 trips on the I-710.

16 **Response to Comment 105-10**

17 The DEIR and RDEIR fully comply with CEQA by describing all mitigation measures
18 proposed to mitigate or avoid significant impacts identified in the DEIR and RDEIR. A
19 Mitigation Monitoring and Reporting Program (MMRP) has been prepared, consisting of
20 a reporting and monitoring program for the changes made to the project, measures
21 imposed or conditions of project approval in order to mitigate or avoid significant effects
22 on the environment in accordance with CEQA Guidelines 15097. The MMRP is
23 proposed to be adopted by the Board of Harbor Commissioners as a part of the project
24 approval, in compliance with Public Resources Code § 21081.6. The MMRP will
25 identify the specific responsibilities of POLA and BNSF and will include monitoring and
26 reporting documentation that would be submitted consistent with the requirements of
27 each mitigation measure. The LAHD has procedures and an extensive database for
28 tracking and monitoring compliance of mitigation measures for approved projects.

29 **Response to Comment 105-11**

30 Please see Master Response 7, ZECMS which discusses why ZECMS were determined to
31 be infeasible as mitigation measures.

32 **Response to Comment 105-12**

33 Thank you for the comment. The information provided by the commenter does not alter
34 the analysis of impacts in the RDEIR Land Use Section (3.8.4.3).

35 **Response to Comment 105-13**

36 The The Board of Harbor Commissioners has no authority to require an update of the
37 content of the City of Los Angeles Transportation Element. Accordingly, the RDEIR's
38 conclusion that the Project conforms to the relevant plans is correct because the analysis

1 considers the current version of the Transportation Element. While the commenter
2 considers the plan to be outdated, it is still the relevant planning document and it is not
3 (as the commenter notes) within the Board of Harbor Commissioners' authority to
4 perform an update. Accordingly the analysis in the RDEIR complies with CEQA.

5 Thank you for the comment on methane gas. The revised Hazards analysis in the RDEIR
6 (Section 3.7.2.2.2) acknowledges that the Project is located in an area identified as a
7 potential methane hazard site.

8 **Response to Comment 105-14**

9 The commenter's assertions that the Project should not be approved until a planning
10 vehicle is developed for the Port of Los Angeles Community Planning Area, and until a
11 Port Master Plan Update is conducted, are statements of planning policy preferences.
12 They are not related to the proposed Project's physical impacts. The comment is noted
13 and is hereby part of the Final EIR, and is therefore before the decision-makers for their
14 consideration prior to taking any action on the SCIG project. The comment does not
15 reference any specific section of the DEIR or RDEIR, therefore no further response is
16 required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

17
18

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 Loyola Law School
 Loyola Marymount University
 Media Government Relations
 Manatt, Phelps & Phillips
 Meyer Brown
 McKenna Long & Aldridge
 McMurry Stern
 Merchant Delta Partners
 Metropolitan Water District
 Mirwood
 Mirwood Brownlie Had
 Mirwood Energy Associates/Jovanka
 MWC Other Trust
 Mungar, Tellez & Olson
 Museum of Contemporary Art
 Music Center
 NBCUniversal
 Newhall Land
 O'Melveny & Myers
 Pacific Dining Co.
 Paramount Pictures
 Patina Group
 Paul Hastings, Jacoby & Volter
 PCL Construction Services Inc.
 Preker, Naloh & Mehta
 Puma Management System
 Pops Vlastakis Group
 Port of Los Angeles
 Providence Health & Services - California
 Puma
 Ralph Grocery Company
 Regent Theatre DTLA
 Related California
 Rita Bradford Consulting
 Rose & Knobel
 Skanska Group
 SheppardMullin
 SJD Partners
 Sotheby's
 SNR Boston
 Sony Pictures Entertainment
 Southern California Edison
 Southern California Gas Company
 Southwest Airlines
 Standard Parking Corporation
 State Farm Insurance Company
 System Property Development Company
 The Cook Hotel
 The City Market of Los Angeles
 The Culbren School
 The Edison
 Thomas Properties Group
 Turner Construction
 U.S. Bank
 U.S. Trust
 UCLA
 Union Bank
 Unisource Solutions
 United Parcel Service
 Universal Protection Service
 University of Southern California
 Van De Kamp Consulting
 Van Wagner Communications
 Verticus
 Volunteers of America
 Voco
 Walmart Stores
 Wal-Mart Stores
 Watermark Properties
 Wells Fargo
 Westwood Properties Fund & Sales
 White Group/Hotel & Center
 Xpress Holdings
 Yellin Company

January 31, 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:

Established in 1924, Central City Association (CCA) is L.A.'s premier business advocacy association, whose 450 members employ over 350,000 people in the Los Angeles region. On behalf of CCA, I offer this letter in 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 that 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 DEIR, which was developed by an independent third-party, determined:

- SCIG would result in a reduction of local cancer risk. The Port set a standard that no new project could have a risk score higher than 10. Far from being higher than 10, SCIG scored a negative 161. It is 17 times cleaner than the Port's standard.
- 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 trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine terminals and the facility.

106-1

Ultimately, by 2026, 90 percent of the truck fleet 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 adherence.

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.

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. There are millions and millions of square feet of industrial properties suitable for transloading operations in the South Bay area and these businesses are very competitive. Cargo will continue to arrive at the San Pedro Bay ports regardless of Cal Cartage's (or any other service provider's) street address, and the work being done by Cal Cartage's drivers will still be done, either at the new street address, or for another employer. In either case, employees will be needed to accomplish this work. Given this, we are confident that the current transloading operations and their employees or independent contractors will be able to continue in business locally and jobs associated with current tenant operations would not be lost.

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. Moreover, 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 destined 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 the ports consistent with the Port's rail policy.

With unemployment at 12 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

106-1

↑ 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.

CCA 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,



Carol E. Schatz
President & CEO
Central City Association of Los Angeles

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 106: Central City Association**

2 **Response to Comment 106-1**

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



BUSINESS DEPARTMENT - Business Services
Facilities Development & Planning Branch
 Donald K. Allen Building Services Facility
 2425 Webster Ave., Long Beach, CA 90810
 (562) 997-7550 Fax (562) 595-8644

January 31, 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 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) Draft Environmental Impact Report (EIR) released in September 2011 by the Los Angeles Harbor Department (LAHD; also referred to as the Port of Los Angeles (POLA) or the Port). 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) is the project applicant for the SCIG Project.

107-1

The District is committed to providing a safe learning environment and school facilities for its students and employees. Thus, the District's primary concern in its review of the SCIG draft EIR is whether the Project's environmental impacts were appropriately identified so that they can be properly addressed, analyzed, and mitigated to avoid adverse impacts on the District's students, staff and learning environment. As stated in Resolution 011712-A adopted by the Board of Education on January 17, 2012, the inadequacies in the current form of the draft EIR prevent the District from accurately assessing the impact of the Project on nearby school facilities and the students, teachers and staff at those facilities. A copy of this Resolution is attached to this letter as Exhibit A. The District appreciates and supports the various efforts to modernize Port operations and reduce overall Port emissions, but it is critical that these efforts succeed without imposing costs and impacts on District students. To this end, the draft EIR must be substantially revised.

I. Overview of Comments

107-2

The proposed SCIG Project would result in the development of a new 153 acre intermodal railyard operation that would transfer containerized cargo between trucks and railcars. It is critical to the District as a policy matter to be sure that the emissions and other impacts of development projects on the District's schools, students, and staff are fully disclosed and mitigated. Accordingly, the District has reviewed and developed comments on the EIR. A summary of our comments is provided below:

- The proposed SCIG Project is located close to numerous sensitive receptors, and will adversely affect the District's students and staff at nearby schools, including Webster Elementary School,

Mary Stanton	Felton Williams	John McGinnis	Jon Meyer	Vacant
District 1	District 2	District 3	District 4	District 5
Member	President	Member	Member	

Garfield Elementary School, Muir Elementary School, Stephens Middle School, Hudson K-8 School, Cabrillo High School, Reid High School, and Bethune Transitional School. The Project moves more emissions and traffic—including 5,542 trucks/day—closer to those schools. Therefore, it is particularly critical that the Port accurately evaluate, disclose, and mitigate the adverse impacts of the Project.

107-2

- The EIR fails to adequately disclose significant toxic air contaminant (TAC) impacts to District schools, staff, and students, because its analysis is predicated upon illusory baseline conditions and the unsubstantiated and unrealistic assumption that the Project will reduce traffic by 95% on roadways and freeway segments leading to the downtown Hobart Railyard. The 2005 baseline TAC emissions levels used in the EIR are substantially *greater* than actual existing baseline conditions because the EIR improperly ignores radical reductions in baseline TAC emissions that have occurred since 2005. The Project TAC emission levels used in the EIR are substantially *less* than actual Project conditions because the EIR improperly assumes that the Project will reduce traffic and emissions at the Hobart Railyard and roadways leading to the railyard. Because the EIR’s methodology subtracts artificially inflated baseline emissions from artificially lowered Project emissions to determine Project impacts, the EIR misleads the public and masks the true impact of the Project. In particular, the EIR underestimates Project TAC impacts to nearby schools.
- The EIR does not use established cancer risk factors that account for the greater sensitivity of students to toxic air contaminants. As a result, the EIR understates the cancer risk to students.
- The EIR does not adequately address or mitigate noise, traffic, air quality, and human health risk impacts to schools and other sensitive receptors, fails to adequately evaluate reasonable alternatives to the proposed Project, and fails to provide sufficient evidence that the zero emissions alternative is infeasible.
- The SCIG Project EIR fails to adequately and accurately assess the cumulative impacts of the SCIG project in connection with other substantial development projects that will generate additional emissions that affect the District’s schools, students and staff.

II. General Comments

107-3

The EIR is fundamentally flawed because it relies on illusory baseline conditions and unsubstantiated traffic assumptions that mislead the public as to the reality of the impacts. These flaws subvert the full consideration of the actual environmental impacts to schools (and other receptors). In particular, the EIR does not adequately address or mitigate noise, traffic, air quality, and human health risk impacts to District schools during Project construction and operation. The District also is concerned that the EIR does not adequately address the cumulative effects of major port-area projects on nearby District schools (see attached Exhibit B—Major Port-Area Projects and Nearby LBUSD Schools). As shown in the exhibit, several major projects—including SCIG—are within the vicinity of existing schools. Because of the high cancer risk in the port area from goods movement activity, the Port has an obligation to view port-area projects as broadly as possible and seek alternatives and mitigation measures that reduce this impact to school children. The EIR does not meet this obligation.

A. The EIR Baseline is Illusory and Outdated, and Masks the True Environmental Effects of the Project

107-4

The EIR relies on various baselines for the analysis of environmental effects, in a manner which has the overall effect of minimizing the environmental impacts of the Project throughout the EIR. Baseline

↑ emissions for air quality impacts are set at 2005, a year when emissions were more than twice as high as they are now, according to the Port's documents. Additionally, the EIR's traffic analysis uses more recent data, rather than relying on higher traffic volumes from 2005, even though it is reasonably foreseeable that vehicle traffic will return to prior levels. In other words, the EIR appears to cherry-pick its baseline determinations to avoid determining that impacts are significant wherever possible.

107-4 The illusory nature of the baseline is particularly striking in the case of emissions. The Port's own 2010 Update to the San Pedro Bay Ports Clean Air Action Plan (CAAP) demonstrates that emissions now are dramatically different than they were in 2005. For example, Figure ES.1 from the 2010 Update to the Clean Air Action Plan shows that diesel particulate emissions in 2009 are 50% lower than in 2005, and projected to be further reduced. Figure ES.1 is attached to this letter as Exhibit C. Given that current emissions levels are significantly less than 2005 levels, and that emissions are also forecasted to remain dramatically reduced into the future, the 2005 baseline simply cannot be described as a realistic assessment of the existing physical conditions on the ground. The same 2010 Update, released a year before the EIR, also demonstrates that the Port has ready access to more accurate baseline information.

107-5 A "floating baseline" analysis in EIR Appendix C.3 further illustrates the misleading nature of the "static baseline" used in the EIR for CEQA significance determination. The floating baseline analysis in the EIR, like the static baseline, is flawed because it relies on unrealistic assumptions regarding truck trip diversions from the Hobart Railyard and 2005 activity levels that underestimate actual impacts. However, the floating baseline corrects one flaw with the static baseline analysis by allowing for post-2005 emissions factors reductions as new regulations are applied to trucks and equipment. The floating baseline analysis results in an estimated incremental Project cancer risk of 17 in a million (Table C3-7-10) at a school-adjacent location. This result exceeds the South Coast Air Quality Management District (SCAQMD) CEQA significance threshold for cancer risk. However, the EIR states the floating baseline analysis is "for information purposes only"; the EIR only used the 2005 static baseline for air emissions and health risk CEQA significance determinations. Nevertheless, the significant cancer risk determined by the floating baseline analysis, while still an underestimate of Project risk as described above, is in sharp contrast to the large negative risk impact numbers derived based on the static baseline analysis (Table C3-7-1). The significant contrast between the results of the floating and static baseline analyses demonstrates the illusory nature of the baseline used in the EIR for CEQA significance determinations.

B. The Use of The Outdated and Illusory Baseline Violates CEQA

107-6 In the leading baseline case, *Communities for a Better Environment v. South Coast Air Quality Management District* (2010), 48 Cal.4th 310, the Supreme Court recited a long line of CEQA cases in holding that "the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of the CEQA analysis" rather than some hypothetical condition. The problem with using a hypothetical condition is that it creates an "illusory" comparison that can "only mislead the public as to the reality of the impacts and subvert full consideration of the actual impacts." (48 Cal.4th at 322-323.) In *Communities for a Better Environment*, the Court found that the lead agency improperly relied on maximum permitted emissions that would never be achieved, thus creating an illusory baseline. Here, the EIR's reliance on a level of emissions that has not existed in six years, and that is forecasted never to exist again, according to the Port's own reports, creates the same type of illusory baseline that the Court rejected in *Communities for a Better Environment*.

↓ The EIR seeks to justify the use of a year 2005 baseline by citing CEQA Guidelines¹ §15125(a), and its statement that the environmental setting at the time of the notice of preparation will "normally constitute

¹ 14 Cal.Code.Reg. § 15000 *et seq.*, referenced herein as "Guidelines".

↑ the baseline physical conditions by which the Lead Agency determines whether an impact is significant.” However, this guideline provision cannot be read in a vacuum. The Guidelines also state, at §15108, that EIRs should be completed within one year. Reading those provisions together, the Guidelines simply cannot be interpreted as sanctioning or requiring the use of a six-year-old baseline, particularly when that baseline creates the same type of illusory analysis that has been rejected by the courts in CEQA baseline cases.

107-6 As the Supreme Court noted in *Communities for a Better Environment*, “neither CEQA nor the CEQA guidelines mandate a uniform, inflexible rule for determination of the existing conditions baseline. Rather, an agency enjoys the discretion to decide, the first instance, exactly how the existing physical conditions without the project can *most realistically be measured*.” (48 Cal.4th at 328.) Moreover, the agency should adjust the baseline during the environmental review process if it would more accurately reflect existing conditions. For example, in *Cadiz Land*, a revised analysis of reduced baseline emissions was the key fact supporting the court’s determination that an EIR analysis of locomotive emissions was adequate. (*Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal. App.4th 74, 108-09.) Given the facts of this case, where the conditions as of 2005 are substantially different than those that exist now, and where the Port currently possesses more accurate information on which to base the EIR analysis, it is an abuse of the Port’s discretion to use the outdated and inflated 2005 baseline.

C. The Port Should Prepare a Revised Draft EIR Using a Proper Existing Conditions Baseline

107-7 The District requests that the Port revise and recirculate the EIR, and use a baseline throughout the document that “most realistically” reflects current conditions. The District and the public are unable to discern the true impacts of the Project because the EIR contorts the concept of baseline analysis to the Project’s advantage, shifting the baseline to suit the Port’s purposes. This is a fundamental defect in the EIR, and requires recirculation under Guideline §15088.5. The use of an accurate baseline is particularly critical to the District, given that the Project is located near so many schools and that implementation of the Project will shift the localized impacts of emissions to the area surroundings those schools.

D. Elevated Health Risk to Schools Are Not Addressed

107-8 The SCAQMD 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 vast majority of this unacceptably high cancer risk level is due to diesel particulate emissions from goods movement associated with port activities. Because the EIR relies on an illusory baseline which masks the significant incremental cancer risk from the Project, the EIR fails to adequately address true Project impacts on District schools which are already subject to high risk exposure from existing port activities. In addition, scientific research shows elevated non-cancer health risks such as asthma, heart and lung disease are known to occur from exposure to diesel particulates, yet these non-cancer effects are not fully quantified² by methods used in the health risk assessment (HRA) prepared for the EIR.

E. Alternative Railyard Sites Should Not Have Been Rejected at the Screening Phase

107-9 The EIR fails to adequately consider Project alternatives which would lessen environmental impacts. Public health impacts to schools and residents would be significantly reduced if the proposed near-dock rail activity was located at (on-dock) or closer to the port terminals, in lieu of the proposed Project site.

² California Air Resources Control Board (CARB). 2006, April. Diesel Particulate Matter Exposure Study for the Ports of Los Angeles and Long Beach.

↑ Despite this fact, the EIR gives only minimal consideration to other locations for the Project that would have far less impacts to the surrounding community, including schools. The EIR should be revised to include a comprehensive analysis of alternative railyard sites.

107-9 The operating efficiency and capacity of intermodal railyards have advanced in recent years in response to incentives and priorities that were unforeseen in the recent past. Similarly, the mode split between on-dock, near-dock, and off-dock rail serving the Ports of Los Angeles and Long Beach have changed in ways that were not predicted in years past. For instance, the EIR (p.1-23) reports that “the number of containers loaded at on-dock railyards increased between 2002 and 2006 twice as fast as the rate of cargo growth would predict.” Moreover, the Port recently initiated an update to the Port of Los Angeles Master Plan, the first comprehensive update since 1980. Given these dynamic parameters, and the continuing imperative to mitigate severe public health impacts in the port area, the District requests that a range of reasonable alternative railyard sites be carried forward for a complete and detailed analysis in the EIR. In particular, a quantitative analysis of the environmental benefits of alternative sites further away from schools is warranted, in lieu of the screening level appraisal presented in the EIR.

III. Specific Comments

A. Project Description

1. The EIR Project Description is Flawed—Hobart Railyard Capacity is Not Reduced with SCIG

The summer 2004 “melt-down,” when container traffic overwhelmed local infrastructure, clearly indicates that the Ports have reached or are near current capacity. Instead of evaluating the increase in capacity that the Project would accommodate, the EIR assumes a reduction in truck traffic from containers shipped from the off-dock Hobart Railyard in Commerce compared to the proposed near-dock railyard in Los Angeles. This analysis is based on a mistaken assumption, however, that traffic to the Hobart Railyard would cease to occur with the Project. In an era of increasing container traffic, it is not realistic to assume that traffic to such a facility will decrease simply because additional capacity is being added elsewhere.

107-10 As indicated in the Project Description, the Port would need to utilize on-dock, off-dock, and near-dock railyards in order to keep pace with the projected demand in goods movement at the San Pedro Bay Ports. While some of existing port traffic may be “diverted” as a result of the Project, future traffic to the proposed SCIG site should be classified as new trips and not as a reduction of trips and/or vehicle miles traveled (VMT) because the proposed Project would not decrease the *capacity* at the BNSF Hobart Railyard. Characterizing the Project as a means to “shorten truck trips for the movement of container between ships and railcars” is incorrect framing of the Project because traffic to off-dock railyards occurs and will continue to occur with the Project from the Ports of Los Angeles and Long Beach, or other locations. The SCIG Project will change the types of goods moving through the Port, and how those goods are routed domestically and logistically (as evidenced by the Port and Modal Elasticity Study, Phase II), but this does not mean that the Project would eliminate a portion of the goods traffic currently going through the Hobart Railyard. In fact, the No Project Alternative describes that domestic cargo would be shifted to the “other” facilities and states improvements at Hobart and Commerce railyards would be necessary to accommodate 2.8 million TEU of international cargo by 2023.

↓ Contrary to the assertions in the EIR, the Project would not replace truck trips that would otherwise go to the Hobart Railyard. With the Project, the Hobart Railyard will accommodate the same number of trucks from San Pedro Bay Ports or from other domestic locations. These trucks would continue to travel along their existing routes to and from the Ports or from other domestic locations, and thus the same vehicle

miles traveled in southern California would occur. The Project will increase the capacity that the San Pedro Bay Ports can accommodate rather than diverting containers through the Pacific Northwest, Oakland, Mexico, or to the East Coast Ports through the Panama Canal Expansion (the true No Project Alternative). The EIR is required to evaluate the increase in container capacity and new truck trips generated, rather than a decrease in trip length from the Hobart Railyard to the SCIG Project.

107-10

Because the capacity of the Hobart Railyard and other off-dock and near-dock railyards which accommodate Port traffic will not change, the quantitative analyses throughout the EIR should be revised to reflect the true impact of the Project as a capacity-increasing improvement. Therefore, the EIR should not include quantitative reductions for the difference in truck trip length between Hobart Railyard to the Project, and should not include a reduction in train trips at Hobart Railyard because implementation of the Project will not reduce capacity at other area railyards. Statements throughout the EIR regarding this trip reduction scenario should be removed, and the quantitative analyses should be updated.

The District requests that the unsubstantiated assumption regarding diversion of traffic from Hobart Railyard be eliminated from the EIR so that the actual magnitude of emissions generated by the proposed Project can be identified, which will allow the true impact of the Project to be evaluated.

2. Offsite Improvements are Not Evaluated

If the relocation sites for Fastlane, ACTA, and Cal Cartage result in a greater operations capacity based on the modernized buildings, these changes in operation should be evaluated in the EIR. Because the EIR serves as the final environmental review for these “offsite” improvements, each relocation site should be evaluated at a project-level, as these facilities may not be subject to the same standards (*e.g.*, 2007 trucks) as near-dock “port” activities. The Project description does not identify existing and adjacent land uses at these relocation sites. Construction and operation activities for these sites should be evaluated and mitigation measures identified separately, as a different implementing agency and monitoring agency may apply.

107-11

The District requests that the EIR identify existing and adjacent land uses at the relocation sites, and that construction and operation activities for these sites be evaluated and mitigation measures be identified.

B. Alternatives

1. Alternative Railyard Sites are Not Analyzed

A number of alternatives to constructing a near-dock railyard at the proposed SCIG site were “screened” and briefly discussed in the EIR, but none were carried forward for further analysis. Due to the need to mitigate the public health impacts of the SCIG Project on residents and schools in west Long Beach, alternative sites should be carried forward for detailed analysis in the EIR.

107-12

2. TIJIT Alternative is Dismissed Without Justification

The EIR rejects the Terminal Island Joint Intermodal Terminal (TIJIT) alternative without any justification. The EIR briefly discussed but did not carry forward the environmental analysis of the TIJIT alternative. The EIR stated the TIJIT site would have fewer community issues because of distance from residences and sensitive land uses, but 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” (p. 2-42). The reasons cited for rejecting the TIJIT alternative are not credible because they are

107-13

107-13

↑ inconsistent with the Port’s current proposal for a new container terminal³ in the same area—Pier 500. Pier 500 has been carried forward as a formally proposed land use following detailed planning and evaluation by the Port. 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. The Port Board has 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.

Thus, biological mitigation credits necessary for the fill to construct the TIJIT can be acquired, and Clean Water Act compatibility issues can be addressed. The TIJIT alternative warrants further evaluation.

The District requests that the SCIG EIR fully analyze the Terminal Island Joint Intermodal Terminal alternative. The TIJIT alternative, and other on-dock railyards, also should be evaluated as part of the Port’s recently initiated Master Plan Update.

3. The No Project Alternative Improperly Assumes Increased Capacity

The No Project Alternative, in accordance with the CEQA Guidelines, should identify what would happen if the Project was not built, the Port would not issue any permits or discretionary approvals, and current uses and operations would continue under existing conditions.

While it is true that there are forecasted increases in cargo throughput at the San Pedro Bay Ports, the No Project Alternative as defined in the EIR is incorrect. As evidenced in 2004 during the summer “melt-down,” the Ports and existing on-dock, near-dock, and off-dock railyards have a defined capacity. The scenario outlined in the No Project Alternative unrealistically assumes throughput that exceeds capacity—as is projected to occur at the San Pedro Bay Ports—will be accommodated by existing near-dock and off-dock railyards (UP Intermodal Container Transfer Facility (ICTF) and Hobart Railyard). A more realistic scenario is that existing infrastructure at these near-/off-dock facilities could not handle this influx of containers and international cargo and it would instead be (1) diverted through the Pacific Northwest, Oakland, Mexico, or to the East Coast Ports through the Panama Canal Expansion; or (2) handled by on-road trucks (which may be economically infeasible as it would be less expensive for retailers to ship from other ports in the U.S. and Mexico).

107-14

As a result, the No Project Alternative scenario incorrectly assumes an increase in offsite emissions from trains, trucks, and yard equipment at offsite locations to handle an increase in Port throughput. The analysis is incorrect because the additional throughput cannot be handled at the San Pedro Bay Ports without infrastructure improvements. The No Project Alternative goes on to define infrastructure improvements at Hobart and Commerce railyards that would allow them to handle 2.8 million TEU of additional cargo. As these improvements could not be accomplished without permits/discretionary approvals, this alternative is not a No Project Alternative but an off-dock “Project” Alternative.

The District requests that the EIR include a “true” No Project Alternative.

C. Air Quality

To mitigate the Project-level and cumulative effects of air pollution from Port activities, the District requests the following modifications to the analysis and current mitigation measures included in the EIR.

³ Port of Los Angeles Terminal Island Land Use Plan, summary report, 1/11/2012.

1. The Baseline Onsite Conditions and Onsite Emissions Analysis are Faulty

The EIR should not rely on peak and average activity levels for 2005 to define the baseline because there have been fluctuations in container activities in post-2005 economic conditions. For the following land uses, the EIR should use average activity levels (from 2005 through 2011) for existing onsite uses that would be modified as a result of the Project:

- ACTA Maintenance Yard
- California Cartage
- California Multimodal, Inc.
- Fast Lane Transportation
- Flexi-Van
- LA Harbor Grain Terminal/Harbor Transload
- San Pedro Forklift
- Three Rivers Trucking
- Total Intermodal Services

107-15

In addition to the faulty 2005 baseline, the EIR fails to indentify the proposed building square footages and new acreage at the proposed relocation site for each facility. This information is necessary to determine if there would be an increase in operations capacity associated with the relocated facility. By assuming that there would be no increase in business operations for these relocated facilities—without any comparison of acreage or square footage of existing business to the proposed relocation site—the EIR fails to adequately analyze Project impacts. The EIR should evaluate whether the proposed relocation sites allow for an increase in capacity for each relocated business.

The District requests that the EIR be revised to use average activity and emissions levels for 2005 through 2011, rather than 2005 levels, as well as building footage and site acreages for the relocation sites, for analysis of onsite conditions and emissions.

2. The Evaluation of Cumulative Emissions v. Project Emissions and Health Risk is Not Comprehensive

The cumulative emissions and health risk impacts of the Project are not sufficiently analyzed in the EIR. As previously noted, the summer 2004 “melt-down” demonstrates that the San Pedro Bay Ports have reached or are near current capacity. Similar to the comment above, the EIR 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.

107-16

Throughout the EIR, there are references to emissions reductions that are being accomplished at the ports. The Ports have not yet undertaken a comprehensive, program-level EIR that details proposed port improvements, which would address the infrastructure needed to accommodate the projected goods movement while balancing the potential increase in port activity with the actual decrease in existing emission from such programs. Port infrastructure needs include proposed on-dock, off-dock, near-dock, roadway improvements, and regional rail improvements along major Union Pacific Railroad and BNSF railroad main lines, to ensure transport of good by rail and by freeway can be achieved without comprising the health and safety of local communities and along rail routes. Yet, despite the goals of the Port’s 2005 *No Net Increase Report*, to date, the Port has not conducted a comprehensive evaluation of cumulative projects to ensure that there is a zero net increase in emission from all cumulative future

↑ projects needed to accommodate the projected levels of growth at the San Pedro Bay Ports. As a result, each project is inadequately evaluated in isolation from other cumulative projects.

The EIR does not provide a comprehensive evaluation of cumulative impacts from these port-related projects. 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. This lack of comprehensive analysis masks the true impacts of this and other port-projects and deprives the decisionmakers of information necessary to make an informed decision.

107-16

A comprehensive program-level EIR is warranted and should be prepared to evaluate the affect 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. Moreover, this program-level EIR is necessary to evaluate the risk associated with the individual SCIG Project now under review. This program-level analysis should be the primary determinant of the Project EIR's significance conclusion based on SCAQMD's significance thresholds.

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.

3. The Existing Baseline and Project Emissions Analysis is Flawed

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 SCIG Project. Without identifying the true net increase in Project-related air pollutant emissions, additional mitigation measures to prevent or reduce environmental impacts may not be considered.

107-17

As described previously, the Project cannot take credit for reduction in truck trips/trip length or trains at Hobart Railyard because there would be no net decrease in allowable capacity (*e.g.*, lifts or containers) at that railyard. This situation should only have been accounted for if the Project resulted in a formal agreement to cap container throughput at the Hobart Railyard. However, capping container throughput at the Hobart Railyard to offset SCIG emissions would be a direct contradiction to the purpose of the SCIG Project (as well as all other proposed ports projects) because a need to expand port capacity is clearly demonstrated and SCIG, by itself, is not enough to fulfill the entire projected increase in demand for goods movement through the San Pedro Bay Ports.

As shown in Table 3.2.5, the baseline emissions scenario includes offsite locomotives from train travel from the Hobart Railyard within the SCAB and truck travel. The existing baseline analysis is based on 4,522 trucks traveling 19.15 miles one-way (31,176,200 VMT annually)⁴ and 10 train trips (5 trains) per day (81.9 miles one-way)⁵. In comparison, the proposed Project generates 5,542 truck trips traveling approximately 5 miles (10,272,242 VMT annually in 2023) and 16 train trips (one-way or roundtrip length in the SCAB not identified). Excluding other onsite emissions from existing operations and future operations, which is a much smaller component of the emissions inventory, the EIR is analyzing a decrease in 58,067 daily VMT and increase in 6 train trips. As described above, subtracting emissions

⁴ 814,000 round trips annually (360 days per year) and 38.3 miles round-trip.

⁵ 1,800 trains annually (360 days per year).

↑ from trains and trucks destined for the Hobart Railyard (international or domestic cargo) is not permissible—and subverts the intent of CEQA—because the Project would not cap cargo capacity at the Hobart Railyard. The purpose of the proposed Project is to increase overall capacity of the ports and intermodal facilities in order to handle the projected increase in international cargo, which is accommodated with shifts in domestic and international cargo allocations at near-dock and off-dock facilities when new on-dock and near-dock facilities are constructed.

107-17

Tables 3.2-4, 3.2-5, and 3.6-1 in the EIR should be revised to exclude emissions from offsite trucks that travel to Hobart Railyard and offsite locomotives.

The District requests that the EIR be revised to eliminate the fatally flawed baseline analysis, including revisions to Tables 3.2-4, 3.2-5, and 3.6-1 to exclude emissions from offsite locomotives and offsite trucks that travel to Hobart Railyard.

4. Baseline Emission Rates Are Inconsistent With CEQA

The EIR relies on baseline emission rates which are inconsistent with CEQA. Tables 3.2-24 and 3.2-25 show a substantial net *reduction* in air pollutant emissions due to SCIG Project (which is a new railyard)—based on the EIR scenario whereby (1) 2005 emission rates are subtracted from future year emission rates, and (2) the existing baseline includes trains and trucks at Hobart Railyard. The EIR’s rationale and analysis of environmental impacts mask the actual impacts, and are inadequate under CEQA.

107-18

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 EIR to determine air quality impacts is inconsistent with the intent of the CEQA and SCAQMD methodology. It is inconceivable that a project which increases the intensity of existing land uses onsite by generating 5,542 truck trips, 16 train trips, and a slew of onsite emissions from yard equipment and idling—and increases the capacity (cargo throughput) of the San Pedro Bay Ports—not only does not exceed the very thresholds that were designed based on USEPA’s large emitter criteria, but generates a net decrease in emissions. The EIR 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 approach taken in the EIR discounts the potential impacts that the net increase in air pollutant emissions at the Project site could have on the local community and District schools, particularly when existing emissions in the area as a result of port activities are so severe that mandatory reductions have been promulgated for existing port activities.

The following tables in the EIR should be revised to compare Existing Land Uses with Future Emission Rates v. Proposed Land Uses with Future Emission Rates:

- Table 3.2-24. Average Daily Operational Emissions without Mitigation – Proposed Project
- Table 3.2-25. Peak Daily Operational Emissions without Mitigation – Proposed Project
- Table 3.6-4. Summary of Annual Operational Emissions – Proposed Project

The District requests that the EIR 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.

5. The Operational Restrictions for Non-Port Containers are Unclear

107-19

The one-way truck trip length used to calculate VMT is based on the average distance to SCIG from these "Port" facilities: WBCT, Trapac, GGS, Pier 400, Yusen, Evergreen, Pier A, Pier C, Pier G/J, Pier J S, LBCT, and Pier T. However, empty or full containers carried by drayage/line-haul tractors from offsite (non-port) facilities may have much longer trip lengths than approximately 5 miles (one-way) compared to the distance from these facilities. The EIR assumes that 1,375 truck trips⁶ would either be trucks with an empty trailer traveling to SCIG (unknown mileage – 688 trips) to pick up a container to take to the port (average approximately 5 miles – 688 trips). Conversely, it is unclear if the Project would accept containers from non-port facilities for rail transport.

A condition of approval should be placed on the Project to prohibit acceptance of container or trucks from other offsite non-port locations, such as the Hobart Railyard, as monitored via the trucks' GPS unit. Alternatively, the EIR should consider if evaluation of longer average truck trip length is necessary to account for trucks traveling from alternative, non-port facilities (e.g., empty domestic containers destined for Asia).

The District requests the EIR clarify the issues referenced above, including whether the SCIG Project would accept containers from non-port facilities for rail transport.

D. Health Risk

The proposed Project in combination with other Port projects has the potential to cause adverse health effects at the District's schools. In order to mitigate the Project-level and cumulative health effects from port activities, particularly the potential impacts on school-aged persons, the District requests the following modifications to the analysis and current mitigation measures included in the EIR.

1. The Cancer Risk to Children is Underestimated

107-20

The cancer risk factor for diesel particulate matter (PM) used in the HRA in the EIR does not account for the greater sensitivity of children to TACs. Research data from humans and animals suggests that exposure to a variety of carcinogens early in life may result in a greater lifetime risk of cancer compared to exposures later in life. As a result, guidance from State's Office of Environmental Health Hazard Assessment (OEHHA; 2009) now recommends that cancer risk factors be weighted by a factor of three for exposure of children ages 2 to 15 (Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures; OEHHA, May 2009). Age-specific cancer risk factors have been established in prior CEQA documents. For example, the Port of Long Beach used OEHHA's recommended age-specific risk factors to estimate cancer risk to children in the EIR prepared for the Gerald Desmond Bridge Replacement Project. The District requests that the SCIG EIR include analysis of cancer risk to children based on OEHHA's recommended age-specific risk factors.

2. The Non-Cancer Health Effects on Children are Not Quantified

107-21

The HRA does not account for the greater sensitivity of children to non-cancer health effects from diesel PM. 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 can impair lung function growth in children (CARB, 2006). The District requests that the

⁶ 5,542 truck trips – 4,167 containers = 1,375 truck trips.

107-21

EIR include additional efforts to adequately characterize—and mitigate—the un-quantified non-cancer health risks of diesel PM on school-age children.

3. The Significance Finding for TACs is Illusory

The EIR concludes the Project would not expose receptors to significant levels of TACs (Impact AQ-7, p. 3.2-82). Impact AQ-7 was found to be less than significant because of the unique way that the impacts are evaluated in the HRA. The HRA was conducted using a project-specific protocol that calculates CEQA static baseline risks (year 2005), subtracts proposed Project risks from the baseline risks, and then calculates a CEQA increment for comparison with the significance threshold of 10 in a million. Because emissions have decreased in the area since 2005—due in part to control measures such as the Clean Trucks Program (CTP) and Clean Air Action Plan (CAAP) that have long been well known to the Port—the CEQA increment is negative and thus below the threshold of 10 in a million.

107-22

However, the actual Project risks for residential, occupational, recreational, and sensitive receptors were calculated to range from 41 to 62 in a million, which would be considered significant impacts with a stand-alone Project evaluation. Use of the static 2005 baseline is obviously unrealistic, masks actual project impacts, and thwarts the intent of CEQA. The District requests that the TAC significance finding be reevaluated using a realistic baseline that provides an accurate depiction of current existing conditions.

4. The Health Risk to Schools is Underestimated

The HRA underestimates the risk to the surrounding community and District schools under Impact AQ-7, as described above. The EIR baseline scenario overestimates emissions because only one year (2005) is used to calculate 70- and 40-year averages, whereas the operational project emissions consider a 70-year period beginning in 2016. Using a 70-year period results in reduced emissions over time as older trucks are retired and new, lower-polluting trucks and locomotives are introduced into the fleet. Thus, the comparison of the CEQA increment (Project minus the 2005 baseline) with significance thresholds is skewed to favor the Project applicant because of unrealistically elevated baseline emissions in the EIR.

107-23

The District requests that the HRA include a realistic baseline that provides an accurate depiction of current existing conditions at the site.

5. Student Exposure Duration is Underestimated

According to OEHHA's *Air Toxics Hot Spots Program Risk Assessment Guidelines: The Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments*, a 9-year exposure timeframe should be used for evaluating risks to school children. However, the HRA used an exposure period of 6 years for school children. The HRA also assumed that students were present at the school sites only 6 hours/day; OEHHA recommends a school exposure period of 9.25 hours/day⁷. The District requests that the HRA include student exposure durations recommended by OEHHA.

107-24

6. The HRA Masks Significant Health Impacts

Both the unmitigated and mitigated health impacts, when evaluated in terms of just the proposed Project and not the CEQA Increment, exceed the cancer risk significance criterion of 10 in a million for the residential, occupational, sensitive, and recreational receptors (Section 7.0, p. C3-34 and C3-71). These

107-25

⁷ OEHHA, *Guidance for School Site Risk Assessment Pursuant to Health and Safety Code Section 901(f): Guidance for Assessing Exposures and Health Risks at Existing and Proposed School Sites*. Final Report, February 2004.

values range from 39 to 62 in a million. But the *student* receptor risk is reported to be a less than significant impact.

107-25

Because the HRA did not include the analysis, it is unclear whether the student cancer risk would exceed the significance criterion if the OEHHA-recommended exposure period (9 years), hours per day (9.25), and age-specific cancer potency factors were used. The District requests that the HRA and EIR evaluate actual Project health risks to schools using realistic baseline conditions, appropriate exposure durations, and agency-recommended age-specific risk factors.

7. The Cancer Burden is Not Calculated

107-26

The improper use of a 2005 baseline also resulted in the EIR's failure to calculate the cancer burden associated with the Project. The cancer burden is defined as the number of people within a facility's zone of impact which are exposed to cancer risks of 1 in a million or greater. The cancer burden was not calculated here because Project did not exceed the significance criterion (as determined by the CEQA increment using a 2005 static baseline). Therefore, it is not known how many people could be impacted by emissions from the SCIG facility. The District requests that the HRA and EIR calculate the cancer burden for the Project using realistic baseline conditions and contemporary census data.

8. Diesel PM Health Risk is Not Quantified

107-27

Although the EIR quantifies the cancer and non-cancer risks of diesel exhaust PM, there are additional health effects from diesel PM that are not quantified using the methodology in the EIR. The list of health effects for diesel PM not captured in the HRA in the EIR is long (see CARB, 2006), and is rapidly evolving, with new scientific findings being published regularly. The District requests that the EIR include additional efforts to adequately characterize—and mitigate—non-cancer health risks of diesel PM.

9. PM_{2.5} Concentrations are Underestimated

107-28

It appears that the PM_{2.5} emissions in the HRA are underestimated. The HRA relies on the EMFAC2007 model for on-road truck emissions calculations, which only reports PM₁₀ emissions and not PM_{2.5} emissions. The HRA should employ a methodology that reliably accounts for PM_{2.5} emissions as well as PM₁₀ emissions. For example, the SCAQMD has developed a methodology for calculating PM_{2.5} fractions from PM₁₀ based on the type of emission source. For on-road vehicle emissions, SCAQMD estimates that PM_{2.5} is 92% of PM₁₀. Here, in contrast, Table C1.2-9 in the HRA shows on-road truck transport PM₁₀ emission rates ranging between 11.76 and 11.88 gm/mile, and PM_{2.5} emission rates ranging from 1.72 to 1.83 gm/mile. Thus, the HRA shows a PM_{2.5} to PM₁₀ ratio of only 15%—far less than the SCAQMD estimate. Because the EIR air quality appendices and the HRA do not describe what method was used to derive the fractionally low PM_{2.5} concentrations compared with the PM₁₀ values, the EIR fails to adequately analyze Project impacts.

The District requests that the EIR describe how PM_{2.5} concentrations were determined from PM₁₀ values, and recalculate morbidity and mortality associated with PM_{2.5} concentrations derived using an appropriate and transparent methodology—such as the SCAQMD methodology referenced above.

10. Morbidity and Mortality Impacts from PM₁₀ and PM_{2.5} are Not Addressed

107-29

The methodology set forth in § 7.1.1 of the HRA minimizes the potential impacts of PM_{2.5} emissions. This section only discusses the impacts of PM_{2.5} and states that all of the off-site impacts will occur in an

↑ industrialized census tract and, therefore, the “project increment is not expected to have an impact on PM-attributable morbidity or mortality” (p. C3-49).

107-29

However, Appendix C-2 of the EIR (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 encompass several of the LBUSD school sites and West Long Beach neighborhoods. The unmitigated PM₁₀ Project concentrations are estimated to be 59.5 ug/m³ for a 24-hour period and 33.3 ug/m³ for an annual average, as compared to the SCAQMD criterion of 2.5 ug/m³ and 1.0 ug/m³, respectively. The mitigated PM₁₀ Project concentrations at 43.6 ug/m³ and 24.6 ug/m³ are also well above the SCAQMD thresholds.

The HRA only presents the contour for the 24-hour PM_{2.5}, presumably because this contour encompasses industrial areas and thereby allows the EIR to disingenuously dismiss further analysis of PM morbidity and mortality. The morbidity and mortality attributed to Project PM will affect schools to the east of the SCIG site and should be analyzed. Recent studies indicate that there is a 0.5% increase in mortality per 10 ug/m³ increase in PM₁₀ concentrations, so it is unreasonable to state that the Project is not expected to have an impact on morbidity or mortality attributed to PM.

The District requests that the EIR reevaluate morbidity and mortality attributed to PM₁₀ and PM_{2.5}, including impacts to schools.

11. The Combined SCIG and ICTF Health Risk Assessment Results Substantially Understate the Actual Risk

107-30

The flawed HRA methodology previously described was used to determine the risks for operation of the combined SCIG and ICTF projects and, as a result, the HRA risk assessment results have little meaning. This methodology relies on negative risk numbers and masks the true impacts of the SCIG and ICTF projects. Although the cancer risk from the combined projects is higher (90 in a million), the combined project *increment* is a negative number, and therefore, no significant impact is assumed. In reality, the impact of the combined SCIG and ICTF projects is approximately two times higher than the cancer risk reported for the SCIG Project alone.

Therefore, the risk to residential receptors and school children east of the projects would also be much higher with the combined SCIG and ICTF projects. The EIR even states that, “in this situation, where all receptors have negative results, the magnitude and location of the true maximum combined project increment have little meaning.” (p. 4-122.) The District requests that the cumulative analysis in the EIR be based on representative conditions and credible assumptions so that the results are meaningful.

E. Noise & Vibration

1. The Traffic Noise Analysis Methodology Should be Revised

The EIR utilizes a questionable methodology to calculate traffic noise levels and to assess the Project’s traffic noise impacts on the study area. This methodology should be revised.

107-31

↓ The noise contours used in the EIR’s noise analysis are not consistent with actual onsite conditions. The analysis relies on noise level contours that were calculated based on soft-site conditions. The soft-site contours are typically used in areas with landscaped and natural areas and rolling topography that promotes ground absorption of noise. However, the study area is actually mostly made of hard and non-absorptive surfaces such as asphalt and concrete, which will not absorb noise. Additionally, the noise contours presented in Tables 3.9-9, 3.9-18, and 3.9-19 state that noise impacts were calculated at 100-foot

107-31 ↑ from the road, but the calculations in the technical appendices show that noise impacts were actually calculated at 50-feet. The noise model calculations in the appendices also show that noise contours calculations assumed a near-far lane distance of 12-feet, which is well below most street widths. Further, the noise analysis mostly assumes that speeds on nearby freeways will be less than 40 mph, and less than 20 mph on several local roadways. These unrealistic speed assumptions thereby substantially and artificially understate traffic noise impacts.

The District requests that the traffic noise levels analyses be revised in accordance with the above comments, including traffic noise contour calculations with the correct near-far lane widths and with the use of free-flow traffic speeds on arterial roadways and freeways.

2. The Traffic Noise Analysis is Missing Data and has Erroneous Conclusions:

107-32 The traffic noise analysis and Table 3.9-20 are missing data regarding future traffic conditions and contains errors that do not disclose potential traffic noise impacts at various roadway segments. The traffic analysis and the EIR appendices do not adequately discuss traffic volumes for 2023 conditions (*i.e.*, Project buildout). The noise analysis should disclose the source for traffic volumes and explain the assumptions used to obtain traffic forecasts and associated noise projections. Additionally, Table 3.9-20 includes miscalculations which, due to rounding, understate impacts by rounding noise increases below the 3 dBA threshold. For example, the table lists a noise increase of 3.0 dBA for West Harry Bridges Boulevard between Mar Vista Avenue and Hawaiian Avenue, but the actual increase should be 3.1 dBA. An increase greater than 3.0 dBA is considered a potential significant noise impact, but, as shown in this example, miscalculations lead to an understatement of the increase in noise impacts and results in erroneous conclusions.

The District requests that the noise analysis be corrected in accordance with the above comments.

3. The Traffic Noise Analysis Does Not Adequately Address the 710 Freeway

107-33 The impact analysis does not include all potential noise impacts from Project traffic on the 710 Freeway. Table 3.9-20 (Year 2023 Project Roadway Traffic Noise Level Increase) does not include the impacts on portions of the 710 Freeway located north of Ocean Boulevard, where Chavez and Edison Elementary Schools are located. Existing noise measurements taken at Cesar Chavez Park, which is adjacent to Chavez Elementary School, already exceed 65 dBA Leq, which could interfere with normal outdoor activities at school outdoor areas. As discussed in the EIR's noise analysis, the ambient noise level at that location is dominated by traffic noise from the 710 Freeway. The noise analysis did not properly evaluate long-term conditions or the effect of additional Project traffic, which could aggravate the already high noise levels at Chavez and Edison Elementary Schools located in close proximity to the 710 Freeway.

The District requests the noise analysis be revise to correct the deficiencies noted above.

4. The Noise Analysis Does Not Provide Sufficient Technical Detail:

107-34 The technical details of the noise analysis are incomplete and wholly inadequate. The EIR—either in the main text or in the Appendix F1—does not include (a) analysis inputs, (b) calculation datasheets, (c) a detailed description of the methodology(s) utilized, or (d) any example calculations to verify the assumptions and to demonstrate the results for:

- groundborne vibration impacts
- construction noise impacts
- stationary source impacts

107-34

- train operations impacts
- train horn impacts
- barrier wall calculations
- barrier mitigation incremental improvements

The District requests that the EIR be revised to address these deficiencies, including provision of noise calculation data sheets and analysis presentations in the appendices as part of the technical report.

5. The Noise Analysis Methods and Measurement Locations are Unclear

107-35

The EIR does not contain sufficient or proper information on the locations, methodologies, or instrumentation used for noise and vibration measurements, even though the EIR purports to include that information in Appendix F1 (as noted on pages 3.9-7 and 3.9-8). Further, the depiction of the measurements shown in Figure 3.9-2 is unclear and uninformative due to the large viewpoint, the graininess/pixelation of the image, and the exaggerated map symbols (some of which cover an entire city block). Even the few locations that were marginally specified (e.g., 1330 Canal Street) do not provide enough detail (such as “front yard”, “back yard”, or “end of driveway”) to allow for replication. There are no narrative descriptions, no GPS coordinates, and, typically, no dimensions provided on the field data sheets (see, for example, pages F1-201 or F1-212). More troubling, the majority of locations were so generally described that it would be impossible for someone to go to the locations where the measurements were made (e.g., “Cervera Street” or “Hudson Park” or “Island Yacht Marina”). This lack of information precludes repeatability by any other parties, as well as verification of suitability and representativeness for the types of measurements that were conducted.

The District requests the EIR be revised to correct the deficiencies noted above.

6. Information Supporting the Noise Analysis is Missing:

107-36

The EIR does not contain sufficient or proper information on sound propagation, or detailed discussions on vibration, even though page 3.9-5 claims there is a detailed discussion in Appendix F1. The EIR is also missing information concerning construction equipment noise emissions, time-usage factors, analysis assumptions, or construction noise propagation calculation sheets, despite the claims to the contrary on page 3.9-33. 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 requests the EIR be revised to provide the missing information noted above.

7. Construction Noise Would Significantly Impact Outdoor Activity at Schools

107-37

Construction activities would cause significant noise increases at schools and would interfere with outdoor activities. Noise level increases due to construction activities would last for a long period of time—approximately 3 years. The noise analysis does not clearly indicate the increases and how construction noise would interfere with outdoor school activities. According to Table 3.9-22, Hudson Elementary School would be affected by noise levels of up to 70 dBA Leq due to construction activity, compared with existing ambient noise levels ranging from 54.2 to 57.8 dBA Leq. Similarly, noise levels during construction at Cabrillo High School would increase from the existing 51.0 to 52.0 dBA Leq to approximately 58 dBA Leq, and at Bethune School from approximately 64 dBA Leq to approximately 71 dBA Leq. Because noise increases of 5 dBA or more are readily perceptible, construction noise would cause temporary noise increases that would be perceptible, disturbing, and would interfere with outdoor activities, especially activities at athletic fields and playgrounds. Additionally, even with the proposed

107-37

mitigation measures, exterior noise due to construction would still cause readily perceptible noise increases over 5 dBA at the Hudson Elementary School and Cabrillo High School during the 3-year construction period. Noise impacts at these locations during the 3-year construction period would remain significant and unavoidable, but this impact is not addressed.

The District requests that the EIR be revised to clearly indicate how construction noise would interfere with outdoor school activities.

8. Construction Noise Would Significantly Impact School Classrooms

107-38

Project construction would cause readily perceptible noise increases and noise levels that would exceed the 45 dBA Leq noise standard for school classrooms required by the California Building Code. Section A5.507 of the 2010 California Green Standards Building Code requires that public schools and community colleges must have a maximum background noise level of no more than 45 dBA Leq in unoccupied, furnished classrooms. Project construction would cause readily perceptible noise increases of 5.4 dBA in classrooms at Bethume School, and 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 noise standard.

The construction noise analysis does not account for all of the Project features. Mitigation measure MM NOI-1 requires the construction of a 12-foot sound wall along the easterly right-of-way of the terminal Island Freeway. However, the noise analysis does not estimate the noise reduction provided by the sound wall nor indicate whether it would reduce construction noise impacts to less than significant levels.

The District requests that the EIR 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.

9. The Noise Analysis Provides Insufficient Supporting Information

107-39

The noise section contains numerous assertions, assumptions, and declarations that are not founded, discussed, developed, or justified. For example:

- There is little to no development as to the importance and widespread use of the L_{max} and SEL noise metrics.
- There is no development or justification for the conversion of Leq to SEL by adding 35.6 dBA, yet this adjustment is used extensively throughout both the noise section and Appendix F1.
- There is no reference for the choices of 20 dBA and 12 dBA exterior-to-interior noise reduction for windows closed and open, respectively. While these are acoustically reasonable choices, no citation or justification is provided.
- There is no justification for the establishment of Impact Threshold NOI-4 (and -8) via the FICAN 1997 curve. The EIR should explain why an 80 dBA SEL and 10% awakening was selected rather than, for example, 70 dBA SEL and 6% or 60 dBA SEL with 4% awakening.
- There is no justification or discussion regarding the details of Impact Threshold NOI-5 (and -9) and the USEPA sentence intelligibility curves. The EIR should explain why classroom noise impacts are analyzed based on a “normal voice” with 95% intelligibility and the associated 52 dBA interior sound level, rather than “relaxed conversation” with 95% intelligibility and the associated 42 dBA

107-39

interior sound level, or “relaxed conversation” with 100% intelligibility and the associated 32 dBA interior sound level for classroom impacts. Better yet, the EIR should use an industry standard that is specifically aimed at establishing prudent classroom acoustical environments, such as ANSI S12.60 “Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools” (American National Standards Institute, 2002).

The District requests the EIR be revised to provide support for the assumptions throughout the noise analysis, including the examples noted above.

10. The Port Must Insure that Noise Mitigation is Feasible and Enforceable, and the Mitigation Measures Are Actually Implemented

107-40

Two of the three noise mitigation measures are problematic for feasible implementation and are not proven to be either acoustically or financially viable. Mitigation measures NOI-1 and NOI-3 rely on the construction of noise barriers on land that is not under the control of BNSF (the Project applicant). The measures gloss over this issue with the statement that “right-of-way acquisition...shall be the responsibility of BNSF.” This completely ignores the fact that the sound walls are over 4,200 feet in total length (a fact that is not divulged in the EIR) and it may not be feasible for BNSF to acquire the necessary right-of-way. The EIR must confirm that the mitigation measure is feasible, and provide a reasoned explanation for this determination. If these walls cannot be fully implemented as depicted in the EIR, then noise impacts during construction may remain significant and unavoidable.

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.

F. Recreation

107-41

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 EIR dismissed these potentially significant impacts without any evaluation or justification.

The District requests that the EIR 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

107-42

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. The District’s NOP comment letter is attached to this letter as Exhibit D. 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 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 EIR must provide a thorough analysis of these issues.

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. By reference to this section of the letter, a copy of which is attached to this letter as Exhibit D, the District requests evaluation of the Project’s impacts on all of these concerns.

H. Transportation/Traffic

1. The Baseline Year Traffic Counts Are Not Representative

The traffic analysis states that the baseline year for the analysis is 2005, but the traffic counts to document existing conditions were taken during the recession periods of 2008 and 2009. As a result, the EIR significantly misrepresents baseline conditions.

The traffic count data sheets included in Appendix G shows that the vast majority of intersection turn movement count data and roadway segment traffic data was taken in August 2008 and May 2009. Port statistics indicate that the Port of Long Beach⁸ processed approximately 25% less TEU in 2009 than in 2005, and approximately 20% less than the most recent data for 2010. Similarly, the Port processed approximately 10% less containers in 2009 (versus 2005)⁹. Activity in 2009 was the lowest in recent years and should have been adjusted to provide a representation of baseline conditions.

The use of lower baseline traffic volumes provides an unrealistic representation of existing traffic conditions by presenting better levels of service at intersections and roadway segments. A lower baseline would also provide lower long-range traffic forecasts, as such forecasts are derived from model results that are post-processed utilizing existing traffic counts.

⁸ http://www.polb.com/economics/stats/yearly_teus.asp

⁹ <http://www.portoflosangeles.org/maritime/stats.asp>

Because the unrepresentative traffic counts were not adjusted to reflect true baseline conditions, the traffic forecasts for existing and long-range conditions were improperly estimated and resulted in lower volumes and better levels of service than if 2011, or even 2005, traffic counts were utilized.

107-43

The District requests that the EIR traffic analysis be revised with representative baseline conditions so that Project impacts are properly estimated.

2. The Aggressive Lift Assumptions Yield Inexplicably Low Trip Generation Rates

The EIR assumes a very aggressive and efficient scenario for “direct-to-railcar live lift,” which reduces the estimated number of trips generated by bobtails. This underestimates Project impacts.

The EIR estimates a trip generation of 1.32 truck trips per intermodal lift, compared to typical trip generation 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 EIR 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 within 2 to 10% of actual counts for all terminals.

107-44

Section 2.4.4.1 of the 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,” is very efficient because the container is loaded immediately onto the railcar as opposed to being parked in a temporary location, which requires extra equipment activity to bring it to trackside later. However, the trip generation for the Project presented in 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 EIR 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.

3. The Traffic Analysis is Flawed—Hobart Railyard Capacity is Not Reduced With SCIG

The EIR assumes that 95% of truck trips for SCIG would be diverted from Hobart Railyard. As discussed earlier in this letter, this is an unrealistic assumption that overestimates Project benefits and underestimates Project impacts. A more realistic scenario should have been used. In addition, as the SCIG Project reaches capacity in 2023, increased truck traffic would likely be routed to Hobart Railyard, a condition that is not properly evaluated in the EIR.

107-45

Section 3.10.3.3.2 states that because of the Project’s location (approximately 4 miles from the Ports), the Project would eliminate 95% of existing and future intermodal truck trips between the Port and the Hobart Railyard by diverting them to the proposed SCIG facility. This is a rather optimistic assumption, to say

107-45

the least—it is likely that a much larger portion of intermodal truck trips would still use Hobart Railyard to avoid container staging and operational constraints at SCIG, or to take advantage of capacity for intermodal cargo immediately available on an outbound train from Hobart Railyard. This assumption of 95% cargo diversion from Hobart Railyard results in an estimated (but unsubstantiated) net decrease in traffic to roadway and freeway segments north, west, and east of the Project site, including in the vicinity of District schools. As a result, the EIR analysis underestimates Project traffic (and air quality) impacts to District schools.

The District requests that the unsubstantiated, unrealistic and misleading Hobart trip reduction scenario be removed from the EIR and the traffic analysis in the EIR be revised accordingly.

4. Construction Traffic Impacts Analysis is Inadequate

The traffic impact analysis does not properly evaluate traffic generated during construction. Construction of the Project would require the export of 175,000 cubic yards of soil, and an undisclosed amount of demolition debris. In addition, the Project calls for the import of approximately 245,000 tons of aggregate, and 310,000 tons of asphalt concrete. Assuming an average of 16 cubic yards per truck, the import and export of these materials would generate approximately 90,000 truck trips during the construction period, mostly occurring in 2013. Section 2.4.3.2 identifies several onsite improvements and time frames, including:

107-46

- Demolition – 4-5 months
- Earthwork – 9 months
- Fine Grading and Sub-Grade Preparation – 2 months
- Paving – 3 months

The traffic analysis briefly discusses the number of truck trips per day, but does not disclose the assumptions used to arrive at an average of 330 trucks per day. It is likely that because these phases overlap, truck traffic during construction could cause delays at specific intersections.

The District requests that the EIR disclose the assumptions underlying the estimated 330 construction trucks per day and thoroughly evaluate construction traffic impacts at specific intersections.

IV. CONTRIBUTORS

The District’s review of the EIR and preparation of this comment letter was performed with expert assistance from the individuals at The Planning Center, Inc:

107-47

Mr. Dwayne Mears, AICP; Principal

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Mr. Fernando Sotelo, Senior Planner, Air Quality & Noise

V. CONCLUSION

107-48 | The EIR is fatally flawed, primarily because it fails to adequately evaluate reasonable alternatives to the proposed Project, it relies on obviously unrealistic baseline conditions to determine significance of impacts, and it does not appropriately account for health impacts to District schools—especially cancer risk to school-age children. We appreciate the opportunity to participate in the environmental review process for this Project and trust that the Port will rectify the deficiencies in the document and recirculate the EIR.

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

CM:khr

cc: Chris Steinhauser – LBUSD Superintendent of Schools
Jim Novak – LBUSD Chief Business & Financial Officer
The Planning Center
File

Enclosures:

Exhibit A – District Board of Education Resolution

Exhibit B – Major Port-Area Projects and Nearby LBUSD Schools

Exhibit C – DPM Progress to Date & Forecasted Benefits; Fig ES.1 from CAAP Update 2010

Exhibit D – District's NOP letter

1 Comment Letter 107: Long Beach Unified School District**2 Response to Comment 107-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 Response to Comment 107-2

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

11 Response to Comment 107-3

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 107-4

18 This comment refers to chapters or sections of the DEIR that were recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 Response to Comment 107-5

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 Response to Comment 107-6

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 Response to Comment 107-7

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 Response to Comment 107-8

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 Response to Comment 107-9

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 107-10**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 107-11**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 107-12**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 107-13**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 107-14**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 107-15**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 107-16**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 107-17**

23 This comment refers to chapters or sections of the DEIR that were recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 107-18**

26 This comment refers to chapters or sections of the DEIR that were recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 107-19**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 107-20**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 107-21**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 107-22**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 107-23**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 107-24**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 107-25**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 107-26**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 107-27**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 107-28**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 107-29**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 107-30**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 107-31**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 107-32**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 107-33**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 107-34**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 107-35**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 107-36**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 107-37**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 107-38**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 107-39**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 107-40**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 107-41**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 107-42**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 107-43**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 107-44**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 107-45**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 107-46**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 107-47**

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 107-48**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22
23 The commenter also attached several documents. These documents refer to a chapter or
24 section of the DEIR that was recirculated or the Notice of Preparation. No response is
25 necessary on the DEIR comments per CEQA Guidelines §15088.5(f)(2). Copies of the
26 commenter’s attachments are included in the electronic versions (CD and POLA website)
27 of the Final EIR. The commenter’s attachments:

- 28 1. A Resolution of the Governing Board of Education of the Long Beach Unified
29 School District Opposing Certification of the Southern California International
30 Gateway Facility Environmental Impact Report as Currently Circulated by the
31 Port of Los Angeles
- 32 2. Major Port-Area Projects and Nearby LBUSD Schools
- 33 3. Port of Los Angeles and Long Beach Measurements of Diesel Particulate Matter
- 34 4. Comments on the Notice of Preparation (See DEIR Appendix A for Notice of
35 Preparation comments.)

36
37
38

Ernesto Nevarez
52041 Panorama Dr.
Morongo Valley, CA 92256
portofaztlan@yahoo.com

To: Harbor Commissioners
Port of Los Angeles

Re: Proposed SCIG Project and Draft Environmental Impact Report

I support the SCIG project.

Background:

The facility already has a major rail spur and the operation already is related to cargo movement.

The current operation, CalCartage et al. is the largest trucking operation on the west coast and is opened 24/7 364 days a year.

108-1

CalCartage and subsidiaries have over a thousand trucks in their operation each capable of completing 2.5 trips to the port a shift with two shift potential amounting to 5 thousand trips a day and between 1.5 million to 2 million drayage trips a year. These are only trips from the port to the yard. What goes in must come out. The cargo not put on the rail spur then must be transloaded and put into trailers for regional distribution by over-the-road truckers thereby doubling the number of trips!

There are fears that many employees would lose their jobs! A review of CalCartage's Business Tax Registration with the City of Los Angeles will show that CalCartage et al. has very few employees at all. For tax and labor rights purposes it claims that the drivers are independent contractors but for pandering to the public sentiment in this case is including the drivers as their employees.

108-2

It is further incorrectly suggested that only 250 to 400 persons would be employed by SCIG. Some figures estimate that as many as 2,000,000 containers a year will enter the facility with many leaving my train buy many utilizing the trucking modal. According to prior POLA figures a single truck driver can handle 2.5 loads a day which comes out to approximately 600 a year. The number of collateral jobs created by SCIG will be incredible!!!

Faulty Assumptions:

“All of the drayage trucks currently in operation at the existing uses of the project site meet the 2007 EPA standards.”

The report fails to identify how many intermodal containers are currently transferred by the rail spur. CalCartage is the largest transloading operation in the port, especial the cross-dock loading from ocean container to rail car. Any cargo not transferred to rail car either remains in the container for an additional trucking modal or is transloaded into a 53 foot trailer for regional transfer to distribution centers. Most loads drayed by CalCartage with clean trucks bring the containers to the yard on behalf of brokers and major clients. CalCartage supplies a service to dray at least a million containers a year from the port to the first point of landing outside the port which is their yard. The clients then send their trucker to terminate the movement of the container and these trucks do not necessarily meet the 2007 standards!!! The same is true for the out-of-state trucks that pull the 53 foot trailers that the cargo from the ocean containers is put into.

Conclusion:

It is not my intention to attempt to argue scientific measurements of pollution nor the health affects on the community. Listening to many of the arguments regarding this project and having attended prior public hearings I am concerned that there has been little scrutiny of what is currently at the proposed project site. There has been a lot of fear raised about the unknown, the “big bad railroad...” but there has been no real substantive look at what is there already. The SCIG facility will not replace a Central Park, a wildlife preserve, nor a protected habitat. It will replace the CalCartage et al operation, the Port’s little secret, a site with a massive pollution footprint and the root of the underground economy here in the community.

Back in 1984-1986 I was a member of the Wilmington/Long Beach based Harbor Coalition Against Toxic Waste and still support a clean environment. Since then I have been an activist in the local drayage industry and have been an expert witness in civil litigation, been quoted in various studies and journals, and have participated in numerous public hearings at all levels of government. My support for a clean environment cannot be doubted but I believe that decisions regarding the environment should take into consideration the truth and not be swayed by emotion as to do so allows special interest such as CalCartage to manipulate the facts with mis-truths.

Sincerely,


Ernesto Jesus Nevarez

January 31, 2012

1 **Comment Letter 108: Ernesto Nevarez**

2 **Response to Comment 108-1**

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 108-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 108-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

15

January 31st, 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 DRAFT
ENVIRONMENTAL IMPACT REPORT**

Dear Chris:

I would like to take this opportunity to provide additional detail to my remarks at the Public Hearing held in Wilmington on November 16th, 2011, for the purpose of providing comment on the Draft Environmental Impact Report (“DEIR”) 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.

As I'm sure you're aware, no project of this magnitude could possibly be planned, certified, and constructed without the possibility of unintended consequences. While I'm sure other unintended consequences exist as a result of this Project, the consequences with respect to the continuation of Fast Lane are significant and real.

Fast Lane has occupied the land that has been identified as necessary to the project since 1988 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 is widely distributed, as well as drains and sumps. Important features of our repair and maintenance area is that they are in very close proximity to our warehouse and administration offices, they are not obstructed by overhead utility distribution, and there are there no at grade obstructions.

109-1

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, most 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 this 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.

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 of Proceed was issued, the public, including our customers, competitors, and most importantly, our employees 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 SCIG 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 six years) has had a demoralizing affect on our staff and has resulted in a less than optimal work environment.

Additionally, our property value has suffered as a result of the Project. Knowing a major project

could lead to the taking of our property has affected the market value, again, due to doubt and uncertainty. This doubt and uncertainty are certainly unintended consequences that have resulted from the issuance of the Notice to Proceed.

The loss of our present location 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

The following must be taken into consideration for the adequate and successful relocation of the heart of our business:

- The relocated site must *not* be configured in such a manner that the utility of the site is diminished or inefficient as a result of impaired access due to railroad crossings, or being obstructed aerially or at grade
- The relocation site must provide equivalent acreage with similar constructive utility (sufficient area and in a configuration suitable for storing dislocated containers)
- The relocation site must provide a suitable and equivalent area for the replacement of our existing infrastructure (office, warehouse, maintenance facilities, and equipment repair area)
- The relocation site must have adequate public access
- The relocation site must not be subject to a government taking in the near future (Port of Long Beach Pier B On Dock Rail Support project, for example)
- The taking of our owned property must *not* result in loss of or impaired access to the parcel licensed from Southern California Edison which would be severed from public access and which is currently accessible from our owned property
- The relocation site must continue to allow Fast Lane access to the Overweight Corridor
- The relocation site must provide adequate public utility access (sewer, power, water, communication, etc.)
- The relocation must occur without disruption to existing operations and include an adequate transition period
- The relocation site must be permitted and entitled for its intended purpose (container storage, trucking, equipment repair)
- The relocation site must have adequate road conditions and traffic circulation to support hundreds of truck trips per day as is currently supported by Fast Lane's existing site (120,000 round truck trips as identified in the DEIR)

With regard to the DEIR, I would like to address the following:

Our company name is referenced in at least 64 locations in the DEIR. Unfortunately, there is little consistency with regard to the reference of our company name. I request that in the Final Draft Environmental Impact Report ("FEIR"), you use our proper name, Fast Lane

↑ Transportation, Inc., or adopt an abbreviation (“Fast Lane”?) and use it consistently throughout the FEIR. This may seem insignificant, but it was very difficult to perform a search to find our name in the DEIR because of the inconsistent reference to our company name. As a matter of fact, I found eight distinct names used to reference our company. Please see the table below, for your convenience, in identifying the locations requiring correction:

109-2

Chapter	"Fast Lane"	"Fast-Lane Transportation"	"Fast Lane Transportation"	"Fast Lane, Inc."	"Fast-Lane"	"FastLane Transportation"	"Fastlane Trucking"	"Fastlane"
Cover Page								
Table of Contents	1							
Executive Summary		1	1	1				
Ch 1: Introduction				1				
Ch 2: Project Description	1	3	3		4			
Ch 3.0: Environmental Analysis								
Ch 3.1: Aesthetics/Visual Resources	1	2			1			
Ch 3.2: Air Quality and Meteorology	4					1	2	
Ch 3.3: Biological Resources								
Ch 3.4: Cultural Resources								
Ch 3.5: Geology and Soils								
Ch 3.6: Greenhouse Gas Emissions and Climate Change	2					1		
Ch 3.7: Hazards and Hazardous Materials	5							
Ch 3.8: Land Use	2	2	1		5			
Ch 3.9: Noise								
Ch 3.10: Transportation/Circulation	2							
Ch 3.11: Public Services and Utilities								
Ch 3.12: Water Resources								
Ch 4: Cumulative Analysis	1				2			
Ch 5: Alternatives	4							
Ch 6: Environmental Justice								
Ch 7: Socioeconomics and Environmental Quality								
Ch 8: Growth-Including Impacts								
Ch 9: Significant Irreversible Changes								
Ch 10: References	3							
Ch 11: List of Preparers and Contributors								
Ch 12: Acronyms								
App A: Notice of Intent/Notice of Preparation/Initial Study			1					
App B: Aesthetics Visual Resource Methodology								
App C1 (Air Quality Appendices): Criteria Pollutant and GHG Emission Calculations								
App C2 (Air Quality Appendices): Dispersion Modeling of Criteria Pollutants for the SCIG								3
App C3 (Air Quality Appendices): Health Risk Assessment for the SCIG								3
App D: SCIG Cultural and Paleontological Reports								

I would also like to take exception to the many references of Fast Lane being a "tenant" or a "Port tenant" throughout the DEIR. As you know, with regard to the Project, Fast Lane is NOT a tenant of the Port of Los Angeles. Fast Lane Transportation, Inc. is the owner of record, or a long term tenant of Hanson Aggregates, of the land which has been identified as necessary for the Project. I would appreciate the elimination of any references of Fast Lane being a tenant of the Port. I believe it is misleading to the general public, customers, competitors, and employees and harms our reputation since I have been maintaining to the groups listed above for decades, that we own our business property and any conflict with that statement in the DEIR could result in a loss of confidence in my representations.

109-3

For your convenience, I have listed the locations in the DEIR where Fast Lane is represented as a "tenant" or a "Port tenant":

- Executive Summary, page 4
- Executive Summary, page 9
- Chapter 2, page 6
- Chapter 2, page 7
- Chapter 2, page 17
- Chapter 2, page 18
- Chapter 2, page 26
- Chapter 3.2, page 29

I would also like to address an inconsistent and troubling section in the DEIR. Throughout most of the DEIR, when a reference is made to relocation, the businesses/organizations identified as subject to relocation are the Alameda Corridor Transportation Authority (ACTA) Maintenance Facility, California Cartage, and Fast Lane. These references generally refer to the construction of the facilities necessary to support the activities of these businesses/organizations. In Chapter 3.6, "Greenhouse Gas Emissions and Climate Change", page 26, line 29, clearly states

These mitigation measures would also apply to certain relocated tenants including California Cartage on the 10-acre site, and ACTA. These measures would not apply to Fast Lane because the Fast Lane relocation site does *not* require any new construction other than providing land for more container storage. (Emphasis added)

109-4

I presume this is a simple, but *major* error in the DEIR. If there is any validity to the statement that the Fast Lane relocation site does not require any new construction, it will have a material impact on how I plan to move forward in addressing the future needs of my company because clearly, Fast Lane will not be able to continue in operation if our relocation consists *only* of "land for more container storage". As stated previously, we will have *no* customer base without adequate infrastructure to support equipment maintenance and repair.

The sections in the DEIR that address construction of new facilities are located on the following pages:

109-4

- Executive Summary, page 8
- Executive Summary, page 9
- Chapter 2, page 17
- Chapter 2, page 26

Assuming that construction of new facilities *is* anticipated, this brings up another concern, and that is the construction schedule of the Project. The construction time line for the Project is repeatedly referenced as the three years between 2013 and 2015. Apparently, the construction of our relocated facilities is supposed to take place during that same time frame. I have concerns that the construction of a relocation site for Fast Lane could be accomplished during that time line since all of the following would have to be accomplished:

109-5

- Identification of adequate relocation site (as addressed previously in this letter)
- Ensuring of proper zoning and entitlement for container storage (particularly for six high stacking) and repair
- Hazardous contamination remediation (if any)
- Relocation of utilities and other obstructions
- 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

One aspect of relocation for which I could not find any specificity was with regard to who would be responsible for construction of the new facility. I could not find anywhere in the DEIR where it was specified that the Port would assume responsibility for the items listed above. I can assure you that Fast Lane does not have the resources or ability to assume the financial burden of this responsibility.

109-6

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 24. This implies a loss of storage revenue. Will the Port be responsible for this loss?

109-7

I would like to address the limitation and deficiencies, specifically, of the relocation site identified in the DEIR. This site has a number of problems associated with it, not the least of which is its configuration. There are actually two parcels, one shaped like a "witches hat" (a triangle with convex sides), and the other, a small letter "f". Neither of these shapes is conducive to container storage, nor warehouse/repair facility operations. To make matters worse, the "f" shaped parcel is accessible only by public right of way (unlike our existing configuration in which the heart of our operation is contiguous to the remainder of the facility), and access to the "witches hat" parcel is only by crossing an at grade rail line (private crossing, I presume).

109-7 ↑ Furthermore, the “f” shaped parcel consists of land already occupied by Fast Lane (the lower horizontal portion 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 really isn't 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 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 angle of the “f” shaped relocation 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.

109-8 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 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 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.

109-9 Presumably, the access to the relocation site will be from the south (Anaheim Street) and not a major state highway from which we currently access our facility. This rerouting of access will require serious evaluation because redirecting at least 120,000 round truck trips (as identified in the DEIR) creates challenging circulation issues, not only at the relocation site, but the intersections of those routes leading to the relocation site such as the southbound Anaheim Street exit of Terminal Island Freeway at East “I” Street, 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”.

109-10 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 road way is also damaging to vehicle tires and other components, and if East “I” Street is the designated access route to the relocation site, 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.

109-11 ↓ With regard to Chapter 3.8, “Land Use”, page 3.8-12, how will relocation be compatible (or not) with the Wilmington-Harbor City Community Plan regarding access, landscaping, height

109-11 ↑ limitations, noise, and view mitigation?

109-12 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 reference to “degree of separation” (page 3.8-25) is disingenuous and uninformed with regard to the impact on our business. The comment regarding separation from the “community” is irrelevant. What *is* relevant is the “internal” separation, and separation from the “business” community. These impacts will be significant!

Also in Chapter 8, page 27, reference is made “that relocation is assessed in detail in this EIR”. I could find no details regarding:

- 109-13
- Construction of a new facility
 - Ownership of the relocation site
 - Schedule for transition from existing location to relocation site

Other concerns with the DEIR include the statement that the Project would be “consistent with existing zoning” in the Executive Summary, page 23. While the relocation site 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.

(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.

109-14

109-14

↑
(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.

109-15

Also, the statement on the same page (ES-23) 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.

109-16

Another concern with regard to land use is the introduction of container stacks where none currently exist. Container storage is a sensitive subject in Wilmington, and I do not want to face community opposition simply because we were forced to relocate.

In the Executive Summary, page 26, 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 identified relocation site, we may have to expand into an area of the community in which containers, although permitted, may not be the most desirable land use.


109-17

Finally, I would like to get clarity with regard to which agency, if this project is certified, would be responsible for the taking of our business property since, as I understand it, the Port will not be involved in either the taking or relocation with respect to non Port owned property.

Similarly, I understand the Port will 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.

Thank you for allowing me the opportunity to comment on the contents of the SCIG DEIR. I look forward to your satisfactory responses to my questions and concerns.

Respectfully,


Patrick Wilson
President

1 Comment Letter 109: Fast Lane**2 Response to Comment 109-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 Response to Comment 109-2

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 Response to Comment 109-3

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 Response to Comment 109-4

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 Response to Comment 109-5

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 Response to Comment 109-6

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 Response to Comment 109-7

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 Response to Comment 109-8

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 Response to Comment 109-9

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 Response to Comment 109-10

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)).

1 **Response to Comment 109-11**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 109-12**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 109-13**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 109-14**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 109-15**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 109-16**

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)).

22 **Response to Comment 109-17**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25
26

February 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: 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 provide the following comments in support of the 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

110-1



↑ 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.

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.

110-1

The Alameda Corridor is currently utilized by an average of 40 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 110: James Hankla**

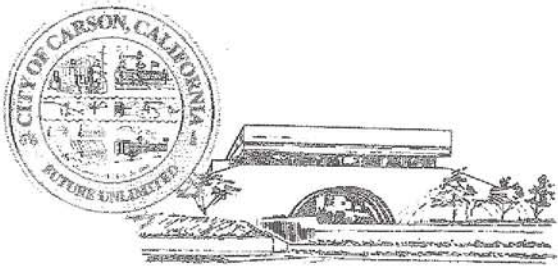
2 **Response to Comment 110-1**

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 The commenter attached two additional documents. These documents do not specifically
10 address sections of the DEIR or its adequacy. Therefore, no responses are provided.
11 Copies of the commenter’s attachments are included in the electronic versions (CD and
12 POLA website) of the Final EIR. The commenter’s attachments were:

- 13 1. Alameda Corridor Fact Sheet
14 2. Press Release regarding the Alameda Corridor, December 4, 2003

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16
17



CITY OF CARSON

January 31, 2012

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

Re: City response to the Southern California International Gateway (SCIG) Draft Environmental Impact Report (Draft EIR)

Dear Mr. Cannon:

In response to the Port of Los Angeles public notice, please accept the following comments to the Draft Environmental Impact Report for the Southern California International Gateway Project. Based on evaluation of the Draft EIR, city staff believes that additional analysis and discussion are needed to address the anticipated environmental impacts of the proposed intermodal container rail facility. The City of Carson appreciates the opportunity to provide comments as a means of improving the relationship between this and other port related projects with the surrounding communities.

- 111-1 | 1. In addition to the Long Beach and Wilmington communities, Carson will also be impacted by the approximately 2 million truck trips generated by the proposed SCIG facility. However, the Draft EIR does not discuss potential impacts to Carson, including but not limited to residents and businesses located east of Alameda Street between the 405 Freeway and Dominguez Street. The Draft EIR should analyze project and cumulative noise impacts, air quality impacts and health risks within Carson and identify mitigation measures to reduce potential adverse impacts to Carson residents and businesses;
- 111-2 | 2. The overriding assumption used for the SCIG traffic impact analysis is that the truck trips that currently occur between the port terminals and the Hobart Yard rail facility would be eliminated and replaced with shorter truck trips between the port terminals and SCIG, which would thereby eliminate site-generated truck traffic north of the SCIG facility. This premise appears to be valid if it can be assumed that all of the truck trips originate and end in the port area. It is likely, however, that many of the trucks that drop off containers at SCIG at the end of the truck driver's shift would depart SCIG with a non-port destination and thereby impact the roadways north of the SCIG site; e.g., Alameda Street. The Draft EIR traffic analysis does not address the impacts of these truck trips that do not travel directly between the port terminals and SCIG.

- 111-3** | 3. The Draft EIR assumption that SCIG will greatly reduce truck trips to the Hobart Yard appears to be flawed in that Hobart Yard will still exist if SCIG is built. The Draft EIR should evaluate whether the capacity that will be opened up at Hobart Yard by building SCIG will be filled with additional domestic freight truck trips to Hobart Yard before assuming a reduction in truck trips;
- 111-4** | 4. The Draft EIR appears to use the wrong baseline by comparing future emissions with levels from 2005 (seven years ago) and does not properly disclose or offer mitigation measures for expected impacts of the project based on current emission levels;
- 111-5** | 5. For some impacts such as cancer risk, the Draft EIR concludes that the project will have no adverse impacts, even though the project will have greater health risks than would occur without the project. To properly and empirically assess the true health risks, a "health impact assessment" study must be prepared to adequately establish a "community health condition" baseline of the existing number of asthma and respiratory and cancer clusters that may exist today within the SCIG residential environs inclusive of Carson;
- 111-6** | 6. Regarding air quality impacts associated with nitrogen dioxide which are associated with asthma and other respiratory systems, the Draft EIR states that the project will cause nitrogen dioxide levels over a broad area that are substantially worse and many times over than the federal health standard, however, it provides no viable mitigation early in the project implementation to address nitrogen dioxide impacts;
- 111-7** | 7. Zero-emission technologies such as hybrid electric trucks can be deployed early in the start up of the project; however, the proposed project conditions do not require the deployment of zero-emission technologies. Additional analysis is recommended to determine the feasibility of utilizing zero-emission technologies;
- 111-8** | 8. The SCIG project does not appear to implement the Port of Los Angeles 2006 Clean Air Action Plan goal of 95% Tier 4 locomotives by 2020. Further, instead of requiring the cleanest locomotives near the SCIG proposed rail yard environs, the Draft EIR states it would credit locomotive emission reductions anywhere in the four county South Coast Air Basin to meet the modest emission reduction goals it does set;
- 111-9** | 9. Regarding noise analysis, the Draft EIR is flawed in that it used the "108 model" which is no longer recommended for use by either the FHWA or Caltrans. Use of the "108 model" has potentially resulted in inaccurate estimates of noise levels based on traffic volumes and inaccurate barrier effect analyses;

111-10

10. Regarding alternatives to the proposed project, the Draft EIR must specifically explain why the amount of near-dock capacity being proposed cannot be built inside the ports via empirically proven data that evaluates an “on-dock” alternative. The development of an “on-dock” intermodal container transfer facility would minimize adverse significant air quality and noise impacts to the residents adjacent to or near the proposed SCIG facility including those residents living in Carson east of Alameda Street;

111-11

11. Regarding the cumulative impacts, the Draft EIR does not evaluate the Intermodal Container Transfer Facility (ICTF) operated by the Union Pacific Railroad Company. A Notice of Preparation and Initial Study was published in compliance with CEQA in January of 2009 for their “intermodal container transfer facility modernization and expansion project”. The initial study identified that the projected diesel truck trips using their expanded facility (which is expected to also use Alameda Street and Sepulveda Boulevard) would double to 2.2 million trips per year and could adversely affect volume to capacity ratios at local intersections thereby causing significant impacts. The SCIG Draft EIR fails to mention the cumulative impacts associated with this project along with other port-related projects (i.e. the Schuyler Heim Bridge Replacement and SR-47 Expressway expansion project);

111-12

12. Carson Municipal Code Section 9141.1(Industrial Zones Uses Permitted) requires the submittal of a conditional use permit application for the development of an “intermodal container transfer facility”. The ICTF operated by BNSF obtained a conditional use permit from the city of Carson. The proposed SCIG project appears to be very similar to the ICTF and should be required to obtain the same entitlements. The Draft EIR should be amended to reflect the requirement to obtain a conditional use permit from the city of Carson;

111-13

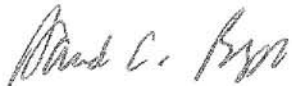
13. The Draft EIR should be amended to address mitigation measures for traffic impacts on Sepulveda Boulevard and Alameda Street. The cumulative impacts of the SCIG project should be addressed to provide for the fair share funding of the widening and reconstruction of Sepulveda Boulevard from Alameda Street to the east Carson jurisdictional limit. The City recommends that a mitigation measure be included directing the preparation of a traffic mitigation agreement with the city of Carson;

111-14

14. The SCIG project will contribute an increase in the number of trains that would travel along the Alameda Corridor on a daily basis. The Port of Los Angeles has previously noted that the Alameda Corridor Transportation Authority will be responsible for mitigation associated with this increased activity. The city of Carson believes that each project contributing to this cumulative impact should not be allowed to completely defer or deflect responsibility to another agency or entity. The City recommends that a mitigation measure be included to require active participation in the formulation and implementation of mitigation measures addressing cumulative impacts along the Alameda Corridor.

Thank you for the opportunity to provide comment. We are prepared to meet with the BNSF Railroad Company and the Port of Los Angeles staff to discuss how this proposed project can provide the necessary mitigation to allow for a successful intermodal rail facility. If you have any questions on this matter please feel free to phone Sheri Repp Loadsman, Planning Officer or Zak Gonzalez II, Associate Planner at (310) 952-1761.

Sincerely,



David C. Biggs
City Manager

cc: Mayor and City Council
Cliff Graves, General Manager, Economic Development
Victor Rollinger, City Engineer, Development Services
Environmental Commission

1 **Comment Letter 111: City of Carson**

2 **Response to Comment 111-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 111-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 111-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 111-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 111-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 111-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 111-7**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 111-8**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 111-9**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 **Response to Comment 111-10**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 **Response to Comment 111-11**

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 111-12**

2 The RDEIR has been revised to reflect the need for a conditional use permit from the
3 City of Carson. Please see Table 1-6 in RDEIR Chapter 1 and RDEIR Section 3.8 Land
4 Use.

5 **Response to Comment 111-13**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 111-14**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

12



CITY OF COMMERCE

Joe Aguilar
Mayor

January 25, 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 Draft Environmental Impact Report (DEIR)**

Dear Mr. Cannon:

On behalf of the City of Commerce, we appreciate this opportunity to provide the following comments on the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway Project (SCIG). 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 for the DEIR prepared by the POLA. 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.

A significant number of trains pass through Commerce on a daily basis due to the existing rail yard operations. Additionally, the four rail yards and rail facilities generate a large number of truck trips on a daily basis that service the rail yards. While the economic impact of the rail yards to the economic base of Commerce is significant, of greater concern are the traffic, noise and air quality impacts that could result in Commerce both from the implementation of the proposed Project, as well as the alternatives that are considered in the DEIR. Therefore, as the SCIG DEIR claims that the implementation of the Project would result in significant reductions in truck traffic on the region's roads, Commerce has a number of questions and comments about the data and analysis presented in the DEIR. Our concerns and requested clarifications are outlined in the remainder of this letter.

Comment #1 Identification of Baseline Analysis

112-1 ↓ The baseline assumptions considered in any environmental document provides the foundation for the analysis. A project's potential impacts and the significance of the impacts are weighed

↑ against the existing conditions and, for this reason, the environmental setting must truly reflect the existing environment. The baseline data used to analyze the project's traffic impacts of the proposed project were taken from 2005 data. There is no good explanation in the DEIR of the Port's reasons for relying on outdated and obsolete traffic data, particularly in light of the substantial changes in facilities and circumstances surrounding the regional traffic and infrastructure picture in six years.

112-1

The California Environmental Quality Act (CEQA) Guidelines Section 15125 advises that the baseline for comparing project impacts is "normally" the date that the NOP is issued, but the use of the word "normally" indicates the Resources Agency intended some flexibility in the application of that advice to account for changes in relevant aspects of the physical environment from that date in order to properly fulfill CEQA's informational purpose.

Comment #2 Failure to Analyze Local (City of Commerce) Traffic Impacts

The DEIR's traffic analysis claims the proposed project will result in overall reductions in regional truck traffic. The City of Commerce would support any initiative that would reduce truck traffic on city streets. Unfortunately, there is no specific data presented regarding effects on major freeway intersections serving the rail yards in Commerce. Related to this issue, the DEIR also fails to explain whether this additional train traffic would result in any increase in trucks serving the BNSF Hobart Yard.

112-2

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. At a minimum 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 Avenue and Washington Boulevard, and the Mixmaster (Atlantic Avenue, Eastern Avenue, and the I-5 Freeway). These are all intersections that are key to the movement of intermodal trucking related to the Hobart rail yard. Simply stating that a general benefit will be realized without the supporting analysis is a significant deficiency of the DEIR.

Comment #3 Failure to Analyze Local (City of Commerce) Rail Traffic Impacts

The DEIR indicates that rail traffic outside of the Port area will increase by sixteen trains (eight inbound trains and eight outbound) on a daily basis. In addition to the increased number of trains passing through Commerce as a result of the SCIG project, the DEIR notes that the trains "built" at the new inter-modal yard will be longer. The City of Commerce is concerned about the potential impacts in the City relating to traffic delays at crossings, as well as the attendant noise, air quality, safety and possible human health impacts from the additional train traffic. All of these issues should have been analyzed and disclosed as potential direct and indirect effects of the proposed project.

112-3

Commerce residents have experienced direct and deleterious impacts related to rail operations in the City. BNSF's Hobart rail yard in Commerce is the largest rail yard of its kind in the United States. The 243-acre yard, which BNSF says has reached capacity, handles approximately 1.5 million containers a year. There is currently an increased cancer risk for those persons living next to the rail yard due to both the train and truck emissions. Three of the City's residential

↓

112-3

↑ neighborhoods (the Northwest, Ayers, and Bandini Rosini) are located adjacent to the BNSF Hobart rail yard. The City of Commerce requests the DEIR analyze the proposed SCIG's impact on the health of those residents living next to the BNSF rail yard with a focus on increased emissions from rail traffic and the attendant mitigation (also see our comment related to the DEIR's need for a health risk analysis). In reviewing the DEIR it is not clear whether or not the long haul trains originating from the SCIG facility will be maintained (including load testing) at the Hobart Yard. There is a reference in the DEIR to a "central locomotive maintenance facility" but the location of such facility is not disclosed. Obviously an increase in maintenance and or load testing activities in Commerce resulting from the project must be analyzed.

Comment #4 Failure to Adequately Analyze Cumulative Impacts

The previous comments underscore the DEIR's failure to address the proposed project's impact on Commerce. The DEIR indicates that the "affected area" is located in the vicinity of the Port and does not include those areas located along the rail corridors or near the inter-modal trail yards. To the extent that the Port may be relying on the unpublished case cited in the DEIR, *City of Riverside v. City of Los Angeles* (4th App. Distr., Div. 3, Case No. G043651) 2011 WL 3527504 for the belief that it need not analyze these effects in Commerce, Commerce would note the following facts distinguish its circumstances from those in the cited case:

112-4

1. The City of Commerce is significantly closer to the Port area (24 miles) than is the City of Riverside and is known to be the intermodal trucking destination for port related traffic due to the Hobart yard;
2. As the home of the BNSF Hobart Yard, which is mentioned throughout the DEIR, there is an implication that Commerce is subject to potential impacts (beneficial or adverse) resulting from the proposed project; and
3. The BNSF Hobart Yard is identified as requiring facilities and operations improvements if the proposed project is not approved (the No Project Alternative scenario).

CEQA case law also makes it clear that lead agencies may not disregard their duty to analyze and disclose significant off-site impacts and to consider feasible mitigation to address those impacts. (*City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341; see also, *City of San Diego v. Board of Trustees of the California State University* (2011) ___ Cal.App.4th ___ (4th App. Dist., Case No. D057446, Dec. 13, 2011).)

As articulated above, Commerce believes that impacts on the City have been inadequately considered and analyzed. The City questions whether the failure to consider the proposed project's (and alternatives') potential direct and indirect effects on the City of Commerce also affects the DEIR's cumulative impacts analysis, and therefore, the City believes that these omissions cannot help but result in a flawed cumulative analysis. We also find it interesting that the DEIR acknowledges a much larger "region of influence" that includes "...Los Angeles County, Orange County, Riverside County, San Bernardino County, and Ventura County."¹

¹ Refer of Volume 2, Section 8.2.1, Page 8-1 of the DEIR.

Comment #5 Inadequate Alternatives Analysis

112-5

The No Project Alternative project description explains that if the SCIG project is not built, expansion of facilities and operations at the BNSF Hobart Yard would be necessary to accommodate increased cargo train traffic. However, the DEIR fails to detail any of the specific improvements that the Port believes would be necessary under this No Project Alternative and fails to analyze the impacts of any expanded facilities and operations at the Hobart Yard. Similarly, it stands to reason that the expansion of some of the other rail yards in Commerce may also be necessary if the SCIG project is not built, yet the DEIR fails to consider and disclose these further effects of implementing the No Project Alternative.

112-6

Additionally, the DEIR fails to note in the description of the Reduced Project Alternative whether any changes to the rail yard facilities and operations in Commerce would be necessary. Again, it stands to reason that such changes might be necessary, if as projected in the No Project Alternative, the increased demand for cargo transportation in the future would necessitate such changes.

112-7

The No Project Alternative project description explains that BNSF would make improvements to the Hobart Yard to accommodate the additional cargo demands, and that more truck trips would also result, but the corresponding air quality analysis does not note whether there would be increases in pollutants (including toxic air contaminants) for the receptors surrounding the Hobart and Commerce Yards from these additional improvements and truck and train traffic.

112-8

Commerce is also significantly impacted by high truck traffic and noise levels from the rail yards and the trains and trucks serving and utilizing the yards. The No Project Alternative discloses that it would be necessary to expand the BNSF Hobart Yard to accommodate the future growth of cargo transport, but the DEIR fails to acknowledge, let alone analyze, any increases in noise and traffic in Commerce that would result from expansion of operations and facilities at the Hobart Yard.

Comment #6 Need for a Human Health Impact Analysis for Local (City of Commerce) Neighborhoods

112-9

As Commerce is home to four regional rail yards, the health hazards to its residents from particulate matter from diesel exhaust (diesel PM) is of particular concern, and any projects that pose a possibility of increasing those hazards in Commerce should be exhaustively analyzed and mitigated. In 2005, the California Air Resources Board (CARB) conducted a health risk assessment study (see attached) to evaluate the health impacts associated with toxic air contaminants emitted in and around the four rail yards in Commerce, focusing especially on emissions from locomotives, on-road trucks, off-road vehicles, cargo handling equipment, portable equipment, and stationary sources.

Within the two-mile radius around the four rail yards, the combined diesel PM emissions were estimated at about 155 tons per year. The ARB evaluated the potential cancer risks levels associated with the estimated diesel PM emissions and concluded that they range from over 800 chances in a million at the points of maximum impact to about 100 chances per million at one to two miles from the rail yard boundaries. These levels, added to the background risk levels of in the region of about 1,000 in a million caused by all toxic air contaminants, results in a potential

112-9

combined cancer risk for the most affected areas of Commerce of greater than 1,500 chances in a million. For this reason, Commerce is very concerned about the deficiency of the DEIR's analysis with respect to direct and indirect air quality impacts on the health and quality of life of the residents of Commerce that may result from any increased rail yard operation (including those that would be likely if the No Project Alternative is selected).

Comment #7 Need for an Expanded Environmental Justice Analysis for Local (City of Commerce) Impacts

112-10

While we recognize that the analysis of "environmental justice impacts" are not required under CEQA, the DEIR does consider such impacts in a number of areas and cities in Los Angeles County. For example, Table 6-1 (Page 6-2) identifies the cities of Lakewood, Lomita, Rancho Palos Verdes Torrance, Compton though no mention is made of Commerce. The City's population is largely composed of minorities (94.5% of the City is classified as Hispanic).² Only one other City (Compton) identified in the DEIR approaches the racial and ethnic make-up of the City Commerce. In addition, 33.3% of the families and 17.9% of those individuals living in the City had annual incomes below the federally defined poverty level. Even more significantly, the City's unemployment rate as of this past November 2011, was 21.5% which was double that of Los Angeles County and greater than that of any incorporated city of the County.³

Given these statistics and the fact that Commerce will likely experience the most direct impacts outside of the immediate Port area from either the proposed project or the project alternatives, we are puzzled as to why no consideration was given to our minority and/or disadvantaged population? We request that the analysis of environmental justice impacts be expanded to consider the City of Commerce.

Comment #8 Growth Inducing Cumulative Impacts Analysis

112-11

The DEIR's analysis of growth inducing impacts is deficient in that no mention is made of any potential growth inducing impacts that could affect the City of Commerce. We are specifically concerned with any expansion within the existing BNSF facilities that will be needed to accommodate either the proposed project or any of the project alternatives. For example, what is impact of longer trains on noise, air quality, safety or traffic impacts in the City? The DEIR should also identify those improvements that will be required within the existing BNSF facilities to accommodate the proposed SCIG project or any of the alternatives.

Conclusions

We found a number of deficiencies in the DEIR that stem from a failure to consider any of the proposed SCIG's impacts on the City of Commerce. 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 requesting the following clarifications and revisions to be incorporated into the Final EIR (FEIR) before it is certified.

² United States Bureau of the Census. <http://factfinder.census.gov/>

³ State of California Employment Development Department. Monthly Labor Force Data for Cities and Census Designated Places (CDP). November 2011.

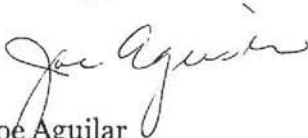
1. The FEIR must clearly state whether the proposed SCIG project will result in measurable changes in the amount of truck traffic volumes to and from the BNSF rail yards in Commerce. Any benefits that would be realized at located intersections (refer to our earlier comment #2) must be clearly identified.
2. The proposed project's impacts on the City associated with any expanded rail operations at the BNSF Hobart rail yard need to be identified and analyzed along with any mitigation.
3. The issues raised above regarding the DEIR's analysis of project alternatives and growth-inducing impacts as they relate to Commerce need to be addressed.

This letter contains a number of recommendations to identify, analyze and address the full range of the proposed project's potential or likely impacts upon Commerce. Below is a list of potential mitigation measures that the Port should consider adopting, if as Commerce suspects, the true scope of project impacts extends to Commerce:

- | | |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 112-12 | <ul style="list-style-type: none"> • The City of Commerce's participation in the implementation of a container fee; |
| 112-13 | <ul style="list-style-type: none"> • The requirement for the application and enforcement of clean truck technology to Commerce, including but not limited to the application of clean diesel requirements or a "green fleet" including both trucks serving the yards as well as the train fleets as part of the rail operations; and |
| 112-14 | <ul style="list-style-type: none"> • Infrastructure improvements: There are a number of intersections and interchanges on I-710 which operate at unacceptable levels of service in Commerce, including Bandini/Atlantic and Washington Blvd., or that lack the necessary infrastructure improvements to provide for safe and efficient truck access, i.e., Sheila/Atlantic. Commerce City staff would be pleased to work with the Port to identify the specific improvements that should be identified as necessary to mitigate further additions of traffic to these impacted intersections and interchanges. |

We request to be notified of any revisions to the DEIR, public meetings, public hearings, and other activities related to the proposed SCIG's environmental review.

Sincerely,



Joe Aguilar
Mayor

1 **Comment Letter 112: City of Commerce**

2 **Response to Comment 112-1**

3 The baseline has been updated to 2010 in the revised and reissued RDEIR; please refer to
4 Master Response 1, Baseline.

5 **Response to Comment 112-2**

6 See the response to comment R159-3 The RDEIR's identification of beneficial impacts is
7 not required by CEQA, and therefore conclusions that an impact is beneficial do not need
8 to be supported by substantial evidence or analysis. (See CEQA Guidelines § 15126.)

9 **Response to Comment 112-3**

10 As explained in response to comment R159-4, the project's impacts to rail activity and/or
11 delays in regional traffic, due to at-grade rail crossings, were analyzed in Section 3.10.3.5
12 of the SCIG RDEIR. As discussed in that section, the project would not have any impact
13 to rail activity and/or regional traffic, and no impacts would occur due to at-grade
14 crossings. There is no impact to the City of Commerce because there are no at-grade
15 crossings in the City of Commerce .

16 Regarding Hobart, please see Master Response 3, Hobart, which explains that the RDEIR
17 properly excludes Hobart (and the other BNSF facilities) from the RDEIR analysis
18 because noise and air quality impacts already occurring at that location would be
19 unaffected by the proposed Project, except to the extent that there would be less truck and
20 train activity due to the diversion of direct international cargo from Hobart to the SCIG
21 facility. Accordingly, the analysis in the DEIR complies with CEQA.

22 The trains that will go to SCIG will be maintained at the same facilities Hobart trains
23 currently use. (RDEIR p. 2-22)

24 **Response to Comment 112-4**

25 Please see the response to Comment 112-3 and Master Response 3, Hobart. Since the
26 proposed Project has no site-specific adverse impacts on the City of Commerce, by
27 definition it has no significant cumulative impacts on the City of Commerce that require
28 disclosure in an EIR. "The mere existence of significant cumulative impacts caused by
29 other projects alone shall not constitute substantial evidence that the proposed project's
30 incremental impacts are cumulatively considerable." (CEQA Guidelines Section
31 15064(h)(4).) Since the Project does not cause adverse impacts at Hobart, cumulative
32 impacts at Hobart were properly excluded from the RDEIR cumulative impact analysis.

33 The DEIR statement regarding "region of influence" is a taken out of context, and has no
34 relevance to the scope of the cumulative impact analysis as described in RDEIR. The
35 statement on DEIR page 8-1 indicates that the Port's (not the Project's) region of
36 influence for purposes of growth-inducing impact analysis encompasses several counties.
37 (The DEIR goes on to conclude that the Project would not have any growth-inducing
38 impacts in these counties.) The Port's general "region of influence" is not the same as the
39 study area for the Project's cumulative impacts. Response to Comment 112-5

40 Please refer to Master Response 3, Hobart. The EIR's description of the No Project
41 Alternative was revised in the RDEIR (Section 5.4) and includes examples of the
42 modifications that BNSF could make to increase Hobart's capacity. BNSF has not

1 indicated which of those modifications it would make; the description is only intended to
2 disclose that Hobart’s capacity could be increased. As explained in Master Response 3,
3 Hobart, those changes are, appropriately, not included in the EIR’s impact analysis of the
4 proposed Project because they are not caused by the Project. Also, please note that the
5 any activity at other railyards in the City of Commerce area are not a result of the
6 proposed SCIG project.

7 **Response to Comment 112-6**

8 Please see response to Comment 112-5.

9 **Response to Comment 112-7**

10 Please see the response to Comment 112-5.

11 **Response to Comment 112-8**

12 Please see the response to Comment 112-5.

13 **Response to Comment 112-9**

14 Please see Master Response 3, Hobart, which shows that the RDEIR properly excludes
15 Hobart (and the other BNSF facilities) from the RDEIR analysis because noise and air
16 quality impacts (including health risk impacts) already occurring at that location would
17 be unaffected by the proposed Project except to the extent that there would be less truck
18 and train activity due to the diversion of direct international cargo from Hobart to the
19 SCIG facility. Accordingly, the analysis in the DEIR complies with CEQA.

20 Also, please see Master Response 9, HIA, regarding the adequacy of the RDEIR’s Health
21 Risk Assessment methodologies.

22 **Response to Comment 112-10**

23 Please see the response to Comment 112-9. Because the RDEIR does not disclose any
24 significant health impacts within the City of Commerce, there was no need to consider
25 expanding the boundaries of the environmental justice analysis.

26 **Response to Comment 112-11**

27 The proposed SCIG facility will not have any growth inducing impacts on the City of
28 Commerce. Contrary to the commenter’s statement, the existing BNSF facilities will not
29 have to accommodate the proposed project. The No Project alternative is analyzed in
30 RDEIR Section 5.4.

31 **Response to Comment 112-12**

32 Please see Master Response 4, Feasibility of Mitigation Measures. The referenced
33 measure is for “suspected” impacts on Commerce identified in the comment letter, but
34 the letter presents no substantial evidence showing that the alleged impacts are likely to
35 occur. The mitigation measure is not related (has no nexus to) to any significant impact
36 on Commerce identified in the DEIR or RDEIR. Therefore, it does not need to be
37 analyzed in the DEIR or RDEIR. See Pub. Resources Code § 21002; CEQA Guidelines §
38 15126.4(a)(4),(a)(5); see generally *Nollan v. California Coastal Commission*, 483 U.S.

1 825, 834-37 (1987) (condition requiring a dedication of property *along* a beach rather
2 than *to* the beach did not address the harm at issue and was therefore invalid

3 **Response to Comment 112-13**

4 Please see the response to Comment 112-12.

5 **Response to Comment 112-14**

6 Please see the response to Comment 112-12.

7

8

**NATURAL RESOURCES DEFENSE COUNCIL
EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE
COALITION FOR CLEAN AIR
COMMUNITIES FOR A BETTER ENVIRONMENT
SAN PEDRO AND PENINSULA HOMEOWNERS COALITION
URBAN AND ENVIRONMENTAL POLICY INSTITUTE, OCCIDENTAL
COLLEGE
COALITION FOR A SAFE ENVIRONMENT
LONG BEACH COALITION FOR A SAFE ENVIRONMENT
CALIFORNIA KIDS IAQ
COMMUNITY DREAMS
ENDOIL/COMMUNITIES FOR CLEAN PORTS
GREATER LONG BEACH ICO**

VIA EMAIL (January 31, 2012) AND HAND DELIVERY (February 1, 2012)

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: Southern California International Gateway (SCIG)

Dear Mr. Cannon:

This letter is written on behalf of Natural Resources Defense Council, East Yard Communities For Environmental Justice, Coalition For Clean Air, Communities For A Better Environment, San Pedro And Peninsula Homeowners Coalition, Urban And Environmental Policy Institute, Occidental College, Coalition For A Safe Environment, Long Beach Coalition For A Safe Environment, California Kids IAQ, Community Dreams, Endoil/Communities For Clean Ports and Greater Long Beach ICO. We appreciate the opportunity to present our concerns about the SCIG project and the current SCIG draft environmental impact report (DEIR). In our view, the project as currently proposed is unwise and the DEIR deeply flawed.

Inadequate Project Description And Analysis Of Alternatives

The DEIR attempts to preclude the consideration of on-dock rail as a legitimate alternative by describing the project in this way: “The proposed SCIG Project involves constructing and operating a new *near-dock* intermodal rail facility by BNSF.” Page 2-1.

The purported need for the SCIG project is to have capacity for forecasted direct rail shipments after the currently-planned on-dock rail system is (according to the DEIR) maxed out in 2020.

∨ This project description, by its terms, rules out an on-dock facility to handle this alleged shortfall

113-1

in cargo capacity. BNSF forecasts that capacity for roughly another 2.7 million TEUs will be needed between 2020 and 2035. See Appendix G-2, page 2. But, as we will show below, that forecast is mere guesswork.

If an alternative to a preferred project can substantially meet the project objectives, it a CEQA violation to define the project in such as way as to rule out that alternative. That is what occurred here.

An accurate description of the proposed project is “the heart of the EIR process.” (*Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1023, 280 Cal.Rptr. 478.) “An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity. [Citation.]” (*McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143, 249 Cal.Rptr. 439.) “ ‘A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal ... and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.’ ” (*Sacramento Old City Assn. v. City Council, supra*, 229 Cal.App.3d at p. 1023, 280 Cal.Rptr. 478.)

Rio Vista Farm Bureau Center v. County of Solano, 5 Cal.App.4th 351, 369-70 (1992).

Here, the DEIR gives scant consideration to two alternatives that could meet the project objectives with substantially less effect on the environment than the proposed SCIG project: on-dock rail and zero emission container movement. These are discussed below.

On-dock Rail. In the 2005 public scoping meetings, the then-current head of environmental projects for the Port, Dr. Ralph Appy, said: “I think that we need to look at some alternatives in terms of On-Dock facilities in particular.”¹ But that is not what happened.

CEQA Guideline 15126.6(a) provides:

“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.” [Emphasis added]

¹ Transcript of October 6, 2005 scoping meeting, page 98. (Ex. 1) (All exhibits referenced herein are included as an attachment to the letter.)

As the Court of Appeal explained in *Watsonville Pilots Association v. City of Watsonville*, 183 Cal.App.4th 1059, 1087 (2010):

“It is virtually a given that the alternatives to a project will not attain *all* of the project’s objectives. (Cf. *California Native Plant Society v. City of Santa Cruz*, *supra*, 177 Cal.App.4th at p. 991, 99 Cal.Rptr.3d 572 (maj. opn.); *id.* at pp. 1005–1006, 99 Cal.Rptr.3d 572 (conc. opn. of Mihara, A.P.J.); *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489, 14 Cal.Rptr.3d 308.) Nevertheless, an EIR is required to consider those alternatives that will “attain most of the basic objectives” while avoiding or substantially reducing the environmental impacts of the project. (CEQA Guidelines, § 15126.6(a).)”

Here, there is no logistical necessity for SCIG to be replicated, inch for inch, on-dock. The additional rail capacity, if needed, does not all have to be located on one plot of land, but can be spread over different parts of both ports. What should be analyzed in the DEIR is how to meet any need for additional rail capacity unmet by port plans, not the capacity proposed by the SCIG.

CEQA Guideline 15126 provides in part: “The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” That did not happen here.

The entire technical analysis of on-dock rail in the DEIR is 4 pages, buried in Appendix G2. This study claims that the San Pedro Bay ports will have an on-dock capacity of 12 million TEUs in 2035. Most of the 4 pages in Appendix G-2 are devoted to describing the results of a modeling exercise of rail traffic delay, assuming that SCIG will be built as planned. Oddly, the DEIR assumes that capacity at the neighboring ICTF railyard remains the same (App. G2, p 4), despite the Port’s knowledge of the plan, now in the DEIR stage, to double the capacity of ICTF.²

A legally sufficient alternatives analysis needs to include “facts and analysis, not just the agency’s bare conclusions or opinions” and should include “meaningful detail.” *Laurel Heights Improvement Association v. The Regents of the University of California*, 47 Cal.3d 376, 404, 406 (1988). Here, the DEIR simply repeats BNSF’s talking points from the 2005 scoping plan hearings³ and from BNFS’s website,⁴ about whether additional on-dock rail capacity is feasible. That’s not analysis, it’s just typing. And it is inconsistent with the DEIR’s recognition of the success⁵ of the current on-dock efforts:

There are currently nine operating on-dock railyards at the Ports, with two more (WB East Trapac and Middle Harbor) permitted for construction, and a third (Pier S) proposed (Figure 1-7). Four of the existing on-dock railyards are located at the

² DEIR, Table 4-1.

³ Ex. 1 at 14-22; Transcript of October 13, 2005 Scoping Plan hearing at 9-15. (Ex. 2)

⁴ [Hhttp://bnsfconnects.com/](http://bnsfconnects.com/)

⁵ DEIR, Page 1-9.

Port of Los Angeles and five at the Port of Long Beach. Both ports have plans to expand existing on-dock railyards and construct new ones in the future.

Along the same lines, the DEIR states⁶:

The Port of Los Angeles's Rail Policy and the Rail Study Update (Parsons, 2006) call for the maximization of utilization of on-dock rail, and the Port of Long Beach's Strategic Plan recognizes the benefits of on-dock rail. To that end, BNSF and UP have increased the operational efficiency of on-dock rail by operating more trains and increasing the number of containers on each train.

The DEIR's reliance on the 2006 San Pedro Bay Rail Study Update⁷ and the October 22, 2009 Port of Los Angeles Public Rail Workshop⁸ rail studies to belittle on-dock rail is misplaced. For example, the 2006 study projects 11.74 million TEUs of potential on-dock cargo movement in 2020 (Table 2b, page ES-6), and projects a shortfall of capacity in 2020 whose size depends on what assumptions are made. (Page ES-9). The 2006 study also lists two potential areas for additional on-dock rail: Terminal Island and the Port of Long Beach Pier T mole expansion. (Pages ES 10-11).

However, the 2009 rail workshop states that, based on 2009 cargo forecasts, existing capacity is enough to handle freight *until 2027* (Slide 24) – giving lie to BNSF's claim that additional capacity will be needed in 2020. In fact, the 2009 rail workshop predicts that, in 2020, the Southern California ports will be 6.7 TEUs *under capacity* (Slides 23, 24). If that is true, no new capacity will be needed for 15 years.⁹

In addition, rail traffic on the Alameda Corridor has been well under projections, so much so that the Alameda Corridor Transportation Authority (ACTA) has had trouble making its debt service payments.¹⁰ This suggests that even more on-dock capacity may exist now and in the future, and confirms that the need for new capacity is grossly overstated in the DEIR.

Compounding this confusing mass of projections, Appendix G-2 of the DEIR claims that the Ports' TEU numbers in 2035 will be 40 million (page 1), while the 2009 rail study projects 43.2 million. Appendix G-2 claims a 2.68 million TEU shortfall in 2030 considering just on-dock facilities; however the 2006 study claims a total shortfall (on-dock, near-dock and off-dock) of 2.23 million TEUs using a much more optimistic cargo projection (Table 3a). The DEIR itself projects a 4.4 million TEU shortfall (page 1-21) from on-dock facilities. The rail congestion

⁶ DEIR, Page 1-15.

⁷ [Hhttp://www.portoflosangeles.org/DOC/REPORT_SPB_Rail_Study_ES.pdf](http://www.portoflosangeles.org/DOC/REPORT_SPB_Rail_Study_ES.pdf) (Ex. 3)

⁸ [Hhttp://portoflosangeles.org/pdf/Rail_Workshop_Presentation.pdf](http://portoflosangeles.org/pdf/Rail_Workshop_Presentation.pdf) (Ex. 4)

⁹ See also Monaco and Haveman, *Assessing The Need For The Southern California International Gateway* (Bay Area Economic Council 2012), which concludes that: "Given the projects currently in progress and the proposed terminal on-dock rail projects, the infrastructure inside the terminals along with the existing ICTF-capacity will be adequate to meet forecasted traffic up until 2035 . . ." (Ex. 5)

¹⁰ [Hhttp://acta.org/revenue_finance/Shortfall_Advance_Notice_08.15.11.pdf](http://acta.org/revenue_finance/Shortfall_Advance_Notice_08.15.11.pdf) (Ex. 6)

study described (but not presented) in Appendix G-2 depends for its validity on an accurate TEU projection – which, as can be seen, is not present.

Information presented in an EIR should be clear and easy to understand by the public. The rail projections in the SCIG DEIR and in the reports on which the DEIR relies (Chapter 10, page 10-2) are far from it. Complicating this is the fact that the rail modeling referenced in Appendix G-2 is not backed up with any models or data.

113-1 Here is what the Port needs to do to comply with CEQA regarding the on-dock rail alternative. First, it needs to pick a cargo forecast and explain why the selected forecast is better than the 2006 and 2009 forecasts, as well as the forecast numbers in the current DEIR. Then it needs to assess the availability of land on Terminal Island, Long Beach Pier T and all other reasonable sites, including Pier 500 at POLA, Pier B in POLB, and a potential future site to be created from fill on land that is now submerged. Only then can POLA come up with defensible numbers for on-dock capacity in 2020 and beyond, and any shortfall that may exist. The amount of the shortfall, if any, will inform the public and decisionmakers whether there are reasonable alternatives to the SCIG project as now planned.

113-2 Zero Emission Container Movement. During the public hearings for the Notice of Preparation for the SCIG project, the then Chair of the Harbor Commission, David Freeman, said that there would be no diesel-powered drayage of containers from the Port to the project site, and that alternatives would be found by the five new commissioners all appointed by the Mayor.¹¹ Yet, in the DEIR, zero emission container movement technology is trivialized as an alternative. See page ES-14. The DEIR concludes that these technologies “are not yet viable as alternatives to truck-based drayage” See page 2-51. What makes this assertion violate CEQA is the word “yet” and the substantial body of work that the Port itself has done to promote, test and develop zero-emissions container movement systems.

Under the analysis of the DEIR, the SCIG project will not be needed until 2020, if then.¹² A legally-defensible analysis would consider whether zero emission container movement technology could begin to be phased in by 2020. But that study was not done in the DEIR – notwithstanding the Port of Los Angeles and Port of Long Beach joint adoption in July 2011 of a “Roadmap for Zero Emissions.”¹³ This Roadmap has near-term and longer-term timelines for short- and medium-haul drayage as well as rail options, including within 3 years to “Collaborate with rail companies and other stakeholders to further evaluate zero emission rail technologies, including LSM, overhead catenary, and battery electric tender car” (Roadmap, p 3)—none of which is given adequate consideration in the DEIR.

A Port of Los Angeles August, 2011 report on zero emissions container movement¹⁴ points out that the Ports of Los Angeles and Long Beach “have advanced zero emission technologies

¹¹ Ex. 2 at 46-47.

¹² Curiously, the DEIR also states that SCIG, if built, will reach maximum capacity in 2023. DEIR at C1.2-1.

¹³ [Hhttp://www.portoflosangeles.org/pdf/ZeroEmissions.pdf](http://www.portoflosangeles.org/pdf/ZeroEmissions.pdf) (Ex. 7)

¹⁴ [Hhttp://www.cleanairactionplan.org/civica/filebank/blobload.asp?BlobID=2527H](http://www.cleanairactionplan.org/civica/filebank/blobload.asp?BlobID=2527H) (Ex. 8)

through multiple pathways, investing over \$4 million to date . . .” since 2006.¹⁵ These include the Balqon lead-acid battery electric drayage truck and the Vision Motor Corporation’s hydrogen fuel cell/plug-in electric on-road truck and terminal tractor.¹⁶ The I-710 project, which is in the same general neighborhood as SCIG, is considering freight lanes dedicated to zero emission trucks.¹⁷ The Southern California Association of Governments (SCAG) is also considering zero-emission cargo movement in its latest draft Regional Transportation Plan.¹⁸ The 2011 Port report also points out that:

“The ports are also actively working with other technology developers as they prepare proposals for consideration through the [Technology Advancement Project] and anticipate additional zero emission technology demonstration projects to be brought forward for Board [of Harbor Commissioners] consideration later this year.”¹⁹

With respect to short haul drayage (which includes the 4 mile trip from the Ports to SCIG), the report identifies two options that the ports have developed: [d]eployment of an on-road zero emission trucks, including but not limited to battery-electric trucks, zero emission hybrid-electric trucks, electric trucks powered by an overhead catenary system, or electric trucks using wayside power or LSM embedded in existing roadways or dedicated truck lanes; and [c]onstruction of an automated fixed guideway system incorporating technologies such as maglev or the adaptation of LSM to existing railroad tracks.²⁰ It is worth noting that all evaluation criteria for electric trucks are deemed satisfactory or better (see p 23 of the report, which is available as part 2 of the report via <http://www.cleanairactionplan.org/reports/default.asp>).

Last, in terms of timing, the 2011 report notes that:

“In the near term, the demonstrations of zero emission trucks that are currently underway through the TAP are designed to address the need for zero emission, battery electric technologies for short-haul drayage . . . [the Balqon and Vision] trucks will undergo an 18-month demonstration period in accordance with an approved Demonstration and Test Plan.”

The DEIR recognizes this body of work²¹ and concludes that: “The zero emissions container transport concepts, while not readily available at this time, are nonetheless potentially feasible future options for development by the ports and other elements of the goods movement

¹⁵ *Id.* at 8.

¹⁶ *Id.* at 9, 18-19.

¹⁷ *Id.* at 11.

¹⁸

¹⁹ [Hhttp://rtpscs.scag.ca.gov/Documents/2012/draft/2012dRTP_02_TransportationInvestments.pdf](http://rtpscs.scag.ca.gov/Documents/2012/draft/2012dRTP_02_TransportationInvestments.pdf) (Ex. 9)

¹⁹ Ex. 8 at 9.

²⁰ *Id.* at 16.

²¹ DEIR, pages 2-48 to 2-52.

industry.”²² Indeed the DEIR proposes a “project condition” based on the Port’s stated commitment to continue to advance zero-emission technology. (PC AQ-10: Zero Emission Container Movement Technologies). However, this proposed condition is little more than an offer to participate in Port-led demonstrations and studies. BNSF makes no commitment to lead its own demonstration of advanced technology, nor to adopt zero-emissions technologies once demonstrated, even on a phased-in basis, as alternatives to the 2 million polluting diesel truck trips per year generated by the SCIG.

113-2

The plain truth is that the DEIR has ignored its own work on zero-emission container movement and has not honestly evaluated this important alternative.

Inadequate Traffic Study

The baseline for a CEQA analysis is generally the date of the Notice of Preparation, which was 2005. *See* CEQA Guidelines 15125(a); *Sunnyvale West Neighborhood Association v. City of Sunnyvale*, 190 Cal.App.4th 1352, 1379 (2010). Here, with no reason given, the traffic studies that back up the CEQA baseline were conducted in 2007 and 2009. Moreover, the traffic counts in those studies were conducted on a total of two days in the winter, hardly a representative sample. Traffic varies substantially during the course of a year, and indeed from day to day.

113-3

Moreover, the description provided in the DEIR and its appendices do not explain how the various data were used to develop baseline (year 2005) traffic projections. It is extremely vague, missing any sense of time, and so disorganized there is really no telling what was included or not, and if actual traffic count data or the port travel demand model were used for the baseline. Moreover, truck counts for current users of the SCIG property were made in August 2008, which was a low year for port activity due to the recession. It is unclear how this data was used to create a 2005 baseline.

In addition, the DEIR assumes that 95% of truck traffic (current and future) will go to the new SCIG facility rather than the Hobart yard. There is no supporting data or discussion backing up this assumption. The fact that 5% of traffic is expected to continue going to the Hobart yard indicates that the Hobart yard will continue to operate as an intermodal facility and that there is something about this facility that shippers will find attractive. Given this, and the fact that BNSF does not propose to limit truck traffic to the Hobart yard, an explanation is needed to justify these assumptions. Indeed, if BNSF can reduce the truck trips per lift at SCIG, as it forecasts, why can it not do that at Hobart? This same error infects the overly optimistic projection of future truck trips per lift that the traffic projections in the DEIR are based on²³. This also indicates that the SCIG assumptions are too optimistic and that the no-build assumptions are inflated.

113-4

Additionally, appendix G1, page G1-194, shows traffic estimates with the project. The figures indicate *no truck trips anywhere* except between the ports and the SCIG. This conflicts with the

²² DEIR, page 2-52.

²³ DEIR, Section C1.2-2.

113-4 ↑ 95% assumption and is completely unrealistic. The appendix does not explain how the figures were derived.

113-5 In a general way, the transportation analysis seems too simplistic. The DEIR considers trips between the ports and the SCIG (or Hobart), but it does not account for the fact that truckers must also drive their trucks to work each day from where ever they live or park their trucks. This would not increase the number of trips, but it would change the assumptions about how long the trips are and where they go. Additionally, as noted above, the analysis does not talk about what happens to the Hobart yard. For example, does it get re-purposed? Shut down? And does its future use generate new truck trips or other impacts?

113-6 The DEIR uses I-710 baseline traffic conditions that are apparently taken from the I-710 DEIR; however, the I-710 DEIR and I-710 DEIR traffic data have not been released and are not included in the SCIG DEIR. There is no information about what year these data are for or how they were used to form baseline traffic assumptions (section 3.10.2). Other traffic data came from Caltrans highway monitoring sensors for the year 2007. It is unclear how this data was used to derive year 2005 baseline traffic conditions or why 2005 data were not used (section 3.10.2).

113-7 Moreover, the Port of Long Beach Pier S project projects up to 1.3 million new truck trips in 2020.²⁴ It is unclear from the SCIG DEIR whether these truck trips have been accounted for or not. Section 3.10.3 of the DEIR describes various travel demand models that were used, but does not explain how they were actually used in the analysis or what data were input.

113-8 Moreover, the DEIR consultants did not obtain precise data on truck movements from the largest truck operator on site in 2005: Cal Cartage. We have obtained Cal Cartage's data for 2006²⁵ and it shows 304,000 truck trips, whereas the DEIR, in table 3.10-12, shows roughly 1.5 million truck trips, apparently for the 2005 baseline.²⁶ This shows that the DEIR baseline has been grossly inflated, allowing BNSF to make the spurious claim that air quality will improve if the SCIG project is built. In fact, using the DEIR's projected truck trip number for 2023, nearly 2 million trips (Page 3.2-52), there will be an increase of roughly 1.7 million truck trips over the 2006 numbers if the SCIG project is built. The DEIR ignores this.

113-9 What's worse, although truck traffic to the Hobart Yard is included in the baseline, it is not included in projections of future truck traffic. This could only be valid if BNSF committed never to truck cargo to the Hobart Yard in the future – a promise that they have not made and that, we suspect, they will not make. This error concerning the Hobart Yard, combined with the improperly high baseline, makes the entire traffic analysis worthless.

²⁴ Port of Long Beach Pier S DEIR at page ES-6. (Ex. 10) See

[Hhttp://www.polb.com/environment/docs.aspH](http://www.polb.com/environment/docs.aspH) for complete DEIR.

²⁵ Email from Bob Curry, CEO of Cal Cartage, to David Pettit dated October 26, 2011. (Ex. 11)

²⁶ Table 3.10-12 is expressed in passenger car equivalents. For these purposes, two passenger car equivalents equal one truck trip. Multiplying the AM, mid-day, and PM peak hour figures each by 8 (hours), adding those, and multiplying by 365 yields 2,993,000 passenger car equivalents, or roughly 1.5 million truck trips per year.

113-10

In conclusion, instead of a rigorous look at traffic, the DEIR presents the reader with an inflated traffic baseline and an improperly low future projection of truck traffic associated with the project. There is no way to fix this except to start over from square one.

Inadequate Air Quality and Health Risk Analyses

No Rational Basis For The Air Quality Analysis

To say that the SCIG project will bring 2 million new truck trips per year to Wilmington but reduce air pollution is ridiculous on its face, and there is a reason for that. The air quality analysis in Chapter 3.2 of the DEIR depends on the DEIR's traffic analysis for its validity, and thus is inherently flawed. The DEIR states²⁷:

Activity of all motor vehicles (truck and employee vehicles), including trip generation rates and travel routes were based on the traffic modeling as described in Section 3.10. Assumptions for on-site activity of motor vehicles were obtained from information provided by the existing tenants.

113-11

Because the traffic analysis needs to be scrapped and re-done, so does the air quality analysis.

The same is true of the health risk analysis in Appendix C-3. For example, in discussing the activity level input for health risk modeling, the DEIR states²⁸:

For the Baseline scenario, tenant activity levels in 2005 were held constant over the entire 70-year period.

But, as we have shown above, the DEIR does not accurately reflect tenant activity levels in 2005. And for future years, a similar flaw exists²⁹:

For each emission source category, PM and TOG emissions were calculated for specific analysis years (2005 for Baseline, 2013-2015 for construction, and 2016, 2023, 2035, and 2046 for each Project alternative) by multiplying the source activity level by the emission factors for that particular year.

113-12

However, how the DEIR calculated the future activity level is unclear at best. *See, e.g.*, Section 2.7 of Appendix C-3, which appears to derive maximum hourly emission factors from the DEIR's air quality analysis in Chapter 3.2. See also Section C1.2-2, which appears to model future truck trips based on an estimate of 1.33 truck trips per "lift," or container movement. This estimate, for which there is no backup, is substantially lower than actual counts at the currently-operating ICTF facility (2.01 truck trips/lift as of February, 2009) and the number projected for the ICTF expansion project adjacent to the site of the SCIG project (1.51 truck trips/lift). *See the Iteris Report at the end of Appendix G-3, page 2.*

²⁷ DEIR at 3.2-12.

²⁸ DEIR at C-3.6.

²⁹ DEIR at C-3.10.

Failure to comply with federal and state clean air standards

113-13

The DEIR fails as an informational document because it provides an overly rosy picture of how this Project fits into the region's ability to comply with federal and state clean air standards. The flaws in the analysis stem from the Project's primary commitment to continue along a path using diesel equipment.³⁰ The DEIR goes so far as to mislead the public and decision makers about its role in compliance with the Air Quality Management Plan (AQMP) and State Implementation Plan (Impact AQ-8).³¹ In particular, the DEIR states that "[t]he proposed Project would not conflict with or obstruct implementation of the AQMP." DEIR at 3.2-93. However the DEIR itself shows that the SCIG project will not help achieve federal and state clean air standards on time because it shows significant *increases* in emissions amongst a range of pollutants.³² The DEIR also ignores several critical provisions of the 2007 AQMP that actually indicate this project interferes with implementation of the AQMP. These statements include the following:

The District is faced with a number of constraints or confounding circumstances that make achieving clean air standards difficult. These include the physical and meteorological setting, the large pollutant emissions burden of the Basin (including pollution from international goods movement), and the rapid population growth of the area.³³

Electrification of goods movement related vehicles and equipment should also be considered. Electrification of the infrastructure at the ports and the Alameda Corridor can significantly reduce emissions from on-road trucks and locomotives.³⁴

In particular, the DEIR's air quality analysis does not even mention the huge "black box" that the region currently proffers to demonstrate attainment of ozone standards. *See* 42 U.S.C. § 7511A (e)(5). The following chart was presented by the Executive Officer of the South Coast Air Quality Management District at a recent workshop on SIP compliance.³⁵

³⁰ While the Port is likely to respond in comments that there are some electrification requirements (e.g. cold ironing) in this Project, this would not address the concerns that advocates have been pushing for years that the Port needs to really implement zero and near-zero emissions technologies in Port projects for all categories of equipment.

³¹ DEIR at 3.2, pages 92-93.

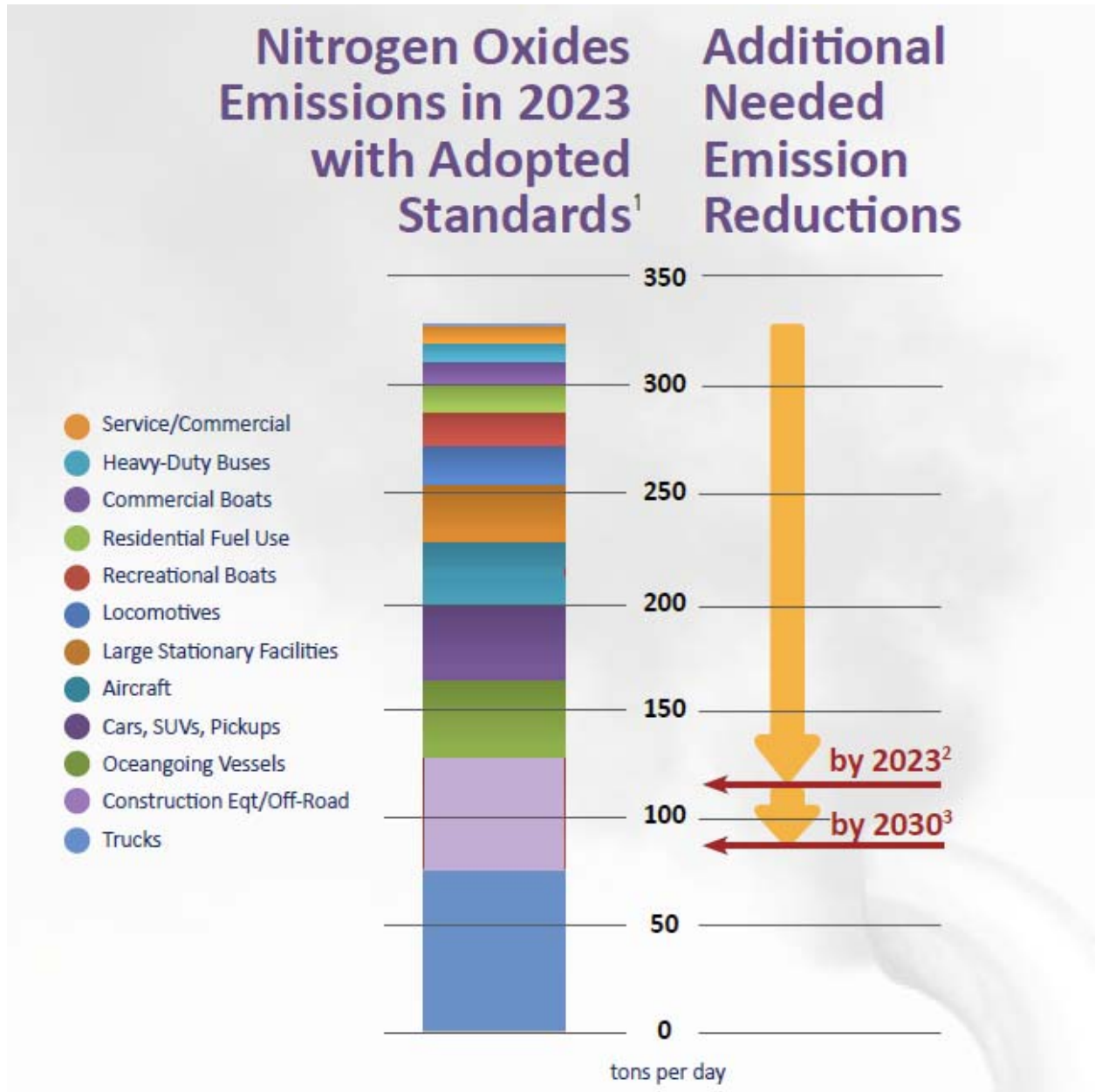
³² The significant emissions come from the construction phase. In addition, the dishonest assessment of emissions from operation of the project will also potentially impede compliance with the AQMP and clean air standards.

³³ 2007 AQMP, at ES-15. *Id.* at 1-1-1-2. (Ex. 12) Entire document available at http://www.aqmd.gov/aqmp/07aqmp/aqmp/Complete_Document.pdf.

³⁴ Ex. 12 at 4-64.

³⁵ *See* Dr. Barry Wallerstein, Executive Officer, South Coast Air Quality Management District, Blue Sky Panel Presentation, [Hhttp://www.aqmd.gov/aqmp/2012aqmp/symposium/Panel11-Barry.pdf](http://www.aqmd.gov/aqmp/2012aqmp/symposium/Panel11-Barry.pdf). (Ex. 13)

113-13



As is evident from this chart, the path to attainment is difficult, and freight related sources must play a role in meeting clean air standards. For example, this Project includes some of the source categories included in the above chart: “Trucks,” “Construction Equipment/Off-Road Equipment,” “Cars, SUVs, Pickups,” and “Locomotives.” The DEIR must disclose the fact that it does not help reduce the size of the “black box” because it does not include measures that go above and beyond what is included to meet the NO_x targets in 2023 and articulated in the chart above. More specifically, the AQMP includes the projected emissions from the Ports in 2023 at 45.9 tons per day, *see* 2007 AQMP, at 6-29, which is more than 1/3 of the total emissions that are projected by AQMD to be needed to attain the 2023 8-hour ozone standard by 2023. Ignoring the black box is intellectually dishonest, and CEQA requires an honest assessment of how its failure to include zero and near zero emissions technologies in the Project is a missed opportunity to obtain additional emissions reductions. As the SCAQMD has extensively

presented, to address the black box and actually meet ozone standards on time requires a shift to zero and near-zero emission technologies wherever possible and as soon as possible.

The DEIR also fails to disclose how this Project interferes with the state and federal 1-hour ozone standard. Importantly, the 2007 AQMP does not purport to achieve compliance with the federal 1-hour ozone standard. In pertinent part, it states-

However, while the number of days exceeding the federal 1-hour ozone standard has dropped since the 1990s, the rate of progress has slowed since the beginning of the decade. The Basin currently still experiences ozone levels over the federal standard on more than 20 days per year. By 2010, this plan shows that the Basin will still exceed the federal 1-hour ozone standard by more than 30 percent despite the implementation of the 2007 AQMP control measures.³⁶

The document further elaborates that the “2007 AQMP is designed to address the federal 8-hour ozone and PM2.5 air quality standards, to satisfy the planning requirements of the federal Clean Air Act.” 2007 AQMP at 1-15. Thus, even if this Project could somehow be argued to not interfere with the 2007 AQMP, it would need to disclose its impacts on compliance with the federal and state 1-hour ozone standard, including the most recently approved AQMPs to achieve these standards. While the Project Proponents may claim the federal 1-hour ozone standard has been revoked, the state 1-hour ozone standard has been retained and is even more stringent than the federal 1-hour ozone standard.³⁷ Given the complete failure of the DEIR to even reference the construction and operational impacts of this project on compliance with the federal and state 1-hour ozone standards and the SIPs designed to meet these standards, this constitutes a violation of CEQA by ignoring the law’s mandate that an EIR make “a good faith effort at full disclosure.” Guideline § 15151. Given the Los Angeles regions’ persistent air quality problems, this oversight mounts to a significant flaw that precludes truly informed decision-making.

Failure To Accurately Portray the Harms to Near Highway Communities

Dozens of studies have shown greatly increased pollutant levels and health impacts in close proximity to freeways, prompting the California Air Resources Board (“CARB”) to recommend in 2005 that local governments “[a]void siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.”³⁸ The rationale for that caution is summarized as follows: “In traffic-related studies, the additional non-cancer health risk attributable to proximity was seen within 1,000 feet and was strongest within 300 feet. California freeway studies show about a 70% drop off in particulate pollution levels at 500 feet.” Additionally: “we recommend that land use agencies track the current assessment efforts, and consider limitations on the siting of new sensitive land uses in areas immediately downwind of ports.”

³⁶ Ex. 12 at ES-4.

³⁷ Compare Cal. Health & Safety Code § 40921.5 (.09 ppm) to 42 U.S.C. § 7511 (.12 ppm).

³⁸ California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005, H<http://www.arb.ca.gov/ch/handbook.pdf>.

A) *Air Pollution is Significantly Elevated Near Roadways*

One recent study in the Los Angeles basin measured elevated air pollutants far downwind, up to 2,000 meters and up to 600 meters upwind of a major freeway.³⁹ The study, along Interstate 10, documented high concentrations of ultra-fine particulates, polycyclic aromatic hydrocarbons and nitric oxide at distances of 1,200 meters (roughly 4,000 feet) and farther downwind, especially during pre-sunrise hours when winds were low, humidity was high and there was a surface temperature inversion.

B) *Evidence Supporting Revision of NAAQS Demonstrates that Health Risks to be Prevented Are Associated with Exposure to Highway Emissions*

EPA has argued that the annual NAAQS is to be applied to prevent regional scale exposures to PM2.5 because the data used to develop the standards were derived from studies that evaluate health risks associated with exposure to concentrations measured at the regional scale. But the last review of the NAAQS included studies showing adverse health effects associated with exposure to highway emissions. The need for the annual NAAQS relied, in part, of evidence showing adverse health effects linked to exposure to highway emissions.

We summarize here some of the studies included in the last review, and others published more recently that affirm the evidence in earlier studies demonstrating that the adverse effects associated with exposure to fine particles from highways is not less than the effects linked to a broader mix of particles measured at the regional scale.

C) *Correlation Between Asthma and Attending School Near a Major Roadway*

In California, over two percent of public schools (K-12) are within 150 meters of high traffic roads and a disproportionately large percentage of students attending these schools are economically disadvantaged and nonwhite.⁴⁰ A related study surveying over 1,000 elementary school students in Northern California found higher rates of asthma and bronchitis symptoms in children attending schools near busy roads and freeways.⁴¹ A study of thirteen southern California communities found children exposed to traffic-related pollution in school were more likely to develop asthma, irrespective of residential exposure.⁴² A study of almost 1,500 children in Dutch schools found a positive relationship between school proximity to freeways and asthma

³⁹ Hu, S. et.al., A wide area of air pollutant impact downwind of a freeway during pre-sunrise hours, *Atmospheric Environment* 2009; 43:2541-2549.

⁴⁰ Green, R.S. et. al., Proximity of California Public Schools to Busy Roads, *Environmental Health Perspectives* 2004; 112(1): 61-66.

⁴¹ 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.

⁴² McConnell, R. et al., Childhood Incident Asthma and Traffic-Related Air Pollution at Home and School, *Environmental Health Perspectives* 2010; 118(7): 1021-1026.

↑ occurrence. Truck traffic intensity and pollutant levels measured in schools were significantly associated with chronic respiratory symptoms.⁴³

A recent nationwide study of almost 9,000 U.S. public schools asserts that children spend a significant amount of time at school, making exposure to pollution at school an important consideration; the study found that approximately one third of students were likely to be at an increased risk of acute and chronic respiratory disorders due to close proximity of their school to a freeway.⁴⁴ Surveys among thousands of junior high school students in Jakarta also revealed a link between traffic levels and respiratory impacts including phlegm, persistent cough and asthma.⁴⁵

D) *Correlation Between Respiratory Disease and Living Near a Major Roadway*

Proximity of residences to heavy traffic levels has been associated with respiratory impacts such as cough, wheeze, persistent cough, asthma and hospital admissions for asthma in many studies.⁴⁶ The California Children's Health Study, which began in 1992, found an 89 percent increase in the likelihood of being diagnosed with asthma for those children living close to freeways versus those living farther away.⁴⁷ Another report from the Children's Health Study showed adverse health impacts of local traffic exposure on children independent of regional air quality, including decreased lung function that is unlikely to be regained and thus predisposes those individuals to cardiovascular illness later in life.⁴⁸ A recent review of California Health

⁴³ Speizer, F. E. and B. G. Ferris, Jr., Exposure to automobile exhaust. I. Prevalence of respiratory symptoms and disease, *Archives of Environmental Health* 1973; 26(6):313-8; Van Vliet, P. et al., Motor vehicle exhaust and chronic respiratory symptoms in children living near freeways, *Environmental Research* 1997; 74(2):122-32.

⁴⁴ Appatova, A.S. et al., Proximal exposure of public schools and students to major roadways: a nationwide US survey, *Journal of Environmental Planning and Management* 2008; 51(5): 631-646.

⁴⁵ Duki, M.I.Z. et al., Effect of Air Pollution on Respiratory Health in Indonesia and its Economic Cost, *Arch Environmental Health* 2003; 58:135-143.

⁴⁶ Nicolai, T. et al., Urban traffic and pollutant exposure related to respiratory outcomes and atopy in a large sample of children, *Eur Respir J.* 2003;21:956-963; Brunekreef, B. et al., Air pollution from truck traffic and lung function in children living near motor-ways, *Epidemiology* 1997; 8(3): 298-303; Duhme, H. 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. 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.

⁴⁷ Gauderman, W.J. et al., Childhood Asthma and Exposure to Traffic and Nitrogen Dioxide. *Epidemiology* 2005; 16:737-743; This study was confirmed by a separate Southern CA study finding an 85% higher likelihood for an asthma diagnosis among children living within 75 meters of a major road. McConnell R, et al., Traffic, susceptibility, and childhood, *Environ Health Perspectives* 2006; 114(5):766-772.

⁴⁸ Gauderman, W.J., 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.

Interview Survey (CHIS) data revealed a three-fold increase in asthma related hospital visits among children living in high traffic density areas.⁴⁹ A similar study based on CHIS data attributes a 92 percent increase in asthma symptoms among those living near the highest traffic densities, and suggests that impacts may be disproportionately worse among those in poverty due to heightened vulnerability.⁵⁰ Those in poverty may also be disproportionately exposed to pollution due to older and poorer quality housing. A study in Washington State found that older homes, smaller homes, and homes with fewer renovations were more likely to have a higher infiltration fraction of PM 2.5.⁵¹

Distance matters. A study of nearly 10,000 children in England found that wheezing illness, including asthma, was more likely with increasing proximity of a child's home to main roads, with the greatest risk being for children living within 90 meters of the road.⁵² A study in rural New York found that children living in neighborhoods with heavy truck traffic within 200 meters of their homes had increased risks of asthma hospitalization.⁵³ A Dutch study of over 1,000 children found that asthma, wheeze, cough, and runny nose were significantly more common in children living within 100 meters of freeways; and that increasing density of truck traffic was associated with significantly higher asthma levels.⁵⁴ Another Dutch study found that traffic-related pollution was associated with increased respiratory infections, as well as some measures of asthma and allergies among four year olds studied from birth.⁵⁵

E) Association Between Cancer and Living Near a Roadway

A comprehensive Southern California study of urban toxic air pollution shows that motor vehicles and other mobile sources of air pollution are the predominant source of cancer-causing air pollution, accounting for roughly 94% of the cancer risk from toxic air pollution, most of

⁴⁹ 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.

⁵⁰ 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.

⁵¹ Hystad, P.U. et al., Modeling Residential Fine Particulate Matter Infiltration for Exposure Assessment, *Journal of Exposure Science and Environmental Epidemiology* 2009; 19:570-579.

⁵² 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.

⁵³ Lin, et al., Childhood Asthma Hospitalization and Residential Exposure to State Route Traffic, *Environmental Research, Section A* 2002; 88:73-81; similarly, a San Diego study found increased medical visits in children living within 550 feet of heavy traffic. English P., et al., Examining Associations Between Childhood Asthma and Traffic Flow Using a Geographic Information System, *Environmental Health Perspectives* 1999; 107(9):761-767.

⁵⁴ Van Vliet et al., Motor exhaust and chronic respiratory symptoms in children living near freeways, *Environmental Research* 1997; 74:12-132.

⁵⁵ Brauer, M. et al., Air pollution and development of asthma, allergy and infections in a birth cohort, *Eur Respir J* 2007; 29:879-888.

113-14 ↑ which is from diesel exhaust (84% of the cancer risk).⁵⁶ CARB estimates an increased cancer risk of 100 in one million within 90 meters downwind of freeways carrying 10,000 trucks per day.⁵⁷ A study in Denver showed that children living within 250 yards of streets or highways with 20,000 vehicles per day are six times more likely to develop all types of cancer and eight times more likely to contract leukemia.⁵⁸ A Danish study of several thousand children concluded that a doubling of vehicle pollution increased the risk of lymphomas by 25 percent.⁵⁹ An earlier English study found a cancer corridor within three miles of highways, airports, power plants, and other major polluters, showing greater risk of leukemia or other cancers within a few hundred yards from highways or other major pollution sources and decreasing risk of cancer with distance from these roadways and facilities.⁶⁰

F) *Association Between Reproductive Impacts and Exposure to Motor Vehicle Pollutants*

Pre- and post-natal impacts on infants born to mothers with heavy traffic exposure have also been well documented. A Los Angeles study found that pregnant women living near heavy traffic areas with high levels of carbon monoxide were more likely to experience adverse birth outcomes such as low birth weights and preterm births.⁶¹ Another study found that pregnant women with high traffic exposure were three times as likely to have a child with certain heart defects as women breathing the cleanest air.⁶² A study of California children found an increased risk of autism among children who lived within 300 meters of a freeway during the third trimester and shortly after birth.⁶³ ↓

⁵⁶ South Coast Air Quality Management District. Multiple Air Toxics Exposure Study-III. September 2008, available at <http://www.aqmd.gov/prdas/matesIII/MATESIIIFinalReportSept2008.html>.

⁵⁷ CARB, 2005.

⁵⁸ 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.

⁵⁹ Raaschou-Nielsen, O. et al., Air Pollution from traffic at the residence of children with cancer, *Am J Epidemiology* 2001; 153:433-443.

⁶⁰ Knox and Gilman, Hazard proximities of childhood cancers in Great Britain from 1953-1980, *Journal of Epidemiology and Community Health* 1997; 51:151-159.

⁶¹ Wilherm M. et al., Local variations in CO and particulate air pollution and adverse birth outcomes in Los Angeles County, California, USA, *Environ Health Perspect.* 2005; 113(9):212-21.

⁶² Ritz B. et al., Ambient air pollution and risk of birth defects in Southern California. *Am J Epidemiology* 2002; 155:17-25.

⁶³ Volk, H., Residential Proximity to Freeways and Autism in the CHARGE Study. *Environmental Health Perspectives* 2010, doi: 10.1289/ehp.1002835, available at <http://dx.doi.org>.

G) Association Between Proximity to Busy Roadways and Other Health Impacts

A wide body of research also confirms other adverse health outcomes related to close proximity to busy roadways. Dutch researchers evaluating long term exposure to traffic have found that people who lived near a main road were almost twice as likely to die from heart or lung disease and 1.4 times as likely to die from any cause compared with those who lived in less-trafficked areas.⁶⁴ A Canadian study of 5,000 people showed that those living within 50 meters of a major road or within 100 meters of a highway had increased risks of mortality, with an “aging effect” (i.e. years of life lost) of roughly 2.5 years, which is similar to the “aging effect” of having chronic heart disease (3.1 year Rate of Advancement for mortality).⁶⁵ Another Canadian study found that people residing within 150 meters of a highway or within 50 meters of a major road were more likely to die of coronary heart diseases. Furthermore, subjects who moved away from a road during the study period showed a decreased risk of death from coronary heart disease while those who moved closer to a road were more likely to die of coronary heart disease.⁶⁶

The Air Quality and Health Risk analyses fails to provide adequate detail about the significant public health threat to those residing in close proximity to the highways that will carry more diesel truck traffic due to this project. The bottom line on the air quality and health risk analyses is that they rest on the shaky foundation of the traffic studies, and cannot stand up to a rigorous analysis under CEQA.

In particular, the roads leading to and from the ICTF were not considered in the fine grid analysis. Rather, the analysis only looks at locations at the ICTF site and the I-710. The location of maximum PM concentration or change in PM concentration is likely along the main access road to the ICTF or where that road meets the ICTF. If this was in fact considered, the EIR and HRA fail to disclose this analysis, which is a violation of CEQA.

Second, the fine grid used is not really “fine.” EPA’s PM hotspot guidance suggests a fine grid of 10m-25m around ground level sources (roads). In particular, EPA’s Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas makes the following recommendation—

Receptor spacing in the vicinity of the source should be of sufficient resolution to capture the concentration gradients around the locations of maximum modeled concentrations. The majority of emissions from a highway or transit project will occur within several meters of the ground, and concentrations are likely to be greatest in proximity of nearground sources. As such, receptors should be placed with finer spacing (e.g., 10-25 meters) closer to a near-ground source, and with wider spacing (e.g., 50-100 meters) farther from such a source. While prevailing wind directions may influence where

⁶⁴ Hoek, et al., Association between mortality and indicators of traffic-related air pollution in the Netherlands: a cohort study, *Lancet* 2002; 360(9341):1203-9.

⁶⁵ Finkelstein et al., Traffic Air Pollution and Mortality Rate Advancement Periods, *Am J Epidemiology* 2004; 160:173-177.

⁶⁶ 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.

*maximum impacts are likely to occur, receptors should also be placed in all directions surrounding a project.*⁶⁷

Here, the EIR fails to engage in a proper analysis.

Third, the coarse grids are too coarse. The highest concentration of emissions from these various sources could be more than 250m away. A 500m grid is not going to be fine enough to consider concentration gradients around these sources. The gradient in concentrations around roadway sources is typically most pronounced within 500m, so a 500m grid could entirely miss the gradient. Additionally, as the EPA notes, the maximum concentration may not be in the location closest to the source. This is particularly true in this case since we have multiple sources (the ICTF, access roads, and I710). The increase in computational effort to use a finer grid (50m-100m) within a few kilometers of the sources is fairly trivial (it could take a few extra hours, or at most a day, of computer time but it is by no means difficult to do).

*It should not be assumed that the location of maximum concentration will always be located closest to the project itself. For example, if a highway project consists of a new bypass that branches off an existing highway with significant emissions, maximum concentrations may be expected at receptors farther from the project, but closer to the existing highway.*⁶⁸

CEQA requires an agency to use its best efforts to find out and disclose all that it reasonably can. CEQA Guidelines, § 15144. Given this mandate, the EIR is inadequate for failing to engage in the coarse analysis requisite to provide an adequate informational document.

Inconsistency Between SCIG and the I-710 Project

The I-710 is an old, congested, unsafe truck freeway from the Ports of Los Angeles and Long Beach to the downtown railyards. The SCIG DEIR claims that the project will take 2 million truck trips per year off the I-710. But CalTrans is preparing a DEIR on a greatly expanded I-710, which MTA and CalTrans claim is necessary to handle increased truck traffic from the ports⁶⁹, even though MTA and CalTrans know about the SCIG project.⁷⁰ One of us asked POLA staff at

⁶⁷ EPA, Transportation Conformity Guidance for Quantitative Hot-Spot Analysis in PM2.5 and PM10 Nonattainment and Maintenance Areas, at 92,

[Hhttp://www.epa.gov/otaq/stateresources/transconf/policy/420b10040.pdf](http://www.epa.gov/otaq/stateresources/transconf/policy/420b10040.pdf)H.

⁶⁸ *Id.*

⁶⁹ MTA and Caltrans define the need and purpose for the I-710 expansion to include: “growth in population, employment and goods movement activities.” See

[Hhttp://www.metro.net/projects_studies/I710/images/710_scoping_meeting_presentation.pdf](http://www.metro.net/projects_studies/I710/images/710_scoping_meeting_presentation.pdf)H.

(Ex. 14) The September, 2008 scoping plan for the I-710 expansion claims that the “locally preferred alternative” is expansion of the current four lanes to ten general purpose lands and a freight movement corridor.

⁷⁰ See [Hhttp://www.metro.net/projects_studies/I710/images/710_dr_ssr.pdf](http://www.metro.net/projects_studies/I710/images/710_dr_ssr.pdf)H at page viii. (Ex. 15)

113-15

↑ a 2011 public meeting to explain this inconsistency. We are still waiting for a response – which suggests that the need for the SCIG project is greatly overstated.

The Incremental Cancer Risk Is Greater Than 10 In A Million

The Port pledged in the Clean Air Action Plan⁷¹ not to approve projects with an additional increase in cancer risk of 10 in a million or more. The SCIG project exceeds this limit.

113-16

Table C3-7-4, on page C3-50 of the DEIR, shows maximum health impacts associated with the *mitigated* proposed project. Even given the unsupportably-low air emissions study results, this table shows maximum cancer risks of 48 in a million for residential receptors, 39 in a million for occupational receptors, 40 in a million for sensitive receptors, and 60 in a million for students -- all in excess of the 10 in a million figure, which is also the Port's threshold of significance for CEQA purposes. This shows that local residents and their children will be the worst off, a fact that should (but does not) have tremendous significance in the environmental justice section of the DEIR. But the DEIR proposes no mitigation for this unacceptable cancer risk. Indeed the DEIR downplays these numbers by asserting that cancer risk will be *reduced* by the project -- but this claim is unsupportable because of the gross errors in the traffic analysis that we have described above.⁷²

Indeed, whichever baseline is used, building and operating the SCIG project will be worse for public health than not building it. Mitigation is required for this under CEQA, but none is proposed.

The Environmental Justice Analysis Is Inadequate and The Project, If Adopted, Will Violate California Government Code 11135

113-17

The Environmental Justice section of the DEIR shows that the proposed project will be situated in a predominantly low-income, minority community, while reasonable alternatives are brushed off by the DEIR's authors. The demographic information presented at pages 6-4 to 6-6 makes it perfectly clear that minority, low income-populations near the proposed project will bear the brunt of the pollution from SCIG. The recent EPA guidance on incorporation of environmental justice principles in analyses under NEPA confirms this; the EPA's Plan EJ 2014 Legal Tools section includes consideration of:

[T]he composition of the affected area to determine whether minority, low-income, or tribal populations are present, and if so whether there may be disproportionately high and adverse human health or environmental effects on these populations.

⁷¹ [Hhttp://www.portoflosangeles.org/environment/caap.asp](http://www.portoflosangeles.org/environment/caap.asp)

⁷² We also note that the South Coast Air Quality Management District, in its comment letter dated November 30, 2011, has asserted that the project will increase the cancer risk by an increment of 17 in a million.

[R]elevant public health and industry data concerning the potential for multiple exposures or cumulative exposure to human health or environmental hazards in the affected population, as well as historical patterns of exposure to environmental hazards.

[T]he interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action.

Each of these factors is present here, including the grossly elevated cancer risk from the transportation of cargo from the ports. *See, e.g.*, the South Coast Air Quality Management District's model estimated cancer risk map from its MATES III study, available at: <http://www2.aqmd.gov/webappl/matesiii/>.⁷³

Moreover, 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). The SCIG project is hardly fair to the local community, whose members will be breathing foul air from the project for generations.

As the California Air Resources Board has pointed out⁷⁴,

[G]oods movement-related air pollution can increase all-cause mortality, cardiopulmonary mortality and lung cancer mortality in adults, infant mortality, hospital admissions for all pulmonary illnesses, chronic obstructive pulmonary disease, pneumonia, asthma, and all cardiovascular illnesses. It can also contribute to pre-term births and lower birth weight. Sensitive groups, including children and infants, the elderly, and people with heart or lung disease, can be at increased risk of experiencing harmful effects from exposure to diesel air pollution.

CARB also found that people living in communities close to the source of goods movement-related emissions, such as ports, railyards and intermodal transfer facilities are likely to suffer greater health impacts and these impacts will likely add to an existing health burden.

⁷³ The DEIR admits that the project will have significant impacts related to air quality, but claims, without substantiation, that these impacts "are not linked to localized health effects ...". See page 6-13. This unsubstantiated claim is not backed up by any data, and in any event is unsupported because the air emissions study is invalid, as discussed above.

⁷⁴ <http://www.arb.ca.gov/planning/gmerp/gmerp.htm>

With respect to environmental justice issues in particular, CARB found that:

Communities surrounding many goods movement-related facilities where there may be a disproportionate exposure to air pollutants are often economically disadvantaged or ethnically or culturally diverse. People in these communities often have poor access to health care or carry a disease burden that may make them more susceptible to excess exposure. Their housing characteristics may contribute to this susceptibility.

Cumulative impacts are very likely to be experienced by communities living in close proximity to goods movement-related activity. Airborne pollutants can deposit onto surfaces and waterways, providing another source of exposure. For example, goods movement activities contribute to non-point source runoff that contaminates coastal and bay waters with a number of toxicants, including PAHs, dioxins, and metals. Exposures to pollutants that were originally emitted into the air can also occur as a result of dermal contact, ingestion of contaminated produce, and ingestion of fish that have taken up contaminants from water bodies. These exposures can all contribute to an individual's health risk. In some cases, the risks from these kinds of exposure can be greater than the risks from inhalation of the airborne chemicals.

These issues were pointed out forcefully to the Port at the 2005 scoping plan meeting. For example, at the October 6, 2005 hearing, a local resident said⁷⁵:

We are, as you know, surrounded by the refineries, the 710, the railroad track; and Councilwoman Uranca termed that as "geographically disadvantage." I call it "environmental racism" and that is exactly what has happened here . . . And we are here to just unite with my community and with all of the leaders in this community to tell you Please, reconsider. Think of -- no. No please. Consider other alternatives because we are simply tired of the environmental racism. We're tired of social injustice

At the same meeting, a resident of West Long Beach told the Port⁷⁶:

Why can't they organize their containers so everything can be On Dock, and then after they get an On Dock everything that is -- all the containers that are being transported after being On Dock should be electric that way we have no particulate in the air. This is what we need to tell them that that is the only way they are going to implement container movement through our ports . . . This is racism by the money that we earn

⁷⁵ Ex. 1 at 75-76.

⁷⁶ Ex. 1 at 80-81.

Bonnie Lowenthal, then on the Long Beach City Council, told⁷⁷ the Port:

Trucks accessing the proposed facility are currently envisioned to drive through residential neighborhoods and commercial neighborhoods in which are in the First District, creating undesirable air quality and noise pollution impacts. This is unacceptable to my constituents and me. Where is the environmental justice in this project?

At the October 13, 2005 scoping plan hearing, the President of the Board of Harbor Commissioners, David Freeman, said⁷⁸:

We – the board has directed the staff to look at the alternatives to this project, and I can just tell you that this is a classic case -- classic case of environmental justice. The idea of not sort of looking at whether there's an alternative to all these trucks -- we are hearing what you say.

These comments are indicative of a pernicious trend locally and throughout the county: low-income minority neighborhoods suffering far more than their fair share of pollution. *See, e.g.*, Pastor, et al., *Environmental Justice and Regional Inequality in Southern California: Implications for Future Research*, 110 *Environmental Health Perspectives Supplement 2*, April 2002.⁷⁹ For example, the cumulative impacts section of the DEIR⁸⁰

⁷⁷ Ex. 1 at 35-36.

⁷⁸ Ex. 2 at 47.

⁷⁹ Exhibit 16. See also Boer, T.J., Manuel Pastor, et al. (1997). "Is there environmental racism? The demographics of hazardous waste in Los Angeles County." *Social Science Quarterly* 78(4): 793-810. Mohai, Paul and Robin Saha (2006). "Reassessing Racial and Socioeconomic Disparities in Environmental Justice Research." *Demography* 43(2): 383-399. Mohai, Paul and Robin Saha (2007). "Racial Inequality in the Distribution of Hazardous Waste: A National-Level Reassessment." *Social Problems* 54(3): 343-370. Morello-Frosch, R. and R. Lopez (2006). "The riskscape and the color line: examining the role of segregation in environmental health disparities." *Environ Res* 102(2): 181-196. Morello-Frosch, Rachel and B. Jesdale (2006). "Separate and Unequal: Residential Segregation and Air Quality in the Metropolitan U.S." *Environmental Health Perspectives* 113(3): 386-393. Pastor, Manuel, James Sadd, et al. (2005). "The Air is Always Cleaner on the Other Side: Race, Space, and Air Toxics Exposures in California." *Journal of Urban Affairs* 27(2): 127-148. Pastor, Manuel, Jim Sadd, et al. (2001). "Which came first? Toxic facilities, minority move-in, and environmental justice." *Journal of Urban Affairs* 23(1): 1-21. Pastor, Manuel, Robert D. Bullard, et al. (2001). "In the Wake of the Storm: Environment, Disaster and Race After Katrina." New York: Russell Sage Foundation, 2006. 1-52. Sadd, James L., Manuel Pastor, et al. (2011). "Playing It Safe: Assessing Cumulative Impact and Social Vulnerability through an Environmental Justice Screening Method in the South Coast Air Basin, California." *International Journal of Environmental Research and Public Health* 8(5): 1441-1459. Saha, Robin and Paul Mohai (2005). "Historical Context and Hazardous Waste Facility Siting: Understanding Temporal Patterns in Michigan." *Social Problems* 52(4): 618-648. Su, J. G., R. Morello-Frosch, et al. (2009). "An index for assessing demographic

↑ shows that the following projects, among others, will bring more diesel and other pollution to the neighborhoods near SCIG: China Shipping Terminal, APL Terminal, Yang Ming Terminal, SR-47 project, ICTF intermodal railyard project (immediately adjacent to SCIG), Middle Harbor project, Pier S project, the Gerald Desmond Bridge replacement, and the I-710 widening.

California has addressed this problem in part by enacting Government Code 11135(a), which states that:

113-17 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 proposed project will be on land that the Port was given by the State to hold in trust for the people of the state, and in that sense has received financial assistance from the State. The DEIR admits that the project will have significant impacts related to air quality, but claims, without substantiation, that these impacts "are not linked to localized health effects ...". *See page 6-13*. This unsubstantiated claim is not backed up by any data, and in any event is unsupported because the air emissions and health risk studies are invalid, as discussed above.

The Port has been on notice since 2005 (at minimum) that an environmental justice community is in the cross-hairs of this project, but has shirked its duty to properly analyze the project under CEQA, in particular in the areas of air quality, health risk and cumulative impacts. This constitutes deliberate indifference to the rights of the largely Latino, poor neighbors of the project and violates Government Code 11135.

The Cumulative Impacts Analysis Is Flawed For Lack Of Mitigation Measures

113-18 The DEIR admits⁸¹ that the project will add to the local cumulative impacts in a way that is significant under CEQA, but proposes no mitigation to resolve the problem:

As described in Section 3.2.4.3, operation of the proposed Project would cause exceedances of the SCAQMD thresholds for 1-hour and annual NO₂, 24-hour and annual PM₁₀, and 24-hour PM_{2.5}. It would also cause exceedances of the NAAQS for 1-hour NO₂. *Therefore, the Project would result in a cumulatively considerable contribution to a significant cumulative impact.*

inequalities in cumulative environmental hazards with application to Los Angeles, California."

Environ Sci Technol 43(20): 7626-7634.

⁸⁰ DEIR, Table 4-1.

⁸¹ DEIR, page 4-27.

Mitigation Measures and Residual Cumulative Impacts

Mitigation measure **MM AQ-7** (on-site sweeping; see Section 3.2.4.3) would be implemented during operation of the proposed Project. Even with this mitigation, emissions of NO₂, PM₁₀, and PM_{2.5} would remain above SCAQMD thresholds and, in the case of NO₂, the NAAQS (Tables 3.2-29 and 3.2-30). *Therefore, the proposed Project after mitigation would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact.*

[Emphasis added]. Yet, no additional mitigation is proposed.

The truck “mitigation measure” (DEIR, MM AQ-2) “would not have a substantial impact on GHG emissions” and fails to go beyond the port’s minimum standards to address PM, NO_x and toxics. Yet the project makes no effort to incorporate cleaner truck technologies, 2010 Model Year standards, alternative fuels, or zero-emission technologies.

In addition, the DEIR also states⁸² that:

As described in Section 3.2.5, a number of conditions have been developed that may, at the discretion of the Board of Harbor Commissioners, be imposed on the Project as conditions of approval. These measures would likely provide a variety of air quality benefits, although those benefits cannot be quantified and are therefore not included as mitigation measures.

PC AQ-10 Zero Emission Container Movement Technologies
PC AQ-11 Low-Emission Drayage Trucks
PC AQ-12 CAAP Measure RL-3 (Line-Haul Locomotives)

It is simply incorrect to claim that air quality benefits cannot be quantified when replacing proposed trucks with electric (zero emission) equipment or with trucks that meet low-emission standards set in the measure. Similarly, there are specific air quality benefits of locomotive engines that meet stricter emission standards. In fact, the truth is the reverse of what the DEIR claims. The only reason these benefits “cannot be quantified” is because they are deliberately not specified as mitigation measures.

The DEIR continues:

Without these recommended Project Conditions, the proposed Project’s contribution to the cumulative impacts of past, present, and reasonably foreseeable future projects would be greater. Furthermore, in the event PC AQ-12 (CAAP Measure RL-3) is not approved as a Project Condition, the proposed Project would not contribute to achievement of the 85 percent risk reduction goal of the Health Risk Reduction Standard and would be inconsistent with the San Pedro Bay Standards.

⁸² DEIR, page 4-31.

↑ In other words, the project as designed is inconsistent with standards set by the Port.

The question then is not whether or not these measures should be included in the SCIG designs outright instead of as less-enforceable “conditions,” but rather why they are so hesitantly proposed. Each measure should be required as mitigation and be implemented fully and urgently, including:

- A plan for demonstration of zero-emission systems should be immediately accommodated in the development of the SCIG such that proven technologies can be phased-in on a specific timeline.
- Low-emission drayage trucks should be the minimum requirement for all trucks serving the site beginning from Day 1. As trucks meeting the proposed standards are currently in port service, commercially available today, and economically competitive, it is inexcusable to delay their full introduction until 2026. Truck standards should be increasingly strict, especially as zero-emission technologies are shown to be viable.

In this connection, we note that the Long Beach City Manager analyzed the DEIR and reported⁸³ on January 18, 2012 to the Long Beach City Council that:

Overall, City staff are quite disappointed with the underwhelming analytical efforts and false conclusions presented in the SCIG Draft EIR and we believe that the document falls short of meeting California Environmental Quality Act (CEQA) requirements for revealing and evaluating the probably environmental impacts of this new, extremely large, intermodal rail facility, which would be sited adjacent to many sensitive receptors and thousands of residents living nearby. Further, we contend that as this evaluation is flawed and the environmental impacts of this facility on its neighbors are greatly underestimated, the mitigations proposed are found to be inadequate as well.

We agree.

The SCIG And ICTF Expansion Projects Are Being Piecemealed In Violation Of CEQA

↓ The ICTF expansion project is proposed for an existing site that is immediately adjacent to the proposed SCIG site. According to the January, 2009 Notice of Preparation and Initial Study for the ICTF expansion project, that project will add over 1 million new truck trips (using the lowest number of new trips proposed) and over 5,000 new train trips per year.⁸⁴ The facility will

⁸³ <http://www.lbreport.com/scig/sciglb.pdf> (Ex. 17)

⁸⁴ ICTF Notice of Preparation and Initial Study, p. 32. (Ex. 18)

operate 24 hours per day, 7 days per week.⁸⁵ The Port of Los Angeles controls 2 of the 4 seats on the Board of the Joint Powers Agency that is the project proponent for the ICTA expansion.⁸⁶ No mention is made in the 2009 Notice of Preparation and Initial Study of zero emission container movement technology or on-dock rail – notwithstanding the fact that the document admits that:

“Operation of the proposed [ICTF] Project, primarily the increase in activity by mobile sources associated with the proposed Project, could conflict with implementation of the applicable SCAQMD AQMP [Air Quality Management Plan] because of potentially significant increases in criteria air pollutants.”⁸⁷

“Potentially significant adverse air quality impacts were identified for potential impacts on the AQMP, potential contribution to impacts on ambient air quality, cumulative air quality impacts (including GHG emissions), impacts to sensitive populations and odors.”⁸⁸

113-19 It is unfair to the community and violates the anti-piecemealing policy of CEQA to treat these as different projects. As the Court explained in *Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th 70, 98-99 (2010):

“There is no dispute that CEQA forbids ‘piecemeal’ review of the significant environmental impacts of a project.” (*Berkeley Jets, supra*, 91 Cal.App.4th at p. 1358, 111 Cal.Rptr.2d 598.) Rather, CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Com. (1975)* 13 Cal.3d 263, 283–284, 118 Cal.Rptr. 249, 529 P.2d 1017.) Thus, the Guidelines define “project” broadly as “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...” (Guidelines, § 15378, subd. (a).) The question of which acts constitute the “whole of an action” for purposes of CEQA is one of law which we review de novo based on the undisputed facts in the record. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007)* 155 Cal.App.4th 1214, 1224, 66 Cal.Rptr.3d 645 (*Tuolumne County*).)

In the seminal case of *Laurel Heights I, supra*, 47 Cal.3d 376, 253 Cal.Rptr. 426, 764 P.2d 278, the California Supreme Court set aside an EIR for failing to analyze the impacts of the reasonably foreseeable second phase of a multi-phased project.

⁸⁵ *Id.*

⁸⁶ “The ICTF JPA is a joint entity created and funded by both the Port of Los Angeles and the Port of Long Beach. The two Ports share equal control of the ICTF JPA contributing two members each to the four person ICTF JPA Board.” [Hhttp://www.ictf-jpa.org/ictf_jpa.php](http://www.ictf-jpa.org/ictf_jpa.php)

⁸⁷ Ex. 18 at 32.

⁸⁸ Ex. 18 at 35.

113-19

That case involved a plan by the University of California, San Francisco (UCSF) to move its School of Pharmacy basic science research units to a new building, of which only about one-third was initially available to UCSF. (*Id.* at p. 393, 253 Cal.Rptr. 426, 764 P.2d 278.) Although the EIR acknowledged that UCSF would eventually occupy the remainder of the building once that space became available, the EIR only discussed the environmental effects relating to the initial move. (*Id.* at p. 396, 253 Cal.Rptr. 426, 764 P.2d 278.) The court concluded that the EIR should have analyzed both phases and was deficient for omitting the expansion plans. (*Id.* at p. 399, 253 Cal.Rptr. 426, 764 P.2d 278.) In so holding, the court announced the following test: “[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (*Id.* at p. 396, 253 Cal.Rptr. 426, 764 P.2d 278.)

Here, the legal issue is the definition of “the whole of the action” for CEQA purposes. From the standpoint of the local neighborhood, this is simple: they are about to have two huge railyards dropped into their lap so that the Ports of Los Angeles and Long Beach can, they allege, move more freight, faster. As the Joint Powers Authority governing ICTA has stated in an announcement posted on the Port of Los Angeles website:

The ICTF serves to enhance the efficient flow of intermodal (truck and rail) cargo through the Port of Los Angeles (POLA) and the Port Long Beach (POLB). The 148 acre facility is located approximately 5 miles north of POLA and POLB, at the northern terminus of State Highway 103 and is operated by Union Pacific.⁸⁹

In addition, the Port of Los Angeles Strategic Plan 2006-2011⁹⁰ states that the Port will:

Analyze Port rail needs, including on-dock and off-dock (SCIG, ICTF, APL, and other POLA projects.

Thus, SCIG and the ICTF expansion are viewed by the Ports, and will be perceived by the local community, as a single project for the expansion of cargo throughput for the San Pedro Bay Ports. Those two projects should be analyzed as one.

Environ Has A Conflict Of Interest

113-20

The DEIR was prepared by Environ, which has a conflict of interest in positions it has taken for its client, BNSF, about whether diesel pollution is linked to cancer.

⁸⁹

⁸⁹ [Hhttp://www.portoflosangeles.org/newsroom/2011_releases/news_110811_JPA_Board_Meeting_Notice.pdf](http://www.portoflosangeles.org/newsroom/2011_releases/news_110811_JPA_Board_Meeting_Notice.pdf)H. (Ex. 19) The two addresses at the bottom of this announcement are for the administration buildings of the Port of Long Beach and Port of Los Angeles.

⁹⁰ [Hhttp://www.portoflosangeles.org/pdf/Strategic_Plan_2006-2011.pdf](http://www.portoflosangeles.org/pdf/Strategic_Plan_2006-2011.pdf)H, page 7. (Ex. 20)

113-20

BNSF hired Environ to do a report⁹¹ concerning a proposed intermodal project in Gardner, Kansas that addressed this issue: “[t]he reasons that health risks calculated for railyards in California are not directly applicable to the Gardner, Kansas facility ...”. Notably, Environ was not asked to look at whether the (well-established) CARB data is not valid, but to *assume* that it is not. Environ carried out this assignment.

One of the two authors of the 2009 Environ report is Linda Hall, who is also listed in the SCIG DEIR as a member of the Air Quality and Health Risk Analysis technical team. *See* page 11-1. Nowhere in the SCIG DEIR is there any suggestion that California’s methodology for calculating health risks for railyards is invalid, or that Environ has ever said that it is not. Indeed, Environ claims that cancer risk will go down if SCIG is built.

This self-contradictory behavior, each time in BNSF’s favor, does not build public confidence that the SCIG DEIR is fair and impartial.⁹²

The DEIR fails to Disclose the Project Proponent’s Vigorous Opposition to Local Measures to Reduce Locomotive Pollution

Courts allow a review of prior shortcomings in analyzing the adequacy of an EIR. The Supreme Court has stated that “[b]ecause an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent’s prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent’s promises in an EIR.”⁹³ This record is important in the present circumstances where the Port of Los Angeles seeks to add a huge railyard operation in close proximity to residences, schools and other sensitive sites.

113-21

Significantly, the DEIR fails to disclose the current status of the South Coast Air Quality Management District’s Rail Regulations, which seek to reduce emissions from locomotives. These rules were challenged by the railroad industry, including Project Proponent, BNSF. The railroad industry won the case, but the United States Court of Appeal for the Ninth Circuit. *See Association of American Railroads v. South Coast Air Quality Management District*, 622 F.3d 1094 (9th Cir. 2010).

In the Ninth Circuit decision, the court provides a path by which state and local air quality rules such as Rules 3501 *et seq.* can survive Interstate Commerce Commission Termination Act (“ICCTA”) pre-emption by being included in the SIP. The Ninth Circuit’s explanation of the role of the SIP is the key holding of the *Ass’n of Am. R.Rs.* opinion.

⁹¹ A copy of the Environ report on the Gardner, KA project is attached to this letter as Exhibit 21.

⁹² We note that SCAQMD was initially retained to prepare the ICTA expansion project DEIR, but the DEIR has been reassigned to the more accommodating staff at Environ.

⁹³ *Laurel Heights Improvement Assoc. of San Francisco v. Regents of the University of California*, 47 Cal.3d 376, 420 (Cal. 1988).

↑ The *Ass'n of Am. R.R.s* opinion holds that the principle of harmonization will apply if the rules are submitted by California pursuant to the Clean Air Act to the federal EPA and then approved as part of California's SIP. As the Court held:

“to the extent that state and local agencies promulgate EPA-approved statewide plans under federal environmental laws (such as “statewide implementation plans” under the Clean Air Act), ICCTA generally does not preempt those regulations because it is possible to harmonize the ICCTA with those federally recognized regulations. See, e.g., *Bos. & Me. Corp.*, 2001 STB LEXIS 435, 2001 WL 458685, at *5 (“[N]othing in section 10501(b) [**9] is intended to interfere with the role of state and local agencies in implementing Federal environmental statutes, such as the Clean Air Act [and the federal clean water statutes].”).” *Ass'n of Am. R.R.s.*, 622 F.3d at 1098.

“Once approved by EPA, state implementation plans have ‘the force and effect of federal law.’” *Id.* (quotations omitted).

113-21 In *Ass'n of Am. R.R.s.*, the District's Rules had not yet been submitted as part of the California SIP, and thus the principle of harmonization explained by the Court did not apply. As the Court explained, “[b]ecause the District's rules have not become a part of California's EPA-approved state implementation plan, they do not have the force and effect of federal law, even if they might in the future.” *Id.* “[U]ntil approved by the EPA, state implementation plans do not have the force and effect of federal law.” *Id.* (emphasis original).

Once the SCAQMD finally submitted the rule on November 2, 2012, the Railroad Industry, including the project proponent in this case sought a contempt order against the SCAQMD.⁹⁴ The disclosure of this issue is important for the Port of Los Angeles as a governmental agency trying to reduce its harmful pollution. It will help the lead agency understand that the project proponent has sought to impede efforts by other local agencies to reduce pollution from railyard operations. Given that some of the mitigation measures extend into the future (e.g. LM AQ-8 and LM AQ-9), the port decision-makers need to understand the need for ironclad mitigation because BNSF's record on the SCAQMD rail rules indicates they will seek to stop local efforts to control railyard pollution, even to the extent of pursuing contempt.

Conclusion

113-22 ↓ The fundamental question for the Harbor Commission, City Council and the Mayor is not whether SCIG needs to be built in a highly-polluted Latino working class neighborhood, but whether on-dock capacity for direct rail shipments amounting to over 2 million TEUs can be found after 2020. We believe that it can and must be.

⁹⁴ Exhibit 22.



Thank you for your attention to this letter. We would all like to work with the City to support a project that will create jobs and clean up the air. But SCIG is not such a project.

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ASSESSING THE NEED FOR THE SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY

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January 31, 2012

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EXECUTIVE SUMMARY

The Southern California International Gateway (SCIG) is a proposed near-dock rail facility situated adjacent to the existing Intermodal Container Transfer Facility (ICTF). The SCIG, operated by BNSF, and ICTF, operated by UPRR, are intended to supplement existing and proposed on-dock rail facilities, accommodating anticipated port growth and ultimately shifting more rail activity to near-dock facilities from off-dock locations. The SCIG is expected to be constructed between 2013 and 2015, beginning operations in 2016. Its maximum practical capacity is estimated to be 2.8 million TEUs per year.

The analysis below addresses the following questions:

- When will rail capacity be needed, according to cargo forecasts?

113-P3-1

Given the projects currently in progress and the proposed terminal on-dock rail projects, the infrastructure inside the terminals along with the existing ICTF-capacity will be adequate to meet forecasted traffic up until 2035, the year when the ports are likely to hit their capacity limits. Assuming a faster rate of growth or higher sure of rail volume changes this result, as presented in the answer to question four below.

- Based on the cargo forecasts and assessment of existing and proposed port terminal/rail projects, when do each of the projects need to roll out in order to meet the projected forecast year to year?

113-P3-2

Under the scenario outlined in the answer to #1, the existing timeline for each of the terminal expansion projects (described in this report) will be sufficient to accommodate the projected demand.

- What infrastructure is needed to handle cargo flows over the course of the next 25 years? At what point does all on-dock rail capacity get maxed out if all projects are built?

113-P3-3

Rail infrastructure outside of the terminals, but within the port complex, is key to meeting demand for on-dock rail. Currently scheduled projects are adequate to meet most of the demand for on-dock rail through 2020; however, as noted in the 2006 Rail Study Update and in the SCIG EIR, unless substantial improvements are made in the West Basin of POLA and Terminal Island area, maximum practical capacity of on-dock rail cannot be attained. These projects would need to be completed (including triple-track projects that have no NOI as of yet) in order to make full use of expanded on-dock capacity slated for the 2020–2030 period.

- After full build-out and maximization of on-dock rail, existing near-dock rail, and off-dock infrastructure, what is the gap between demand and capacity according to the cargo forecast?

The gap between forecasted rail demand and the ability to meet the demand with existing/projected on-dock rail and the ICTF as currently configured depends upon the rate of forecasted growth, the assumed share of direct intermodal rail, and whether on-dock rail can achieve maximum practical capacity.

113-P3-4

- If the share of direct intermodal rail is assumed to be 37% (due to reduced rail demand caused by Panama Canal diversion), then

- 113-P3-4 * On-dock and existing ICTF capacity can accommodate direct intermodal rail until nearly 2035 under a low annual growth rate (4.3%).
- 113-P3-4 * Under a higher annual growth rate (4.7% after 2020), on-dock and existing ICTF capacity can accommodate direct intermodal rail until 2030. Even if the ICTF were expanded, a higher growth rate would yield a 284,000 TEU deficit in capacity in 2035.
- 113-P3-5 - If the share of direct intermodal rail is assumed to be 40%, then there will be a shortage of rail capacity by 2035, even with ICTF expansion. This gap will exist by 2030 if the ICTF is not expanded.
- 113-P3-6 - If productivity-enhancing measures are not adopted that allow on-dock rail to be used to its maximum practical capacity, then, even under an expanded ICTF, rail capacity will be insufficient by 2020, with an unmet demand of 354,000 to 1.9 million TEUs in 2020, increasing to 1.5 million to 3.0 million TEUs in 2030.
- What should be the planning/operational priorities?
- 113-P3-7 The 2006 Rail Study Update outlines the major obstacles in obtaining maximum capacity from on-dock rail and these obstacles are reiterated in the SCIG DEIR. Improvements in rail infrastructure between the terminals and the Alameda Corridor must be a priority, and cannot be deferred beyond the opening of the SCIG, as that might encourage shifting freight to near-dock rail that would otherwise be best served through on-dock rail. Beyond the infrastructure consideration is the constraints imposed by labor costs and work rules. On-dock rail productivity is maximized through a three shift model. Obviously the recession made this non-economical due to lack of traffic, however, as freight rebounds, terminals should be able to move towards this type of operation, which requires increasing labor productivity through new work rules. This is a jurisdictional issue (the ILWU negotiates with the PMA) outside of the scope of the Ports and railroads. However, this change should actually be the first priority, as it does not require substantial capital expenditure. Constructing additional near-dock facilities before these changes are made has the potential to shift freight to near-dock facilities that would be better served by on-dock rail facilities (from both a private and social cost perspective).
- 113-P3-8

DESCRIPTION OF THE STATUS QUO

For the sake of exposition, we provide a brief description of port rail operations, though a more complete explanation can be found in the SCIG EIR itself. Currently, approximately 45% of freight moved by terminals is rail traffic. Rail traffic can be decomposed into “direct intermodal” rail (freight moved out of the region without being transloaded into a different container) and transloaded rail. The rail study update prepared by Parsons in 2006 finds that “direct intermodal” freight comprises approximately 40

On-dock facilities allow trains to be built on terminal property, thus minimizing the impact on the surrounding neighborhoods. Near-dock rail facilities are located outside of terminal facilities (though, in the case of the ICTF and SCIG, on port property) and require a short dray from terminals to the rail facility (and vice versa). In the case of the SCIG and ICTF, the dray is approximately five miles, depending on the origin/destination terminal. Finally, off-dock rail involves longer truck drays. In the case of the current BNSF operations, the rail-yards used are in Los Angeles. The Hobart facility, the BNSF facility in Los Angeles that currently handles the bulk of international freight, is located 24 miles from the San Pedro Bay ports. The Clean Air Action Plan, enacted by both ports, stresses the importance of on-dock and near-dock rail versus off-dock rail due to environmental considerations.

Parsons' 2006 rail study finds that of the 45% rail share, 40% is “direct intermodal” freight—freight that is moved out of the region without any transloading. The remaining 5% of the 45% rail share is transloaded rail freight—freight moved by truck out of the terminal and then transloaded to a domestic container before leaving the region via rail. Using 2008 data, the SCIG EIR presents the share of on-dock rail as 23.7%, near-dock at 7.4%, and off-dock at 11.1%.

Currently nine terminals at the Ports of Los Angeles and Long Beach have on-dock rail facilities (new and pending projects are described later in this document). The ICTF currently handles all near-dock rail freight, at approximately 1.2 million TEUs moved in 2005 and 833,000 TEUs move in 2010 (this assumes a standard 1.85 TEUs per container, which is the conversion rate assumed throughout this report). The off-dock facility most heavily used is the BNSF Hobart rail-yard, which handled 1.2 million TEUs of intermodal freight in 2010.

ONGOING PROJECTS INVOLVING CONTAINER TERMINALS AND ICTF

For the sake of clarity, the projects described below are those that directly involve terminals or the ICTF. Infrastructure projects that affect rail infrastructure outside of terminal or ICTF facilities are described in the next section. Additional projects are described in Appendix A.

- ICTF Reconfiguration—The Rail Simulation Study (2006) estimates the maximum practical capacity of ICTF at 1.4 million TEUs; this was at a time when the ICTF was handling 1.08 million TEUs per year. According to the ICTF-Joint Powers Authority website, the ICTF currently averages 725,000 containers per year (1.3 million TEUs); however, according to the Air Resources Board (ARB), in 2010 the ICTF handled 833,000 TEUs, down from 1.2 million TEUs in 2005. After reconfiguration, the total capacity of the ICTF would increase to a maximum of 1.5 million containers (2.8 million TEUs) by 2016 under full project completion.

- Pier B On-Dock Rail Facility—This project would improve operations, expand capacity, and increase efficiency of a current on-dock rail-yard (which is currently used for rail storage and staging) and improve traffic flow and safety near Pier B. There are three phases intended to make Pier B a fully functioning on-dock rail facility. Specific projects include expanding railcar storage and staging, adding fueling and repairing tracks, realigning SR-47 bridge supports, adding tracks in both directions, and building a grade separation. The renovation will also allow the facility to serve as a place to hold trains coming off the Alameda Corridor that cannot enter terminals during certain hours. This would provide improved productivity for on-dock rail at several terminals.
- Middle Harbor Project —This project will expand, redevelop, and update existing Piers D, E, and F at POLB. Specific projects include deepening channel waters, widening slips and wharves to accommodate larger ships, and lengthening berths. As part of this project, two terminals will be consolidated into one, and cranes will be replaced so that they may serve larger ships. This will improve traffic flow for cargo handling, link the new improved terminal to existing on-dock intermodal rail-yard facilities, and separate loading/unloading from the main track. Baseline 2005 capacity is 1,264,021 TEUs. When the terminal is at its capacity in 2025, total TEUs will be 3,320,000 annually. In 2025, about 2,523,200 TEUs would be moved to and from the terminal via truck; of that, 252,320 TEUs would be transported to and from off-dock and near-dock rail-yards by truck. About 544,480 TEUs would be transported via on-dock rail. This would increase on-dock rail from 138 trains in 2005 (assuming 25 rail cars per train) to 2,098 in 2030. Daily truck trips would increase from 6,528 in 2005 to 10,112 in 2030.

The expansion is substantial; in 2010, Pier F handled 122 trains per year. According to the EIR, by 2015 it would handle 1,092 trains per year (assuming 25 cars per train) and increase to 2,098 trains per year in 2020. The Pier F rail-yard is expected to handle 26% of the new terminal's capacity (moving 872,480 TEUs of the 3.3 million TEUs through on-dock rail). It should be noted that the EIR figures for rail capacity may be a bit low. Even assuming 25 trains per day, and a practical capacity (not maximum capacity) of 270 cars per train, yields approximately 1 million TEUs annual capacity at full operations in 2020 and roughly 835,000 TEUs per year in 2015.

- Pier S —This project will optimize efficiency and increase capacity for cargo. Specific projects include the construction of a new marine terminal with on-dock rail access at Pier S, improvements to the back channel, dredging, wharf construction, the addition of cranes, the widening and deepening of the back channel, improvements to the container yard and buildings, improved truck gates and roadwork, a new intermodal rail-yard and dual rail lead, the relocation of the oil and utility facility, and improvements to the Terminal Island Wye rail infrastructure. Noted in the SPB Rail Enhancement Report (2006) as a project slated for completion by 2010, the Pier S (POLB) project's EIR had to be modified due to operational considerations regarding ship navigation and access. Under an optimistic scenario, construction would end in 2013, but it is likely to end after that. The Pier S container terminal is assumed to handle 1.8 million TEUs at full build-out in 2020. The location and layout of Pier S means that there will be limited on-dock rail service. It is anticipated that Pier S activity will produce 549 annual on-dock trains and 1,179 annual near-dock or off-dock trains—approximately 32% of rail will be transported using on-dock rail facilities (p. ES-6 of the EIR, 2011). It should be noted that if the trains carry 280 containers (or 518 TEUs, assuming the standard 1.85 TEU/container conversion rate), there would be demand for 284,000 TEUs of on-dock rail and 611,000

TEUs moving from near-dock or off-dock rail in 2020. This would imply nearly 50% of the freight from Pier S is ultimately moving via rail (though only a limited amount by on-dock rail).

- APL —This project will expand and improve an existing container terminal. Proposed projects include adding cranes, modifying the main gates, converting container storage to refrigerated storage area, replacing a truck inspection facility, building a power shop facility and office space, extending a current wharf, developing an out-gate, and dredging. The baseline capacity between 2008 and 2009 for this terminal was 1,128,080 TEUs and the baseline is projected to be 3,206,000 TEUs at capacity in 2027. The breakdown of total TEUs for the terminal and projected mode of transportation in the base year and 2027 is given in the table below. Total TEUs for each mode increase, but the percentages of TEUs transported by near-dock and truck increase by 2027.

Mode	2008		2027		Increase in TEUs 2008 to 2027
	% of Total	TEUs	% of Total	TEUs	
On-Dock	35	394,828	32	1,025,920	631,092
Near-Dock	11	124,089	13	416,780	292,691
Truck	54	609,163	55	1,763,300	1,154,137
Total	100	1,128,080	100	3,206,000	2,077,920

The capacity of on-dock rail is expected to increase from 2,197 annual train capacity in 2012 to 2,831 in 2020 and 2,953 in 2027 at full capacity. Assuming 518 TEUs per train, this amounts to an increase in on-dock capacity of 391,000 TEUs between 2012 and 2027.

- West Basin/China Shipping—This project will expand and improve an existing container terminal. Specifically, the project involves lengthening two of the berths in the terminal, adding 10 cranes, developing 142 acres of terminal backlands, constructing new container terminal buildings and gate facilities, constructing new bridges, and dredging. The terminal capacity is expected to reach a maximum of 1,551,000 TEUs annually in 2030. Of the 2030 expected capacity, 1,015,754 TEUs (65%) will be transported by truck to off-dock destinations, local destinations, or national destinations. About 303,996 TEUs of intermodal cargo will be transported to near-dock rail-yards. The remaining cargo, 231,250 TEUs, will be transported by on-dock rail from the adjacent Yang Ming facility.
- West Basin/TraPac – This project will expand and improve an existing container terminal. Specific actions include deepening the berths, improving wharves, replacing six older cranes with five new cranes, adding new container terminal buildings, adding a new on-dock intermodal rail-yard, improving the surrounding road, and redeveloping 57 acres of terminal backlands. This will significantly increase cargo movement once completed. Construction began in 2008 and is to be completed by 2025. The maximum capacity of 2,389,000 TEUs annually is expected to be reached by 2025. Of that capacity, 70%, or 1,689,000 TEUs annually, would be moved by truck either to an off-site rail-yard, to local destinations, or to other national destinations.

The EIR assumes that the new on-dock rail-yard could handle 700,000 TEUs per year, assuming 24-hour rail operations, 350 days per year, with four trains per day at 330 containers per train (EIR, ES-16). The figure of 330 containers per train is a bit higher than the figure assumed under other models, and it should be noted that under this assumption the number of TEUs that could be handled is closer to 850,000 TEUs, though these assumptions are unlikely to be met without other operational/infrastructure changes noted in the next section.

113-P3-10

PRACTICAL CONSIDERATIONS THAT LIMIT ON-DOCK RAIL

Practical considerations that limit on-dock rail facilities include operational constraints and infrastructure constraints.

There are two main operational considerations. First, terminals do not have rail service that operates 24 hours per day. This is primarily due to both labor rules and economic conditions (i.e., there is not enough freight to justify the added cost of train operations that span three shifts). Restructuring labor rules (including rules about what work can be done when trains are moving in the terminal) may bring the costs of operating trains on three shifts down to a level that would make it economically feasible given current and anticipated volumes.

The second operational consideration is the nature of building an on-dock train. The most efficient trains are “unit trains,” which consist of full-length trains with similarly destined cargo. The cargo does not necessarily all need to have the same ultimate destination, but it needs to be freight that is routed through the same rail hub. For example, freight might have a final destination of the upper Midwest or Northeast and a unit train could be built on-dock that sends all of this freight on a full train destined for Chicago. Full length unit trains typically consist of 29 five-bay railcars, hold approximately 280 containers (518 TEUs) and are 8000 feet long.

Another possibility is to build trains that are not full unit trains, but have substantial “blocks” with a common destination (e.g., Texas or Chicago). This train could be built on-dock and then “block swapped” elsewhere where the block destined for Chicago is merged with a block of freight from another terminal also destined for Chicago to ultimately form a unit train. This needs to happen in the region (possibly at the reconfigured Pier B facility), and the process is obviously less efficient than forming a unit train at the terminal itself. It is also important to note that “block swapping” requires a fair amount of space/track capacity; generally, this would happen at a rail yard. It is not something easily done outside of a terminal facility or railyard.

Finally, if a terminal has a small amount of freight with a particular destination, this cargo would be most efficiently moved to a near-dock or off-dock facility so it could be combined with other freight heading toward the same destination. It would take up terminal space and delay the freight delivery to keep the cargo at the terminal until there were sufficient amounts to build either a block or unit train of similarly destined freight. Thus, not all freight that comes into a terminal can easily be sent out of the region using on-dock rail.

The main infrastructure considerations include the following:

- Bottlenecks of on-dock rail will occur when freight from East POLB, West Basin, and Terminal Island yards converge on the route to the Alameda Corridor. Some of this congestion will be ameliorated with the Terminal Island Wye Track Realignment project (part of the Pier S project). The location of the SCIG, much like the ICTF, avoids this convergence (Appendix G2, SCIG Draft EIR).
- The continued existence of crossings at grade, including the Reeves crossing.
- Badger Bridge lifts that allow ships to access the Cerritos Channel.
- Lack of double-track and triple-track access in high-demand sections of the ports (again, East POLB and West Basin).

Pending projects that will address some of these infrastructure problems are presented in the San Pedro Bay Ports Rail Study Update (2006, p. ES-18), and many of these problems are currently being addressed in portions of existing terminal improvements, including Pier S and Pier B projects. Additionally, the San Pedro Bay ports received \$17 million from the US DoT for their Green Port Gateway Project which will be used for some of these improvements. Triple-tracking the Badger Bridge and the area south of the Thenard Junction, however, is not scheduled to occur until after 2015, and no notices of intent have been posted for these projects.

These infrastructure constraints mean that additional on-dock rail built on Terminal Island or at the West Basin will have limited contributions to meaningful capacity since there will be substantial bottlenecks between these facilities and the Alameda Corridor. The projected start dates, finish dates, and year at capacity for the West Basin and Pier S projects are presented below. In order to accommodate the current planned expansion of West Basin terminals and Pier S, the rail infrastructure projects mentioned above should be completed in the next five years (after most project completion, but before the terminals hit capacity).

Timetable for Selected Port Projects

Project	Projected Start	Projected Finish	Year at capacity
Pier S**	2011	2013	2020
West Basin-China Shipping	2002	2012	2030
West Basin-TraPac	2008	2025	2025

**As previously mentioned, the Pier S project is unlikely to be completed by 2013.

EVALUATION OF ON-DOCK AND NEAR-DOCK CAPACITY AND CONTAINER VOLUME FORECASTS

To evaluate the need for additional near-dock facilities requires us to examine both the demand for rail and the supply of existing and projected on-dock and near-dock rail facilities. We begin with the supply analysis, move to demand analysis, and wrap up with some conclusions based on sensitivity analyses of both supply and demand factors.

CURRENT AND PROJECTED ON-DOCK AND NEAR-DOCK RAIL CAPACITY

While off-dock rail is a possible source of long-term capacity, this would require the Hobart Yard to remain a yard that handles substantial amounts of international traffic, though the intent is to switch this yard over to domestic service if the SCIG were built. The UPRR currently has limited capacity for off-dock rail demand. Off-dock rail is also less attractive from an environmental perspective as it requires longer truck trips and would increase traffic on the I-710. The amount of on-dock rail capacity has been simulated by Parsons as part of their Rail Simulation Modeling Study (available as an appendix in the SCIG EIR). The key assumptions of their rail modeling simulation are as follows:

- Both rail lines split the freight volume 50-50 based on current market conditions.
- All existing plans for rail development at POLA and POLB come to fruition in their proposed state (summaries of these were provided earlier in this report).

- There are three rail shifts per day (which is not the status quo).
- ILWU work rules are modified to increase efficiency.

The 2006 Rail Update Study presented MPC (maximum practical capacity) as well as Intermodal Forecast (based on other constraints) for each on-dock rail facility. A consolidated table of the terminals and their corresponding MPC and Intermodal Forecast are presented in Appendix B. These figures were adjusted between the 2006 study and the 2011 Draft EIR. As discussed earlier in this document, some projects were delayed (such as the Pier S project). Revised total on-dock capacity used in the 2011 Draft EIR is presented below:

Total On-Dock Capacity Over Time: As Published in the 2011 Draft EIR						
	2008	2012	2016	2020	2030	2035
On-Dock TEUs	3,400,000	5,500,000	7,900,000	10,300,000	12,900,000	12,900,000

Currently, the ICTF handles approximately 1.3 million TEUs per year. Under expansion, it would be able to handle 2.8 million TEUs by 2016. Adding the current and future ICTF numbers to the table above yields available and projected on-dock and ICTF near-dock capacity as follows:

Total On-Dock Capacity Over Time: Inclusive of ICTF Reconfiguration						
	2008	2012	2016	2020	2030	2035
On-Dock + ICTF TEUs	4,700,000	6,800,000	10,700,000	13,100,000	15,700,000	15,700,000

While we noted earlier that there seemed to be some additional capacity that could be handled by on-dock rail, the current infrastructure constraints imply that the numbers above reflect the most optimistic capacity of on-dock and near-dock ICTF rail (including the proposed ICTF expansion). Actual on-dock capacity may be lower if the terminals are not able to alter work rules to take advantage of on-dock infrastructure capacity.

FORECASTS

There are only a few long-term forecasts of San Pedro Bay container traffic. The Mercer forecast (1998) assumed a 6% cumulative annual growth rate (CAGR) through 2020 and is sufficiently old to be of little practical use for this project. Tioga produced forecasts in 2007 and 2009. Clearly the 2009 forecast was designed to incorporate the likely impact of the U.S. economic recession and involved substantial downward revisions of the forecast. For example, the 2007 forecast projected port traffic to reach 65.1 million TEUs in 2030, versus 34.6 million TEUs in the 2009 forecast. Using data from the 2009 forecast, the EIR estimates that ports will reach infrastructure capacity in 2035, using an estimated San Pedro Bay capacity of 43.2 million TEUs and also extending the TIOGA forecast out from 2030 with an assumed annual growth rate of 4.7%.

Assuming the share of direct intermodal traffic remains at 40%, the projected demand for rail facilities would be 17.3 million TEUs between 2030 and 2035. Of this total, 12.9 million TEUs are assumed to be provided by on-dock rail and 4.4 million TEUs remain, which would presumably require near-dock rail facilities.

The Draft EIR (p. 1–23) notes that the 2010 and 2011 volumes exceeded the 2009 Tioga forecast, leading them to comment that the 2009 forecast underestimates total volumes. It should be noted, however, that the year-end volumes for 2011 were approximately 14 million TEUs (POLA December figures were unavailable at the time of

Total Forecast TEUs through San Pedro Bay Ports

	2008 Forecast	2012 Forecast	2016 Forecast	2020 Forecast	2030 Forecast	2035 Forecast
2007 Forecast	14,300,000	23,400,000	29,900,000	36,400,000	43,200,000	65,100,000** 43,200,000
2009 Forecast	14,300,000	14,300,000	17,800,000	21,800,000	34,600,000	43,200,000

Source: SCIG Draft EIR, p. 1-23.

** The forecast is 65.1 million TEUs, but port capacity is constrained to 43.2 million.

writing), lower than anticipated, and therefore there is little indication that the 2009 forecast numbers are too low.

Thus, we will focus mainly on the assumptions of the 2009 forecast and discuss the possible sources of bias in this forecast and the potential ramifications for the demand for rail service. The key assumptions made in the 2009 Tioga forecast are as follows:

No major business cycle fluctuations between 2009 and 2030.

- No major changes in U.S. tax structure.
- Constant consumer confidence.
- 2.6% average annual inflation rate.
- 5.9% average unemployment rate (settling to 5%).
- 2.3% potential GDP growth rate per annum.
- 1.7% average annual growth in trade.
- Minimal diversions, including only a 3% diversion due to the Panama Canal expansion.
- Stable SPB shares of total U.S. volumes—roughly 33% through 2015, rising to 37% in 2030 (p. 23).

These assumptions lead to CAGRs in San Pedro Bay volumes of:

- -1.7% from 2005–2010,
- 5.5% from 2010–2020,
- and 4.7% from 2020–2030 (p. 20).

No reports on forecasting error are provided in the report. Given two additional years of data, we observe some limitations with the key assumptions:

- The current economic climate in Europe could have problematic effects on the assumed level of world trade.
- The unemployment rate is declining very slowly; at 8.5% in December 2011, it has a long way to fall before hitting the steady state of 5% assumed in the forecast.
- The impact of the expansion of the Panama Canal is unknown; however, the canal opening will affect rail freight significantly more than freight destined for the region.

- SPB freight volumes were flat or slightly down between 2010 and 2011, which means the 5.5% CAGR assumed by TIOGA for the 2010–2020 period will be increasingly difficult to attain unless there is substantial growth this year.

To illustrate the potential effects of missing the 5.5% CAGR forecast for 2010–2020, the table below presents some alternative possible growth rates:

1. 5.5% from 2010–2019 and 4.7% onward, based on the TIOGA forecast CAGR.
2. A constant 4.7% CAGR.
3. A pessimistic 4.3% CAGR.

Alternative Growth Scenarios			
	5.5%/4.7%	4.7% CAGR	4.3% CAGR
	Projections	Projections	Projections
2011	14,000,000	14,000,000	14,000,000
2012	14,770,000	14,658,000	14,602,000
2013	15,582,350	15,346,926	15,229,886
2014	16,439,379	16,068,232	15,884,771
2015	17,343,545	16,823,438	16,567,816
2016	18,297,440	17,614,140	17,280,232
2017	19,303,799	18,442,005	18,023,282
2018	20,365,508	19,308,779	18,798,283
2019	21,485,611	20,216,291	19,606,610
2020	22,495,435	21,166,457	20,449,694
2021	23,552,720	22,161,281	21,329,031
2022	24,659,698	23,202,861	22,246,179
2023	25,818,704	24,293,395	23,202,765
2024	27,032,183	25,435,185	24,200,484
2025	28,302,696	26,630,638	25,241,104
2026	29,632,922	27,882,279	26,326,472
2027	31,025,670	29,192,746	27,458,510
2028	32,483,876	30,564,805	28,639,226
2029	34,010,618	32,001,350	29,870,713
2030	35,609,118	33,505,414	31,155,154
2031	37,282,746	35,080,168	32,494,825
2032	39,035,035	36,728,936	33,892,103
2033	40,869,682	38,455,196	35,349,463
2034	42,790,557	40,262,591	36,869,490
2035	44,801,713	42,154,932	38,454,878

Only under the TIOGA 2009 CAGR assumptions will San Pedro Bay port capacity be reached by 2035. Port capacity is assumed to be 43.2 million TEUs. Originally estimated at 42.7 million TEUs in most pre-2008 reports, the expansion of Pier S allowed the projected capacity to be increased to 43.2 million TEUs. However, it should be noted that this capacity is based upon throughput of 8,000–10,000 TEUs per acre, substantially higher than the current 5,000 TEUs per acre productivity measures. Achieving 10,000 TEUs per acre relies upon both improvements in technology and alterations in current work rules which would allow full implementation of productivity-enhancing technology.

Absent an increase in automation, POLA estimates are that productivity would reach 7,500 TEUs per acre, 6.25% to 20% lower than the maximum. Taking the average of this (13.125%) and scaling the maximum TEUs down ac-

cordingly leads to a maximum San Pedro Bay port capacity of 37.6 million TEUs, implying that capacity will be reached in 2030, according to the TIOGA CAGR figures, and in 2035 under the pessimistic scenario.

COMBINING SUPPLY AND DEMAND

What can the analyses above tell us about the demand for near-dock rail facilities? We combine the on-dock/near-dock capacity numbers with the forecast TEUs above (both the TIOGA and pessimistic CAGRs; columns 1 and 3). If we retain the 40% direct intermodal share assumed in the Draft EIR, by 2035 the demand for direct intermodal rail will range from 15.4 million TEUs to 17.3 million TEUs. However, following the expansion of the Panama Canal, due to open in 2014, some diversion is expected. The 2009 TIOGA forecast assumes a 3% diversion. Diversion would affect freight moving outside of the region; thus we apply this 3% diversion factor to the demand for rail and use a 37% share of direct intermodal rail in our calculations.

Assuming full expansion of the ICTF, there would be a shortage of 284,000 TEUs under the optimistic forecast scenario and a surplus of near-dock and on-dock capacity under the pessimistic forecast scenario. Without ICTF expansion, there will be a shortage of capacity that may reach as high as 1.8 million TEUs under the optimistic forecast growth rates.

Our figures differ somewhat from those in the Draft EIR due to the following:

- The use of the actual ICTF capacity cited by the ICTF's webpage, rather than the 1.8 million TEUs used in the Draft EIR.
- The application of the CAGR to the 2011 numbers, rather than the use of the 2008 benchmark from the Tioga study.
- The assumption of a 37% share of direct intermodal rail, rather than a 40% share, based on anticipated freight diversion (particularly of intermodal freight) following the opening of the expanded Panama Canal.

Consistent with the Draft EIR we find that on-dock and existing near-dock will be reached by 2035. Under the optimistic forecast scenario, and assuming no expansion of the ICTF, capacity would be reached between 2030 and 2035.

SENSITIVITY ANALYSIS

Our finding that there may be adequate capacity of on-dock and near-dock rail is sensitive to the assumptions of the model. Below we outline two alternative results:

- Assuming a share of direct rail intermodal of 40% (rather than the 37% in our analysis above) results in a deficit in on-dock and near-dock rail capacity by 2035 under the assumption of ICTF expansion, and a capacity shortage in 2030 without ICTF expansion.
- Our analysis relies upon the 2006 Rail Study Update simulations for estimates of on-dock capacity which assume that on-dock rail facilities are used to their maximum potential within the terminal. This requires

Forecast TEU Counts and On- and Near-Dock Excess Capacity

Forecast Item	Forecast Assumptions	2015	2020	2030	2035
TEU Forecast	5.5%/4.7% CAGR Forecast	17,343,545	22,495,435	35,609,118	43,200,000
	4.3% CAGR Forecast	16,567,816	20,449,694	31,155,154	38,454,878
Forecast of Rail TEUs	5.5%/4.7% CAGR Forecast	6,417,112	8,323,311	13,175,374	15,984,000
	4.3% CAGR Forecast	6,130,092	7,566,387	11,527,407	14,228,305
On-Dock/Near-Dock Capacity	On-Dock Only	7,900,000	10,300,000	12,900,000	12,900,000
	On-Dock with existing ICTF	9,200,000	11,600,000	14,200,000	14,200,000
	On-Dock with reconfigured ICTF	10,700,000	13,100,000	15,700,000	15,700,000
Forecast between projected volumes and capacity:					
- without ICTF reconfiguration	5.5%/4.7% CAGR Forecast	2,782,888	3,276,689	1,024,626	-1,784,000
	4.3% CAGR Forecast	3,069,908	4,033,613	2,672,593	-28,305
- with ICTF reconfiguration	5.5%/4.7% CAGR Forecast	4,282,888	4,776,689	2,524,626	-284,000
	4.3% CAGR Forecast	4,569,908	5,533,613	4,172,593	1,471,695

work rules to be altered and intermodal operations at the terminals to be run three shifts a day year-round. If these productivity-enhancing measures are not implemented by the terminals, the Rail Simulation Study indicates that the on-dock rail capacity would be 18% below the projected capacity in 2020 and 23% below the projected capacity in 2030 and 2035. Under this scenario, even with an expanded ICTF, on-dock and near-dock rail capacity is insufficient by 2020, with an unmet demand of 354,000 to 1.9 million TEUs in 2020, increasing to a deficit of 1.5 million to 3 million TEUs in 2030.

CONCLUSIONS

Our analysis finds that there is considerable time before there is a need for the SCIG based on capacity constraints. In particular:

- Under a low-growth scenario of 4.3% CAGR, on-dock and existing near-dock rail will likely be adequate to handle rail demand in 2035.

There will be a small projected deficit of 28,305 TEUs; however, this is a small amount of freight relative to the total traffic and it is likely that it could be accommodated in the existing system.

- Under the high-growth scenario outlined in the 2009 TIOGA forecast, on-dock and existing near-dock capacity will not be adequate to handle forecasted demand by 2035.

The deficit will be 1.8 million TEUs. Although there are practical limitations on additional on-dock capacity (beyond that which is already planned), which suggest a need for the SCIG or reconfigured ICTF, any deficit is far in the future and much can change between now and 2030-35. In particular, forecasts can be revealed to be too high or too low, or new methods or technologies for moving freight can come into play, perhaps reducing the projected deficit.

These findings beg the question of which forecast is likely to be right. On this point, only time will tell. At the same time, the high growth forecast has already been revealed to be overly optimistic, missing its targets in 2010 and 2011. The low-growth forecast is not offered because it is more likely, but rather to make the point that growth rates need not be much lower than in the high-growth forecast to eliminate the projected deficit.

These conclusions rely on an assumption of 3% freight diversion due to the Panama Canal expansion. The 3% figure was chosen based upon the TIOGA 2009 forecast numbers and is not likely to overstate the impact of the Panama Canal.

These conclusions also rely upon the adoption of modified work rules, by terminals and by labor, that will maximize on-dock rail capacity within the ports and improve the ability of freight to move efficiently from on-dock rail facilities to the Alameda Corridor. The modification of work rules will require a transformation of how existing resources are used. As these changes will be relatively low-cost (though not without dissent from labor), their implementation is crucial for realizing the full potential of on-dock rail projects.

Freight infrastructure outside of the terminals but within the port property must continue to be a priority. While it is understandable that the ACTA postponed some projects during the recession (such as Phase 2 of the West Thenard Track Connection), these projects must be prioritized as freight volumes rebound in order to maximize productivity of on-dock rail, given the length of time involved in undertaking major capital projects.

What does our analysis imply about the necessity of the SCIG? Under a low-growth scenario, it appears that the additional capacity from the SCIG is not needed. However, if growth rates exceed the pessimistic scenario, additional capacity will be needed (even if on-dock productivity is maximized). Given the time needed to build the SCIG, unexpectedly high growth without new near-dock capacity could result in congestion. However, even if growth is unexpectedly high, the need to consider the SCIG is more than 10 years, and more likely 15 years in the future. This would be sufficient time to avoid capacity issues that might arise by 2030.

REFERENCES

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- Los Angeles Harbor Department, "Berths 136-147 (TraPac) Container Terminal Project," FEIR/FEIS, 2007.
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- Los Angeles Harbor Department, "I-110/ C Street Interchange Project," NOI, 2011.
- Los Angeles Harbor Department, "John S. Gibson Blvd/I-110 Access Ramps and SR 47/I-110 Connector Improvements Project," NOI, 2011.
- Los Angeles Harbor Department, "Port of Los Angeles Channel Deepening Project," EIR, 2000.
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APPENDIX A: ADDITIONAL PORT INFRASTRUCTURE PROJECTS

1. Port of Los Angeles Channel Deepening Project

The Port of Los Angeles Channel Deepening Project has been ongoing for many years. Deepening in the outer harbor of the port was completed in 2000. Also in 2000, the port was authorized to deepen the Main Channel and make other modifications to allow deeper draft container vessels to access the container terminals along the Main Channel. This construction began in 2002, but the project produced more dredged material than planned for. Construction was halted and additional plans for dredged materials had to be approved. After a five-year period, the final stage of the deepening project began in July 2010 and is expected to be completed in 2013. Some of the dredged materials will contribute to other projects described in this report, including the Berths 136-147 (TraPac) Container Terminal Project and Berths 97-109 (China Shipping) Container Terminal Project. The remaining dredged materials will expand the Eelgrass Habitat Area and be disposed in a designated ocean area. Once completed, the deepening project will have an impact on the flow of cargo, since larger ships will be accommodated. Estimates are not available on the impact on goods movement from its current state to the completed state.

2. Eagle Rock Aggregate Terminal Project (POLB)

This project involves the construction of a sand, gravel, and granite receiving, storage, and distribution terminal. Specific actions include dredging, berth improvements, installation of a conveyer and distribution system and truck scales, and construction of an office building. The site is currently vacant; once built, the new terminal will have a capacity of 3 million tons of aggregate (sand, gravel, and granite) per year. The product would be transported to and from the terminal by truck, with an estimated 125,000 trucks per year. Most trucks will travel to destinations within a 30-mile radius. The EIR for this project is not available.

3. I-710 Corridor Project (POLB)

This project proposes expanding and improving an 18-mile portion of I-710, which originates at the port and runs north and south, for purposes of improving safety, improving capacity for goods movement and increased population, and addressing current design flaws. The EIR is not available. This will accommodate increased goods movement by trucks; a specific estimate is not available.

4. Gerald Desmond Bridge Replacement (POLB)

This project involves updating the bridge connecting Terminal Island to I-710 to Long Beach in order to address safety concerns, expand capacity of the bridge, and allow larger boats to pass under the bridge. The bridge currently accommodates about 15% of all port-related container traffic. In the baseline year, 2005, daily truck trips reached 15,200. In 2030, there will be 59,730 daily truck trips (assuming the project is completed).

5. Pier G Modernization (POLB)

This project will update and modernize the terminal, constructing more efficient/environmentally friendly truck gates, while relying on the use of materials from dredging. Most construction on this project is complete.

6. John S. Gibson Blvd/I-110 Access Ramps and SR-47/I-110 Connector Improvement Project (POLA)

This project involves widening the lanes of the SR-47/I-110 connector, extending I-110, improving the intersection, improving the drainage system, widening minor streets, and adding sound walls. This will perhaps cause minor changes to truck movement.

7. I-110/C Street Interchange Project (POLA)

This project improves a key truck interchange and will perhaps cause minor changes to truck movements.

8. Schuyler Heim Bridge Replacement Project/ SR-47 Port Access Expressway (AC)

This project will improve safety, increase mobility of traffic, decrease local congestion, and provide an emergency route from Terminal Island to I-405. Specific actions include a bridge replacement and the creation of a grade-separated expressway. This will allow for increases in truck traffic and provide an alternative route for near-dock railyards. Specific estimates on daily truck trips once the project is completed are not available.

9. Alameda Corridor East Project

This project will improve safety and mobility and accommodate increased traffic flow in the San Gabriel Valley, along a 35-mile stretch of rail lines. The project includes multiple construction projects to improve safety at crossings, such as constructing grade separations that eliminate 22 grade crossings, and will decrease the time spent at rail crossings. Many of these projects have already been completed. Specific estimates on how this will affect rail capacity are not available.

Below is a brief table of projects not expected to directly impact containerized freight.

Project	Entity	Description
TTI Grain Export Terminal Project	POLB	Installation of a grain transloading facility on 10 acres of vacant land. This would expand transfer for grains using existing rail and infrastructure. This would accommodate same imports, but increase export of grain (vessel frequency expected to stay constant).
Sulex Demolition Plan	POLB	Demolishing a sulfur facility (a byproduct of oil refineries) at Pier G. This could potentially decrease exports, but this does not change on-dock or near-dock capacity.
Mitsubishi Cement Facility Modification	POLB	Includes environmental pollution control for NOX, additional storage capacity for cement/cement products, improvements to ship unloading equipment. Would not change ship loading or truck loading rates.
San Pedro Waterfront Project, Wilmington Waterfront Project	POLA	Similar projects. Aesthetic improvements on harbor, cruise terminals, more recreational open space and commercial space, improve access to harbor and create pedestrian passages. Does not affect goods movement.
West Channel/Cabrillo Marina Phase II Development Project	POLA	Redevelop 48 acres of land and 37 acres of water. Construct new public boat launch facility. Does not affect goods movement.
Pacific L.A. Marine Terminal LLC Crude Oil Terminal	POLA	Construction and operation of a new terminal used for crude oil and partially refined crude oil. Pipeline infrastructure for transportation of the oil would also be developed. Perhaps minor changes in truck flow.
USS Iowa Project	POLA	Permanent docking of the USS Iowa at the POLA. Would include visitor facilities. Does not affect goods movement.
ILWU Local 13 Dispatch Hall Project	POLA	Building a new labor dispatch hall for laborers to support cargo growth and customer needs at terminals and facilities at POLA. Does not affect goods movement.
City Dock No. 1 Marine Research Center Project	POLA	Provide space for marine research (labs, office, classroom, public amenities); replace SCMI facilities with new research center. Does not affect goods movement.
Al Larson Boat Shop Improvement Project	POLA	Replace existing boat shop, dredging, space for maintenance and repair of boats, new wharves, new travel-lift boat hoist, improve storm water drainage, and mitigate sediment/soil contamination. Does not affect goods movement.

APPENDIX B: ON-DOCK RAIL PROJECTIONS FROM 2006 RAIL STUDY UPDATE

		2005		2010		2015		2020		2030	
		MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast
POLB	Pier J	377,023	320,000	437,364	440,000	1,471,822	910,000	1,879,404	1,270,000	1,879,404	1,480,000
	Pier G	119,415	120,000	372,943	370,000	474,003	470,000	605,265	610,000	695,265	610,000
	Pier F/MHB	187,157	180,000	217,102	210,000	1,181,278	770,000	1,508,401	1,000,000	1,508,401	1,160,000
	Pier A	258,086	200,000	433,929	370,000	707,729	640,000	1,641,446	950,000	1,641,446	1,110,000
	Pier S	0		274,091	230,000	410,842	360,000	524,613	400,000	524,613	470,000
	Pier T	571,526	460,000	662,970	660,000	990,495	990,000	1,264,786	1,260,000	1,264,786	1,260,000
POLA	Pier 300	614,022	510,000	712,265	580,000	986,580	870,000	1,259,786	1,260,000	1,259,786	1,260,000
	TICTF	613,645	610,000	711,829	710,000	1,054,441	1,050,000	1,346,440	1,350,000	1,346,440	1,350,000
	Pier 400	747,602	690,000	867,219	870,000	1,738,662	1,450,000	2,642,847	2,080,000	2,642,847	2,640,000
	WB West	262,207	260,000	321,954	320,000	504,224	500,000	893,079	890,000	893,079	890,000
	WB East			394,247	310,000	452,225	450,000	700,546	670,000	700,546	700,000
	SPB Total	3,750,683	3,350,000	5,405,913	5,070,000	9,972,301	8,460,000	14,266,613	11,740,000	14,356,613	12,930,000

Source: Rail Study Update, 2006.

IM Forecast - Projected demand for on-dock rail based on forecasted demand.

MPC - Maximum practical capacity.



ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

ONE CIVIC PLAZA, SUITE 350, CARSON, CALIFORNIA 90745 - TEL. (310) 233-7480 • FAX (310) 233-7483

August 8, 2011

Ms. Molly Campbell
Deputy Executive Director - Finance
& Administration
Port of Los Angeles
425 S. Palos Verdes Street
Los Angeles, CA 90732

Mr. Steven Rubin
Managing Director, Finance & Support
Services
Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802

Dear Ms. Campbell and Mr. Rubin:

Notice of Port Shortfall Advance

Pursuant to Section 7.3 (h) (iii) of the Use and Operating Agreement, ACTA is hereby providing notice to each Port of the actual Shortfall Advance due with respect to ACTA's October 1, 2011 debt service payments. **A Shortfall Advance of \$2,950,000.00 from each Port is due no later than Thursday, September 22, 2011.** The Shortfall Advance payment should be sent by Federal Funds wire to US Bank, the bond Trustee. Wire instructions will be provided separately.

On March 15, 2011, ACTA provided notice of the estimated Shortfall Advance amount for Fiscal Year 2011/2012. At that time, the total amount of the Shortfall Advance was estimated to be \$18 million. Due to increased cargo volumes since that time, Revenues have increased resulting in a reduction in the amount of the Shortfall Advance.

Please note that Revenues will not be sufficient (even after payment of the Shortfall Advance requested herein) to make deposits in certain other funds and accounts, including to replenish Financing Fees, restore the Reserve Account to the Reserve Account Target (\$15 million), or to set aside additional cash in the Administrative Cost Fund.

Based on current Revenue projections, Shortfall Advances may continue to be required in future years. The amount and duration of Shortfall Advances beyond October 1, 2011 is largely dependent on future San Pedro Bay cargo volumes, the mix of local vs. discretionary cargo, and ACTA's ability to re-structure its debt service obligations through the FRA RRIF financing or other transactions.

If there are any questions please contact me at 310-847-4314.

Sincerely,

James P. Preusch
Chief Financial Officer

cc: John T. Doherty, ACTA CEO
Charles Gale ACTA Co-Counsel
Heather McCloskey, ACTA Co-Counsel
Geraldine Knatz, POLA Executive Director
Richard Steinke, POLB Executive Director
Mike Christensen, POLA
Doug Thiessen, POLB

Jerry Wilmoth, Union Pacific
George Sturm, Union Pacific
Ron Bance, Union Pacific
Rollin Bredenberg, BNSF
Kim Cuccaro, BNSF
Marilyn Hardy, BNSF
Valerie Smith, OMM



Roadmap for Zero Emissions

For the last five years, the ports of Long Beach and Los Angeles have been evaluating zero emission goods movement technologies prompted by Boards of Harbor Commissioners who are keenly interested in leading the nation's two greenest ports into a cleaner future, by community demands for cleaner air, and by regulatory pressure to reduce the ports' "fair share" of air emissions. This roadmap provides direction for moving forward with the identification, evaluation, and integration of zero emission technologies into ongoing port-related goods movement.

The ports do not propose a single strategy for achieving zero emission goods movement but rather a suite of solutions that together have the potential to dramatically improve air quality in local communities and throughout the region. There is no off-the-shelf technology or stand-alone strategy ready to launch to achieve zero emissions at the ports or throughout the region. This effort will require technological innovation, multiple approaches, and regional partnerships.

The economic benefits of the ports' activity are felt throughout the nation. However, the fact that the environmental impacts of trade are disproportionately felt in the local region led to the joint ports' landmark environmental initiative, the 2006 San Pedro Bay Ports Clean Air Action Plan (CAAP). While significant emission reductions have been achieved under the direction of the CAAP to date, emissions forecasting conducted by the ports indicate that implementation of all existing regulations and current CAAP control strategies, on their own, will not result in full achievement of the ports' goals. As a result, the ports must stay focused on identifying and reducing sources of port-related emissions. Zero emission technologies could bring the ports closer to achieving their goals and be a significant strategy for reducing not only greenhouse gas emissions but also America's dependence on foreign oil.

For a zero emission technology to be considered a good candidate for advancement by the ports, it must be capable of being implemented successfully and within a reasonable period of time, taking into account economic, environmental, legal, operational, and technological factors.

The ports' roadmap for moving forward with zero emission technologies includes the following key principles:

- The ports should pursue zero emission technologies for those segments of port operations where technically feasible and economically viable solutions are most likely to develop – on-road container drayage, in-terminal container handling, and railroad locomotives.
- The ports must identify the technology options that are best suited for integration into port-related operations.
- The ports must preserve flexibility in their approach to allow future zero emission technology advancements to be integrated into port-related operations.



- The ports must consider the ability of any proposed zero emission strategy to scale out to the region in order to maximize port-related and regional air quality and health risk reductions.
- None of the zero emission technology options considered to date is ready for full-scale implementation. However, the ports will immediately move forward with demonstrations and collaborative efforts that advance promising technologies toward feasible real-world implementation.

The ports identified several options for zero emission technologies and evaluated them against these principles. The technologies that best aligned with these principles were identified as candidates for near-term demonstration. These candidates advance zero emission technologies at the ports, but preserve flexibility for future innovations. Therefore, the recommended next steps on the road to an emissions free port are summarized in the following table:

Timeline	Source Category	Actions
<p>Near Term (within 3 years)</p>	<p>On-Road Drayage</p>	<p>Conduct Technology Advancement Program (TAP) demonstrations of Vision Motors hybrid electric/hydrogen fuel cell and Balqon lithium-ion battery zero emission drayage truck technologies in short-haul port-related operations following approved testing protocols and within specified timelines. Both manufacturers will deliver trucks for testing by 3rd Quarter 2011. Industry representatives will participate in these demonstrations in an advisory capacity, along with the TAP Technical Advisory Committee (TAC), which includes the ports, Environmental Protection Agency (EPA), California Air Resources Board (CARB) and South Coast Air Quality Management District (AQMD);</p> <p>Select additional zero emission truck technologies for demonstration through the TAP process, with input from industry and the TAP TAC;</p> <p>Seek grant funding assistance and industry partnerships to support zero emission truck demonstration and deployment, as needed;</p> <p>Establish regional partnership with the Los Angeles Metropolitan Transportation Authority, Southern California Association of Governments, Gateway Cities, and others. Work together to define regional zero emission freight transport needs and develop criteria for evaluating options for moving forward with zero emission truck technologies on a regional scale;</p> <p>Working with the regional partnership, identify and evaluate specific range extension options for zero emission truck technologies, including hybridization, in-road LSM, and overhead catenary;</p> <p>Work with the regional collaborative to identify potential funding sources.</p>



Timeline	Source Category	Actions
<p>Near Term (within 3 years)</p>	<p>Cargo Handling Equipment</p>	<p>Conduct TAP demonstrations of Vision Motors hybrid electric/hydrogen fuel cell and Balqon lithium-ion battery zero emission yard tractor technologies in port-related operations following approved testing protocols and within specified timelines. Both manufacturers will deliver yard tractors for testing by 3rd Quarter 2011;</p> <p>Working with terminal operators, select additional zero emission cargo handling equipment technologies for demonstration through the TAP process, with TAC oversight;</p> <p>Working with terminal operators, develop performance specifications, operational requirements, and integration strategies for zero emission cargo handling equipment;</p> <p>Continue to facilitate electrification of RTGs and RMGs by ensuring adequate electrical capacity is available at marine terminals and require their use in new and redeveloped terminal projects;</p> <p>Apply for grant funding assistance to support zero emission cargo handling equipment demonstration and deployment at marine terminals, as needed.</p>
	<p>Rail Locomotives</p>	<p>Participate (with South Coast Air Quality Management District, the Center for Commercial Deployment of Transportation Technologies, and other stakeholders) in a proposed Proof of Concept demonstration of linear synchronous motor (LSM) technology applied to a single rail car test at the General Atomics facility in San Diego. The project is anticipated to be initiated by 4th Quarter 2011;</p> <p>Collaborate with rail companies and other stakeholders to further evaluate zero emission rail technologies, including LSM, overhead catenary, and battery electric tender car;</p> <p>As appropriate, participate in a phase 2 demonstration of LSM technology applied to multiple rail cars. The phase 2 test would be conducted at a testing center equipped to provide Federal Railroad Administration certification, such as the Transportation Technology Center rail test site in Pueblo, Colorado.</p>



Timeline	Source Category	Actions
<p>Longer Term (>3 years)</p>	<p>On-Road Drayage</p>	<p>Conduct broader operational and durability demonstration testing of advanced zero emission drayage truck technologies in short-haul port-related operations, as needed;</p> <p>Working with industry, evaluate operational compatibility of larger-scale zero emission truck deployment;</p> <p>Work with regional partnership on regional zero emission freight strategy implementation, and on demonstration projects for transitional technologies and technologies to extend zero emission truck range, including hybridization, in-road LSM, and overhead catenary;</p> <p>Assist with zero emission truck deployment by identifying funding opportunities and assisting with charging, wayside power or hydrogen fueling infrastructure as appropriate;</p> <p>Promote on-going improvements in battery technologies through TAP.</p>
	<p>Cargo Handling Equipment</p>	<p>Conduct broader operational and durability demonstration testing of advanced zero emission technologies for all cargo handling equipment, as needed;</p> <p>Assist with zero emission equipment deployment by identifying funding opportunities and assisting with charging or hydrogen fueling infrastructure as appropriate;</p> <p>Promote on-going improvements in battery technologies through TAP;</p> <p>Continue to facilitate electrification of RTGs and RMGs, and work with marine terminals to identify additional opportunities for integrating and implementing zero emission terminal operations.</p>
	<p>Rail Locomotives</p>	<p>Continue to participate, with a stakeholder collaborative, in existing or proposed zero emission rail demonstration projects, as appropriate;</p> <p>Continue to collaborate with rail companies and other stakeholders to evaluate strategies for integrating and implementing zero emission technologies into port-related rail operations;</p> <p>Work with stakeholders to secure funding for zero emission rail technologies.</p>



For Information Only

Date: August 22, 2011
To: Board of Harbor Commissioners
From: Richard D. Cameron, Director of Environmental Planning
Subject: **Update on Zero Emissions Efforts**

Background

The San Pedro Bay Ports Clean Air Action Plan (CAAP) was adopted jointly by the Port of Long Beach (POLB) and Port of Los Angeles (POLA) Harbor Commissions in November 2006. The CAAP included a goal to move toward carbon-free and electric technologies in port operations, and to demonstrate such technologies through the ports' Technology Advancement Program (TAP). Over the past several years, the ports have been pursuing that goal.

On July 7, 2011, the POLB and POLA Harbor Commissions met jointly to discuss the staff recommendations for moving forward with zero emissions technologies in port-related operations. Prior to the July 7 meeting, staff prepared an Overview and Technical Report titled "Roadmap for Moving Forward with Zero Emission Technologies at the Port of Long Beach and Port of Los Angeles" (Roadmap). The Overview document was posted on each port's website prior to the meeting. The Technical Report was provided to the Board as background information, but has not been posted on the port website.

Description of Current Issues

Using input provided during the July 7 meeting, port staff made minor updates to the Roadmap Technical Report (attached), which included formatting and clarifications. No modifications were made to the recommendations section. The updated Technical Report will be posted to each port's website.

Since the July 7 meeting, the zero emission truck and yard tractor demonstration projects have been progressing. On July 22, 2011, Vision Motor delivered the prototype zero emission electric on-road truck with the fuel-cell range extender to Total Transportation Services Inc. (TTSI). TAP staff is working with Vision Motor to finalize the demonstration test plan. The truck is currently undergoing initial testing, and is expected to be used in operations shortly. The Balqon yard tractor with the advanced lithium-ion battery is undergoing initial testing at California Cartage, the demonstration test plan is being finalized, and the yard tractor will soon be delivered to a marine terminal at POLA for in-use testing. The prototype Vision Motor yard tractor and Balqon on-road truck are expected to be delivered for in-use demonstration in the next few months.

Staff has continued to meet with POLA, South Coast Air Quality Management District (AQMD), General Atomics (GA), and the Center for Commercial Deployment of Transportation

Technologies (CCDoTT) to discuss the proposed Linear Synchronous Motor (LSM) technology "Proof of Concept" proposal. The project is anticipated to begin later this year, and would test the performance of a single rail car on an LSM test track at the GA facility in San Diego. GA recently submitted an updated proposal to AQMD; that proposal is currently being reviewed by AQMD, POLB, and POLA. Staff will continue to work with the project partners to finalize the proposal, and anticipates making a recommendation to the Board to co-fund the project in late October.

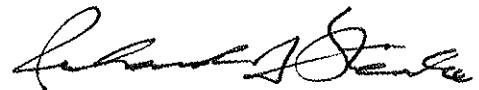
Further, as directed by Board at the July 7 meeting, staff is also working to expand the TAP guidelines to allow for consideration and potential funding of early stage zero emission technology projects. Currently, the TAP is focused on near-term technologies that are ready for commercial deployment following an in-use demonstration in the port environment. Since many zero emission technologies are at the "Proof of Concept" or "Proof of Operation" phase and are not ready for in-use demonstration, an expansion of the guidelines will allow an opportunity for promising, early stage technologies to potentially participate in the TAP. Further, at the direction of the Board, the ports are also working to identify opportunities to further integrate port operators and other stakeholders into the technology review process, with the goal of facilitating acceptance of the technologies into port operations following demonstration. Staff will be returning to the Board in October with a recommendation on the proposed stakeholder process.

Recommended by:



Dr. Robert Kanter
Managing Director of Environmental Affairs
and Planning

Approved by:



Richard D. Steinke
Executive Director

Attachments: "Roadmap for Moving Forward with Zero Emission Technologies at the Ports of Long Beach and Los Angeles," updated August 2011.

1 **Comment Letter 113: Natural Resources Defense Council**

2 **Response to Comment 113-P1-1**

3 The RDEIR properly developed project objectives and evaluated alternatives, in part, by
4 their ability to meet the project objectives. The RDEIR project objectives include both
5 primary and specific objectives. The alternatives were considered and selected pursuant
6 to the cases cited by the commenter and CEQA Guidelines § 15126.6(a):

7 “An EIR shall describe a range of reasonable alternatives to the project, or to the location
8 of the project, which would feasibly attain most of the basic objectives of the project but
9 would avoid or substantially lessen any of the significant effects of the project, and
10 evaluate the comparative merits of the alternatives. An EIR need not consider every
11 conceivable alternative to a project. Rather it must consider a reasonable range of
12 potentially feasible alternatives that will foster informed decision making and public
13 participation. An EIR is not required to consider alternatives which are infeasible. The
14 lead agency is responsible for selecting a range of project alternatives for examination
15 and must publicly disclose its reasoning for selecting those alternatives. There is no
16 ironclad rule governing the nature or scope of the alternatives to be discussed other than
17 the rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d
18 553 and *Laurel Heights Improvement Association v. Regents of the University of*
19 *California* (1988) 47 Cal.3d 376).”

20 In addition, the “range of alternatives required in an EIR is governed by a ‘rule of reason’
21 that requires an EIR to set forth only those alternatives necessary to permit a reasoned
22 choice.” (CEQA Guidelines § 15126.6(f).) The RDEIR considered approximately 20
23 alternatives, including alternative locations (RDEIR Sections 5.1.3.1 and 5.1.3.2), on-
24 dock rail (RDEIR Section 5.2.1.1) and zero emission container systems (RDEIR Section
25 5.2.2). The commenter is referred to Master Response 5: Alternatives, Master Response
26 6: On-Dock Rail, and Master Response 7: Zero Emission Container Movement Systems.

27 The commenter’s citations to CEQA Guidelines § 15126 (EIR shall include sufficient
28 information about each alternative to allow meaningful evaluation, analysis and
29 comparison) and supporting case law are relevant only to those alternatives within the
30 reasonable range selected for detailed EIR evaluation. On-dock rail was determined
31 infeasible for the reasons stated in Master Response 6, On-Dock Rail. For alternatives
32 determined to be infeasible and not included in the reasonable range, an EIR must
33 “briefly explain” the reasons underlying the lead agency’s determination. (CEQA
34 Guidelines § 15126.6(c).) The DEIR, RDEIR, and FEIR (see Master Response 6) meet
35 this requirement.

36 The RDEIR appropriately analyzes the full capacity of the SCIG facility regardless of the
37 current or potential future capacity of the ICTF as appropriate under CEQA since the
38 ICTF is not a part of the project. Analysis of the proposed modernization of the ICTF
39 facility is included in the RDEIR cumulative analysis in Chapter 4.

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
43 controls, and to provide air quality and traffic benefits by converting truck transport to
44 rail transport (RDEIR p. 2-10). Over the past 25 years, numerous parties, including the
45 NRDC, have urged the Ports to increase the use of trains to move international cargo in
46 order to realize the air quality benefits of rail transport versus truck transport. In response,

1 the Ports have constructed on-dock railyards and the ICTF and the Alameda Corridor
2 have been developed. The proposed Project, by converting truck trips on I-710 to train
3 trips on the Alameda Corridor, represents another step towards reducing truck transport
4 of cargo in Southern California. The commenter therefore appears to be opposing an
5 operational concept that they have supported in the past. The Project has objectives that
6 are consistent with local and regional plans and with the stated wishes of the
7 environmental community even if there is no need for additional capacity, which, as the
8 comment correctly points out, is the case in the near term.

9 With regards to the comments on the cargo throughput projections, the comment refers to
10 the DEIR appendices which have been revised and reissued as part of the RDEIR.
11 Appendix G4 now provides a summary of throughput projections for the various RDEIR
12 scenarios. Regarding the accuracy of the cargo throughput projections, a lead agency is
13 entitled to rely on its own experts' opinions as to what studies and analysis are
14 appropriate to evaluate impacts. (*Association of Irrigated Residents v. County of Madera*,
15 107 Cal.App.4th 1383,1396-1398.) Because this comment refers to a chapter or section
16 of the DEIR that was recirculated, no further response is necessary per CEQA Guidelines
17 §15088.5(f)(2).

18 **Response to Comment 113-P1-2**

19 Regarding the need and timing for the proposed SCIG Project, and zero emission rail
20 technologies, please see response to R92-5, and Master Response 7: Zero Emission
21 Container Movement Systems.

22 **Response to Comment 113-P1-3**

23 Regarding accuracy of the baseline for transportation impact analysis, new traffic counts
24 were conducted in 2012. Please see RDEIR Section 3.10.2.2.1 for the baseline traffic
25 data and a detailed explanation of methodology. These counts were conducted as part of
26 the RDEIR analysis using the best available data at the time.

27 **Response to Comment 113-P1-4**

28 The 5% traffic expected to continue to Hobart was based on information provided by the
29 project applicant indicating that a small percent (approximately 5%) of cargo would
30 continue to be drayed to the Hobart Yard because this cargo is not bound for the same
31 destinations as trains visiting the SCIG facility. Regarding the accuracy of this
32 assumption, an EIR is allowed to "make reasonable assumptions based on substantial
33 evidence about future conditions without guaranteeing that those assumptions will remain
34 true." (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal
35 App.4th 1018,1036). The description of this 5% of cargo assumption has been revised in
36 the FEIR. These trips are therefore not part of the Project, as they will continue regardless
37 of whether or not SCIG is built.

38 With respect to the analysis of Hobart Yard and its future capacity in the RDEIR, see
39 Master Response 3, Hobart. With respect to the comment on the truck trips per lift at
40 SCIG, please see the response to comment R90-53 and comment R92-8.

41 With regards to the comments on DEIR appendices, these have been revised and reissued
42 as part of the RDEIR, and no further response is require..

1 Response to Comment 113-P1-5

2 Regarding truck trips to where workers live or to trucking company locations, please see
3 the response to comment 135-18. Regarding the analysis of Hobart Yard, please see
4 Master Response 3, Hobart.

5 Response to Comment 113-P1-6

6 The commenter is referring to the DEIR analysis which has been revised and reissued as
7 part of the RDEIR. The RDEIR traffic analysis derives traffic volumes on the I-710
8 freeway from 2009 Caltrans traffic counts, which represent the most recent available data
9 at the time of the preparation of the RDEIR.

10 Response to Comment 113-P1-7

11 The Pier S truck trips were accounted for in the cumulative analysis for SCIG in RDEIR
12 Chapter 4, both in terms of the number of cumulative truck trips on roadways in the study
13 area (including those projected to be generated by the Pier S project) as well as the effects
14 of the Pier S project on the apportioning of SCIG truck trip destinations at the marine
15 terminals.

16 Response to Comment 113-P1-8

17 The commenter has not correctly described the annual truck trips from the existing
18 businesses at the SCIG site, which are summarized in RDEIR Section 2.2.2 (Table 2-1).
19 These trip estimates were estimated based on information obtained from the businesses.
20 The analysis of baseline truck trips has been revised and reissued as part of the RDEIR.

21 Response to Comment 113-P1-9

22 Regarding truck traffic to Hobart, please see Master Response 3: Hobart

23 Response to Comment 113-P1-10

24 Please see revised RDEIR Section 2.2.2 and Section 3.10 for the updated traffic baseline
25 numbers.

26 Response to Comment 113-P1-11

27 Regarding the accuracy of the traffic impact analysis, please see responses to comments
28 113-3 through 113-10. The RDEIR revised the baseline used for the HRA. Please see
29 Master Response 1, Baseline.

30 Response to Comment 113-P1-12

31 Regarding the comment on the assumptions of truck trip per lift at the SCIG facility, see
32 the response to comment R90-53 and R92-8. Assumptions used in the air quality analysis
33 are described in RDEIR Section 3.2 and Appendix C; these have been revised and
34 reissued as part of the RDEIR.

35 Response to Comment 113-P1-13

36 RDEIR Section AQ-8 contains a revised discussion of the Project's consistency with air
37 quality plans. The RDEIR is consistent with the 2007 AQMP for the reasons discussed
38 therein. The commenter cites the AQMP section that calls for consideration of

1 “Electrification of goods movement related vehicles and equipment...” As discussed in
2 Section 2.1, the project provides that consideration. It includes electric-powered rail-
3 mounted gantry cranes (instead of diesel) and other low emission yard equipment,
4 including LNG-fueled yard hostlers. State and local governments are preempted by
5 federal law from requiring electrification of locomotives (Section 209(e) of the federal
6 Clean Air Act).

7 The commenter states that the DEIR’s analysis does not mention the Air Quality
8 Management Plan (AQMP) “black box” and that the project does not reduce the size of
9 the “black box.” The commenter is referring to federal Clean Air Act section 185(e)(5),
10 that relies on the advancement of technologies. The Project assists in the attainment of
11 “black box” goals, in part, by MM AQ-9 (Periodic Review of New Technology and
12 Regulation) and MMAQ-10 (Substitution of New Technology), RDEIR , p. 3,2-94). The
13 RDEIR complied with CEQA by reporting the criteria and toxic air contaminant
14 emissions of the project, considering alternatives and applying feasible mitigation
15 measures to reduce those emissions. CEQA does not require an examination of AQMP’s
16 “black box.”

17 The commenter suggests that the RDEIR has not evaluated the impacts of the Project on
18 meeting state and federal 1-hour ozone standards. Such an evaluation is not required
19 under CEQA per SCAQMD thresholds. Ozone formation is a complex chemical process
20 requiring photochemical modeling conducted at the regional scale and is not appropriate
21 for evaluation at the project level. SCAQMD thresholds for mass emissions of NOx,
22 VOC and other criteria pollutants are determined in part to assist the SCAQMD in
23 achieving attainment of ozone standards. The 2007 AQMP and State Implementation
24 Plan (SIP) has developed an emissions carrying capacity that leads to attainment of the
25 Federal ozone standard within the required time frame and to attainment of the state
26 standard as expeditiously as possible. These are legally enforceable documents and the
27 proper context to evaluate the ozone impacts of sources within the Basin. The SCIG
28 project emissions will be required to fit under the 2007 AQMP carrying capacity.

29 **Response to Comment 113-P1-14**

30 The RDEIR discusses, analyzes, and cites studies concerning the criteria pollution,
31 ultrafine particles and toxic air contaminant health risks and harms to sensitive receptors
32 in RDEIR Sections 3.2.2.2, 3.2.4, Table 3.2-1, Significance Criterion AQ-7 and
33 Appendix C3 (Health Risk Assessment.) The commenter is referred to Response to
34 Comment 92-2, Master Response 9: Health Impact Assessment, Master Response 10:
35 Environmental Justice and Master Response 11: Locating a Railyard Near Sensitive
36 Receptors.

37 The Port appreciates the commenter summarizing numerous studies showing correlations
38 between air pollution and various health endpoints. However, none offer methodologies
39 or thresholds of significance that could be used to evaluate the Project’s impacts, in a
40 manner that is consistent with rigorous and science-based analytic standards required in
41 EIRs for Port projects, used in the SCIG HRA.

42 The RDEIR health risk assessment (HRA) was conducted according to industry standards
43 This HRA was prepared in accordance with the Health Risk Assessment Protocol for Port
44 of Los Angeles Terminal Improvement Projects (Protocol) (Port of Los Angeles, 2008).
45 The Protocol is a living document, developed by the Port in consultation with the
46 SCAQMD, CARB, and Office of Environmental Health Hazard Assessment (OEHHA).

1 In general, the Protocol follows the methodology for preparing Tier 1 risk assessments
2 described in The Air Toxics Hot Spots Program Guidance Manual for Preparation of
3 Health Risk Assessments (OEHHA, 2003), Supplemental Guidelines for Preparing Risk
4 Assessments for the Air Toxics “Hot Spots” Information and Assessment Act (AB2588)
5 (SCAQMD, 2005), Health Risk Assessment Guidance for Analyzing Cancer Risks from
6 Mobile Source Diesel Emissions (SCAQMD, 2002), and CARB Health Risk Assessment
7 Guidance for Railyard and Intermodal Facilities (CARB, 2006). Prior to development of
8 the HRA, a project-specific Protocol was prepared based on methods in the above-cited
9 documents and reviewed by the SCAQMD prior to implementation (POLA, 2008).
10 (RDEIR AQ-7 and Appendix C3, Section 1.0)

11 The receptor grids in the HRA were used to provide adequate spatial coverage
12 surrounding the proposed project area to assess ground-level pollutant concentrations,
13 identify the extent of predicted concentrations, and identify maximum impact. The
14 operations of the ICTF are not part of this project; however, the fine receptor grid in the
15 HRA was designed to cover the ICTF facility, all areas within 250 meters of the ICTF
16 facility, and areas where maximum health risk impacts from the ICTF facility are
17 expected. Therefore, roadways leading to and from the ICTF facility and within 250
18 meters of ICTF fall within the extent of the fine receptor grid. Thus the RDEIR’s
19 receptor grid spacing was adequate to evaluate impacts from the SCIG project.

20 The fine receptor grid in the RDEIR has a 50-meter spacing and was placed over the
21 maximum impact locations as the determination of significance in AQ-2, AQ-4, and AQ-
22 7 is based on the maximum impact locations. This approach is consistent with the
23 approach used in the RDEIR and environment documents for previous projects located at
24 POLA, including Berth 97-109 (China Shipping) Container Terminal Improvement
25 Project (LAHD, 2008) and the San Pedro Waterfront Project (LAHD, 2009). The health
26 risk results presented in the figures in Appendix C3 of the RDEIR confirm that all the
27 maximum impact locations fall within the fine receptor grid.

28 To cover the large modeling domain, a reasonable 500-meter spacing medium grid and a
29 1000-meter spacing coarse grid were used to provide sufficient data to identify the extent
30 of predicted concentrations. Finer receptor grids may marginally improve the accuracy
31 of risk and concentration isopleths presented in the figure but will not change any
32 maximum impact results presented in the RDEIR.

33 **References:**

34 California Air Resources Board (CARB). 2006. ARB Health Risk Assessment Guidance
35 for Rail Yard and Intermodal Facilities. September.

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 Los Angeles Harbor District (LAHD). 2009. “San Pedro Waterfront Project Draft
40 Environmental Impact Statement/Environmental Impact Report” Website:
41 http://www.portoflosangeles.org/EIR/SPWaterfront/DEIR/deir_spwaterfront.asp

42 Los Angeles Harbor District (LAHD). 2008. “Berths 97-109 [China Shipping] Container
43 Terminal Project Draft Environmental Impact Statement/Environmental Impact Report”
44 Website:
45 http://www.portoflosangeles.org/EIR/ChinaShipping/DEIR/deir_china_shipping.asp

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). 2005. Supplemental
5 Guidelines for Preparing Risk Assessments for the Air Toxics —Hot Spots Information
6 and Assessment Act (AB2588). July.

7 South Coast Air Quality Management District (SCAQMD). 2002. Health Risk
8 Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions.

9 **Response to Comment 113-P1-15**

10 As described in the response to 113-1, there are multiple objectives of the project, not
11 only the reduction in truck miles traveled. The issue of trips on the I-710, including the
12 specific comment on the future traffic volumes on the I-710 are addressed in RDEIR
13 Section 3.10.3.3.2 and Master Response 3, Hobart.

14 **Response to Comment 113-P1-16**

15 The commenter is not correct. The cancer risk associated with the project is less than 10
16 in a million. As shown in Appendix C3, the cancer burden of the population in the area
17 of impact (14,451 individuals) is 0.045, well below the significance threshold of 0.5.
18 (RDEIR Table 3.2-33)

19 **Response to Comment 113-P1-17**

20 Please see Master Response 10: Environmental Justice. EPA’s NEPA guidance on
21 environmental justice is not applicable to CEQA documents. Contrary to the assertion of
22 the commenter, California Government Code §11135 does not apply to the SCIG project
23 or the RDEIR, and is not relevant to the RDEIR’s adequacy under CEQA.

24 **Response to Comment 113-P1-18**

25 The project does not include additional mitigation measures for cumulative impacts
26 because no additional feasible mitigation measures were identified. See Master Response
27 4, Feasibility of Mitigation Measures, and Master Response 7, ZECMS. See also RDEIR
28 Section 3.2.4.3 which discusses feasibility issues associated with a number of potential
29 technologies and measures that were considered and determined to be infeasible. Table
30 3.2.27 describes the environmental features of the Project in comparison to the CAAP,
31 and demonstrates that the Project already incorporates many environmental features and
32 is already in compliance with many of the CAAP measures.

33 The commenter is not correct that the Project does not “incorporate cleaner truck
34 technologies, 2010 Model Year standards, alternative fuels, or zero-emission
35 technologies.” The trucks serving the SCIG facility would meet, at a minimum, the EPA
36 2007 on-road emissions standards in full compliance with the Port’s own Clean Truck
37 Program. Beyond that MM AQ-8 requires that trucks meet an additional 95% reduction
38 in DPM emissions beyond the EPA 2007 on-road emission standards. RDEIR Section
39 3.2.4.3 clearly states that these trucks are modeled as and expected to be LNG-fueled
40 trucks. These trucks currently meet the same EPA 2007 on-road emission standards as
41 clean diesel trucks, therefore the analysis conservatively assumes no further emission
42 benefit from these trucks with regard to criteria pollutant emissions. MM AQ-8 is

1 therefore targeted specifically at health risk, by substantially reducing diesel PM (DPM)
2 emissions through the use of alternative fuel trucks or a similar technology.

3 With respect to comments on the quantification of emissions reductions from ZECMS,
4 the commenter is not correct that these benefits could be quantified. The RDEIR analysis
5 explicitly indicates in Chapter 5 that ZECMS technologies are not feasible at this time as
6 mitigation measures (see also Master Response 7, ZECMS), therefore the RDEIR
7 appropriately – and in full compliance with CEQA – does not impose ZECMS as
8 mitigation and thus quantify emissions benefits from ZECMS. PC AQ-11 calls for BNSF
9 to fund and participate in ZECMS demonstration programs (see RDEIR Section 3.2.6),
10 but the outcomes of those demonstration programs cannot be predicted and it is therefore
11 inappropriate to quantify emissions benefits from PC AQ-11.

12 With regards to comments on the quantification of air quality benefits from PC AQ-12
13 (CAAP measure RL-3 requiring accelerated phase-in of Tier 4 locomotives, see RDEIR
14 Section 3.2.6), see the response to comment R45C-60-6 which describes why accelerated
15 introduction of Tier 4 locomotives was not determined to be feasible as a mitigation
16 measure and is recommended as a project condition. Because implementation of RL-3
17 would be based on the commercial availability of Tier 4 locomotives which is not known
18 at this time, PC AQ-12 notes that emissions reductions equivalent to the RL-3 goal could
19 be achieved by BNSF elsewhere in the SCAB. The air quality and health risk analyses
20 do not take credit for the benefits of PC AQ-12.

21 **Response to Comment 113-P1-19**

22 The commenter is incorrect. There is no piecemealing involved with these two projects.
23 The commenter maintains that the legal issue is the “whole of the action” for CEQA
24 purposes and cites *Communities for a Better Environment v. City of Richmond* (2010)184
25 Cal. App. 4th 70, 98-99 to support the claim. The piecemealing issue in that case
26 involved a new pipeline for the transport and sale of excess hydrogen as part of the same
27 project. The Court in *City of Richmond* case held that the pipeline project was not a
28 crucial or functional element of the Chevron project stating that the Project does not
29 depend on the pipeline project “in order to proceed, and would be implemented with or
30 without a pipeline....” The commenter includes the test for piecemealing from *Laurel*
31 *Heights Improvement Association v. Regents of the University of California* (1988) 47
32 Cal.3d 376, 396: “[A]n EIR must include an analysis of the environmental effects of
33 future expansion or other action if: (1) it is a reasonably foreseeable consequence of the
34 initial project; and (2) the future expansion or action will be significant in that it will
35 likely change the scope or nature of the initial project or its environmental effects.”

36 It is clear that the *City of Richmond* decision does not create a case for piecemealing for
37 SCIG and ICTF and that neither prong of the *Laurel Heights* test is applicable here.
38 Neither the SCIG nor ICTF projects are a foreseeable consequence of the other. They are
39 independent, with different lead agencies, and are proposed by different, competing
40 railroad companies. The ICTF project proposal includes modernization of an existing
41 Union Pacific intermodal yard. The proposed SCIG project involves the development of a
42 new Burlington Northern Santa Fe (BNSF) railyard. The projects or elements of one of
43 the projects will not affect or change the other. The ICTF project DEIR is currently
44 under development by the ICTF Joint Powers Agency. See, [http://www.ictf-](http://www.ictf-jpa.org/mod_environment.php)
45 [jpa.org/mod_environment.php](http://www.ictf-jpa.org/mod_environment.php) . The LAHD is the lead agency for the proposed SCIG
46 project.

1 The commenter observes that the local community will perceive the SCIG and ICTF
2 expansion as one project. However, this perception has no bearing on whether the RDEIR
3 actually violates CEQA’s piecemealing rules. As explained above, it does not.

4 The SCIG RDEIR does consider the impacts of ICTF as part of its cumulative analysis
5 (RDEIR Section 4.1.2.2 and Table 4-1), including cumulative impacts for Air Quality
6 (RDEIR Sections 4.2.2.2-4.2.2.9), Light and Glare (RDEIR Section 4.2.1.3), Hazards
7 (RDEIR Section 4.2.7.6), Secondary Impacts to surrounding land uses (RDEIR Section
8 4.2.8.5), Noise and Ground Vibration (RDEIR Sections 4.2.9.5, 4.2.9.6, 4.2.9.7), and
9 Traffic (Section 4.2.10.2).

10 **Response to Comment 113-P1-20**

11 The commenter misunderstands the role of consultants in drafting EIRs. The EIR
12 contains the independent judgment of the lead agency, not the consultant. The EIR was
13 prepared pursuant to CEQA Guidelines §15084 (e), which requires that: “Before using a
14 draft prepared by another person, the Lead Agency shall subject the draft to the agency’s
15 own review and analysis. The draft EIR which is sent out for public review must reflect
16 the independent judgment of the Lead Agency. The Lead Agency is responsible for the
17 adequacy and objectivity of the draft EIR.” Second, the EIR discusses and analyzes the
18 link between diesel particulate matter (DPM) and cancer. There is a detailed analysis in
19 Section 2.6 of the Health Risk Assessment (HRA) (Appendix C3). The results are
20 summarized in the RDEIR Air Quality Chapter, Section 3.2.2.2 and specifically under
21 Significance Criterion AQ-7 (pp. 2.3-28, 3.2-43, and 3.2-82-92).

22 Lastly, the commenter’s statement that “[n]owhere in the SCIG DEIR is there any
23 suggestion that California’s methodology for calculating health risks for railyards is
24 invalid, or that Environ has ever said that it is not” is not relevant to the adequacy of the
25 RDEIR’s HRA. In determining the contents of an EIR, a lead agency is entitled to rely on
26 its own experts’ opinions as to what studies and analysis are appropriate to evaluate
27 impacts. (*Association of Irrigated Residents v. County of Madera*, 107 Cal.App.4th
28 1383,1396-1398.) Disagreement among experts does not make an EIR inadequate.
29 (CEQA Guidelines § 15151.)

30 The SCIG HRA was prepared in accordance with the Port of Los Angeles’ *Health Risk*
31 *Assessment Protocol for Port of Los Angeles Terminal Improvement Projects* (Protocol).
32 The Protocol is a living document, developed by the Port in consultation with the South
33 Coast Air Quality Management District (SCAQMD), California Air Resources Board
34 (CARB), and Office of Environmental Health Hazard Assessment (OEHHA). In general,
35 the Protocol follows the methodology for preparing Tier 1 risk assessments described in
36 OEHHA’s *The Air Toxics Hot Spots Program Guidance Manual for Preparation of*
37 *Health Risk Assessments*, SCAQMD’s *Supplemental Guidelines for Preparing Risk*
38 *Assessments for the Air Toxics “Hot Spots” Information and Assessment Act*,
39 SCAQMD’s *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile*
40 *Source Diesel Emissions* and CARB’s *Health Risk Assessment Guidance for Rail Yard*
41 *and Intermodal Facilities*. Prior to development of the HRA, a project-specific Protocol
42 was prepared based on methods in the above-cited documents and reviewed by the
43 SCAQMD prior to implementation. For a complete discussion of the methodology used
44 in determining the link between DPM and cancer, see Appendix C3, Health Risk
45 Assessment. See also Master Response 9, HIA.

1 **Response to Comment 113-P1-21**

2 The Applicant’s role in previous litigation is not relevant for the environmental
 3 document. With respect to the truck mitigation measures, see revised analysis in the
 4 RDEIR Section 3.2.

5 **Response to Comment 113-P1-22**

6 Please see Master Response 6: On-Dock Rail. The comment is general and does not
 7 reference any specific section of the DEIR or RDEIR, therefore no further response is
 8 required. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

9 **Comment Letter 113-P3: Natural Resources Defense Council**

10 The comments designated “113-P3” were submitted with this comment letter on the
 11 September 2011 Draft Environmental Impact Report (DEIR) which was superseded by
 12 the September 2012 Recirculated Draft Environmental Impact Report (RDEIR) as
 13 described in the Notice of Availability of the RDEIR. The RDEIR has been substantially
 14 revised in comparison to the DEIR including much of the data and references in
 15 comments 113-P3-1 through 113-P3-14. Because of these substantial revisions,
 16 comments submitted during the original DEIR public review period on the recirculated
 17 portions are no longer applicable and POLA is not required to respond to them pursuant
 18 to CEQA Guidelines § 15088.5(f). Nevertheless, because the commenter has asserted
 19 that these comments are still relevant to the recirculated portions LAHD has responded
 20 to these referenced DEIR comments. In many cases, these responses to DEIR comments
 21 are answered in terms of how they are explained in the RDEIR since the DEIR has been
 22 superseded.

23 **Response to Comment 113-P3-1**

24 See Master Response 6, On-Dock Rail. The commenter’s assertion that planned
 25 improvements to on-dock rail yards and the existing Union Pacific ICTF railyard will
 26 meet projected intermodal demand through 2035 is incorrect and is not supported by the
 27 most recent data and analysis which have been incorporated into the RDEIR, including
 28 Section 1.1.5.3 (Table 1-4) and Appendix G4. The table below shows that, contrary to
 29 the commenter’s assertion, the capacity of the planned on-dock projects and existing
 30 ICTF will not be sufficient to meet demand as early as 2020.

	2010 Actual	2020	2030	2035
	(Cargo Demand or Capacity in MTEUs)			
SPB Cargo Forecast (Tioga, 2009)	14.1	21.8	34.5	39.4
SPB Direct Intermodal Demand (40% of total forecast)	4.9	8.7	13.8	15.7
SPB On-Dock Demand (w/ planned developments)	3.3	7.1	11.0	11.7
SPB Existing Near-Dock Capacity	1.4	1.4	1.4	1.4
Variance (negative = shortfall)	-0.2	-0.2	-1.5	-2.8

31 The shortfalls in capacity will be even higher if all on-dock and rail network
 32 infrastructure improvements suggested in the Rail Study Update (Parsons 2006) are not
 33 approved, funded and implemented in a timely manner. The commenter’s assertion in
 34 113-P3-1 assumes all existing and proposed on-dock (and supporting infrastructure) will
 35 be developed on schedule, but that assumption is optimistic and any delay will
 36 dramatically increase the demand for SCIG.
 37

1 Although the forecasts in RDEIR Section 1.1.5.3 and Appendix G4 support the need for
2 Project to be implemented as scheduled, the need and timing for the SCIG project are
3 based on much more than just cargo forecasts. As stated in Section 2.3 of the RDEIR, the
4 primary objective and fundamental purpose of the proposed Project is to provide an
5 additional near-dock intermodal rail facility serving the San Pedro Bay Port marine
6 terminals that would meet current and anticipated containerized cargo demands, provide
7 shippers with comparable intermodal options, incorporate advanced environmental
8 controls, and help convert existing and future truck transport into rail transport, thereby
9 providing air quality and transportation benefits.

10 **References:**

11 Parsons. 2006. San Pedro Bay Ports Rail Study Update. December

12 **Response to Comment 113-P3-2**

13 The commenter's assertion is not correct. The table above in the response to comment
14 R113-P3-1 shows that the existing and proposed on-dock facilities will not fully meet
15 even the most optimistic assumptions for demand and available capacity. One of the
16 flawed assumptions the commenter makes in presenting a list of terminal expansion
17 projects is that increased capacity of the Union Pacific Railroad ICTF will occur. The
18 ICTF JPA has published a Notice of Preparation for a modernization project but has not
19 yet released a draft environmental impact report and does not have an approved EIR or
20 project. Failure to implement any of the proposed improvements on the current schedule
21 would exacerbate the projected lift capacity shortfall.

22 **Response to Comment 113-P3-3**

23 The commenter is correct that delayed or reduced development of on-dock rail
24 infrastructure will constrain on-dock capacity and therefore increase the demand for
25 SCIG. The San Pedro Bay Ports have a policy to maximize on-dock rail, but if
26 environmental clearances and government approvals (e.g. to reduce lifts of Badger
27 Bridge) cannot be obtained in a timely manner, then the demand for SCIG will increase.
28 While on-dock is preferred by the Ports, SCIG would have significantly less impact on
29 truck traffic than off-dock rail yards that require one-way drayage of about 24 miles. See
30 Master Response 6, On-dock Rail.

31 **Response to Comment 113-P3-4**

32 The commenter is incorrect: the latest San Pedro Bay Ports cargo forecast (Tioga 2009)
33 explicitly accounted for cargo diversion due to the opening of the third set of locks at the
34 Panama Canal. The commenter does not cite any reasonable justification for modifying
35 the cargo forecast or intermodal projections. Growth rates presented in the Tioga work
36 are based on extensive analysis, and the commenter does not provide any evidence for
37 modification of this analysis. Therefore, the commenter's assumption of lowering the
38 percentage of intermodal cargo to 37% due to reduced rail demand caused by Panama
39 Canal diversion is incorrect.

40 **References:**

41 Tioga. 2009. San Pedro Bay Container Forecast Update. Report prepared for the Ports of
42 Long Beach and Los Angeles. Prepared by the Tioga Group, Inc. and IHS Global Insight.
43 July 2009.

1 Response to Comment 113-P3-5

2 The commenter is correct in asserting that there will be a shortage of railyard lift capacity
3 by 2035 even with ICTF expansion, however please note that the shortfall will occur as
4 early as 2030 as shown in the table in response to comment 113-P3-1. The percentage of
5 cargo through the San Pedro Bay Ports that will be moved directly by rail is estimated to
6 be 40% in 2035. See RDEIR Section 1.1.5.3, Table 1-4 and Appendix G4.

7 Response to Comment 113-P3-6

8 The commenter correctly states that if productivity-enhancing measures are not adopted
9 that allow on-dock rail to be used to its maximum practical capacity, then, even under an
10 expanded ICTF, rail capacity will be insufficient. Future on-dock capacity assumes
11 improvements in operating procedures, and if these improvements do not occur then
12 demand for SCIG will increase. The commenter provides no justification for the figures
13 shown in the comment for unmet demand.

14 Response to Comment 113-P3-7

15 The commenter correctly states that the 2006 Rail Study (Parsons, 2006) outlined major
16 obstacles in obtaining maximum capacity from on-dock rail and that both operating
17 practices and infrastructure need to be developed. However, accomplishing these
18 projects will be determined by an evaluation of development costs and operating costs,
19 which have not been considered properly by the commenter. The policy of the San Pedro
20 Bay Ports is to maximize on-dock rail to the extent feasible. See Master Response 6, On-
21 Dock Rail. The commenter's contention that delays in developing on-dock rail capacity
22 would encourage the use of near-dock railyards is unsupported and speculative. See the
23 response to comment 113-P3-8.

24 References:

25 Parsons. 2006. San Pedro Bay Ports Rail Study Update. December

26 Response to Comment 113-P3-8

27 The commenter states that development of near-dock rail will deter from use of on-dock
28 rail but this is not correct. Shipping lines prefer to move their intermodal cargo by on-
29 dock rail because they have control of the schedule and costs. However, the logistics of
30 creating full destination trains cannot always be achieved and some off-dock capacity is
31 required to support demand throughout North America. See Master Response 6, On-
32 Dock Rail. As cargo volumes grow, the ability to create full destination trains improves,
33 but then the on-dock capacity to handle all cargo will become a limitation. This situation
34 will generate both near-term and long-term requirements for increased near-dock
35 capacity. The environmental impacts of SCIG would be far less than the alternative of
36 using more distant off-dock rail yards. The true consequence of not developing SCIG is
37 that intermodal cargo will be drayed by truck to off-dock rail yards about 24 miles away
38 from the Ports.

39 Response to Comment 113-P3-9

40 This comment is a description of other project EIRs and does not refer to specific
41 sections of the SCIG DEIR or RDEIR, therefore no response is required.

1 Response to Comment 113-P3-10

2 This comment is a description of other project EIRs and does not refer to specific
3 sections of the SCIG DEIR or RDEIR, therefore no response is required.

4 Response to Comment 113-P3-11

5 The commenter generally makes the argument that a lot of things must occur in order for
6 on-dock capacities to reach the levels assumed when considering whether SCIG is
7 required to meet demand. This argument by the commenter reinforces the project
8 objectives to increase the efficiency of goods movement; SCIG would serve to address
9 potential shortfalls associated with the “practical considerations that limit on-dock rail”
10 capacity.

11 Response to Comment 113-P3-12

12 The commenter states that the 14.0M TEU San Pedro Bay Ports throughput in 2011 is
13 below the cargo forecast. The actual 2010 (RDEIR Section 1.1.5.3 Table 1-4) and 2011
14 cargo volumes (14.1M TEU and 14.0M TEU, respectively) are therefore above the 2010
15 forecast. (www.portoflosangeles.org/maritime/stats.asp;
16 www.polb.com/economics/stats/yearly_teus.asp)

17 Even if cargo volumes fell below the 2009 Tioga forecast (Tioga, 2009), there are still
18 near-term reasons related to intermodal logistics that will cause some intermodal cargo to
19 move off-dock (as supported by the argument in comment 113-P3-11), as well as
20 potential for on-dock capacity to fall behind demand (also supported by the argument in
21 comment 113-P3-11). Therefore, a shortfall in on-dock capacity is possible resulting in
22 increased use of off-dock facilities.

23 References:

24 Tioga. 2009. San Pedro Bay Container Forecast Update. Report prepared for the Ports of
25 Long Beach and Los Angeles. Prepared by the Tioga Group, Inc. and IHS Global Insight.
26 July 2009.

27 Response to Comment 113-P3-13

28 The existing ICTF has a maximum practical capacity (MPC) of about 822,000 lifts (about
29 1.4M TEU) which the RDEIR has assumed in all calculations as shown in Appendix G4.

30 The Tioga 2009 cargo forecast was completed by an industry expert, Tioga, based on
31 extensive analysis, is well supported by historic trends, and is consistent with current
32 trends (Tioga, 2009). The effect of the Panama Canal has been included in the Tioga
33 2009 forecast and the commenter offers no basis for deducting an additional 3% from the
34 San Pedro Bay Port cargo.

35 In determining the contents of an EIR, in this case cargo forecasts, a lead agency is
36 entitled to rely on its own experts’ opinions as to what studies and analysis are
37 appropriate to evaluate impacts. (*Association of Irrigated Residents v. County of Madera*,
38 107 Cal.App.4th 1383,1396-1398.) Disagreement among experts does not make an EIR
39 inadequate. (CEQA Guidelines § 15151)

40 References:

1 Tioga. 2009. San Pedro Bay Container Forecast Update. Report prepared for the Ports of
2 Long Beach and Los Angeles. Prepared by the Tioga Group, Inc. and IHS Global Insight.
3 July 2009.

4 **Response to Comment 113-P3-14**

5 The commenter's conclusion that any deficit of intermodal capacity will only occur far in
6 the future is in conflict with earlier conclusions that on-dock infrastructure cannot be
7 expected to meet all of the demand. If any of the many events described in the
8 commenter's letter that could potentially limit on-dock capacity occur, then SCIG will be
9 needed even more. See Master Response 6, On-Dock Rail. Without the SCIG, long truck
10 trips will be added to the I-710 freeway with all the associated traffic congestion and air
11 quality impacts.

12 The commenter states that only time will tell if the cargo forecasts are correct. An EIR is
13 allowed to "make reasonable assumptions based on substantial evidence about future
14 conditions without guaranteeing that those assumptions will remain true."
15 (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal App.4th
16 1018,1036)

17 The commenter attached six additional documents (see below), totaling approximately
18 794 pages. These documents do not specifically address sections of the DEIR or its
19 adequacy. Therefore, no responses are provided. Copies of the commenter's attachments
20 are included in the electronic versions (CD and POLA website) of the Final EIR. The
21 commenter's attachments were:

- 22 1. Part 2: San Pedro Bay Ports Rail Study Update: Executive Summary, Parsons 2006
- 23 2. Part 4: Roadmap for Moving Forward with Zero Emissions Technologies at the Ports of
24 Long Beach and Los Angeles: Technical Report, Ports of Long Beach and Los Angeles
25 2011
- 26 3. Part 5: Roadmap for Zero Emissions: Technical Report, Ports of Long Beach and Los
27 Angeles
- 28 4. Part 6A: Transportation Investments, Southern California Association of Governments
- 29 5. Part 6B: I-710 Public Scoping Meeting PowerPoint, September 2008
- 30 6. Part 7: "Playing It Safe: Assessing Cumulative Impact and Social Vulnerability through
31 an Environmental Justice Screening Method in the South Coast Air Basin, California,
32 International Journal of Environment Research and Public Health, 2011

33

34

A Public Comment involving the proposed facility development of the Southern California International Gateway (SCIG) Project.

To: Mr. Chris Cannon

Director of Environmental Management Port of Los Angeles

Mr. Cannon,

On September 25th 2011, the nation's largest Sierra Club chapter representing 41,000 Southern California members passed a resolution advocating consideration for a massive 21st Century goods movement infrastructure project having a consolidated ON-DOCK Ship-to-Rail interface platform called "SuperDock" powered exclusively by electrification. It reads;

✚ The Sierra Club Angeles Chapter has determined that the proposed GRID Project Super Dock utilizing local sources of renewable energy would greatly decrease air, noise, and traffic pollution impacted by the intermodal container shipping, railroad, and trucking industries emanating from the Ports of Los Angeles and Long Beach. Therefore, the Sierra Club supports the inclusion of GRID Super Dock approach as an environmentally superior alternative during CEQA/NEPA review of the 710 freeway widening and ICTF rail yard expansions, worthy of serious consideration by the regional elected officials and transportation entities.

114-1

The GRID project is a streamlined 21st Century container supply chain built upon a zero-emissions platform using mostly existing and proven technology. The chain connects this ON-DOCK Intermodal Container Transfer Center establishing a "mainlined" rail connection plugged into the Alameda Corridor designed to maximize the Corridor's performance and efficiency for Class 1 train deliveries eliminating the need to build near dock ICTF's like SCIG. The system also requires the construction of two major infrastructure components requiring container dedicated rights of way (a freight pipeline) and coordinating facilities connected into the inland regions. This new platform replaces freeway dedicated truck trips (measured by the millions) to our ports by over 60% used in today's logistics operations. Containers delivered will not be seen, heard, or emit emissions while moving through the urban regions.

All systems are designed to operate on electrified delivery platforms to include a major truck logistics fleet operations consisting of over 1,000 electric trucks. This 21st Century project is 22 times greater in construction scope than the proposed SCIG project and over 12 times greater than the Farmer's Field Football Stadium Project, a major L.A. construction project recently gaining public support from the National Resources Defense Council (NRDC). Hundreds of thousands of jobs could be created by GRID.

The most significant shift in paradigm GRID proposers are bringing forward is that the container goods movement network is no longer "port centric". Rather, it is "regional centric". Therefore, the architecture of the container supply chain ideally will require to be built throughout the region rather than communities continuing to fall victim to hundreds of millions of more truck miles traveled each

year on our freeway networks demanding more expansion, leading to upcoming proposals involving 40 mile double-decked freeways dedicated specifically to containerized cargo emanating from our ports.

BUSINESS RATIONALE IS OF CRITICAL IMPORTANCE TO ENVIRONMENTAL IMPERATIVES -

In America, logistics is a 1.7 trillion dollar a year industry. That is larger than the entire annual GDP of Mexico. The ports of Los Angeles and Long Beach are the 5th largest container trade gateway on planet Earth. Over decades, the ports have grown to become a central and critical commercial national asset bringing many high paying jobs and economic activity to our region.

At these ports each year, nearly four billion (private sector) dollars are spent solely on the physical vehicle to vehicle movement of containers via on-the-ground operations shifting these marine/intermodal containers to and from ships, cranes, trains, train facilities (near/off dock), trucks, and local warehousing centers in Los Angeles and Southern California regions.

Above all this, each year, we taxpayers are burdened with multi-billion dollar costs in supporting goods transportation infrastructure throughout the entire Southern California region directly as a result of facilitating and maintaining road/bridges, and freeway access to over 16,000 semi-trucks dedicated to container port delivery activities. Tragically, over decades, hundreds of millions of dollars have been spent in health related illnesses and diseases related to conventional port expansion deeply dependent on fossil fuel machinery and an army of trucks to facilitate these logistics. And unfortunately, the cost to health and environment has come in direct conflict to the necessity of sustaining our economic benefits created by global trade and home to the largest goods movement ports in the all of the Americas.

Without identifying and acknowledging the economic value of the industrial significance of the ports, its logistics network, and its federal, state, and local government supported freeway and road/bridge transportation network, it is impossible to enter into a rational conversation with the multi-national corporations who facilitate these logistics. Environmental Impact Reviews if approached with these considerations built into the conversation could result in a paradigm shift with respect to the pursuit of genuine green infrastructure motivated on all sides of business, labor, and environmental interests. This Sierra Club Resolution advocating the GRID port modernization project is proof positive that solutions based approaches are not only viable but tremendous business opportunities for our ports and region.

HISTORIC OPPORTUNITIES-

Goods movement infrastructure in the Southern California region has become fertile ground for the single greatest manufacturing and construction opportunity in America today. The fact that nearly 4 billion dollars are currently spent by shippers on the ground logistics moving containers through the region should indicate that a threshold has been crossed. That is to say these logistics have now grown too costly, outdated, inefficient, and too constricted in allowing greater capacity without continuing to adversely affect environments to communities near and around these areas. The first move is to consider benefits involving new 21st Century infrastructure that could greatly reduce these costs with:

- Ship to Shore cranes specifically designed to assist in delivering containers to rail systems building full unit trains without further handling should be of interest to railroad companies.

- A consolidated “On Dock” facility where all rail designated containers congregate from ships rather than spread over a dozen facilities over a 9 square mile network should be of interest to the railroads. This would end decades of logistical dependency the rail companies have suffered in operationally coordinating with a dozen fragmented and inefficient On Dock rail facilities.
- A consolidated On Dock waterside Intermodal Container Transfer Facility (ICTF) building complete unit trains at high frequency destined for U.S. city destinations will utilize the corridor to maximum utility bringing the Alameda Corridor’s concession activity to increasing current capacities generating revenues for the Alameda Corridor Transportation Authority (ACTA) to a profitable operation. This should be of interest to both the City of Los Angeles and ACTA.
- Increasing the domestic manufacturing of American built ship to shore cranes from 0% to 50% in crane population at the Southern California port complexes should be of interest to major American industrial manufacturers and any American citizen for that matter who would like to see a resurgence of American manufactured industrial products. But most important to an out of work metal worker, welder, machinist, fabricator, or electrician.
- Increasing the crane population at the ports using a system designed to actually decrease the 5,000 acre footprint currently occupied by the container port industry should be of interest to environmental concerns but more important to the ports who could re-use these acres for new industrial revenue usages. All while increasing TEU based revenues due to increased capacity.
- A genuine “freight pipeline” should be of interest to those municipal interests who lack funding for infrastructure projects involving building any road surface infrastructure motivated by the delivery of container goods movement on our street, bridges, and freeway networks. Even more appealing would be those inhabitants where surface road infrastructure could be avoided.
- The capture of a large portion of the 4 billion dollars spent annually by the current container supply chain should be of interest to a group of investors who could effectively calculate revenues captured by these new concessions and the potential return on investment (ROI).
- Total control of the “custody of the flow of containers” through the new regional supply chain should be of interest to the International Longshoremen and Warehouse Workers Union whose facilities will spread into the region creating tremendous jobs opportunities while controlling the movement and flow of containers extending the supply chain. New job categories will expand changing skillsets of longshoremen as the industry continues to grow, however genuinely green.

LONGSHORE LABOR-

It is not only illogical; rather it is disrespectful to leave the men and women who move the cargo from these ports out of the conversation when it comes to the custody of ocean containers handled on our waterfronts. Even in a DEIR/DEIS, especially when these documents written consistently express concern for jobs, jobs creation, and our local economies. These workers are DIRECTLY impacted by environmental pollution emanating from our ports and deserve inclusion to these conversations. However, their jobs and custody of the movement of cargo is of equal importance.

Only 60 years ago, longshoremen carried bales of cotton on wooden pallets by hand held hook onto trucks and trains from ships. Over half a century later, this industry is once again faced with a “Harry Bridges M&M moment” (modernization and mechanization). What was “alien space aged George

↑ Jetson” technology in the form of modular containerized cargo, interfacing with ships and trains required a container supply chain held together primarily by one truck hauling one container. The decision to negotiate the future of containerized goods movement in the 60’s by Mr. Bridges resulted in what is today a \$200B a year industry. Longshoremen, if equipped with the world’s safest, environmentally safe, secure, and advanced system, trained in new skillsets like those ship to shore crane operators and port pilots who move millions of containers will again lead an infrastructure international shipping revolution. This conversation must take place because a perfect storm of need for 21st Century green infrastructure and jobs creation is now upon us.

CONCLUSION-

Interests having caused to be concerned with the proposed Southern California International Gateway either in favor of or against are urged to contribute by addressing solutions as to how this industry can continue to benefit, create jobs, and help grow our economy. However, these opportunities must come hand in hand with bringing about genuine change in how we can move these goods through our regions without the detrimental environmental effect which have and continue to plague these communities adjacent to these industries, roadways, and rights of way from which these goods are transported.

In conclusion we propose that we must consider the building/construction of a new right of way that is 100% container dedicated having a capacity annual transfers measuring in the 10s of millions so as to facilitate a zero-emissions container freight pipeline supporting these logistic for the next 100 years. It is this pipeline designed to eventually become the primary of three rights of way (2nd rail surface routes, and 3rd freeway network). Over time, this pipeline could generate new opportunities to shuttle even rail road company trains to areas completely outside of our urban centers saving hundreds of millions of dollars to rail road company operations while further separating the flow of cargo conveniently and safely from our urban living experience where people live, commute, and breathe.

Attached is an independent position paper advocating the immediate study of the GRID port modernization by Dr. Petros Ioannou Director, **Center for Advanced Transportation Technologies, (CATT) Viterbi School of Engineering, University of Southern California, and home to METRANS, host of the 4th Annual National Urban Freight Conference. Upon our paper submission, the GRID project was selected to present at this 2011 event.**

Thank You for Your Consideration,

Dave Alba – On behalf of the GRID Group of Advocates

The Green Rail Intelligent Development (GRID) is an active all volunteer group of professional engineers (ASCE Members), architects (AIA Members), conservationists (Sierra Club members), attorneys, environmentalists, social justice activists, labor organization members of various trades, transportation experts, and advocates who have joined in efforts with local entrepreneurs, systems designers, investors, and business executives in the fields of logistics, manufacturing and infrastructure. Together, we seek to promote genuine 21st Century solutions to outdated, economically unproductive, and polluting infrastructure.

Sent to - ceqacomment@portla.org and Distribution List

1 **Comment Letter 114: GRID Group of Advocates**

2 **Response to Comment 114-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 The commenter attached an additional document. This document does not specifically
6 address sections of the DEIR or its adequacy. Therefore, no responses are provided.
7 Copies of the commenter’s attachments are included in the electronic versions (CD and
8 POLA website) of the Final EIR. The commenter’s attachment was:

- 9 1. “Green Freight Transport: From Concept to Practice.” Petros Ioannou, University of
10 Southern California n.d.

11

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TWENTY-EIGHTH SENATE DISTRICT

CHAIR
LABOR AND INDUSTRIAL
RELATIONS

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ELECTIONS AND
CONSTITUTIONAL AMENDMENTS
INSURANCE
VETERANS AFFAIRS



February 1, 2012

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

Dear Mr. Cannon:

As the Senator representing the community of Wilmington, I am writing regarding the projected relocation of Fast Lane Transportation, Inc. (Fast Lane) as indicated in the Southern California International Gateway (SCIG) Draft Environmental Impact Report. The owner of Fast Lane has shared with me his concern that the proposed relocation site identified by the Port of Los Angeles is too deficient to allow for its continued business operations.

115-1 It is my understanding that if a suitable relocation site is not found, more than 100 good-paying jobs at the current location in Wilmington would be eliminated. At a time of record unemployment and slower than expected economic recovery, it is important that every effort is made to retain jobs in California. Additionally, it could result in the transfer of containers from Fast Lane's facility to other storage facilities which impact residential neighborhoods.

I encourage the Port of Los Angeles to exhaust all options in order to identify an adequate relocation site for Fast Lane Transportation, Inc. Thank you for your consideration. If you have any questions regarding this letter, please contact me at (310) 318-6994.

Sincerely,

A handwritten signature in black ink that reads 'Ted W. Lieu'. The signature is written in a cursive, flowing style.

SENATOR TED W. LIEU
Chair, Committee on Labor and Industrial Relations

1 **Comment Letter 115: Ted Lieu, California State Senator**

2 **Response to Comment 115-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5

Port Working Group, Green LA Coalition

February 1, 2011

via US Postal to:

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

via e-mail to: ceqacomment@portla.org

Re: Southern California International Gateway Project Draft Environmental Impact Report

Dear Mr. Cannon:

The Port Working Group of the Green LA Coalition hereby submits comments to the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project. Members of the Port Working Group have raised concerns about the negative environmental, health, labor, and overall project impacts on the surrounding neighborhoods and the region in various public workshops and public hearings related to this project. We present our comments below and appreciate your detailed response to these questions and concerns.

After careful review of the document, we have concluded that major flaws remain and request that these critical issues be addressed as required in the California Environmental Quality Act (CEQA).

1. THE DRAFT EIR'S PROJECT DESCRIPTION IS INADEQUATE

116-1

The DEIR effectively disguises the true impacts of the project by omitting crucial information regarding what the project will actually do, underestimating many environmental impacts and ignoring others altogether. "An accurate, stable and finite project description is in sine qua non of an informative and legally sufficient EIR."¹

2. OVERALL PROJECT NEED

116-2

The purported need for the project is to have capacity for forecasted direct rail shipments after the currently planned on-dock rail system is (according to the DEIR) maxed out in 2020. BNSF's forecasts that capacity for roughly another 2.7 million TEUs will be needed between 2020 and 2035².

The cargo forecast used by port planners appears to be based on economic assumptions from before the recent recession and now appears extremely inflated. The DEIR uses a cargo

¹ County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185 192-93

² See *Appendix G-2, page 2*

116-2 forecast³ that suggests that cargo levels will quadruple from record 2006 levels by 2030. With the recession a new forecast⁴ was constructed which suggests that cargo levels will still triple by 2035. The EIR suggests that actual cargo levels will be somewhere between the two forecasts. Given the current economic conditions of sluggish growth, tight credit, mortgage crisis, high unemployment and a shrinking middle class, tripling or quadrupling record cargo in the next 15 to 20 years seems unlikely. With additional cargo moving through the Panama Canal, it appears we are building port capacity for a demand that will not be realized.

These forecasts are extremely important because the projected growth is used to justify building the near dock rail yard and eliminate near-dock and on-dock alternatives to the project.

Based on this forecasting, we believe existing and already proposed port expansion projects to be able to accommodate this growth.

2.1 Meeting the need of the project and meeting goals of the CAAP

The main purposes of the SCIG stated in the DEIR include helping to meet the current and anticipated containerized cargo from port terminals, reducing truck miles traveled associated with moving containerized cargo, increasing the use of the Alameda Corridor, and maximizing the direct transfer of cargo from port to rail with minimal surface transportation, congestion and delay.

As described in the Clean Air Action Plan (CAAP) adopted by both the Port of Los Angeles and the Port of Long Beach, maximizing on-dock rail is a shared goal and both ports plan to maximize on-dock rail as an effective way to limit emissions associated with operations of on-road trucks and rail yards.

116-3 The SCIG project does not meet the purpose or need of the first item mentioned above, to help meet the current and anticipated containerized cargo and if built the project will have the potential to shift freight away from on-dock rail, which could minimize the use of on-dock rail vs. maximizing the use of on-dock rail which is part of the CAAP goal. This would perpetuate the need to truck containerized cargo to the near-dock facility and fail to meet the goal of maximizing the direct transfer of cargo from port to rail with minimal surface transportation, congestion and delay. In fact, this could increase surface transportation, congestion and delay in and around the port due to the shift. Maximization of on-dock rail is also part of the assumed rail operation described in the DEIR, which cargo capacity assumptions depend upon and with this shift those assumptions would not hold true.

Assessing the performance of the cargo forecast used in the assumptions in the SCIG DEIR, over the last two years, it is reasonable to believe that there is no need for the SCIG project from now to the years of 2035 in terms of helping to meet the current and anticipated containerized cargo from the port terminals. The planned and proposed projects, which include on-dock rail, will be able to handle all anticipated containerized cargo. In the case the cargo throughput increases and follows an optimistic forecast growth rate, the project will not be needed until 2030 if no other alternative is identified.

³ Tioga. 2007. San Pedro Bay Cargo Forecast. Draft report prepared for the Ports of Los Angeles and Long Beach. Prepared by the Tioga Group, Inc., Global Insight, Inc., Railroad Industries, Inc., D. A. Varnado Analytics. December 2007.

⁴ Tioga. 2009. San Pedro Bay Container Forecast Update. Report prepared for the Ports of Long Beach and Los Angeles. Prepared by the Tioga Group, Inc. and HIS Global Insight. July 2009.

116-3 ↑ The study by the Bay Area Council Economic Institute⁵ supports that there is a high probability that the above mentioned could and or will be the outcome if the SCIG project gets approved (See Appendix A for document referenced and we ask that it be included in its entirety as part of formal comment for the DEIR). The SCIG DEIR fails to fully study the purpose and need of the project, the alternatives to the project, which should include the no build alternative based on meeting or the lack of meeting the major objectives of the project and goals of the Port of Los Angeles set in the CAAP, specifically the cancer risk threshold impacts from shift of cargo and or other implication of project, the container terminal capacity and intermodal cargo demand and capacity and forecasting. The SCIG DEIR fails to study and provide adequate data and information to justify the project approval with and without the mitigating impacts to the environment and human health.

3. ENVIRONMENTAL ANALYSIS IS FLAWED (Chapter 3.0)

3.1 Flawed Assumptions and Analysis

Fundamentally, the DEIR includes an invalid traffic analysis that provides the basis for a flawed findings from the DEIR's air pollution study, the health risk analysis, and the cumulative impacts analysis that are based on it.

3.2 Inadequate Air Quality Analysis and Health Risk Assessment

116-4 These flaws illustrate the insincerity of the DEIR finding a net decrease in emissions between the unmitigated project and the CEQA baseline and the subsequent health impact findings. (DEIR, 3.2-59)

a. Invalid traffic analysis provides the basis for a flawed findings from the DEIR's air pollution study, the health risk analysis, and the cumulative impacts analysis that are based on it.

116-5 b. The DEIR ignores more than 30 studies that show lung cancer in workers exposed to diesel exhaust. Those studies are the basis for California naming diesel particulate matter as a Toxic Air Contaminant.

116-6 c. Two USC papers (Gauderman, McConnell) on the health effects of children living in close proximity to traffic-related pollution are in the References, but there is no mention of the whole body of near-roadway and health effects research in the DEIR (needs references, what do they show?) . There is no mention in the text of proximity issues and health except with regard to CARB land use guidelines.

116-7 d. The DEIR inappropriately credits Clean Air Action Plan (CAAP) and Clean Trucks Program (CTP) improvements to the SCIG. The 2005 baseline overstates the benefits of the project because the CAAP and CTP and state laws have been implemented since 2005. To compare the project's use of CTP-compliant trucks with pre-CTP trucks of 2005 is simply disingenuous. The port itself has repeatedly touted the early achievement of emission reductions goals from the CTP: more than 90% for sulfur oxides, 89% for DPM and 77% for NOx.

⁵ Monaco, K., Haveman, J. 2012. Assessing the Need for the Southern California International Gateway. Prepared by Bay Area Council Economic Institute. January 31, 2012.

116-8

- e. The DEIR understates the ongoing emissions of current tenants of the site. It assumes that emissions from current tenants, which are included in the baseline, simply vanish when these businesses are displaced. For example, though it currently operates on 104 acres, "California Cartage would be relocated to the 10-acre site and would retain the current 20 [sic] acre parcel on SCE land, comprising a total of 29 acres. All future year activities of California Cartage ... were assumed to be scaled down by 72 percent..." (DEIR, 3.2-29). For five of the nine current tenants, no continuing operations are calculated. This assumption is indefensible.

116-9

- f. The section on Toxic Air Contaminants is incorrect and misleading. It states:

"Compared to the MATES II study, the MATES III study found a decreasing risk for air toxics exposure, with the population-weighted risk down by 17 percent from the analysis in MATES II." (DEIR, 3.2-9)

In fact, the SCAQMD says:

*"Overall, the Ports area experienced an approximate 17% increase in risk, while the average population-weighted risk in other areas of the Basin decreased by about 11%."*⁶

116-10

- g. The DEIR fails to meet the standard for Environmental Impact Reports, which requires adequately inform all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project.⁷ (See Appendix B for document referenced and ask that it be included in its entirety as part of formal comment for the DEIR).

116-11

- h. The DEIR fails to adequately consider the traffic impacts and resulting air quality impacts on the community immediately adjacent to the project.⁸

116-12

- i. The DEIR's Health Risk Assessment is flawed and fails to accurately calculate the potential health risk on residents in nearby communities.⁹

116-13

3.3 The Incremental Cancer Risk Is Greater Than 10 In A Million.

Appendix Table C3-7-4 shows maximum health impacts associated with the mitigated proposed project (DEIR, C3-50). Even given the insupportably low air emissions study results, this table shows maximum cancer risks of 48 in a million for residential receptors, 39 in a million for occupational receptors, 40 in a million for sensitive receptors, and 60 in a million for students -- all in excess of the 10 in a million threshold that the Port has promised not to exceed under the CAAP. This shows that local residents and their children will be the worse off, a fact that must be addressed in the environmental justice section of the DEIR. The DEIR downplays these numbers by asserting that cancer risk will be reduced by the project (due to the indefensible claims it makes about Hobart Yard not handling international cargo containers any longer) but

⁶ South Coast Air Quality Management District, Multiple Air Toxics Exposure Study III, Sept. 2008, p. 4-11, also see Table 4-4 on p. 4-16. Source at <http://www.aqmd.gov/prdas/matesIII/MATESIIIFinalReportSept2008.html>

⁷ Clark & Associates. Comment Letter on Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project. January 30, 2012. Included in Appendix C.

⁸ Ibid

⁹ Ibid

116-13 ↑ this claim is unsupported because of the gross errors in the traffic analysis that we have described above.

3.4 Trucks

SCIG proposes nothing more than CTP compliant trucks (i.e. Model Year 2007), offering only that the Harbor Commission could include a stronger provision. The proposed "project condition" of "low-emission" trucks is not sufficient (DEIR, 3.2-96):

116-14 a. It is much too slow of a phase-in period, taking until 2026 to transition to truck standards that can be met by trucks on the road today. In fact, cleaner natural gas trucks make 7% of moves at the POLB, evidence that this is an immediately available, affordable and viable technology.¹⁰

116-15 b. "Low emission" trucks should be measured not only by PM but also by NO_x and CO₂

c. Given the long life of the project, it is reasonable to phase-in zero-emission trucks, given that such technologies are already being demonstrated at the port. Rejecting zero-emission and hybrid trucks as "technically infeasible" (DEIR, 3.2-79) does not recognize the rapid progress in this sector, and the commitment to further advances that have been made by the ports (including in the "Roadmap for Zero Emissions"¹¹ prepared jointly by the two ports).

116-16 d. Low- and zero-emission trucks should be integrated into the project itself so as to be enforceable rather than a condition dependent on future actions of the Harbor Commission.

The failure to require cleaner truck technology flouts the CAAP. The DEIR notes that the CAAP promotes "Alternative Fuel Infrastructure for Heavy-Duty Natural Gas Vehicles", yet it fails to promote the use of natural gas or zero emission trucks. (DEIR, 3.2-64)

3.5 Insufficient Disclosure of Human Health Impacts

The California Environmental Quality act (CEQA) requires that all potential environmental changes that can result in significant adverse impact on humans or public health must be addressed in an environmental impact report.¹² The DEIR fails to address in detail the adverse health impacts that will result from this proposed project; therefore, a comprehensive health analysis needs to be conducted.

116-17 ↓ Appendix C includes a list of health studies that need to be reviewed and added to the EIR.

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §21000, et seq., requires agencies to study the impact of proposed projects on human health and, if the impact is significant, require agencies to include mitigation measures and/or alternatives to reduce those impacts. Such an analysis is often called a Health Impact Analysis ("HIA").

a. The plain language of the CEQA statute and regulations requires analysis and mitigation of human health impacts

¹⁰ See POLB Truck Activity Report, available at <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=6591>

¹¹ Roadmap for Moving Forward with Zero Emission Technologies at the Ports of Long Beach and Los Angeles, Technical Report, August 2011, Final.

¹² CEQA Section 15126.2 (a); Section 15065

The first words of CEQA display that the Legislature intended the law to safeguard human health and safety. Section 21000 of CEQA, entitled, "Legislative Intent," states that the fundamental purpose of CEQA is "to provide a high-quality environment that at all times is **healthful** and pleasing to the sense and intellect of man."¹³ CEQA continues:

*"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 threshold being reached."*¹⁴

The CEQA Guidelines define "Significant Environmental Impacts" to include "**health and safety problems** caused" by the project.¹⁵ The CEQA Guidelines require a **mandatory** finding of significance if a project will have impacts on human health. The Guidelines state:

*"a lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where . . . the environmental effects of a project will cause **substantial adverse effects on human beings, either directly or indirectly.**"*¹⁶

b. CEQA case law requires analysis and mitigation of human health impacts

CEQA case law has uniformly interpreted the above provisions of law to require that an EIR include an analysis of human health impacts of a proposed project. An agency abuses its discretion and fails to proceed in a manner required by law if it refuses to analyze human health impacts of a proposed project in an EIR despite being presented with substantial evidence that such impacts may occur.¹⁷

- In *Bakersfield Citizens*, the court held that it was necessary in an EIR for two proposed WalMart projects to "correlate adverse air quality impacts to resulting adverse health impacts."¹⁸ The WalMart EIRs admitted that both projects would result in significant unmitigated air pollution impacts. However, the EIRs contained no analysis of the human health implications of that increased air pollution. The court held:

Guidelines section 15126.2, subdivision (a) requires an EIR to discuss, inter alia, "health and safety problems caused by the physical changes" that the proposed project will precipitate. Both of the EIR's concluded that the projects would have significant and unavoidable adverse impacts on air quality. It is well known that air pollution adversely affects human respiratory health.¹⁹ Emergency rooms crowded with wheezing sufferers are sad but common sights in the San Joaquin

¹³ Pub. Res. Code §21000(b) (emphasis added)

¹⁴ Pub. Res. Code §21000(d) (emphasis added)

¹⁵ Cal. Code Regs. §15126.2(a) (emphasis added)

¹⁶ Cal. Code Regs. §15065(d) (emphasis added). See also, CEQA Guidelines, App. G. Section XVIII (c) ("mandatory finding of significance" required if "the project [will] have environmental effects which will cause substantial **adverse effects on human beings, either directly or indirectly.**" (emphasis added)).

¹⁷ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-20 ("*Bakersfield Citizens*").

¹⁸ Id. at 1219-20

¹⁹ See, e.g., Bustillo, Smog Harms Children's Lungs for Life, Study Finds, L.A. Times (Sept. 9, 2004).

116-17

Valley and elsewhere. . . Yet, neither EIR acknowledges the health consequences that necessarily result from the identified adverse air quality impacts. Buried in the description of some of the various substances that make up the soup known as "air pollution" are brief references to respiratory illnesses. However, there is no acknowledgement or analysis of the well-known connection between reduction in air quality and increases in specific respiratory conditions and illnesses. After reading the EIR's, the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin. On remand, ***the health impacts resulting from the adverse air quality impacts must be identified and analyzed in the new EIR's.***²⁰

- Similarly, in *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.*, 91 Cal. App. 4th 1344, 1367-1368 (2001) ("*Berkeley Jets*"), the court held that the "public health impact" of an airport expansion had to be analyzed in the EIR despite the absence of an accepted scientific methodology. The court held that the Port failed to assess the health effect of toxic air contaminants ("TAC's") from mobile sources on persons who live in close proximity to the Airport.
- Numerous other cases have required that EIRs include an analysis of health impacts created by proposed projects. For example, the California Supreme Court recently held that an EIR was required for a refinery project due in part to "adverse health effects, especially aggravation of respiratory disease."²¹
- In *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1564-1565, the court held that an EIR was required due to potential human health effects of sewage sludge. The court held that, "additional scientific work is needed to reduce persistent uncertainty about the potential for adverse human health effects from exposure to biosolids [sludge]."
- In *Los Angeles Unif. Sch. Dist. v. City of Los Angeles* (1997), 58 Cal. App. 4th 1019, the court held that an EIR was required to analyze the human health impacts of increased noise caused by a proposed project.²² In *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal. App. 4th 889, 906, the court held that an EIR was adequate because it evaluated project-related and cumulative health impacts, included a reasoned analysis in support of its conclusions, and appropriately relied on mitigation measures to reduce project impacts.²³

116-18

3.6 Locomotive idling not included in their operations

The air quality analysis is inadequate and is flawed due to the lack of inclusion of the emissions from locomotive idling associated with rail yard operations.

²⁰ Id. 1219-20 (emphasis added); see also, *Woodward Park Homeowners Assn., Inc. v. City of Fresno*, 150 Cal.App.4th 683, 731-732 (2007) ("air pollution discussion is inadequate for another reason. . . there is no disclosure and analysis whatsoever of the correlation of 'the identified adverse air quality impacts to resultant adverse health effects.'")

²¹ *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310, 317

²² See also, *Gray v. Madera* (2008) 167 Cal. App. 4th 1099 (EIR required to analyze noise impacts of rock quarry)

²³ See also, *Sec. Env'tl. Sys. v. S. Coast Air Quality Management Dist.* (1991) 229 Cal. App. 3d 110 (EIR required due to human health impacts caused by waste-burning incinerator).

4. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE (Chapter 3.6)

116-19 | “Consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions.”²⁴ Here, the Project attempts to skirt responsibility for GHG mitigations, by attempting to exploit the lack of Port guidelines on managing or mitigating GHGs, and by referencing the Clean Air Action Plan (which does not include GHG targets) and the POLA Climate Action Plan (which deals only with the activities and facilities of the Harbor Department, not port operations more broadly). (DEIR, 3.6-15 & 16).

116-20 | Furthermore, despite finding that the “best available information” indicates that sea-level rise due to global warming is expected to be 1.4 meters by 2100, inundating “a vast majority of the Port of LA,” it rejects out of hand any adaptation strategy for the site or contribution to adaptation for the larger port. It admits that adaptation plans are expected, but makes no offer to participate in or contribute (e.g. financially) to the implementation of those plans. It also indicates that the info is not “at an appropriate scale” or adequate to “address potential impacts to the Project.” (DEIR, 3.6-27&28)

Additionally, there is a requirement under CEQA²⁵ that projects consider cumulative impacts, and the cumulative impacts of global warming is not adequately considered.

116-21 | 4.1 Mitigation Measures are inadequate and need to be strengthened
GHG mitigation measures are utterly inadequate. Mitigation measures neglect the most significant sources of GHGs and fail to account for even the most elementary of actions (DEIR, 3.6-26&27). For example:

a. The truck “mitigation measure” (DEIR, MM AQ-2) “would not have a substantial impact on GHG emissions.” Yet the project makes no effort to incorporate cleaner truck technologies (like electric, hybrid, or natural gas) which could significantly reduce GHGs.

116-22 | b. Solar panels would be reviewed in the “future” rather than integrated into the design of the facility (DEIR, MM GH-2). The project accepts no responsibility for cleaner energy, offering only that POLA would consider it as a potential site for its solar inventory (This regular inventory and solar installations totaling 10 MW are actually required as a settlement²⁶ between POLA and the Attorney General). The project should integrate solar into the project design from the beginning rather than attempt to retrofit it at some unidentified future point. To avoid double-counting of mitigations, solar installation(s) at the SCIG site should be separate from POLA’s settlement requirements.

116-23 ↓ c. The offer to recycle up to 60 percent of waste from “all buildings” does not even meet the city’s current diversion rate. In other words, BNSF could put its office paper and recyclables in any city trash receptacle and exceed the diversion rate it claims to be

²⁴ CEQA Guidelines § 15126.4

²⁵ CEQA Guidelines § 15130

²⁶ Memorandum of Understanding Between the State of California, the Office of the Mayor of the City of Los Angeles, and the City of Los Angeles Harbor Department Creating A Partnership to Reduce Greenhouse Gases and Support the Port of Los Angeles Clean Air Action Plan.; available at:

http://ag.ca.gov/globalwarming/pdf/Port_of_Los_Angeles_Agreement.pdf

- 116-23** ↑ “mitigation.” Meanwhile it makes no mention of waste generated by operations outside its buildings.
- 116-24** | d. The DEIR offers to plant trees around the main administration building—without any specifics about location, quantity, purpose or type.
- 116-25** | e. There is no virtually no attempt to quantify GHG mitigations (except for the inclusion of CFLs in the administrative building, which would account for less than 0.1% of project GHG emissions (DEIR, 3.6-30)).
- | f. Where lighting is concerned, CFLs are not even the most efficient lighting strategy; LED lighting is widely available and offers significantly more energy savings and electronic system management may yield even more efficiencies. Meanwhile there is no mention of the yard lighting, which is likely more energy intensive than the building lighting.
- 116-26** | g. There is no mention of heating and cooling systems.
- | h. There is no mention of GHG reductions during construction activities.
- 116-27** | i. There is no commitment to offsetting unavoidable GHG emissions. Contrast that to the Port of Long Beach Pier S DEIR which sets a methodology that dedicates millions of dollars to offset GHGs (Pier S DEIS/DEIR, p 3.3-26).

5. HAZARDS AND HAZARDOUS MATERIALS (Chapter 3.7)

5.1 Concerns on Impact Risk 5b – “Operation at proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous substances or waste within ¼ mile of existing or proposed schools.”

Impact Risk 5b assumes a minimal risk for the 5 adjacent schools. The analysis identifies 9,000 containers with hazardous materials moved through the Port of Los Angeles each year (DEIR, 3.7-2). It would probably be realistic to assume a similar number of containers containing hazardous materials moving through the Port of Long Beach.

- 116-28** |
- How many of these containers with hazardous materials are projected to be moving through this facility at full capacity?
 - How does this increase the probability that significant spill would occur within ¼ mile of these schools?

While there is a discussion of risk while moving hazardous materials by truck, a similar discussion about moving hazardous material by rail seems to be missing in the analysis. The Press Telegram on 1/24/12 reported on a derailment and spill in the project neighborhood²⁷. How frequent are spills in similar rail facilities? The report does not provide enough information to evaluate the risk to the schools from spills of hazardous materials.

²⁷ Press-Telegram. Train derailment in harbor area prompts alert. January 24, 2011. Available at: http://www.presstelegram.com/news/ci_19812672?source=rss

5.2 The analysis fails to identify two schools within ¼ mile of the proposed project.

By our count the number of schools within a quarter of a mile of the project is 5 with a combined attendance of 5,900 students.

- a. Cabrillo High Schools with 3,400 students is adjacent the Terminal Island Freeway. Athletic field and classrooms are within ¼ mile of the proposed project.
- b. Stephens Middle School's fence line is next to the project north lead track and has 1,000 students in attendance.

There is no discussion in the DEIR of Stephens Middle School located next to the northern lead track. This school and surrounding residential neighborhoods will be subjected to extremely high levels of diesel exhaust because of locomotives using this lead to break trains entering and to assemble trains leading the proposed rail yard. The exhaust levels would be much higher than calculated due to locomotives that will be stopping, idling and changing directions next to this school and neighborhood. With 16 trains a day²⁸, the exhaust and noise from the assembling and breaking down of trains will be ongoing. This would be in addition to the already existing exhaust and noise from the ICTF rail yard, recognized by CARB as one of the dirtiest rail yards in the state and also sitting next to this school and neighborhood. The DEIR does not provide any analysis of these hazardous emissions within a few feet of this school. Not only was the risk from these activities not analyzed but also the school was not even recognized as an impacted school within ¼ of a mile of the proposed project.

116-29

6. LAND USE (Chapter 3.8)

6.1 The DEIR Executive Summary is Misleading in its Description of the Existing Environmental Setting and Surrounding Land Uses, and Therefore Fails to Describe Indirect Impacts Increased Truck and Train Traffic will have on Nearby Schools and Residences

“An EIR must include a description of the physical environmental conditions in the vicinity of the project. . . . This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”²⁹ Here, the discussion of the existing environmental setting, as described in the Executive Summary, the Introduction, and the Project Description, is vague, focusing on the fact that the area is zoned industrial, and large minimizing the nearby sensitive receptors, such as schools and parks. Only later, in discrete sections—land use, noise—are these uses described. Furthermore, the setting fails to include the use of existing spurs by the Project. The sections that are specifically intended to provide the reader with a description of the environmental setting must be updated in the final EIR to reflect the actual setting, so that the environmental effects can be more accurately evaluated.

In the Executive Summary and the Introduction, the DEIR describes the “general area” as: “characterized by heavy industry, goods handling facilities and port-related commercial uses consisting of warehousing operations, trucking, cargo operations, transloading, container and

²⁸ Parsons Transportation Group. 2011. SCIG Rail Simulation Modeling Study. August 3, 2011. (DEIR, Appendix G2)

²⁹ CEQA Guidelines § 15125(a).

116-30

↑ truck maintenance, servicing and storage, and rail service.” (DEIR, ES-4, 1-3.) This description of the “general area” ignores most of the uses just east of the project, which include residences, schools, parks, and places of worship, among other sensitive receptors.

116-30

Only later in the DEIR does it mention that the area is also a “single-family residential area, but it includes a high school, an elementary school, and a nursery school, as well as veteran’s housing and a medical center.” (DEIR, 2-7.) Even then, only a page later, when describing the area surrounding the north lead tracks, the DEIR states that “to the east is an industrial warehouse and single-family residences within the West Long Beach area.” This description ignores the fact that Stephens Middle School is less than 200 feet away, and Webster Elementary School only a little farther. (DEIR, 2-8, 3.1-3.) The DEIR also entirely fails to address (except for a brief mention in the Noise section) that the Mary McLeod Bethune Transitional Center is on the Southwest corner of Hudson Park, which itself is only 260 feet east of the Project site.

6.2 The DEIR Fails to Discuss Inconsistencies Between the Project and Its Direct and Indirect Impacts with Applicable Land Use Plans

The EIR must discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans, including, among others, land use and air plans.³⁰ Inconsistency with a single policy or goal of a general plan can be the basis for a finding of impacts under CEQA.³¹ The DEIR concludes that this Project is not inconsistent with any relevant plan or zoning determination. (DEIR, 3.8-21-23.) This conclusion conflates zoning and land use designations, with the goals, policies, and requirements of the relevant general, community, and redevelopment plans. In fact, the SCIG Project is inconsistent with several plans’ policies and goals, including the City of Los Angeles General Plan, the City of Long Beach General Plan, the Wilmington-Harbor Community Plan, the City of Carson General Plan, and³²

a. Port of Los Angeles Plan

The Port of Los Angeles Plan is part of the Land Use Element of the Los Angeles General Plan; therefore, the Project must be consistent with the Port Plan. Yet, as the DEIR acknowledges, one of the “primary purposes of the Port of Los Angeles Plan” is to “contribute to a safe and healthful environment.” (DEIR, 3.8-8.) An important objective of the plan includes “Objective 6. To relocate hazardous and incompatible land uses away from adjacent residential, public recreational, and tourist areas when appropriate land areas for relocation become available.” (DEIR, 3.8-11.)

116-31

As described elsewhere in these comments, however, this Project, along with its rail spurs and attendant truck traffic, will create significant air, noise and traffic impacts, especially on very nearby (far less than 1,000 feet) schools, parks, a temple, residential areas, and other sensitive receptors. Even with proposed mitigation measures the DEIR admits these impacts will remain significant and unavoidable. (DEIR, 3.8-27.) The DEIR

³⁰ CEQA Guidelines § 15125(d).

³¹ See *San Bernardino Valley Audubon Soc’y, Inc. v. County of San Bernardino*, 155 Cal.App.3d 738, 753 (1984).

³² Because this Project is at the intersection of many different community and redevelopment plans, it is crucial that the EIR analyze the Project’s inconsistency with each plan with the understanding that the policies of one plan must apply to the entire Project area. Otherwise, reading each plan in isolation ignores the real-world fact that all of the areas border and impact each other, and would allow each community to externalize its impacts on another area. (For instance, Wilmington might ignore its own objective to minimize industrial development near residences if the residences are in Long Beach.)

116-31

↑ inexplicably ignores these important goals and objectives, and instead focuses on the ones with which the Project is consistent. To comply with CEQA, the DEIR must discuss the Project's clear inconsistencies with the Plan's goals and objectives, as only Port development projects must be consistent with the Port Plan. (DEIR, p. 3.8-12.)

b. City of Long Beach General Plan

The Long Beach General Plan states that "[f]rom an overall policy standpoint, Long Beach does not wish to host plants and processes which present a high risk for environmental damage or neighborhood disruptions of any kind."³³ Still, the City of Long Beach does have some districts designated for heavy industrial facilities; however, as the DEIR notes, the area where the Project is located is designated 9R, which is "intended to attract and maintain businesses which conduct industrial or manufacturing operations primarily indoors, with limited outdoor appurtenant activities....Zoning regulations on industrial developments are of key importance in the 9R District, where they are designated to ensure compatibility within industrial areas and with neighboring, non-industrial uses."³⁴ (DEIR, 3.8-14.) The General Plan gives examples of the types of businesses usually located in 9R Districts—"research and development firms, warehousing operating, small-scale incubator industries, and flexible space"—and notes that the 9R District "typically will include clean, non-nuisance industries whose primary activities are confined completely indoors and those whose operations produce minimal off-site impacts with respect to traffic, emissions, noise, operating hours, etc."³⁵ Despite the facts that a the SCIG Project is vastly larger than the example 9R industries, that rail yard's primary industrial activity occurs outdoors, and that SCIG Project will produce significant, unmitigated emissions, noise, traffic, and other impacts, the DEIR concludes without analysis that the Project is consistent with 9R land use designation. This conclusion is odd, given that 9G General Industry Districts, which are "intended to provide areas where industrial and manufacturing operations incorporating more intense activities, including outdoor storage and controlled outdoor industrial operations, may locate," would seem to be more appropriately geared toward railroads.³⁶ The EIR must include an analysis of the inconsistency of this Project and the underlying General Plan Land Use Designation.

116-32

Additionally, the Long Beach General Plan Air Quality Element lays out crucial policies for rail-related emissions: "Policy 4.2: Reduce the impacts of rail-related emissions on Long Beach neighborhoods and the downtown."³⁷ Thus, the General Plan recommends actions such as:

- 4.2.1. Request that the railroad companies adhere to their promise to eliminate train idling adjacent to the West side neighborhoods.
- 4.2.2. Encourage the conversion of the rail fleet to cleaner burning fuels and cleaner engine technologies.
- 4.2.5. Support the realization of the Alameda Corridor and promote the use of alternative fuels where feasible, including rail electrification.

³³ Long Beach General Plan, Land Use Element, p. 52, available at: http://www.lbds.info/planning/advance_planning/general_plan.asp.

³⁴ *Id.* at 52a.

³⁵ *Id.* at 71.

³⁶ *Id.* at 52a.

³⁷ *Id.*, Air Quality Element, p. 88.

116-32

↑ Despite attempts at minimizing emissions and idling times, there is no way to avoid the fact that the trains will mainly run on diesel, and they will idle next to adjacent residential neighborhoods. (DEIR, 2-15.) The DEIR, therefore, must discuss these inconsistencies with the Long Beach General Plan and discuss any possible modifications to the Project to bring it more in line with the goals and objectives of the General Plan.

116-33

c. Wilmington-Harbor City Community Plan

The DEIR also ignored several objectives in the Wilmington-Harbor City Community Plan—objectives which apply even to industrial areas. These include, among others:

- 3-1.3. Require a transition of industrial uses, from intensive uses to less intensive uses, in those areas in proximity to residential neighborhoods
- 3-1.5. No container storage shall be permitted within 300 feet of any residential zone.
- 4-5. To ensure the accessibility, security, and safety of parks by their users, particularly families with children and senior citizens.
- 18-3. To assure that Port programs for land acquisition and circulation improvements will be compatible with and beneficial in reducing environmental impacts to surrounding communities caused by Port-related activities, as well as beneficial to the Port.

Though the surrounding sensitive land uses, including Hudson Park (merely 260 feet from the boundary of the Project), are in Long Beach, the Project will have “unavoidable” significant environmental impacts on surrounding residential neighborhoods, parks, and schools. (See e.g., DEIR, 3.8-31.) The DEIR, therefore, must discuss inconsistencies with these objectives.

116-34

d. City of Carson General Plan

Although the area in which the project is located within the City of Carson is zoned for Heavy Industrial use, the Project is inconsistent with the City’s goal of not located incompatible land uses near one another.³⁸ Several policies in the General Plan relate to this goal, including, among others:

- LU-7.4 Through the discretionary review process, ensure that the siting of any land use which handles, generates, and/or transports hazardous substances will not negatively impact existing sensitive receptor land uses.
- LU-7.6 Coordinate with adjacent landowners, cities and the County in developing compatible land uses for areas adjacent to the City’s boundaries.³⁹

The DEIR must address the Project’s inconsistencies with these policies and overall goal of the Plan.

116-35

e. Redevelopment Plans

↓ The SCIG Project abuts or is nearby several redevelopment areas in both Long Beach and in Wilmington. These include: The Central Long Beach Project Area, the North Long Beach Project Area, the West Long Beach Industrial Redevelopment Project Area,

³⁸ Goal LU-7, City of Carson, General Plan, Land Use Element (2006), available at: <http://ci.carson.ca.us/CityDepartments/DevServ/GenPlan/LandUse.htm>.

³⁹ *Id.*

116-35

↑ and the Los Angeles Harbor Industrial Center Redevelopment Project Area. The DEIR acknowledges this fact (DEIR, 3.8-5 – 3.8-8), but fails to analyze whether the Project is inconsistent with any of these plans or projects. The EIR must analyze any potential inconsistencies between the Project and any direct or indirect environmental effects and these redevelopment plans.

6.3 The Project is Inconsistent with School Siting Guidelines

The DEIR notes that the proposed Project site is within 1,000 feet of Hudson Elementary and Cabrillo High School, as well as only 260 feet from Hudson Park (a large park housing sports fields as well as other recreation areas), a Buddhist temple, and residential areas. (DEIR, 3.8-23.) The project is, in fact, only 310 feet from Hudson Elementary School and 280 feet from Cabrillo High School. (DEIR, Table 3.8-3.) “The UPRR San Pedro Branch rail line (the site of the proposed North Lead Tracks)” are less than 200 feet from Stephens Middle School and a residential area. (DEIR, 3.1-3.) Despite the close proximity of the project and the schools, the DEIR blithely asserts that the “Project would not be inconsistent with the *intent* of CARB and SCAQMD’s land use planning guidance related to siting new sensitive uses near industrial facilities, including rail yards, as it does not include the siting of any sensitive uses.” (DEIR, 3.8-24, *emph. added.*) The actual *intent* of the guidelines is to avoid siting industrial facilities and sensitive receptors in close proximity in order to prevent harming children’s health, and focusing on which came first is irrelevant. Indeed, the Project is entirely inconsistent with the intent of state and local policies for siting industrial and sensitive uses near each other. The DEIR thus fails to provide substantial evidence to support approval of the Project.⁴⁰

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As the DEIR acknowledges, CARB policy recommends against siting a school near a major rail yard within 1,000 feet of each other.⁴¹ Los Angeles Unified School District’s policy is not to site schools within 1,500 feet of any active rail lines.⁴² SCAQMD’s school siting guidance states:

California law is very clear about separating sources of hazardous emissions, particularly those from mobile sources, from sensitive receptors at school sites. . . . Based on the recommendations from the above documents [CARB’s Air Quality and Land Use Handbook, PRC § 21151.8, California Senate Bill (SB) 352, SCAQMD’s Health Risk Assessment (HRA) CEQA guidance for diesel idling, California’s Office of Environmental Health Hazard Assessment (OEHHA) study, the California Department of Education (CDE) Site Selection and Approval Guide], a general buffer zone of no less than 500 feet (150 m), and possibly as much as 1,000 feet (300 m), between major roadways and school sites should be considered to protect the health

⁴⁰ With respect to schools, it is worth noting that CEQA also requires lead agencies of projects that may emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances to consult with any affected school districts. *Pub. Res. Code* § 21151.4; CEQA Guidelines § 1516(b). After reviewing the DEIR, Long Beach Unified School District opposed the project, stating: “WHEREAS, the SCIG Project is in a location close to sensitive receptors that will adversely affect the District’s students and staff as nearby schools include Webster Elementary, Garfield Elementary School, Muir Elementary School, Stephens Middle School, Hudson K-8 School, Cabrillo High School, Reid High School, and Bethune Transitional School; and WHEREAS, the SCIG Project EIR fails to adequately disclose significant project impacts. . . . That the Board of the District hereby formally opposes certification of the SCIG project EIR in its current form, and requests recirculation after completion of substantial revisions to ensure it adequately evaluates the environmental impacts on District students, staff and facilities.” <http://www.lbreport.com/schools/jan12/scigsku2.htm>

⁴¹ California Air Resources Board, *Air Quality and Land Use Handbook*, Table 1-1, available at <http://www.arb.ca.gov/ch/handbook.pdf>.

⁴² Los Angeles Unified School District (LAUSD), *Distance Siting Recommendations*. Revised 12/10/2008. http://www.lausd-oehs.org/docs/Misc/DistanceCriteriaTable%20Rev12_10_08.pdf.

*of students and school employees and meet state guidelines on location of mobile source emissions. New school sites should not be located closer than 1,000 feet (300 m) from other major mobile sources, and possibly further, depending on the source.*⁴³

The DEIR states that AQMD's guidance suggests such mitigation as a vague "physical separation between sources and sensitive uses" (despite the fact that the document, in fact, recommends a specific distance), "pollution reduction features at the source," and "changing land use designations as necessary." (DEIR, 3.8-20.)⁴⁴ Strutting the fact that the railroad itself is located in an area zoned for industrial uses, the DEIR immediately dismisses this potential mitigation measure. The DEIR also contains no discussion about increasing the "physical separation" between the rail yard and the schools as potential mitigation either. Instead, the DEIR merely offers "the construction of sound walls as mitigation along the eastern side of the Terminal Island Freeway that would serve as a buffer for sensitive uses along the corridor," despite the fact that sound walls have not been proven to mitigate any impacts except noise.⁴⁵

116-36

While CARB's and the SCAQMD's recommendations are due primarily to the severe health impacts from air emissions from railroads and rail yards, the California Department of Education and EPA policies take into account other factors in addition to air impacts, such as traffic and safety. The *California Code of Regulations, Title 5*, section 14010(d), established the following regulations pertaining to the proximity of schools to railroads:

If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossing, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.

Although the guidance documents and this code section apply to school siting, their logic and intent mean that that it should apply equally to siting of hazardous facilities near schools. Any other interpretation would be absurd and negate the clear priority of the state and local governments in protecting school children. Rather, the LAHD should be conducting a complete health risk assessment and a safety study in order to determine how best to mitigation the rail yard's impacts on the school children. Anything less violates the intent and spirit of state and local policy, and fails to provide substantial evidence to approve the project.

6.4 The Impacts of the Tenant Relocations are Unclear

The DEIR notes that the proposed project "would result in the termination of current leases and in some tenants relocating to nearby sites. Other non-LA Harbor Dept land would require property acquisition by BNSF and the removal of existing businesses." (DEIR, ES-4.) While the

116-37

⁴³ SCAQMD, Air Quality Issues in School Site Selection, Guidance Document (June 2005 revised May 2007), ES-3-4.

⁴⁴ These recommendations do not appear in the SCAQMD's school site selection guidance. It is unclear, then, where they came from, as there is no citation.

⁴⁵ The problems with the air quality mitigation measures are discussed elsewhere in these comments, and in comments submitted by the Natural Resources Defense Council and Coalition for Clean Air, and incorporated by reference herein.

116-37

DEIR states the sites to which some of the tenants would be relocated, it also states that “[o]ther potential relocation sites have not been determined.” (DEIR, 3.8-2.) Despite this uncertainty, the DEIR insists that “[n]o incompatibility with existing or planned land uses within or adjacent to tenant relocation areas would occur.” (DEIR, 3.8-21.) This assertion is based on very general assumptions, such as that the “displaced businesses for which no relocation sites were identified as part of the proposed Project or during the time of this analysis are assumed to likely move to other compatible areas in the general port vicinity,” likely “within a 25-mile radius of the Port of the Los Angeles.” (DEIR 3.8-27 – 3.8-28.) The 25-mile vicinity of the Port consists of a large variety of land uses. Such generalized and unsupported assumptions cannot provide the necessary analysis of the indirect environmental impacts of the Project.

7. Noise (Chapter 3.9)

7.1 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 Cities of Los Angeles, Long Beach and Carson Noise Ordinances, County, State and federal Standards do not meet current World Health Organization (WHO) Guidelines for Community Noise⁴⁶ and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools⁴⁷. There guidelines and standards provide the maximum protection of public health and children from noise.

In 3.9.1 Introduction, the DEIR fails to disclose that there are sensitive receptors in other cities and counties, including the City of Carson, 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. 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 accurate. 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.

We therefore request that:

- a. the noise standards for the POLA BNSF SCIG Project comply with the World Health Organization (WHO) Guidelines for Community Noise and the ANSI S12.60-2002 Table 1 pg. 5 for Learning space 35dBA.

⁴⁶ World Health Organization (WHO), Guidelines for Community Noise, 1999, available at <http://www.who.int/docstore/peh/noise/guidelines2.html>

⁴⁷ American National Standards Institute. (2002). *Acoustical performance criteria, design requirements, and guidelines for schools* (S12.60-2002); available at <http://www.caspla.ca/PDF/noise%20in%20classroom/ASA%20Acoustic%20requirements%20for%20schools.pdf>

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- b. 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, Table 1 pg. 5 for Learning space 35dBA.
 - c. the DEIR, through full disclosure, include an assessment and listing of all impacted communities that will be impacted by the project site and adjoining train and truck transportation corridors.

116-39

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 incorrect.

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. We request that the DEIR include the World Health Organization (WHO) recommended "Guideline values for community noise in specific environments."⁴⁸

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7.3 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.

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.

- We request that the DEIR include additional Port of Los Angeles and BNSF Railway public health studies and assessments.
- We further recommends that a Health impact Assessment be included in the DEIR to additionally address this unacknowledged and unmitigated issues.

116-41

7.4 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.

The DEIR intentionally fails to accurately characterize the negative impacts of noise and conditions in which noise levels would be higher 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.

- We therefore requests that the DEIR include accurate characterizations of noise from all sources and probable attenuations of noise.

⁴⁸ WHO (1999), Table 4.1 page 47.

116-41 ↑

- We further requests that all increased noise estimates be included in the DEIR data and mitigated.

7.5 Section 3.9.2.3 - Existing Noise Environment, discusses local and surrounding noise but fails to include all noise sources in its list.

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

We therefore 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 and that they be mitigated.

7.6 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.

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.*" (DEIR, F1-9) 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.

- We therefore requests that the DEIR include accurate information of impacted residents and sensitive receptors.
- Additionally, we 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 and that they be mitigated.

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7.7 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.

- a. The DEIR discusses sensitive receivers in Long Beach, Leq and CNEL noise levels 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 the public the impression that these noise levels are acceptable since they are not red flagged.
- b. The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance.⁴⁹
- c. 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.
- d. 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.”

We therefore request 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 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.
- all noise impacts be mitigated to less than significant as required by CEQA.

⁴⁹ 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.

7.8 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.

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.

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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, Table 1 pg. 5 for Learning space 35dBA.

We therefore request that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs.

7.9 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.

116-46

The DEIR also fails to discuss the public health impacts of noise other than sleep disturbance and speech intelligibility.

- We therefore request 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.
- Additionally we requests that the DEIR include and discuss all short and long term public health impacts from noise and that they be mitigated.

7.10 Section 3.9.3.6.1-2 - Sleep Disturbance and Speech Inference, the DEIR fails to reference relevant sleep disturbance and speech inference scientific medical noise studies and fails to reference current scientific medical studies after 1995.

The DEIR writers have intentionally omitted relevant scientific medical noise studies and failed to reference current scientific medical studies after 1995. We therefore ask that the DEIR

116-47



116-47 ↑ include relevant sleep disturbance and speech inference scientific medical noise studies and current scientific medical studies after 1995 through 2011.

116-48 7.11 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.

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. We therefore request 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.

116-49 7.12 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.

- a. 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 other.
- We therefore request that the Port verify what CERL methodology was used and what data was obtained and used.
- b. The DEIR references the use of the Cadna Noise Model (DEIR, F1-73) and we would like to know why they chose this software program vs. SoundPlan which is used by 90% of American Acoustical Engineering Companies. Additionally, what are the distinguishing benefits?
- c. 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.

116-50 7.13 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.

- a. 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.

116-50

- b. 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.
- c. 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.
- d. 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 in fact the DEIR contains no recent research studies earlier than the year 1995 and does not include sufficient international 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.
- e. 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.

7.14 Section 3.9.4.3 - Impacts and Mitigation

116-51

- a. NOI-3 - 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.

The DEIR fail to state that trucks and trains carrying empty containers or no containers makes more noise than loaded containers, therefore increasing the estimated noise levels.

The DEIR fails to identify and list all noise sources, both locally and regionally, such as:

- b. 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.

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.

- c. 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 also be applied to other impacted 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.

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 identify 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.

- d. MM NOI-2 - The proposed noise control measures are not adequate to mitigate all noise impacts.

- The proposed construction hours are unacceptable.
- The proposed temporary noise barriers should include sound suppression methods on operating equipment, classrooms, buildings, residential homes and all sensitive receiver locations.

116-51

116-51



- 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.
- The proposed idling prohibitions fail to disclose how idling will be monitored, enforced and what penalties shall be imposed for non-compliance.
- The proposed equipment location information fails to disclose how it will be monitored, enforced and what penalties shall be imposed for non-compliance.
- 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
- 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 only in a major regional newspaper is unacceptable.
- 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.
- 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.

116-52

7.15 Section 3.9.4.4 - Summary of Impact Determinations, conclusion is 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.

116-53

7.16 Section 3.9.4.5 - Mitigation Monitoring's conclusion is 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.

116-54

7.17 Section 3.9.5 - Significant Unavoidable Impacts' conclusion 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.

8. TRANSPORTATION / CIRCULATION (Chapter 3.10)

Despite the claims the proposed project will have no impact, we find the following inconsistencies in the assumptions and also the findings.

8.1 Inadequate traffic study

116-55

The baseline for a CEQA analysis is generally the date of the Notice of Preparation, which was 2005.⁵⁰ Here the traffic studies that back up the CEQA baseline were conducted in 2007 and 2009. Moreover, the traffic counts were conducted on a total of two days in the winter, hardly a representative sample. Moreover, the DEIR consultants did not obtain precise data on truck movements from the largest truck operator on site in 2005: Cal Cartage. Cal Cartage's data for 2006 shows that the traffic baseline in the DEIR has been grossly inflated. Meanwhile, the DEIR understates the ongoing emissions of current tenants of the site. It assumes that emissions from current tenants, which are included in the baseline, simply vanish when these businesses are displaced. For example, though it currently operates on 104 acres, "California Cartage would be relocated to the 10-acre site and would retain the current [19] acre parcel on SCE land, comprising a total of 29 acres. All future year activities of California Cartage ... were assumed to be scaled down by 72 percent..." (DEIR, 3.2-29). For five of the nine current tenants, no continuing operations are calculated—perhaps they simply go out of business.

8.2 Inadequate assessment of regional traffic

116-56

The DEIR fails to adequately assess the changes in the regional rail system due to the increase in trains generated from the SCIG into the East-West rail corridors. The increase of train traffic generated by the SCIG project could have an effect on commuter rail that share the East-West corridor in terms of rail capacity and commuter train delays. The Proposed Project's Trans-5 (DEIR, ES-69, Trans-5) states that "project operations would not cause an increase in rail activity, causing potential delays in regional traffic", yet the DEIR fails to analyze the impacts on commuter rail delays and the potential delay on regional traffic due to a shift from rail commuters to single on-road vehicle commuters.

8.3 Regional Impacts, Air Quality and Circulation

116-57

The Goods Movement system in the southern California region, specifically in the Southern California Associations of Governments (SCAG) region and outlined in the Goods Movement Action Plan⁵¹, involves a series of projects, and as such, the broad system as a whole should be connected and analyzed in the DEIR. As each and every one of these projects impacts the other, all the projects need to be considered cumulatively as well as their impacts to the local community, region, and the rest of the projects in the system.

a. Inconsistency Between SCIG and BNSF Hobart

116-58

Although truck traffic and the associated impacts related to the Hobart Yard are included in the proposed project's baseline, the full impacts of this change in operations at the Hobart Yard due to this project as not been fully analyzed. There will be two shifts occurring at the Hobart yard if this project is approved. The first shift would be diverting international containers from Hobart to SCIG. The second shift would be increasing capacity at Hobart for domestic containers and the associated traffic. The DEIR includes the change shift in operations from the Hobart yard, to SCIG, however, it does not include the associated projections from future truck traffic related to the shift in

⁵⁰ CEQA Guidelines §15126.2(a)

⁵¹ Business, Transportation and Housing Agency and California Environmental Protection Agency. 2007. Goods Movement Action Plan. Available at: <http://www.arb.ca.gov/gmp/docs/gmap-1-11-07.pdf>

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operations at the Hobart. To capture the true impacts of the proposed project, the DEIR needs to examine the shifts in traffic related to the classification shift to the Hobart yard associated with the SCIG project proposal. Since the Hobart yard is clearly associated to this SCIG proposed project, the associated shifts in their operation need to be include in the full environmental analysis. Without a comprehensive analysis of the shift in operation of the Hobart yard due to the SCIG project, the DEIR fails to support the claims that the SCIG will replace trucks on the 710 and reduce truck traffic to the Hobart yard. The SCIG project will have an impact that must be part of the local and regional analysis in terms of traffic circulation, air quality, and health impacts.

Again, although truck traffic to the Hobart Yard is included in the baseline, it is not included in projections of future truck traffic. This could only be valid if BNSF committed never to truck cargo to the Hobart Yard in the. This error concerning the Hobart Yard, combined with the improperly high baseline, makes the entire traffic analysis completely flawed. Unfortunately, it is also the basis of false claims that the SCIG will take trucks off the 710.

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b. Inconsistency between SCIG and the 710 project

The SCIG DEIR claims that the project will take two million truck trips per year off the I-710 Freeway. However, CalTrans is preparing a DEIR on a greatly expanded I-710, in which it claims it necessary to handle increased truck traffic from the ports to the off-dock rail yards. This inconsistency needs to be clarified and supported within the DEIR.

116-60

c. Regional impacts for locomotive maintenance

The increase in locomotive traffic is included as part of the proposed project's DEIR. The status-quo for class-1 rail yard and locomotive operation states that maintenance is required for all outgoing locomotive units (load-testing, diagnostics and repair) from the region. With an increase in locomotive traffic produced by the proposed SCIG project, and the associated increase of maintenance emissions due to the load testing, the probability of increased local and regional air pollution and health impacts is certain. The SCIG DEIR fails to analyze the impacts to the local communities and of the region from increased maintenance operation due to the increase locomotive traffic into the region from the Proposed SCIG project. Specifically, the SCIG DEIR fail to analyze the impacts to the Sheila maintenance yard and or any other maintenance facilities servicing locomotives related to the SCIG.

116-61

8.4 Inadequate emergency access assessment

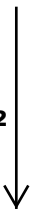
The DEIR fails to fully study the impacts related to emergency access, specific to the Villages of Cabrillo from the Village from the Villages of Cabrillo's main entrance at San Gabriel Ave. and Pacific Coast Highway to San Gabriel and West 20th Street. (DEIR, ES-69, Proposed Project Trans-7).

116-62

9. CHAPTER 4: CUMULATIVE ANALYSIS

9.1 Cumulative Impacts in the CEQA Process

CEQA requires "the lead agency [to] consider whether the cumulative impact is significant and whether the effects of the project are 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.”⁵² The cumulative impacts analysis under CEQA requires a 2-step analysis: (1) determine whether the combined effects from both the proposed project and other projects would be cumulatively significant; and (2) if found to be significant it must be determined whether “the proposed project’s incremental effects are cumulatively considerable.”⁵³ This discussion of cumulative impacts in an EIR “shall reflect the severity of the impacts and their likelihood of occurrence. . . . The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.”⁵⁴

9.2 Inadequacies of Cumulative Impacts Analysis for the SCIG Project

The SCIG EIR fails to adequately discuss cumulative impacts, particularly with respect to air quality, secondary impacts to surrounding land uses, and traffic.

9.3 Air Quality

The DEIR acknowledges that the South Coast Air Basin (SCAB) is a nonattainment area for O₃, PM₁₀ and PM_{2.5} and a maintenance area for CO (DEIR, 4-24). Although extensive dispersion modeling has not occurred, the DEIR states previous work with large projects in the SCAB indicates that there would be a significant impact on threshold levels for NO_x, PM_{2.5}, and PM₁₀. While it is commendable that the DEIR acknowledges a significant cumulative impact on these criteria pollutants, actual air modeling is necessary to determine the extent of the impact and suggest appropriate mitigation measures.

The DEIR states that:

In the time period between 2013 and 2015, several large construction projects will occur at the two ports and in the surrounding areas (see Table 4-1), including several container terminal redevelopments and a major highway and bridge project, that will overlap in time, and a number of smaller commercial and residential projects are or will be under construction as well. . . . / Emissions from proposed Project construction would exceed SCAQMD significance criteria for VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5}; accordingly, there would be increases in criteria pollutants for which the region is in non-attainment (PM₁₀ and PM_{2.5}). These emissions, when combined with emissions from the other concurrent construction projects, would make a cumulatively considerable contribution to a significant cumulative impact for PM₁₀ and PM_{2.5} emissions. (DEIR, 4-24)

First, it appears (though is not supported by any modeling) that the construction impacts from the Project will make a cumulatively considerable contribution to a significant cumulative impact for other criteria pollutants in addition to PM₁₀ and PM_{2.5}, including O₃, for which the SCAB is also out of attainment. Second, the DEIR acknowledges that operational cumulative impacts for NO₂, PM₁₀, and PM_{2.5} would be cumulatively significant. CEQA requires the lead agency to analyze a proposed project’s potentially significant cumulative impacts and “examine reasonable, feasible options for mitigating or avoiding the project’s contribution to any significant cumulative effects.”⁵⁵ The proposed mitigation (on-site sweeping) for operation-related

⁵² CEQA Guidelines § 15064(h)(1).

⁵³ *Communities for a Better Environment v. California Resources Agency* (3d Dist. 2002) 103 Cal. App. 4th 98, 120.

⁵⁴ CEQA Guidelines, §15130(b).

⁵⁵ CEQA Guidelines § 15130(b)(5).

116-62 ↑ cumulative impacts, however, is an entirely inadequate attempt to remedy this significant contribution to cumulative air pollution.

a. On-Road Traffic Impacts

The DEIR assumes that CO will decrease due to the switch to cleaner fuels for car traffic. While the CEQA guidelines and case law acknowledge that cumulative impacts analyses do not need to be exhaustive, they must be complete. Although information can be drawn from both past and future projects, the DEIR should be able to give alternative scenarios as well. The DEIR makes the sweeping assumption that, as a society, we are moving toward cleaner fuel, stricter emission rules, and newer, more fuel efficient cars replacing current cars. If all of these rosy predictions do occur the cumulative impact will be decreased. The DEIR must also address, however, the cumulative impacts in alternative scenarios in which either these predictions do not materialize, or they do not result in decreased impacts (for instance, if increased population, traffic, and vehicle miles traveled offset the emissions controls).

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The EIR also looks at the cumulative impact of growth in traffic. According to the report there is no any significant hot spot impact for the project operation because CO standards would be upheld and traffic would be decreased. There is no further explanation as to how the traffic would decrease in the area other than this simple, conclusory statement. (DEIR, 4-27). The cumulative impact analysis “must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them.”⁵⁶ Conclusory statements about cumulative impacts do not help provide adequate information on a proposed project. Rather, the DEIR should provide meaningful and reliable supporting data and evidence for its cumulative impacts analysis, including for its conclusion that traffic will decrease.⁵⁷

9.4 Operation of Proposed Project Contributes to Objectionable Odors at Nearby Sensitive Receptors

The DEIR recognizes that there are different sources of odors in the area. Some of the strongest odors originate from diesel. Due to the large amount of industrial operations in the area diesel emissions are a prevalent pollutant. It is, therefore, unclear why the DEIR would conclude: “Given the proposed Project’s distance from sensitive receptors (more than 300 feet) and the localized nature of the emissions, Project operations would not result in cumulatively considerable contributions to a significant cumulative odor impact within the Project region.”⁵⁸

Additionally, research has clearly demonstrated that diesel is a carcinogen. Although the DEIR includes some discussion of the cancer risks in the port area and even references the MATES II studies that support high cancer rates, it does not state that diesel is a carcinogen. While the Clean Air Action Plan (CAAP) hopefully will decrease the risk, there is still considerable uncertainty as to the type of reductions the CAAP will make. Nevertheless, the DEIR concludes that the SCIG project does not require mitigation for diesel “because the proposed Project would not make a cumulatively considerable contribution to an existing cumulatively significant impact.” (DEIR, 4-29.)

⁵⁶ *Mountain Lion Coalition v. Fish and Game Comm’n* (1989) 214 Cal.App.3d 1043, 1051.

⁵⁷ *Laurel Heights*, 47 Cal.3d at 398, It is up to the agency to educate itself about potential methodologies that could be used to study environmental impacts.

⁵⁸ DEIR 4-28

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As with the cumulative traffic impacts above, the DEIR concludes that the cancer risk in the area will be mitigated by present and future policies that are/will be implemented in the port area to decrease diesel emissions. Unfortunately, there is no analysis of the cumulative impacts in any alternative scenarios (in the event these diesel reduction programs are not implemented or continued). In order to comply with CEQA the FEIR should include further information, rather than merely optimistic aspirations, to support its analysis.

116-65

9.5 Greenhouse Gases

Projects in the area generate a high level of GHG emissions, and the Project will contribute to these emissions. (DEIR 4-42 and 43) There is deep concern amongst community residents regarding an increase of GHG emissions. The DEIR acknowledges that the Project will significantly contribute to the cumulative emissions of GHGs. The mitigation measures, however, lack the “relevant detailed information” required by CEQA. For instance, the DEIR should provide more concrete detail regarding types of energy efficiency projects the LA Harbor Department plans.

9.6 Transportation and Circulation

The DEIR discusses at length future intersection traffic volumes. These numbers were developed based on SCAG socioeconomic projects for the years 2008, 2014 (used for 2016), 2023, and 2035. According to the DEIR, to “analyze impacts accurately it is necessary to project future Project traffic and its distribution on the road network for each analysis year. That analysis includes accounting for cargo growth at the marine terminals in the two ports, since a portion of that cargo would be conveyed to and from the Project.” (DEIR, 4-60)

116-66

In discussing the growth of the port and shipments that will come through the port, the LA Harbor Department has determined there is to be 17.1 million TEUs of intermodal rail demand, 12.7 million TEUs would be handled on-dock rail and the 4.4 million TEUs would be handled off-dock rail yards. (DEIR, 4-60) The DEIR concludes that even this predicted growth will not generate new truck trips, but rather will and decrease truck traffic on the I-710. In order to have a more complete analysis, the DEIR must include an analysis of the proposed future I-710 expansion.

Additionally, the DEIR states that the “proposed Project site is currently occupied by container and truck maintenance; grain terminal operations; storage; rail service; and auto salvage activities...none of the existing uses would remain on the footprint of the proposed railyard.” (DEIR 4-66) The DEIR states that many of the current tenants will be relocated very nearby. Therefore, these tenants combined with a large construction and goods movement project will most likely increase truck traffic and thereby impact traffic flow and patterns in the area. (DEIR, 4-68) While the DEIR states that some of the truck traffic from these tenants will shift from Pacific Coast Highway and Sepulveda Boulevard to Anaheim Street, the cumulative impacts analysis must analyze the potential cumulative increase in truck traffic all around the site, including Anaheim Street. In order to better inform the public and decision makers the DEIR should address more fully mitigation efforts and local as well as regional traffic patterns to and from the ports.

10. THE DEIR DOES NOT ADEQUATELY DISCUSS ALTERNATIVES TO THE PROPOSED PROJECT

The SCIG cannot be properly evaluated in the absence of a full analysis of the anticipated proposed expansion of the Union Pacific ICTF yard, which exists adjacent to the SCIG location. It is notable, and negligent that the Rail Traffic Controller Model (RTC) performed to estimate rail network performance (DEIR, G-2, p 4) assumed no expansion of the ICTF.

According to the preferred assumptions in the San Pedro Bay Ports Rail Study Update⁵⁹ prepared for the ports of Los Angeles and Long Beach in December 2006, rail demand would exceed capacity by 0.97 mil TEU x 2010, 0.48 mil TEU x 2015; 0.90 mil TEU x 2020; and 2.23 mil TEU x 2030 (DEIR, ES-9, Table 3a). In other words, a project smaller than the SCIG would cover the gap beyond 2030. Given revised growth projections, that shortfall may not be reached until 2035 or later.

The 2006 study underestimated the SCIG at 1.8 mil TEU new capacity (the DEIR promises 2.8 mil TEU). Assuming its projection of 1.9 mil TEU new capacity at ICTF is accurate, if both SCIG and ICTF are built, their combined capacity would exceed the 2030 projected demand by almost 2.5 mil TEU. The “demand” for on-dock rail would be correspondingly reduced, thereby undermining existing plans for new or expanded on-dock rail projects (the 2006 Rail Study Update identified 13 such projects, some of which are underway or under consideration.)

The DEIR ignores this underlying conflict by simply claiming that a need exists. Indeed there is a real risk that the SCIG is contrary to port interests in its conflict with planned on-dock projects and rail-system enhancements. The project fails to satisfy a fundamental port objective, which is identified in the DEIR (DEIR, p1-21): “The goal of the ports is to maximize on-dock rail operations within the Ports.”

Many more scenarios should be considered in the alternatives analysis. According to the 2009 cargo forecast⁶⁰, the ports are expected to reach their ENTIRE capacity in 2027 (Port of Los Angeles Public Rail Workshop presentation, October 22, 2009, slide 24. Contradicting this oft-presented cargo forecast chart, the DEIR claims without citation that the ports “have increased the overall capacity estimate to 43.2 million TEU” (DEIR, p 1-19)). In either interpretation, it is reasonably anticipated that considerable infrastructure investments will be undertaken in the next 15 years to provide additional capacity. In so doing, the port has a clear opportunity to improve on-dock rail facilities and efficiencies beyond what is assumed in the DEIR. These opportunities should be examined more fully as alternatives to the SCIG.

The lack of a more thorough alternative that would maximize on-dock rail, with investments sequenced to avoid community impacts, reflects a failure of the Port to fulfill the Mayor Villaraigosa’s promise of a “strategic plan for the Port of Los Angeles, including sustainable and green growth options.”⁶¹

⁵⁹ Parsons. 2006. San Pedro Bay Ports Rail Study Update: December 2006, available at: <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=7599>

⁶⁰ Tioga. 2009. San Pedro Bay Container Forecast Update. Report prepared for the Ports of Long Beach and Los Angeles. Prepared by the Tioga Group, Inc. and HIS Global Insight. July 2009.

⁶¹ GREEN LA, May 2007, p 24, http://www.ci.la.ca.us/mayor/villaraigosaplan/EnergyandEnvironment/LACITY_004467.htm

10.1 The DEIR gives scant consideration to two important, feasible alternatives: on-dock rail and zero emission container movement.

a. On-dock Rail

There is no logistical necessity for SCIG to be replicated, inch for inch, on-dock. The rail capacity does not all have to be located on one plot of land, but can be spread over different parts of both ports. It is the excess *capacity* represented by SCIG that needs to be analyzed in the DEIR -- but it is not.

The analysis of alternatives is willfully narrow and therefore inadequate. A flaw in The SCIG DEIR inappropriately limits consideration of alternatives to single projects that are of comparable size. Instead, a true review of alternatives would consider adding smaller capacities together to match the size—and perhaps more importantly, to match the actual need.

The entire technical analysis of on-dock rail in the DEIR is 4 pages, buried in Appendix G2. This study claims that the San Pedro Bay ports will have an on-dock capacity of 12 million TEUs in 2035, and thus the excess represented by SCIG is an additional 23%. Most of the 4 pages in Appendix G-2 are devoted to describing the results of a modeling exercise of rail traffic delay, assuming that SCIG will be built as planned. There is not a single word in this study that analyzes whether additional on-dock capacity can be found anywhere in the POLA-POLB complex. As a basis for summarily rejecting the on-dock alternative (see pages ES 14-15), this will not pass in court.

b. Zero Emission Container Movement.

During the public hearings for the Notice of Preparation for the SCIG project, the then Chair of the Harbor Commission (David Freeman) said that there would be no diesel-powered drayage of containers from the Port to the project site, that alternatives would be found by the five new commissioners all appointed by the Mayor of Los Angeles. Yet, in the DEIR, zero emission container movement technology is not even mentioned by name as an alternative. (DEIR, ES-14) The DEIR concludes that these technologies "are not yet viable as alternatives to truck-based drayage...." (DEIR, 2-51)

Under the analysis of the DEIR, the SCIG project will not be needed until 2020, if then. A legally defensible analysis would consider whether zero emission container movement technology could begin to be phased in by 2020. But that study was not done.

10.2 Off-dock alternatives should not have been dismissed without thorough analysis

The off-dock alternative "East of Alameda Street" (Port Property) should not have been dismissed without analysis. The site would impact a small marina but the amount of these impacts would be less significant than the one currently proposed. However it was not examined as an alternative.

10.3 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 the 'Alternatives Analyzed' section (DEIR, ES 4.3), 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 identifying significant negative impacts of the project as well as public objections and rational against the project received during the public

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hearings. The DEIR needs to include the negative impacts, such as environmental, public health, public transportation, socio-economic, etc. and public objections when listing summaries of information or data.

116-72

10.4 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 DEIR should portray an accurate assessment of the Ports capacities, tidelands property efficiency land use, public support, potential technology solutions and viable project alternatives.

116-73

10.5 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.

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. The DEIR should provide an accurate description that also discusses the significant negative environmental, public health and socio-economic impacts etc. to the public.

116-74

10.6 Section ES.4.4.2 – Alternative Sites Inside the Ports – misrepresents numerous facts regarding Alternative Sites and Alternative Technologies.

- a. 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.
- b. 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 most of the project objectives when compared side-by-side, which the DEIR failed to do.
- c. The DEIR states that, “Construction of new land for a rail yard 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 the project alternate site to move forward.
- d. 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.

- e. 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.
- f. 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 technologies such as 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.
- g. 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, yet the ports have not taken advantage of the opportunity to demonstrate a 21st century clean technology. 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.

116-74

10.7 Section ES.4.5.1 – Approaches to Avoid Building a Near-Dock Rail yard, fails to include all public requested and discussed alternatives.

Section ES.4.5.1 – Approaches to Avoid Building a Near-Dock Rail yard, failed to include, identify and assess other public requested and discussed alternative such as:

- 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.

116-75

10.8 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.

116-76

Section 2.5 Alternatives-Evaluation Criteria, the DEIR does not present a fair, accurate and complete disclosure of information.

- 116-76
- a. 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.

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.

- b. 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.
- c. 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.

10.9 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.

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The DEIR criticizes Pier S but Pier S is a viable site and although 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 rail yard.

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.

11. CHAPTER 6: ENVIRONMENTAL JUSTICE

The Environmental Justice section of the DEIR shows that the proposed project will be situated in a predominantly low-income, minority community, while the DEIR brushes off reasonable alternatives. This fact has very serious legal and policy implications. In addition, the DEIR admits that the project will have significant impacts related to air quality, but claims, without substantiation, that these impacts "are not linked to localized health effects ...". (DEIR, 6-13) This unsubstantiated claim is not backed-up by any data, and as discussed above, is unsupported because the air emissions study is invalid.

12. CHAPTER 7: SOCIOECONOMICS AND ENVIRONMENTAL QUALITY

12.1 Permanent jobs will be lost

We are concerned that the SCIG will cost more jobs to the local economy than the project will create. The DEIR estimates that “during the construction phases of the proposed Project, approximately 1,500 jobs annually (DEIR, 7-29), both direct and secondary, could be added to the regional economy. The majority of total jobs are attributable to the construction sector of the economy (54.8 percent). About 27.7 percent of the total number of new jobs would be in the services sector, about 2.2 percent in the manufacturing sector and 9.2 percent in the retail trade sector.” (7.2.1.1 Employment and Income. 7-1) We are concerned, however, that the project, even at its peak, will not replace the jobs currently created by the local businesses. For

example, after construction of the SCIG culminates, implementation of the proposed Project will result in an increase in employment of between 660 jobs in 2016 to 1,096 jobs in 2046. (8.2.2 Indirect Growth-Inducing Impacts. 8-3). In the meantime, existing businesses at the proposed site provide more than 1,700 permanent jobs, and more during peak seasons. (See Table 1 below)

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Table 1⁶²

COMPANY	EMPLOYEE COUNT	INDEPENDENT COUNT
Fast lane	125	100
Three Rivers	125	100
San Pedro Forklift	40	12
Cal Cartage	Up to 900	150
LAHGTF	47	45
Frupco (at Three Rivers)		50 expediting firm
Agricom (at Three Rivers)		25 expediting firm

Thus, even at its peak, the project will never replace the jobs that will be lost with its construction.

13. A REVISED DRAFT EIR MUST BE PREPARED AND RE-CIRCULATED

Due to the inadequacies discussed above, the SCIG DEIR cannot form the basis of a final EIR. CEQA requires preparation and recirculation of a supplemental draft "[w]hen significant new information is added to an environmental impact report" after public review and comment on the earlier draft EIR.⁶³

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In order to cure defects of the DEIR identified in this letter, the Port of Los Angeles must adequately assess the proposed project's environmental impacts, and to identify effective mitigation and alternatives capable of alleviating the project's significant impacts.

We ask that you re-circulate the DEIR to adequately and accurately assess environmental, air quality, and human health impacts.

We appreciate your consideration of our comments. Please feel free to contact us if you have any questions.

⁶² Numbers used in this where obtained from directly from the companies via phone or email

⁶³ Pub. Resources Code § 21092.1.

Sincerely,

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APPENDIX A:

**Assessing the Need for the
Southern California
International Gateway**

116-81

The Bay Area Council Economic
Institute

ASSESSING THE NEED FOR THE SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY

Developed by:
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January 31, 2012

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EXECUTIVE SUMMARY

The Southern California International Gateway (SCIG) is a proposed near-dock rail facility situated adjacent to the existing Intermodal Container Transfer Facility (ICTF). The SCIG, operated by BNSF, and ICTF, operated by UPRR, are intended to supplement existing and proposed on-dock rail facilities, accommodating anticipated port growth and ultimately shifting more rail activity to near-dock facilities from off-dock locations. The SCIG is expected to be constructed between 2013 and 2015, beginning operations in 2016. Its maximum practical capacity is estimated to be 2.8 million TEUs per year.

The analysis below addresses the following questions:

- When will rail capacity be needed, according to cargo forecasts?

Given the projects currently in progress and the proposed terminal on-dock rail projects, the infrastructure inside the terminals along with the existing ICTF-capacity will be adequate to meet forecasted traffic up until 2035, the year when the ports are likely to hit their capacity limits. Assuming a faster rate of growth or higher sure of rail volume changes this result, as presented in the answer to question four below.

- Based on the cargo forecasts and assessment of existing and proposed port terminal/rail projects, when do each of the projects need to roll out in order to meet the projected forecast year to year?

Under the scenario outlined in the answer to #1, the existing timeline for each of the terminal expansion projects (described in this report) will be sufficient to accommodate the projected demand.

- What infrastructure is needed to handle cargo flows over the course of the next 25 years? At what point does all on-dock rail capacity get maxed out if all projects are built?

Rail infrastructure outside of the terminals, but within the port complex, is key to meeting demand for on-dock rail. Currently scheduled projects are adequate to meet most of the demand for on-dock rail through 2020; however, as noted in the 2006 Rail Study Update and in the SCIG EIR, unless substantial improvements are made in the West Basin of POLA and Terminal Island area, maximum practical capacity of on-dock rail cannot be attained. These projects would need to be completed (including triple-track projects that have no NOI as of yet) in order to make full use of expanded on-dock capacity slated for the 2020–2030 period.

- After full build-out and maximization of on-dock rail, existing near-dock rail, and off-dock infrastructure, what is the gap between demand and capacity according to the cargo forecast?

The gap between forecasted rail demand and the ability to meet the demand with existing/projected on-dock rail and the ICTF as currently configured depends upon the rate of forecasted growth, the assumed share of direct intermodal rail, and whether on-dock rail can achieve maximum practical capacity.

- If the share of direct intermodal rail is assumed to be 37% (due to reduced rail demand caused by Panama Canal diversion), then

- * On-dock and existing ICTF capacity can accommodate direct intermodal rail until nearly 2035 under a low annual growth rate (4.3%).
- * Under a higher annual growth rate (4.7% after 2020), on-dock and existing ICTF capacity can accommodate direct intermodal rail until 2030. Even if the ICTF were expanded, a higher growth rate would yield a 284,000 TEU deficit in capacity in 2035.
- If the share of direct intermodal rail is assumed to be 40%, then there will be a shortage of rail capacity by 2035, even with ICTF expansion. This gap will exist by 2030 if the ICTF is not expanded.
- If productivity-enhancing measures are not adopted that allow on-dock rail to be used to its maximum practical capacity, then, even under an expanded ICTF, rail capacity will be insufficient by 2020, with an unmet demand of 354,000 to 1.9 million TEUs in 2020, increasing to 1.5 million to 3.0 million TEUs in 2030.
- What should be the planning/operational priorities?

The 2006 Rail Study Update outlines the major obstacles in obtaining maximum capacity from on-dock rail and these obstacles are reiterated in the SCIG DEIR. Improvements in rail infrastructure between the terminals and the Alameda Corridor must be a priority, and cannot be deferred beyond the opening of the SCIG, as that might encourage shifting freight to near-dock rail that would otherwise be best served through on-dock rail. Beyond the infrastructure consideration is the constraints imposed by labor costs and work rules. On-dock rail productivity is maximized through a three shift model. Obviously the recession made this non-economical due to lack of traffic, however, as freight rebounds, terminals should be able to move towards this type of operation, which requires increasing labor productivity through new work rules. This is a jurisdictional issue (the ILWU negotiates with the PMA) outside of the scope of the Ports and railroads. However, this change should actually be the first priority, as it does not require substantial capital expenditure. Constructing additional near-dock facilities before these changes are made has the potential to shift freight to near-dock facilities that would be better served by on-dock rail facilities (from both a private and social cost perspective).

DESCRIPTION OF THE STATUS QUO

For the sake of exposition, we provide a brief description of port rail operations, though a more complete explanation can be found in the SCIG EIR itself. Currently, approximately 45% of freight moved by terminals is rail traffic. Rail traffic can be decomposed into “direct intermodal” rail (freight moved out of the region without being transloaded into a different container) and transloaded rail. The rail study update prepared by Parsons in 2006 finds that “direct intermodal” freight comprises approximately 40

On-dock facilities allow trains to be built on terminal property, thus minimizing the impact on the surrounding neighborhoods. Near-dock rail facilities are located outside of terminal facilities (though, in the case of the ICTF and SCIG, on port property) and require a short dray from terminals to the rail facility (and vice versa). In the case of the SCIG and ICTF, the dray is approximately five miles, depending on the origin/destination terminal. Finally, off-dock rail involves longer truck drays. In the case of the current BNSF operations, the rail-yards used are in Los Angeles. The Hobart facility, the BNSF facility in Los Angeles that currently handles the bulk of international freight, is located 24 miles from the San Pedro Bay ports. The Clean Air Action Plan, enacted by both ports, stresses the importance of on-dock and near-dock rail versus off-dock rail due to environmental considerations.

Parsons' 2006 rail study finds that of the 45% rail share, 40% is “direct intermodal” freight—freight that is moved out of the region without any transloading. The remaining 5% of the 45% rail share is transloaded rail freight—freight moved by truck out of the terminal and then transloaded to a domestic container before leaving the region via rail. Using 2008 data, the SCIG EIR presents the share of on-dock rail as 23.7%, near-dock at 7.4%, and off-dock at 11.1%.

Currently nine terminals at the Ports of Los Angeles and Long Beach have on-dock rail facilities (new and pending projects are described later in this document). The ICTF currently handles all near-dock rail freight, at approximately 1.2 million TEUs moved in 2005 and 833,000 TEUs move in 2010 (this assumes a standard 1.85 TEUs per container, which is the conversion rate assumed throughout this report). The off-dock facility most heavily used is the BNSF Hobart rail-yard, which handled 1.2 million TEUs of intermodal freight in 2010.

ONGOING PROJECTS INVOLVING CONTAINER TERMINALS AND ICTF

For the sake of clarity, the projects described below are those that directly involve terminals or the ICTF. Infrastructure projects that affect rail infrastructure outside of terminal or ICTF facilities are described in the next section. Additional projects are described in Appendix A.

- ICTF Reconfiguration—The Rail Simulation Study (2006) estimates the maximum practical capacity of ICTF at 1.4 million TEUs; this was at a time when the ICTF was handling 1.08 million TEUs per year. According to the ICTF-Joint Powers Authority website, the ICTF currently averages 725,000 containers per year (1.3 million TEUs); however, according to the Air Resources Board (ARB), in 2010 the ICTF handled 833,000 TEUs, down from 1.2 million TEUs in 2005. After reconfiguration, the total capacity of the ICTF would increase to a maximum of 1.5 million containers (2.8 million TEUs) by 2016 under full project completion.

- Pier B On-Dock Rail Facility—This project would improve operations, expand capacity, and increase efficiency of a current on-dock rail-yard (which is currently used for rail storage and staging) and improve traffic flow and safety near Pier B. There are three phases intended to make Pier B a fully functioning on-dock rail facility. Specific projects include expanding railcar storage and staging, adding fueling and repairing tracks, realigning SR-47 bridge supports, adding tracks in both directions, and building a grade separation. The renovation will also allow the facility to serve as a place to hold trains coming off the Alameda Corridor that cannot enter terminals during certain hours. This would provide improved productivity for on-dock rail at several terminals.
- Middle Harbor Project —This project will expand, redevelop, and update existing Piers D, E, and F at POLB. Specific projects include deepening channel waters, widening slips and wharves to accommodate larger ships, and lengthening berths. As part of this project, two terminals will be consolidated into one, and cranes will be replaced so that they may serve larger ships. This will improve traffic flow for cargo handling, link the new improved terminal to existing on-dock intermodal rail-yard facilities, and separate loading/unloading from the main track. Baseline 2005 capacity is 1,264,021 TEUs. When the terminal is at its capacity in 2025, total TEUs will be 3,320,000 annually. In 2025, about 2,523,200 TEUs would be moved to and from the terminal via truck; of that, 252,320 TEUs would be transported to and from off-dock and near-dock rail-yards by truck. About 544,480 TEUs would be transported via on-dock rail. This would increase on-dock rail from 138 trains in 2005 (assuming 25 rail cars per train) to 2,098 in 2030. Daily truck trips would increase from 6,528 in 2005 to 10,112 in 2030.

The expansion is substantial; in 2010, Pier F handled 122 trains per year. According to the EIR, by 2015 it would handle 1,092 trains per year (assuming 25 cars per train) and increase to 2,098 trains per year in 2020. The Pier F rail-yard is expected to handle 26% of the new terminal's capacity (moving 872,480 TEUs of the 3.3 million TEUs through on-dock rail). It should be noted that the EIR figures for rail capacity may be a bit low. Even assuming 25 trains per day, and a practical capacity (not maximum capacity) of 270 cars per train, yields approximately 1 million TEUs annual capacity at full operations in 2020 and roughly 835,000 TEUs per year in 2015.

- Pier S —This project will optimize efficiency and increase capacity for cargo. Specific projects include the construction of a new marine terminal with on-dock rail access at Pier S, improvements to the back channel, dredging, wharf construction, the addition of cranes, the widening and deepening of the back channel, improvements to the container yard and buildings, improved truck gates and roadwork, a new intermodal rail-yard and dual rail lead, the relocation of the oil and utility facility, and improvements to the Terminal Island Wye rail infrastructure. Noted in the SPB Rail Enhancement Report (2006) as a project slated for completion by 2010, the Pier S (POLB) project's EIR had to be modified due to operational considerations regarding ship navigation and access. Under an optimistic scenario, construction would end in 2013, but it is likely to end after that. The Pier S container terminal is assumed to handle 1.8 million TEUs at full build-out in 2020. The location and layout of Pier S means that there will be limited on-dock rail service. It is anticipated that Pier S activity will produce 549 annual on-dock trains and 1,179 annual near-dock or off-dock trains—approximately 32% of rail will be transported using on-dock rail facilities (p. ES-6 of the EIR, 2011). It should be noted that if the trains carry 280 containers (or 518 TEUs, assuming the standard 1.85 TEU/container conversion rate), there would be demand for 284,000 TEUs of on-dock rail and 611,000

TEUs moving from near-dock or off-dock rail in 2020. This would imply nearly 50% of the freight from Pier S is ultimately moving via rail (though only a limited amount by on-dock rail).

- APL —This project will expand and improve an existing container terminal. Proposed projects include adding cranes, modifying the main gates, converting container storage to refrigerated storage area, replacing a truck inspection facility, building a power shop facility and office space, extending a current wharf, developing an out-gate, and dredging. The baseline capacity between 2008 and 2009 for this terminal was 1,128,080 TEUs and the baseline is projected to be 3,206,000 TEUs at capacity in 2027. The breakdown of total TEUs for the terminal and projected mode of transportation in the base year and 2027 is given in the table below. Total TEUs for each mode increase, but the percentages of TEUs transported by near-dock and truck increase by 2027.

Projected Change in TEU Distribution by Mode Between 2008 and 2027

Mode	2008		2027		Increase in TEUs 2008 to 2027
	% of Total	TEUs	% of Total	TEUs	
On-Dock	35	394,828	32	1,025,920	631,092
Near-Dock	11	124,089	13	416,780	292,691
Truck	54	609,163	55	1,763,300	1,154,137
Total	100	1,128,080	100	3,206,000	2,077,920

The capacity of on-dock rail is expected to increase from 2,197 annual train capacity in 2012 to 2,831 in 2020 and 2,953 in 2027 at full capacity. Assuming 518 TEUs per train, this amounts to an increase in on-dock capacity of 391,000 TEUs between 2012 and 2027.

- West Basin/China Shipping—This project will expand and improve an existing container terminal. Specifically, the project involves lengthening two of the berths in the terminal, adding 10 cranes, developing 142 acres of terminal backlands, constructing new container terminal buildings and gate facilities, constructing new bridges, and dredging. The terminal capacity is expected to reach a maximum of 1,551,000 TEUs annually in 2030. Of the 2030 expected capacity, 1,015,754 TEUs (65%) will be transported by truck to off-dock destinations, local destinations, or national destinations. About 303,996 TEUs of intermodal cargo will be transported to near-dock rail-yards. The remaining cargo, 231,250 TEUs, will be transported by on-dock rail from the adjacent Yang Ming facility.
- West Basin/TraPac – This project will expand and improve an existing container terminal. Specific actions include deepening the berths, improving wharves, replacing six older cranes with five new cranes, adding new container terminal buildings, adding a new on-dock intermodal rail-yard, improving the surrounding road, and redeveloping 57 acres of terminal backlands. This will significantly increase cargo movement once completed. Construction began in 2008 and is to be completed by 2025. The maximum capacity of 2,389,000 TEUs annually is expected to be reached by 2025. Of that capacity, 70%, or 1,689,000 TEUs annually, would be moved by truck either to an off-site rail-yard, to local destinations, or to other national destinations.

The EIR assumes that the new on-dock rail-yard could handle 700,000 TEUs per year, assuming 24-hour rail operations, 350 days per year, with four trains per day at 330 containers per train (EIR, ES-16). The figure of 330 containers per train is a bit higher than the figure assumed under other models, and it should be noted that under this assumption the number of TEUs that could be handled is closer to 850,000 TEUs, though these assumptions are unlikely to be met without other operational/infrastructure changes noted in the next section.

PRACTICAL CONSIDERATIONS THAT LIMIT ON-DOCK RAIL

Practical considerations that limit on-dock rail facilities include operational constraints and infrastructure constraints.

There are two main operational considerations. First, terminals do not have rail service that operates 24 hours per day. This is primarily due to both labor rules and economic conditions (i.e., there is not enough freight to justify the added cost of train operations that span three shifts). Restructuring labor rules (including rules about what work can be done when trains are moving in the terminal) may bring the costs of operating trains on three shifts down to a level that would make it economically feasible given current and anticipated volumes.

The second operational consideration is the nature of building an on-dock train. The most efficient trains are “unit trains,” which consist of full-length trains with similarly destined cargo. The cargo does not necessarily all need to have the same ultimate destination, but it needs to be freight that is routed through the same rail hub. For example, freight might have a final destination of the upper Midwest or Northeast and a unit train could be built on-dock that sends all of this freight on a full train destined for Chicago. Full length unit trains typically consist of 29 five-bay railcars, hold approximately 280 containers (518 TEUs) and are 8000 feet long.

Another possibility is to build trains that are not full unit trains, but have substantial “blocks” with a common destination (e.g., Texas or Chicago). This train could be built on-dock and then “block swapped” elsewhere where the block destined for Chicago is merged with a block of freight from another terminal also destined for Chicago to ultimately form a unit train. This needs to happen in the region (possibly at the reconfigured Pier B facility), and the process is obviously less efficient than forming a unit train at the terminal itself. It is also important to note that "block swapping" requires a fair amount of space/track capacity; generally, this would happen at a rail yard. It is not something easily done outside of a terminal facility or railyard.

Finally, if a terminal has a small amount of freight with a particular destination, this cargo would be most efficiently moved to a near-dock or off-dock facility so it could be combined with other freight heading toward the same destination. It would take up terminal space and delay the freight delivery to keep the cargo at the terminal until there were sufficient amounts to build either a block or unit train of similarly destined freight. Thus, not all freight that comes into a terminal can easily be sent out of the region using on-dock rail.

The main infrastructure considerations include the following:

- Bottlenecks of on-dock rail will occur when freight from East POLB, West Basin, and Terminal Island yards converge on the route to the Alameda Corridor. Some of this congestion will be ameliorated with the Terminal Island Wye Track Realignment project (part of the Pier S project). The location of the SCIG, much like the ICTF, avoids this convergence (Appendix G2, SCIG Draft EIR).
- The continued existence of crossings at grade, including the Reeves crossing.
- Badger Bridge lifts that allow ships to access the Cerritos Channel.
- Lack of double-track and triple-track access in high-demand sections of the ports (again, East POLB and West Basin).

Pending projects that will address some of these infrastructure problems are presented in the San Pedro Bay Ports Rail Study Update (2006, p. ES-18), and many of these problems are currently being addressed in portions of existing terminal improvements, including Pier S and Pier B projects. Additionally, the San Pedro Bay ports received \$17 million from the US DoT for their Green Port Gateway Project which will be used for some of these improvements. Triple-tracking the Badger Bridge and the area south of the Thenard Junction, however, is not scheduled to occur until after 2015, and no notices of intent have been posted for these projects.

These infrastructure constraints mean that additional on-dock rail built on Terminal Island or at the West Basin will have limited contributions to meaningful capacity since there will be substantial bottlenecks between these facilities and the Alameda Corridor. The projected start dates, finish dates, and year at capacity for the West Basin and Pier S projects are presented below. In order to accommodate the current planned expansion of West Basin terminals and Pier S, the rail infrastructure projects mentioned above should be completed in the next five years (after most project completion, but before the terminals hit capacity).

Timetable for Selected Port Projects

Project	Projected Start	Projected Finish	Year at capacity
Pier S**	2011	2013	2020
West Basin-China Shipping	2002	2012	2030
West Basin-TraPac	2008	2025	2025

**As previously mentioned, the Pier S project is unlikely to be completed by 2013.

EVALUATION OF ON-DOCK AND NEAR-DOCK CAPACITY AND CONTAINER VOLUME FORECASTS

To evaluate the need for additional near-dock facilities requires us to examine both the demand for rail and the supply of existing and projected on-dock and near-dock rail facilities. We begin with the supply analysis, move to demand analysis, and wrap up with some conclusions based on sensitivity analyses of both supply and demand factors.

CURRENT AND PROJECTED ON-DOCK AND NEAR-DOCK RAIL CAPACITY

While off-dock rail is a possible source of long-term capacity, this would require the Hobart Yard to remain a yard that handles substantial amounts of international traffic, though the intent is to switch this yard over to domestic service if the SCIG were built. The UPRR currently has limited capacity for off-dock rail demand. Off-dock rail is also less attractive from an environmental perspective as it requires longer truck trips and would increase traffic on the I-710. The amount of on-dock rail capacity has been simulated by Parsons as part of their Rail Simulation Modeling Study (available as an appendix in the SCIG EIR). The key assumptions of their rail modeling simulation are as follows:

- Both rail lines split the freight volume 50-50 based on current market conditions.
- All existing plans for rail development at POLA and POLB come to fruition in their proposed state (summaries of these were provided earlier in this report).

- There are three rail shifts per day (which is not the status quo).
- ILWU work rules are modified to increase efficiency.

The 2006 Rail Update Study presented MPC (maximum practical capacity) as well as Intermodal Forecast (based on other constraints) for each on-dock rail facility. A consolidated table of the terminals and their corresponding MPC and Intermodal Forecast are presented in Appendix B. These figures were adjusted between the 2006 study and the 2011 Draft EIR. As discussed earlier in this document, some projects were delayed (such as the Pier S project). Revised total on-dock capacity used in the 2011 Draft EIR is presented below:

Total On-Dock Capacity Over Time: As Published in the 2011 Draft EIR						
	2008	2012	2016	2020	2030	2035
On-Dock TEUs	3,400,000	5,500,000	7,900,000	10,300,000	12,900,000	12,900,000

Currently, the ICTF handles approximately 1.3 million TEUs per year. Under expansion, it would be able to handle 2.8 million TEUs by 2016. Adding the current and future ICTF numbers to the table above yields available and projected on-dock and ICTF near-dock capacity as follows:

Total On-Dock Capacity Over Time: Inclusive of ICTF Reconfiguration						
	2008	2012	2016	2020	2030	2035
On-Dock + ICTF TEUs	4,700,000	6,800,000	10,700,000	13,100,000	15,700,000	15,700,000

While we noted earlier that there seemed to be some additional capacity that could be handled by on-dock rail, the current infrastructure constraints imply that the numbers above reflect the most optimistic capacity of on-dock and near-dock ICTF rail (including the proposed ICTF expansion). Actual on-dock capacity may be lower if the terminals are not able to alter work rules to take advantage of on-dock infrastructure capacity.

FORECASTS

There are only a few long-term forecasts of San Pedro Bay container traffic. The Mercer forecast (1998) assumed a 6% cumulative annual growth rate (CAGR) through 2020 and is sufficiently old to be of little practical use for this project. Tioga produced forecasts in 2007 and 2009. Clearly the 2009 forecast was designed to incorporate the likely impact of the U.S. economic recession and involved substantial downward revisions of the forecast. For example, the 2007 forecast projected port traffic to reach 65.1 million TEUs in 2030, versus 34.6 million TEUs in the 2009 forecast. Using data from the 2009 forecast, the EIR estimates that ports will reach infrastructure capacity in 2035, using an estimated San Pedro Bay capacity of 43.2 million TEUs and also extending the TIOGA forecast out from 2030 with an assumed annual growth rate of 4.7%.

Assuming the share of direct intermodal traffic remains at 40%, the projected demand for rail facilities would be 17.3 million TEUs between 2030 and 2035. Of this total, 12.9 million TEUs are assumed to be provided by on-dock rail and 4.4 million TEUs remain, which would presumably require near-dock rail facilities.

The Draft EIR (p. 1–23) notes that the 2010 and 2011 volumes exceeded the 2009 Tioga forecast, leading them to comment that the 2009 forecast underestimates total volumes. It should be noted, however, that the year-end volumes for 2011 were approximately 14 million TEUs (POLA December figures were unavailable at the time of

Total Forecast TEUs through San Pedro Bay Ports

	2008 Forecast	2012 Forecast	2016 Forecast	2020 Forecast	2030 Forecast	2035 Forecast
2007 Forecast	14,300,000	23,400,000	29,900,000	36,400,000	43,200,000	65,100,000** 43,200,000
2009 Forecast	14,300,000	14,300,000	17,800,000	21,800,000	34,600,000	43,200,000

Source: SCIG Draft EIR, p. 1-23.

** The forecast is 65.1 million TEUs, but port capacity is constrained to 43.2 million.

writing), lower than anticipated, and therefore there is little indication that the 2009 forecast numbers are too low.

Thus, we will focus mainly on the assumptions of the 2009 forecast and discuss the possible sources of bias in this forecast and the potential ramifications for the demand for rail service. The key assumptions made in the 2009 Tioga forecast are as follows:

No major business cycle fluctuations between 2009 and 2030.

- No major changes in U.S. tax structure.
- Constant consumer confidence.
- 2.6% average annual inflation rate.
- 5.9% average unemployment rate (settling to 5%).
- 2.3% potential GDP growth rate per annum.
- 1.7% average annual growth in trade.
- Minimal diversions, including only a 3% diversion due to the Panama Canal expansion.
- Stable SPB shares of total U.S. volumes—roughly 33% through 2015, rising to 37% in 2030 (p. 23).

These assumptions lead to CAGRs in San Pedro Bay volumes of:

- -1.7% from 2005–2010,
- 5.5% from 2010–2020,
- and 4.7% from 2020–2030 (p. 20).

No reports on forecasting error are provided in the report. Given two additional years of data, we observe some limitations with the key assumptions:

- The current economic climate in Europe could have problematic effects on the assumed level of world trade.
- The unemployment rate is declining very slowly; at 8.5% in December 2011, it has a long way to fall before hitting the steady state of 5% assumed in the forecast.
- The impact of the expansion of the Panama Canal is unknown; however, the canal opening will affect rail freight significantly more than freight destined for the region.

- SPB freight volumes were flat or slightly down between 2010 and 2011, which means the 5.5% CAGR assumed by TIOGA for the 2010–2020 period will be increasingly difficult to attain unless there is substantial growth this year.

To illustrate the potential effects of missing the 5.5% CAGR forecast for 2010–2020, the table below presents some alternative possible growth rates:

1. 5.5% from 2010–2019 and 4.7% onward, based on the TIOGA forecast CAGR.
2. A constant 4.7% CAGR.
3. A pessimistic 4.3% CAGR.

Alternative Growth Scenarios			
	5.5%/4.7%	4.7% CAGR	4.3% CAGR
	Projections	Projections	Projections
2011	14,000,000	14,000,000	14,000,000
2012	14,770,000	14,658,000	14,602,000
2013	15,582,350	15,346,926	15,229,886
2014	16,439,379	16,068,232	15,884,771
2015	17,343,545	16,823,438	16,567,816
2016	18,297,440	17,614,140	17,280,232
2017	19,303,799	18,442,005	18,023,282
2018	20,365,508	19,308,779	18,798,283
2019	21,485,611	20,216,291	19,606,610
2020	22,495,435	21,166,457	20,449,694
2021	23,552,720	22,161,281	21,329,031
2022	24,659,698	23,202,861	22,246,179
2023	25,818,704	24,293,395	23,202,765
2024	27,032,183	25,435,185	24,200,484
2025	28,302,696	26,630,638	25,241,104
2026	29,632,922	27,882,279	26,326,472
2027	31,025,670	29,192,746	27,458,510
2028	32,483,876	30,564,805	28,639,226
2029	34,010,618	32,001,350	29,870,713
2030	35,609,118	33,505,414	31,155,154
2031	37,282,746	35,080,168	32,494,825
2032	39,035,035	36,728,936	33,892,103
2033	40,869,682	38,455,196	35,349,463
2034	42,790,557	40,262,591	36,869,490
2035	44,801,713	42,154,932	38,454,878

Only under the TIOGA 2009 CAGR assumptions will San Pedro Bay port capacity be reached by 2035. Port capacity is assumed to be 43.2 million TEUs. Originally estimated at 42.7 million TEUs in most pre-2008 reports, the expansion of Pier S allowed the projected capacity to be increased to 43.2 million TEUs. However, it should be noted that this capacity is based upon throughput of 8,000–10,000 TEUs per acre, substantially higher than the current 5,000 TEUs per acre productivity measures. Achieving 10,000 TEUs per acre relies upon both improvements in technology and alterations in current work rules which would allow full implementation of productivity-enhancing technology.

Absent an increase in automation, POLA estimates are that productivity would reach 7,500 TEUs per acre, 6.25% to 20% lower than the maximum. Taking the average of this (13.125%) and scaling the maximum TEUs down ac-

cordingly leads to a maximum San Pedro Bay port capacity of 37.6 million TEUs, implying that capacity will be reached in 2030, according to the TIOGA CAGR figures, and in 2035 under the pessimistic scenario.

COMBINING SUPPLY AND DEMAND

What can the analyses above tell us about the demand for near-dock rail facilities? We combine the on-dock/near-dock capacity numbers with the forecast TEUs above (both the TIOGA and pessimistic CAGRs; columns 1 and 3). If we retain the 40% direct intermodal share assumed in the Draft EIR, by 2035 the demand for direct intermodal rail will range from 15.4 million TEUs to 17.3 million TEUs. However, following the expansion of the Panama Canal, due to open in 2014, some diversion is expected. The 2009 TIOGA forecast assumes a 3% diversion. Diversion would affect freight moving outside of the region; thus we apply this 3% diversion factor to the demand for rail and use a 37% share of direct intermodal rail in our calculations.

Assuming full expansion of the ICTF, there would be a shortage of 284,000 TEUs under the optimistic forecast scenario and a surplus of near-dock and on-dock capacity under the pessimistic forecast scenario. Without ICTF expansion, there will be a shortage of capacity that may reach as high as 1.8 million TEUs under the optimistic forecast growth rates.

Our figures differ somewhat from those in the Draft EIR due to the following:

- The use of the actual ICTF capacity cited by the ICTF's webpage, rather than the 1.8 million TEUs used in the Draft EIR.
- The application of the CAGR to the 2011 numbers, rather than the use of the 2008 benchmark from the Tioga study.
- The assumption of a 37% share of direct intermodal rail, rather than a 40% share, based on anticipated freight diversion (particularly of intermodal freight) following the opening of the expanded Panama Canal.

Consistent with the Draft EIR we find that on-dock and existing near-dock will be reached by 2035. Under the optimistic forecast scenario, and assuming no expansion of the ICTF, capacity would be reached between 2030 and 2035.

SENSITIVITY ANALYSIS

Our finding that there may be adequate capacity of on-dock and near-dock rail is sensitive to the assumptions of the model. Below we outline two alternative results:

- Assuming a share of direct rail intermodal of 40% (rather than the 37% in our analysis above) results in a deficit in on-dock and near-dock rail capacity by 2035 under the assumption of ICTF expansion, and a capacity shortage in 2030 without ICTF expansion.
- Our analysis relies upon the 2006 Rail Study Update simulations for estimates of on-dock capacity which assume that on-dock rail facilities are used to their maximum potential within the terminal. This requires

Forecast TEU Counts and On- and Near-Dock Excess Capacity

Forecast Item	Forecast Assumptions	2015	2020	2030	2035
TEU Forecast	5.5%/4.7% CAGR Forecast	17,343,545	22,495,435	35,609,118	43,200,000
	4.3% CAGR Forecast	16,567,816	20,449,694	31,155,154	38,454,878
Forecast of Rail TEUs	5.5%/4.7% CAGR Forecast	6,417,112	8,323,311	13,175,374	15,984,000
	4.3% CAGR Forecast	6,130,092	7,566,387	11,527,407	14,228,305
On-Dock/Near-Dock Capacity	On-Dock Only	7,900,000	10,300,000	12,900,000	12,900,000
	On-Dock with existing ICTF	9,200,000	11,600,000	14,200,000	14,200,000
	On-Dock with reconfigured ICTF	10,700,000	13,100,000	15,700,000	15,700,000
Forecast between projected volumes and capacity:					
- without ICTF reconfiguration	5.5%/4.7% CAGR Forecast	2,782,888	3,276,689	1,024,626	-1,784,000
	4.3% CAGR Forecast	3,069,908	4,033,613	2,672,593	-28,305
- with ICTF reconfiguration	5.5%/4.7% CAGR Forecast	4,282,888	4,776,689	2,524,626	-284,000
	4.3% CAGR Forecast	4,569,908	5,533,613	4,172,593	1,471,695

work rules to be altered and intermodal operations at the terminals to be run three shifts a day year-round. If these productivity-enhancing measures are not implemented by the terminals, the Rail Simulation Study indicates that the on-dock rail capacity would be 18% below the projected capacity in 2020 and 23% below the projected capacity in 2030 and 2035. Under this scenario, even with an expanded ICTF, on-dock and near-dock rail capacity is insufficient by 2020, with an unmet demand of 354,000 to 1.9 million TEUs in 2020, increasing to a deficit of 1.5 million to 3 million TEUs in 2030.

CONCLUSIONS

Our analysis finds that there is considerable time before there is a need for the SCIG based on capacity constraints. In particular:

- Under a low-growth scenario of 4.3% CAGR, on-dock and existing near-dock rail will likely be adequate to handle rail demand in 2035.

There will be a small projected deficit of 28,305 TEUs; however, this is a small amount of freight relative to the total traffic and it is likely that it could be accommodated in the existing system.

- Under the high-growth scenario outlined in the 2009 TIOGA forecast, on-dock and existing near-dock capacity will not be adequate to handle forecasted demand by 2035.

The deficit will be 1.8 million TEUs. Although there are practical limitations on additional on-dock capacity (beyond that which is already planned), which suggest a need for the SCIG or reconfigured ICTF, any deficit is far in the future and much can change between now and 2030-35. In particular, forecasts can be revealed to be too high or too low, or new methods or technologies for moving freight can come into play, perhaps reducing the projected deficit.

These findings beg the question of which forecast is likely to be right. On this point, only time will tell. At the same time, the high growth forecast has already been revealed to be overly optimistic, missing its targets in 2010 and 2011. The low-growth forecast is not offered because it is more likely, but rather to make the point that growth rates need not be much lower than in the high-growth forecast to eliminate the projected deficit.

These conclusions rely on an assumption of 3% freight diversion due to the Panama Canal expansion. The 3% figure was chosen based upon the TIOGA 2009 forecast numbers and is not likely to overstate the impact of the Panama Canal.

These conclusions also rely upon the adoption of modified work rules, by terminals and by labor, that will maximize on-dock rail capacity within the ports and improve the ability of freight to move efficiently from on-dock rail facilities to the Alameda Corridor. The modification of work rules will require a transformation of how existing resources are used. As these changes will be relatively low-cost (though not without dissent from labor), their implementation is crucial for realizing the full potential of on-dock rail projects.

Freight infrastructure outside of the terminals but within the port property must continue to be a priority. While it is understandable that the ACTA postponed some projects during the recession (such as Phase 2 of the West Thenard Track Connection), these projects must be prioritized as freight volumes rebound in order to maximize productivity of on-dock rail, given the length of time involved in undertaking major capital projects.

What does our analysis imply about the necessity of the SCIG? Under a low-growth scenario, it appears that the additional capacity from the SCIG is not needed. However, if growth rates exceed the pessimistic scenario, additional capacity will be needed (even if on-dock productivity is maximized). Given the time needed to build the SCIG, unexpectedly high growth without new near-dock capacity could result in congestion. However, even if growth is unexpectedly high, the need to consider the SCIG is more than 10 years, and more likely 15 years in the future. This would be sufficient time to avoid capacity issues that might arise by 2030.

REFERENCES

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- Los Angeles Harbor Department, "Berths 136-147 (TraPac) Container Terminal Project," FEIR/FEIS, 2007.
- Los Angeles Harbor Department, "Berths 302-306 APL Container Terminal Project, DEIR/DEIS, 2011.
- Los Angeles Harbor Department, "I-110/ C Street Interchange Project," NOI, 2011.
- Los Angeles Harbor Department, "John S. Gibson Blvd/I-110 Access Ramps and SR 47/I-110 Connector Improvements Project," NOI, 2011.
- Los Angeles Harbor Department, "Port of Los Angeles Channel Deepening Project," EIR, 2000.
- Los Angeles Harbor Department, "Southern California International Gateway (SCIG)," DEIS/DEIR, 2011.
- Port of Long Beach, "Gerald Desmond Bridge Replacement," FEIR/FEIS, 2010.
- Port of Long Beach, "Middle Harbor Redevelopment Project," FEIR/FEIS, 2009.
- Port of Long Beach, "On-Dock Rail Support Facility (Pier B)," NOP/IS, 2009.
- Port of Long Beach, "Pier S Marine Terminal and Back Channel Improvements," DEIR, 2011.
- Port of Los Angeles and Port of Long Beach, "Rail Study Update," prepared by Parsons, 2006.
- Port of Los Angeles and Port of Long Beach, "San Pedro Bay Container Forecast Update," prepared by The Tioga Group, Inc. and IHS Global Insight, 2009.

APPENDIX A: ADDITIONAL PORT INFRASTRUCTURE PROJECTS

1. Port of Los Angeles Channel Deepening Project

The Port of Los Angeles Channel Deepening Project has been ongoing for many years. Deepening in the outer harbor of the port was completed in 2000. Also in 2000, the port was authorized to deepen the Main Channel and make other modifications to allow deeper draft container vessels to access the container terminals along the Main Channel. This construction began in 2002, but the project produced more dredged material than planned for. Construction was halted and additional plans for dredged materials had to be approved. After a five-year period, the final stage of the deepening project began in July 2010 and is expected to be completed in 2013. Some of the dredged materials will contribute to other projects described in this report, including the Berths 136-147 (TraPac) Container Terminal Project and Berths 97-109 (China Shipping) Container Terminal Project. The remaining dredged materials will expand the Eelgrass Habitat Area and be disposed in a designated ocean area. Once completed, the deepening project will have an impact on the flow of cargo, since larger ships will be accommodated. Estimates are not available on the impact on goods movement from its current state to the completed state.

2. Eagle Rock Aggregate Terminal Project (POLB)

This project involves the construction of a sand, gravel, and granite receiving, storage, and distribution terminal. Specific actions include dredging, berth improvements, installation of a conveyer and distribution system and truck scales, and construction of an office building. The site is currently vacant; once built, the new terminal will have a capacity of 3 million tons of aggregate (sand, gravel, and granite) per year. The product would be transported to and from the terminal by truck, with an estimated 125,000 trucks per year. Most trucks will travel to destinations within a 30-mile radius. The EIR for this project is not available.

3. I-710 Corridor Project (POLB)

This project proposes expanding and improving an 18-mile portion of I-710, which originates at the port and runs north and south, for purposes of improving safety, improving capacity for goods movement and increased population, and addressing current design flaws. The EIR is not available. This will accommodate increased goods movement by trucks; a specific estimate is not available.

4. Gerald Desmond Bridge Replacement (POLB)

This project involves updating the bridge connecting Terminal Island to I-710 to Long Beach in order to address safety concerns, expand capacity of the bridge, and allow larger boats to pass under the bridge. The bridge currently accommodates about 15% of all port-related container traffic. In the baseline year, 2005, daily truck trips reached 15,200. In 2030, there will be 59,730 daily truck trips (assuming the project is completed).

5. Pier G Modernization (POLB)

This project will update and modernize the terminal, constructing more efficient/environmentally friendly truck gates, while relying on the use of materials from dredging. Most construction on this project is complete.

6. John S. Gibson Blvd/I-110 Access Ramps and SR-47/I-110 Connector Improvement Project (POLA)

This project involves widening the lanes of the SR-47/I-110 connector, extending I-110, improving the intersection, improving the drainage system, widening minor streets, and adding sound walls. This will perhaps cause minor changes to truck movement.

7. I-110/C Street Interchange Project (POLA)

This project improves a key truck interchange and will perhaps cause minor changes to truck movements.

8. Schuyler Heim Bridge Replacement Project/ SR-47 Port Access Expressway (AC)

This project will improve safety, increase mobility of traffic, decrease local congestion, and provide an emergency route from Terminal Island to I-405. Specific actions include a bridge replacement and the creation of a grade-separated expressway. This will allow for increases in truck traffic and provide an alternative route for near-dock railyards. Specific estimates on daily truck trips once the project is completed are not available.

9. Alameda Corridor East Project

This project will improve safety and mobility and accommodate increased traffic flow in the San Gabriel Valley, along a 35-mile stretch of rail lines. The project includes multiple construction projects to improve safety at crossings, such as constructing grade separations that eliminate 22 grade crossings, and will decrease the time spent at rail crossings. Many of these projects have already been completed. Specific estimates on how this will affect rail capacity are not available.

Below is a brief table of projects not expected to directly impact containerized freight.

Project	Entity	Description
TTI Grain Export Terminal Project	POLB	Installation of a grain transloading facility on 10 acres of vacant land. This would expand transfer for grains using existing rail and infrastructure. This would accommodate same imports, but increase export of grain (vessel frequency expected to stay constant).
Sulex Demolition Plan	POLB	Demolishing a sulfur facility (a byproduct of oil refineries) at Pier G. This could potentially decrease exports, but this does not change on-dock or near-dock capacity.
Mitsubishi Cement Facility Modification	POLB	Includes environmental pollution control for NOX, additional storage capacity for cement/cement products, improvements to ship unloading equipment. Would not change ship loading or truck loading rates.
San Pedro Waterfront Project, Wilmington Waterfront Project	POLA	Similar projects. Aesthetic improvements on harbor, cruise terminals, more recreational open space and commercial space, improve access to harbor and create pedestrian passages. Does not affect goods movement.
West Channel/Cabrillo Marina Phase II Development Project	POLA	Redevelop 48 acres of land and 37 acres of water. Construct new public boat launch facility. Does not affect goods movement.
Pacific L.A. Marine Terminal LLC Crude Oil Terminal	POLA	Construction and operation of a new terminal used for crude oil and partially refined crude oil. Pipeline infrastructure for transportation of the oil would also be developed. Perhaps minor changes in truck flow.
USS Iowa Project	POLA	Permanent docking of the USS Iowa at the POLA. Would include visitor facilities. Does not affect goods movement.
ILWU Local 13 Dispatch Hall Project	POLA	Building a new labor dispatch hall for laborers to support cargo growth and customer needs at terminals and facilities at POLA. Does not affect goods movement.
City Dock No. 1 Marine Research Center Project	POLA	Provide space for marine research (labs, office, classroom, public amenities); replace SCMI facilities with new research center. Does not affect goods movement.
Al Larson Boat Shop Improvement Project	POLA	Replace existing boat shop, dredging, space for maintenance and repair of boats, new wharves, new travel-lift boat hoist, improve storm water drainage, and mitigate sediment/soil contamination. Does not affect goods movement.

APPENDIX B: ON-DOCK RAIL PROJECTIONS FROM 2006 RAIL STUDY UPDATE

		2005		2010		2015		2020		2030	
		MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast
POLB	Pier J	377,023	320,000	437,364	440,000	1,471,822	910,000	1,879,404	1,270,000	1,879,404	1,480,000
	Pier G	119,415	120,000	372,943	370,000	474,003	470,000	605,265	610,000	695,265	610,000
	Pier F/MHB	187,157	180,000	217,102	210,000	1,181,278	770,000	1,508,401	1,000,000	1,508,401	1,160,000
	Pier A	258,086	200,000	433,929	370,000	707,729	640,000	1,641,446	950,000	1,641,446	1,110,000
	Pier S	0		274,091	230,000	410,842	360,000	524,613	400,000	524,613	470,000
	Pier T	571,526	460,000	662,970	660,000	990,495	990,000	1,264,786	1,260,000	1,264,786	1,260,000
POLA	Pier 300	614,022	510,000	712,265	580,000	986,580	870,000	1,259,786	1,260,000	1,259,786	1,260,000
	TICTF	613,645	610,000	711,829	710,000	1,054,441	1,050,000	1,346,440	1,350,000	1,346,440	1,350,000
	Pier 400	747,602	690,000	867,219	870,000	1,738,662	1,450,000	2,642,847	2,080,000	2,642,847	2,640,000
	WB West	262,207	260,000	321,954	320,000	504,224	500,000	893,079	890,000	893,079	890,000
	WB East			394,247	310,000	452,225	450,000	700,546	670,000	700,546	700,000
	SPB Total	3,750,683	3,350,000	5,405,913	5,070,000	9,972,301	8,460,000	14,266,613	11,740,000	14,356,613	12,930,000

Source: Rail Study Update, 2006.

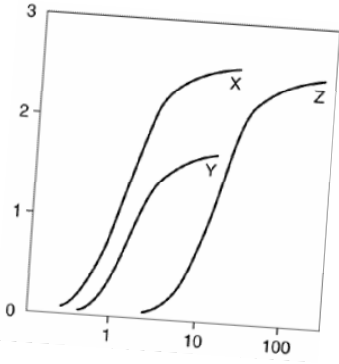
IM Forecast - Projected demand for on-dock rail based on forecasted demand.

MPC - Maximum practical capacity.

APPENDIX B:

Comment Letter on Draft Environmental Impact Report (DEIR) for the Southern International gateway (SCIG) Project

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116-82

January 30, 2012

East Yard Communities for Environmental Justice
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Attn: Mr. Angelo Logan

Subject: Comment Letter on Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project

Dear Mr. Logan:

At the request of East Yard Communities for Environmental Justice (EYC-EJ), Clark and Associates (Clark) has reviewed materials related to the above referenced project, including the Draft Environmental Impact Report (DEIR) prepared for the Port of Los Angeles (POLA) by the Los Angeles Harbor Department (LAHD). The applicant is proposing to “provide *an additional* (emphasis added) near-dock intermodal rail facility serving the San Pedro Bay Port marine terminals that would meet current and anticipated containerized cargo demands, provide shippers with comparable intermodal options, incorporate advanced environmental controls, and help convert existing and future truck transport into rail transport, thereby providing air quality and transportation benefits.”¹ The proposed Project requires POLA to acquire or lease non-LAHD properties by the project proponent BNSF and certain lease terminations and business relocations on LAHD properties.²

¹ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-3-ES-4.

² POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-2.

The proposed Project would occupy 96 acres of LAHD property and approximately 57 acres of non-LAHD property, for a combined total of 153 acres. The proposed Project site is located near the Wilmington community and the City of Carson to the west, the City of Carson to the north, and the City of Long Beach to the east, in a primarily industrial area bounded generally by Sepulveda Boulevard to the north, Pacific Coast Highway (PCH) to the south, the Dominguez Channel to the west, and the Terminal Island Freeway to the east. According to the DEIR, the general area is characterized by heavy industry, goods handling facilities and port-related commercial uses consisting of warehousing operations, trucking, cargo operations, transloading, container and truck maintenance, servicing and storage, and rail service.

The DEIR prepared for the project states that there are unavoidable significant impacts from the emissions associated with the project. The Air Quality analysis concludes that both the project and its alternatives would have significant unavoidable impacts³. Construction of both the proposed Project and the Reduced Project Alternative would result in emissions of criteria air pollutants that would exceed South Coast Air Quality Management District's (SCAQMD's) significance thresholds and air pollutant concentrations that exceed local, state and national ambient air quality standards. Mitigation measures will not reduce those emissions below the thresholds, and they will remain significant and unavoidable.

Operation of the proposed Project and alternatives would cause exceedances of one or more of the SCAQMD ambient thresholds for NO₂, PM₁₀, and PM_{2.5}, and the National Ambient Air Quality Standard (NAAQS) for NO₂.⁴ Mitigation measures applied to the proposed Project

³ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-20.

⁴ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-20.

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and the Reduced Project Alternative will not reduce the impacts below the thresholds, and no mitigation can be applied to the No Project Alternative.⁵ Accordingly, impacts after mitigation will remain significant and unavoidable. The proponent concludes that the No Project Alternative would not be consistent with regional and local air quality plans and policies, which would constitute a significant impact that cannot be mitigated.

The DEIR notes that “The proposed Project and the Reduced Project Alternative would result in disproportionate effects on minority and low-income populations as a result of significant unavoidable impacts related to Aesthetics, Cultural Resources, and Noise. Significant impacts related to air quality, biology, greenhouse gases, land use, public services, and water resources would either be reduced through mitigation, or would not fall on human populations, or would not fall disproportionately on minority and low-income populations.

The No Project Alternative would not have new, significant effects with respect to minority and low-income population”⁶ These conclusions are premature and based upon a flawed analysis of the potential health risks impacts for the communities adjacent to the proposed project.

Documents reviewed by Clark for this analysis include:

1. POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011
2. SCAQMD. 1993. CEQA Air Quality Handbook

⁵ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-20.

⁶ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-25-ES-26.

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Clark’s review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

DEIR Analysis

The DEIR was issued prematurely without considering the serious flaws in the Proponent’s analysis of the project, and these flaws are replicated in the DEIR. The flaws include:

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1. The DEIR Fails To Meet The Standard For Environmental Impact Reports
2. The DEIR Fails to Adequately Consider the Traffic Impacts and Resulting Air Quality Impacts on the Communities Immediately Adjacent to The Proposed Project;
3. The DEIR’s Health Risk Assessment is Flawed and Fails to Accurately Calculate the Potential Health Risks on the Residents in Nearby Communities

I. CEQA LEGAL STANDARD FOR ENVIRONMENTAL IMPACT REPORTS

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CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (EIR) (except in certain limited circumstances). (See, e.g., Pub. Res. Code § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant

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environmental effects of a project. (14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564) The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“Berkeley Jets”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810). “The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account.” (*Communities for a Better Environment v. City of Richmond* (Cal. Crt Appeal Case No. A125618, 2010 Cal. Lexis (April 28, 2010).)

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (Guidelines §15002(a)(2)) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub.Res.Code § 21081; Guidelines § 15092(b)(2)(A) & (B).)



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When reviewing an EIR, the courts use an “abuse of discretion” standard -- if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence. (Guidelines § 21168.5.) Substantial evidence in this context means —enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. (Guidelines, § 15384(a).)

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 391 409, fn. 12 (1988)) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

“A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722]; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946).

If an environmental impact report does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and the EIR is inadequate as a matter of law. (*RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1201; *Bakersfield Citizens for Local Control v. City of Bakersfield*

(2004) 124 Cal.App.4th 1184, 1197-1198; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118.)

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Finally, when new information or analysis is required to make the EIR adequate, CEQA Guidelines Section 15088.5 sets the standard for requiring recirculation. New information added to an EIR is significant when “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” The Guidelines also require recirculation when the EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.

II The DEIR Fails to Adequately Consider the Traffic Impacts and Resulting Air Quality Impacts on the Communities Immediately Adjacent to The Proposed Project.

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The traffic impact analysis and air quality analysis performed in the DEIR fails to adequately analyze the local impacts of the project. The traffic studies utilized in the DEIR for the “baseline condition” for the SCIG were completed in 2008 and supplemented in 2009. The baseline traffic estimates are confusing and appear to overestimate the actual traffic conditions at the site. Since the baseline condition is being used to determine the air quality and health impacts for the DEIR it is critical to have a clear and representative count of traffic conditions at the SCIG site.

According to the DEIR⁷, the proposed Project site is currently occupied by container and truck maintenance; servicing; storage; rail service; and auto salvage activities. The existing site has four access points: Pacific Coast Highway ramps and three driveways accessing Sepulveda Boulevard, a driveway west of Intermodal Way, a driveway south of the ICTF driveway, and a driveway at Middle Road. Trip generation by the existing uses was determined by collecting traffic counts during the AM (6:00 – 9:00 AM) MD (1:00– 4:00 PM) and PM (4:00 – 6:00 PM) periods in August 2008.⁸

The models used to estimate traffic impacts are less than reliable. According to a 2009 Memo from Iteris Inc to POLA, “the empirical data from the January 2009 and February 2009 counts at ICTF indicate that Quicktrip is overestimating chassis trips associated with intermodal facilities, which supports the higher chassis reuse shown in the BNSF and UPRR estimates for their intermodal facility projects (see Table 3)”

In addition, the DEIR assumes that 95% of truck traffic (current and future) will be going only to the new SCIG facility rather than the Hobart yard. This assumption forces a regional air quality issue (the movement of large numbers of trucks) onto a small geographic area. The impact is to shift the burden of known toxic air contaminants emitted from one area of the Los Angeles Air Basin onto another. This shift flies in the fundamental requirement of CEQA to “identify ways that environmental damage can be avoided or significantly reduced.” (Guidelines §15002(a)(2)).

There is no legally binding agreement that would prevent the use of both the Hobart yard and the SCIG. Without such an agreement, the DEIR assumptions on the impacts from the project become specious. Given the

⁷ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. 3.10-25

⁸ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. 3.10-25

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unfair burden being placed on the communities immediately adjacent to the proposed project, the proponent should re-evaluate the impacts from traffic on the local communities and prepare a new EIR that clearly quantifies impacts from current and future conditions at the site.

III The DEIR’s Health Risk Assessment (HRA) Is Flawed And Fails To Accurately Calculate The Potential Health Risks On The Students and Residents In Nearby Communities

The DEIR’s health risk assessment is flawed and fails to accurately calculate the potential health risks to students attending local schools and to children growing up in the nearby communities when it fails to account for the differences in childhood exposure.

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The primary chemical of concern, diesel particulate matter (DPM) is the risk driver of the analysis. In 1998 the State of California Air Resources Board (ARB) identified particulate matter from diesel-fueled engines as a toxic air contaminant.⁹ SCAQMD’s MATES-II and MATES-III (for Multiple Air Toxics Exposure Study) showed that average cancer risk in the South Coast Air Basin (Basin) ranged from 1,100 in a million to 1,750 in a million, with an average regional risk of about 1,400 in a million. DPM accounted for more than 70 percent of the cancer risk.

In its 2005 comments on the Notice of Preparation of a Draft Environmental Impact Report for the Southern California International Gateway, SCAQMD noted that the location of the project is in a non-attainment area, adjacent to an already-impacted residential community and in close proximity to several schools. SCAQMD later stated that based on its sampling data, the average elemental carbon at the Hudson Elementary School was 59 percent higher than any other study site evaluated in the

⁹ Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant. ARB and OEHHA. April 22, 1998 as cited in SCAQMD, 2003. Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis

Long Beach and Wilmington areas. The SCAQMD cautioned that the EIR should thoroughly consider the effects on these sensitive receptors.

In the HRA for the DEIR presented in Appendix C.3, the analysis of “Student impacts” is based upon a student exposures of 6 hours per day, 180 days per year for *6 years (emphasis added)*.¹⁰ In the immediate vicinity of the proposed project, there are primary and secondary schools which local residents attend school. In addition to the Elizabeth Hudson Elementary School, schools within ½ mile of the proposed project include the Garfield Child Development Center (preschool), St. Lucy Catholic School (pre-K through 8th grade), William Logan Stephens Junior High School (Grades 6 through 8), and Cabrillo High School (Grades 9 through 12). The exposure analysis used in the HRA, assuming only 6 years of exposure, clearly underestimates the potential impacts to students in the area. The HRA must be recalculated assuming that students attend school in the area from pre-Kindergarten through high school and resubmitted for analysis.

116-87

In addition, it is apparent that the analysis does not include factors that take into account the sensitivity of children to chemicals. Consistent with guidance from the United States Environmental Protection Agency (U.S. EPA) and California Environmental Protection Agency’s Office of Environmental and Human Health Assessment (OEHHA), incorporating a weighting cancer risk by a factor of 10 for exposure that occur from the third trimester of pregnancy to 2 years of age, and by a factor of 3 for exposure that occur from 2 years through 15 years of age is recommended.¹¹ The analysis presented by the proponents in the HRA does not appear to incorporate the weighting factors recommended by

¹⁰ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. C.3-33

¹¹ BAAQMD. 2011. Recommended Methods for Screening and Modeling Local Risks and Hazards. Bay Area Air Quality Management District. May, 2011

116-87



OEHHA. The analysis should be performed again utilizing the appropriate weighting factors and resubmitted for review.

Conclusion

116-88



The proponents must re-analyze the impacts in a new EIR that accurately estimates the impacts. This concludes my comments.

Sincerely,

A handwritten signature in blue ink, which appears to read "James Clark", is written below the text "Sincerely,".

James Clark, Ph.D.

1 Comment Letter 116: Green LA Coalition

2 Response to Comment 116-1

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 Response to Comment 116-2

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 Response to Comment 116-3

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 Response to Comment 116-4

12 This comment refers to chapters or sections of the DEIR that were recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 Response to Comment 116-5

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 Response to Comment 116-6

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 Response to Comment 116-7

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 Response to Comment 116-8

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 Response to Comment 116-9

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 Response to Comment 116-10

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 Response to Comment 116-11

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 116-12**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 116-13**

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6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 116-14**

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9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 116-15**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 116-16**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 116-17**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 116-18**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 116-19**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 116-20**

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28 **Response to Comment 116-21**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 116-22**

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33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 116-23**

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3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 116-24**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 116-25**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 116-26**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 116-27**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 116-28**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 116-29**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 116-30**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 116-31**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 116-32**

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30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 116-33**

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1 **Response to Comment 116-34**

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3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 116-35**

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7 **Response to Comment 116-36**

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10 **Response to Comment 116-37**

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13 **Response to Comment 116-38**

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16 **Response to Comment 116-39**

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18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 116-40**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 116-41**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 116-42**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
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28 **Response to Comment 116-43**

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31 **Response to Comment 116-44**

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1 **Response to Comment 116-45**

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4 **Response to Comment 116-46**

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7 **Response to Comment 116-47**

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10 **Response to Comment 116-48**

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13 **Response to Comment 116-49**

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16 **Response to Comment 116-50**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 116-51**

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21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 116-52**

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25 **Response to Comment 116-53**

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28 **Response to Comment 116-54**

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31 **Response to Comment 116-55**

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1 **Response to Comment 116-56**

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4 **Response to Comment 116-57**

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7 **Response to Comment 116-58**

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9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 116-59**

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12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 116-60**

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15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 116-61**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 116-62**

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21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 116-63**

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24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 116-64**

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27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 116-65**

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30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 116-66**

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33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 116-67**

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3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 116-68**

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6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 116-69**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 116-70**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 116-71**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 116-72**

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)).

22 **Response to Comment 116-73**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 116-74**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 116-75**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
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31 **Response to Comment 116-76**

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33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 116-77**

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3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 116-78**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 116-79**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 116-80**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 116-81**

14 The attachment provided by the commenter entitled “Assessing the Need for the Southern
15 California International Gateway” is identical to comment letter 113-P3. Please see
16 responses to comment letter 113-P3.

17 **Response to Comment 116-82**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 116-83**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 116-84**

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 116-85**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 **Response to Comment 116-86**

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 116-87**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 116-88**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 The commenter attached one additional document (see below). That document does not
8 specifically address sections of the DEIR or its adequacy. Therefore, no responses are
9 provided. A copy of the commenter’s attachment is included in the electronic versions
10 (CD and POLA website) of the Final EIR. The commenter’s attachment was:

- 11 1. Appendix C: Health Impact Studies.

12



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).

117-1



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.

117-1

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

117-2

117-2 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.

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

117-3 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.

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

117-4 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.

117-5 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

117-6 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:

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 117: Southern California Edison**

2 **Response to Comment 117-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 117-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 117-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 117-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 117-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 117-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20

December 19, 2011

RE: Proposed SCIG Rail Project

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



Dear Mr. Cannon:

According to the Executive Summary, this Gateway Project will greatly enhance the capacity of the port to ship goods across the U.S. as it passes through the Wilmington community. Since projections show no decrease in activity, the negative health, safety, environmental, and aesthetic impacts will continue to increase and will greatly impact the community. Wilmington needs your help and consideration to provide a better quality of life while serving the needs of the Port and our country.

Local business

I'm particularly concerned about the effect on Fast Lane Transportation. The company owns its land and facilities, and is a strong supporter of the community and schools. Its container storage and repair work is located away from residential neighborhoods. It provides over 100 good paying jobs to local residents and provides summer youth jobs.

However, it cannot continue its operation without adequate replacement of its infrastructure and surrounding land. It needs one efficient parcel of land, not two, and no less the amount of land, unimpeded access to its facility, elimination of both overhead and grade utility obstructions, and to be given a timely schedule to complete improvements.

Fast Lane is a good neighbor. Fast Lane should not be made to suffer as a result of this project.

Truck traffic

- (1) Can we be assured that trucks will adhere to the Designated Truck Route?
- (2) Will the increase in trucks on the PCH on and off ramps create an impact on highway safety for passenger vehicles?
- (3) Can PCH from Figueroa to Blinn Avenue be declared *truck-free* due to increased use and immediate dangers to pedestrians and students? Student from six public and three private schools use/cross the highway.
- (4) Can opening up Lomita Blvd. west of Eubank be a mitigation measure?

Aesthetics

Can a forest of trees be planted at the site and on the highway to obstruct views, enhance appearance, clean the air and block noise?

Mitigation

A significant number of measures should be considered (few mentioned) for health impacts: alternative fuel, electrification of equipment, continual air monitoring, and/or an alternative site or reduced project. Too many less than significant impact statements were noted and sadly the bats will be protected and not the residents of Wilmington.

Sincerely,
Olivia Cueva-Fernández
Olivia Cueva-Fernández

1657 Marine Avenue
Wilmington, CA 90744
(310) 549-3456

118-1

118-2

118-3

118-4

1 **Comment Letter 118: Olivia Cueva Fernandez**

2 **Response to Comment 118-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 118-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 118-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 118-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

15

MORTIMER & WALLACE, INC.

2422 E. SEPULVEDA BLVD.

LONG BEACH, CA 90810

TEL 562-595-7559 • FAX 562-595-7244

Since 1958

January 30, 2012

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



Comments on Southern California International Gateway (SCIG) Draft Environmental Impact Report (Draft EIR)

Dear Mr. Cannon,

My name is Dwight Robinson and I am the Vice President of Mortimer & Wallace/Los Angeles Harbor Grain Terminal. We have been a tenant of the Port of Los Angeles since 1958. From 1958 until 1984 our operations were located at Berth 174. In 1984, the Port relocated us from Berth 174 to our current location at 2422 East Sepulveda Blvd. Our current facility, from which we have operated for 28 years, is completely located within the proposed SCIG project. Our business will be displaced and most likely eliminated if SCIG is approved at the proposed site and the Port and/or BNSF does not relocate us.

We have provided public comments at both public meetings that were held in Long Beach and Wilmington respectively. At the Long Beach meeting, I commented on some of our concerns with the proposed SCIG project. Our consultant, Hon. Rudy Svorinich, shared some of our concerns on our behalf at the Wilmington meeting. We have done our due diligence to ensure that our comments on this SCIG project have been made known.

We would first like to state that if the SCIG project is approved at the proposed site, and our business is not relocated, for all intents and purposes Mortimer & Wallace/Los Angeles Harbor Grain Terminal will cease to exist. We have more than 50 direct employees and more than 50 contract employees. These 100+ jobs will cease to exist in Southern California and our customers will take their business to Savannah or Norfolk as they will no longer have a financially viable option for the handling of their grain and grain by-products on the West Coast.

119-1

Mortimer & Wallace/Los Angeles Harbor Grain Terminal is an agricultural commodities transloading facility. We work with some of the largest companies in the world as well as small grain traders and everything in between. We physically receive grain and grain by-products, primarily by railcar, and transload those products from railcars to ocean containers. The ocean containers are exported to Asia and the Middle East.

In the last few years we have physically loaded more than 100,000 containers with more than 7 Billion pounds of agricultural products. That's 1 pound of grain for every person on the face of the Earth. It is said that "America feeds the world". This is true. But it only happens when the transloading infrastructure exists to make it happen.

Those 100,000 containers represent more than \$5 million dollars in wharfage that has been paid directly to the Port. At a time when imports are down and exports are growing, I would think the Port would want to find ways to help us grow our business, not put us out of business and throw away the revenue our operation brings to the Port.

In President Obama's 2010 State of the Union Address he outlined an initiative to double exports in 5 years. In his 2012 State of the Union Address a few days ago he stated that America is on track to meet that goal, but we will only be able to do so if the infrastructure exists. Agricultural exports are a key component to this initiative. The Port of Los Angeles has supported this initiative in theory and has actively sought to expand exports in general and agricultural exports specifically. The Port continually sends marketing representatives to speak at our agricultural industry conferences about how the Port wants to increase agricultural exports. Unfortunately, this will prove to be mere lip service if our business is shut down, effectively closing the only agricultural transloading company in the Port who has been a tenant for more than 50 years.

In addition to the impact the SCIG project will have on our business, we have other concerns with the Draft EIR for SCIG. In reviewing the Draft EIR for SCIG, we have found a number of areas where there is inadequate research, explanation, calculations, and supporting data to key environmental and economic impacts that will be caused by the SCIG project. We are very disappointed, frustrated, and at times confused by the errors, omissions, and incorrect assertions given that this Draft EIR has been many years in the making. We look forward to talking with you about how our concerns can be addressed and/or mitigated.

Our areas of concern regarding this project are as follows:

Insufficient Baseline and Inaccurate Calculation of Pollution from Increased Truck Trips

In Chapter 3.0-1, lines 12 through 14, the Draft EIR states "the environmental setting or baseline for this Draft EIR is the physical condition that existed in September 2005". This baseline is not adequate for determining the environmental impact that will be caused by this project as the environment has significantly improved in the project area since 2005. The implementation of PierPass has had a significant, positive impact on the traffic in and around the project area since September 2005. Additionally, the implementation of the Clean Trucks Program in 2008 has already resulted in cleaner air than the Draft EIR states will occur if SCIG is built.

119-1

119-2

119-2

The Draft EIR asserts that the increased truck traffic, hundreds of thousands of more truck trips per year, generated by SCIG will be mitigated by the fact that Clean Trucks will be used to dray the containers in and out of the facility. Again, this mitigation is based on 2005 numbers. Mortimer & Wallace/Los Angeles Harbor Grain Terminal's entire drayage fleet is comprised of "Clean Trucks" with 2008 or newer diesel engines and/or 2008 or newer LNG engines. This makes us acutely knowledgeable of that fact that the trucks currently draying containers in and out of the proposed area are using the same model trucks that are being proposed to be used at SCIG. The only change that would occur if SCIG is built in the proposed location is that there will be significantly more trucks in this area thus significantly increasing the amount of pollution in the project area and surrounding communities.

The reason this issue concerns us is the vast majority of our employees reside within the West Long Beach area that will be most severely affected by the environmental impacts of SCIG. Additionally, since 1984 our business has operated in the area where SCIG will be built. We all live and literally breathe in this area. As such, we object to the fact that the baseline for this study is based on the environmental condition that existed in September 2005. The baseline needs to be adjusted to a date post-implementation of the Clean Trucks Program at a minimum.

Locomotive Studies and Inaccurate Emissions Analysis

119-3

In Chapter 3.2, the Draft EIR states that locomotive studies were done at "L.A. Harbor Grain Terminal" a.k.a. Mortimer & Wallace/Los Angeles Harbor Grain Terminal. In Chapter 3.2-18, lines 31-36 state "The railroads committed to implementing numerous actions to reduce pollutant emissions from rail operations throughout the state. In addition, the railroads prepared designated railyard emissions inventories that CARB used for CARB railyard specific health risk assessments for diesel particulate matter. When fully implemented, the agreement is expected to achieve a 20 percent reduction in locomotive diesel particulate matter emissions near railyards." The study of locomotive use at Mortimer & Wallace/Los Angeles Harbor Grain Terminal was never conducted to the knowledge of our management staff. There is no data provided in the Draft EIR regarding what the results were from the locomotive study yet the Draft EIR asserts that there would be a reduction in emissions based on the BNSF's use of newer technology equipment. Again, inaccurate information is being provided. If a thorough study would have been commissioned, it would have found that locomotives that provide rail service to L.A. Harbor Grain Terminal's facility are provided by the Port's shortline, Pacific Harbor Line (PHL). According to PHL's press release (<http://www.anacostia.com/latestnews/phl110929.html>) on September 29, 2011, they are now using the same ultra low sulfur fueled locomotives BNSF says they will use for SCIG. The PHL services Mortimer & Wallace once per day. According to the Draft EIR, SCIG would bring in 16 trains per day. Based on this information and the fact that both the PHL and SCIG would use the exact same locomotives, it stands to reason that SCIG's 16 trains would cause 16 times more air pollution and noise pollution as currently exists. This information needs to be added to the EIR and corrections need to be made to any assertions that the SCIG locomotives will provide any additional environmental benefits.

119-4

Alternative Proposals – Why not On-Dock?

119-5

For a project of this size, the number of alternatives is severely lacking and does not appear to be taken very seriously. Most of the problems with this project would be resolved if SCIG were located at an on-dock facility. Yet, the Draft EIR asserts that an on-dock facility is not feasible. This is patently inaccurate. There are numerous development projects in the port currently and many unused parcels of land on-dock or extremely near dock where a facility could be built.

119-5

↑ One alternative that was not considered was newly formed parcels of land that could be created to house this project that the Draft EIR believes is so desperately needed. The Port has gone to great lengths to accommodate on-dock growth needs. As an example, Pier 400 is built on one of the largest artificial fill structures constructed in Southern California. Comprised of 484 acres, it is the largest container terminal/railyard in the U.S. Its construction replaced 25 percent of the water in Los Angeles Harbor with a massive compacted earth fill. Additionally, the Port is proposing to build Pier 500 which would be created in a similar fashion as Pier 400. If the SCIG project needs to be on-dock, and the vast majority of interested parties believe it does, why wasn't this alternative considered? On-dock options must be reassessed as they are the only true, long-term option for SCIG and provide the least impact.

Relocation of Existing Tenants

119-6

In Chapter 3.8.2.1.3, the Draft EIR states that certain tenants will be relocated while others will not. In fact, Chapter 3.8-27, lines 36-39 states "The displaced businesses for which no relocation sites were identified as part of the proposed Project or during the time of this analysis are assumed to likely move to other compatible areas in the general port vicinity as part of their own business operation and plans."

At least one of the tenants being relocated has the exact same lease terms as we (Mortimer & Wallace/Los Angeles Harbor Grain Terminal) have, yet the Draft EIR calls for relocation of the other tenant and does not call for relocation of our business in the same manner. As a Port tenant since 1958, including 28 years at our current facility, we are deeply frustrated and confused as to why we would not be treated equally. We are concerned about the apparently random and discriminatory decision of the Port to pay for the relocation of a few existing tenants, while refusing to pay for the relocation of other tenants. There appears to be no rational basis for this decision, and it constitutes a violation of our due process and equal protection rights. We hope that this violation of our constitutional rights can be addressed before the project is approved, while we can still reach a mutually-agreeable resolution of the problem. Furthermore, we are possibly the only affected company that is minority-owned and has been so since 2003. This information was omitted from the Draft EIR and must be included in the final EIR.

119-7

We should not be discriminated against and should be treated as fairly and equally as the other affected businesses.

In response to the statement in Chapter 3.8-27, lines 36-39, neither the Port, nor BNSF have ever discussed site relocation with us. In fact, we have pro-actively stated numerous times that if we are displaced from our existing location, we will be forced to terminate a significant portion, if not all, of our business operations.

119-8

↓ The Draft EIR essentially assumes we will relocate to a facility within the port vicinity. If research would have been done about our facility and/or interviews conducted with our management team, the authors of the Draft EIR would have discovered that a significant portion, more than 80%, of our business relies on access to rail track. The Port should be well aware that such property of equal or greater scale and infrastructure does not exist currently in the Port vicinity so to assume that we will relocate is baseless on its face and must be amended in the Final EIR.

119-8

If the Draft EIR assumes that we, Mortimer & Wallace/Los Angeles Harbor Grain Terminal, will relocate to a facility in the Port vicinity, there should be some analysis of the environmental impact of displacing our business from its current location and moving it to another. The authors of the Draft EIR did not account for such impacts or define ways in which that impact would or could be mitigated. This needs to be addressed in the Final EIR.

Loss of Jobs and Economic Impact to Surrounding Businesses

119-9

We, Mortimer & Wallace/Los Angeles Harbor Grain Terminal, employ more than 50 direct employees and more than 50 contract employees. A significant portion, if not all of those employees, will lose their jobs if our business is displaced and the Port and/or BNSF do not find us a suitable location to relocate to. Additionally, the vendors and local businesses we patronize will be severely affected by our demise. Both the impact to employment and the impact to surrounding commercial businesses need to be addressed in the final EIR if we are not relocated.

Loss of Revenue and Business to BNSF and Union Pacific Railroads

119-10

In 2011, Mortimer & Wallace/Los Angeles Harbor Grain Terminal transloaded more than 5000 railcars. Roughly 50% of the cars belong to BNSF and the other 50% belong to Union Pacific. This represented more than \$18 million dollars in freight for each railroad, \$36 million dollars in total. If we are forced to leave our current location and are not relocated to a similar facility, BNSF and UP will end up losing this revenue as they don't provide service in Savannah and Norfolk where our customers will take the business.

Loss of Revenue to the Alameda Corridor Agency

119-11

Each one of the 5000 railcars we handle annually travels through the Alameda Corridor on their way to us and generates untold hundreds of thousands, if not millions of dollars, for that agency. All of this revenue would cease to exist if we cease to exist. This would have a significant economic impact on the already cash-strapped Alameda Corridor. This impact is not addressed in the Draft EIR because the Draft EIR states that it is assumed that we will relocate our business. As has already been stated above, no place currently exists in the Port for us to relocate to and the only way we would be able to do that is if the Port and/or BNSF help to develop an opportunity for our relocation. As such, the economic impact to the Alameda Corridor Agency must be included in the final EIR.

Conclusion

119-12

Mortimer & Wallace/Los Angeles Harbor Grain Terminal is an export business. We are the only grain transloading business in the Port. According to the Port's own reports, exports are growing. President Obama has initiated a major push to double exports by 2015. Los Angeles Mayor Villaraigosa recently led a trade mission to Asia to promote trade, specifically US exports to those countries. We have been exporting American food/feed products to Asia for more than 50 years. We help improve the US balance of trade. We help feed the world. We provide revenue to the Port via wharfage fees. We provide revenue to the Alameda Corridor. We have provided numerous jobs in the Port for many years. We have been a good tenant for decades. The Draft EIR needs to recognize that we matter, that the service we provide is necessary, and if SCIG is approved, that we need to be relocated so we can continue doing all of the above mentioned things.

119-12

↑ If SCIG is approved and we are not relocated, our 100 jobs will cease to exist, the Port will lose it's only grain handling facility at a time when the world desperately needs our products, and this business will likely move to Savannah or Norfolk who are not only welcoming grain transloading facilities, they are seeking them out.

Mortimer & Wallace/Los Angeles Harbor Grain Terminal appreciate the opportunity to comment on the SCIG Draft EIR. We look forward to seeing your response to our concerns and would be more than willing to discuss any and all of these issues with you. Please direct questions or comments to Dwight Robinson, Vice President, at (562)595-7559 or Howard Wallace, President, also at (562) 595-7559.

Sincerely,



Dwight Robinson
Vice President
Mortimer & Wallace/Los Angeles Harbor Grain Terminal

1 **Comment Letter 119: Mortimer & Wallace, Inc.**

2 **Response to Comment 119-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 119-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 119-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 119-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 119-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 119-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 119-7**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 119-8**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 119-9**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 **Response to Comment 119-10**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 **Response to Comment 119-11**

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 119-12

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

120-1
By already having a railyard so close
and ^{also} with so many high health risks why add
another railyard to double our chances?

Sherese Onwu - 14

Taj Zeigler - age - 12

Leigha Onwu - 12

1-25-12



Valeria P.
Zuly
Elizabeth

120-1



Would you still support this project, even if it causes diseases such as: bronchitis, pneumonia, cancer, ~~asthma~~, asthma, etc... in our community?



can you provide inhalers if we get sick from the rail yard pollution?

120-1

Elijah Walker: 14

Rasheed Tipter: 13

Imani TAYLOR : 15



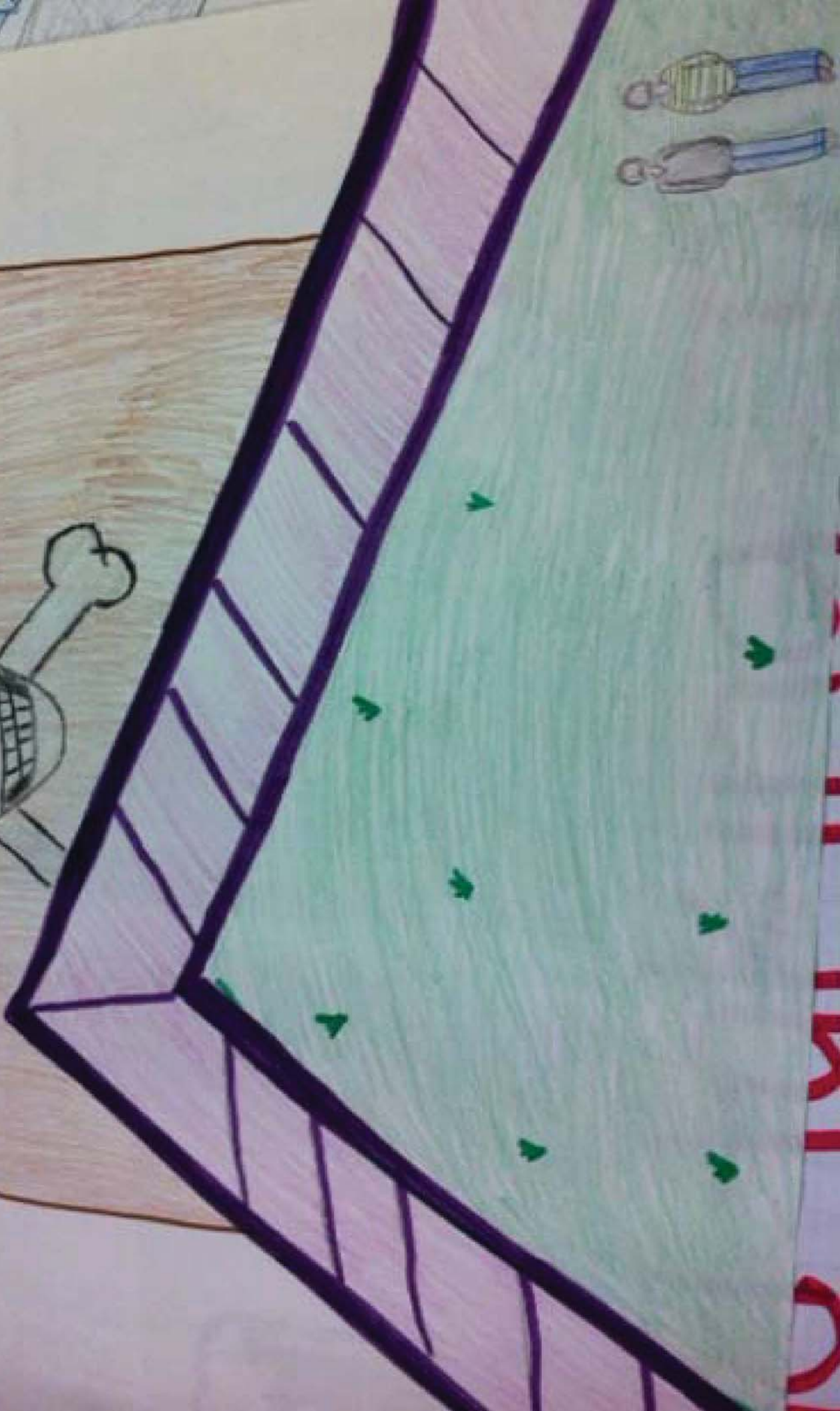
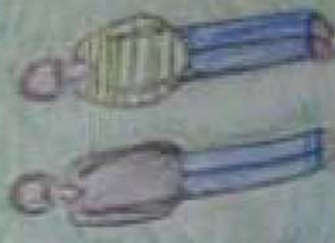


Do you care about people in your
community having L.C
and Asthma Because we care
about our community in West L.B.

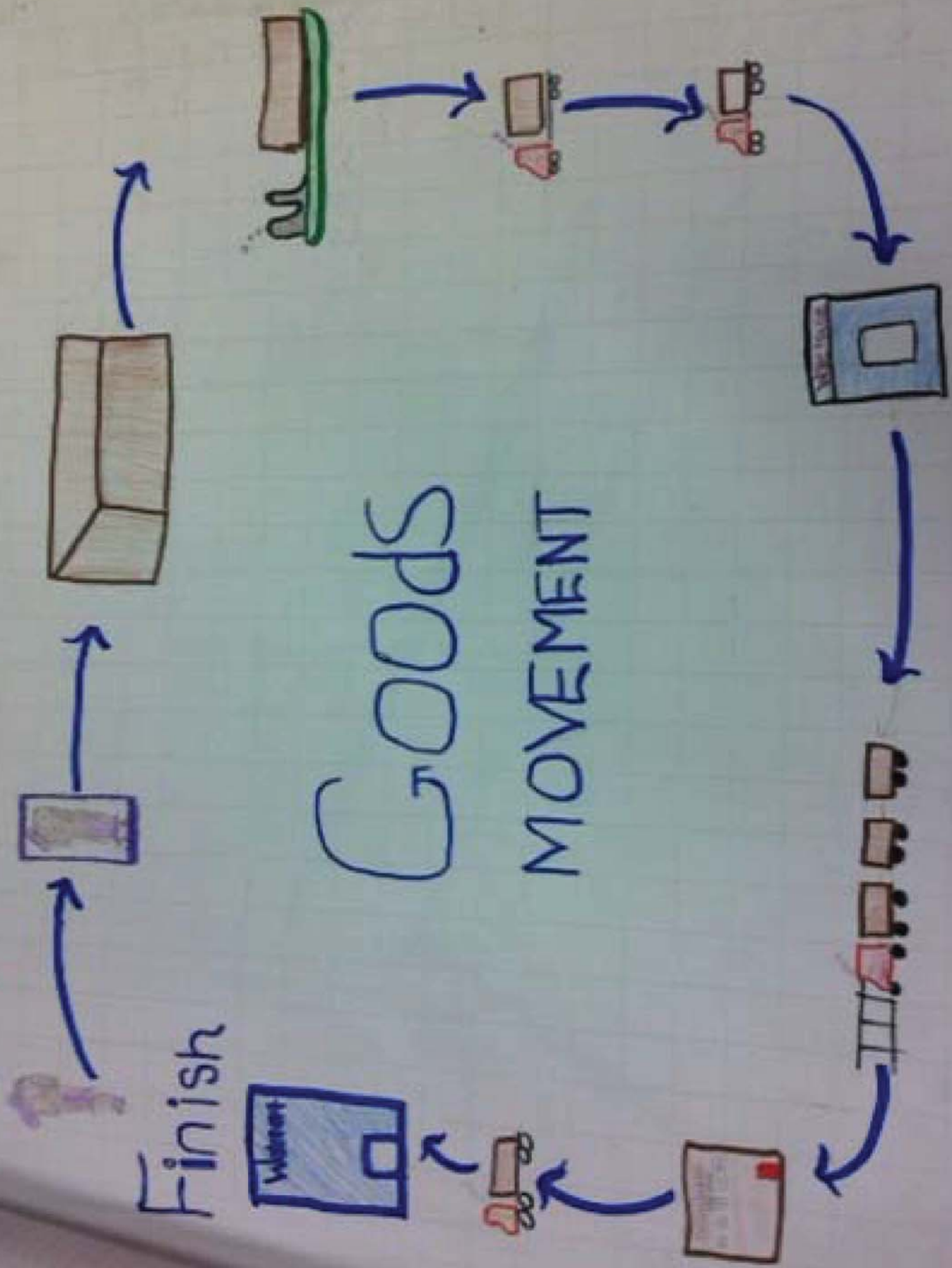
~~Majeed~~ Mijaa'hid Zeigler
Tyana McDaniel
Islanga



Refinery



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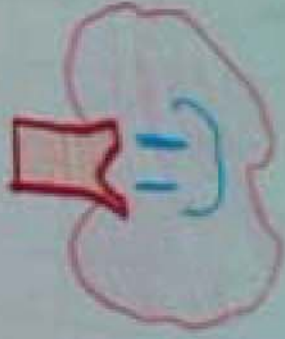


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Lung before Inhaler

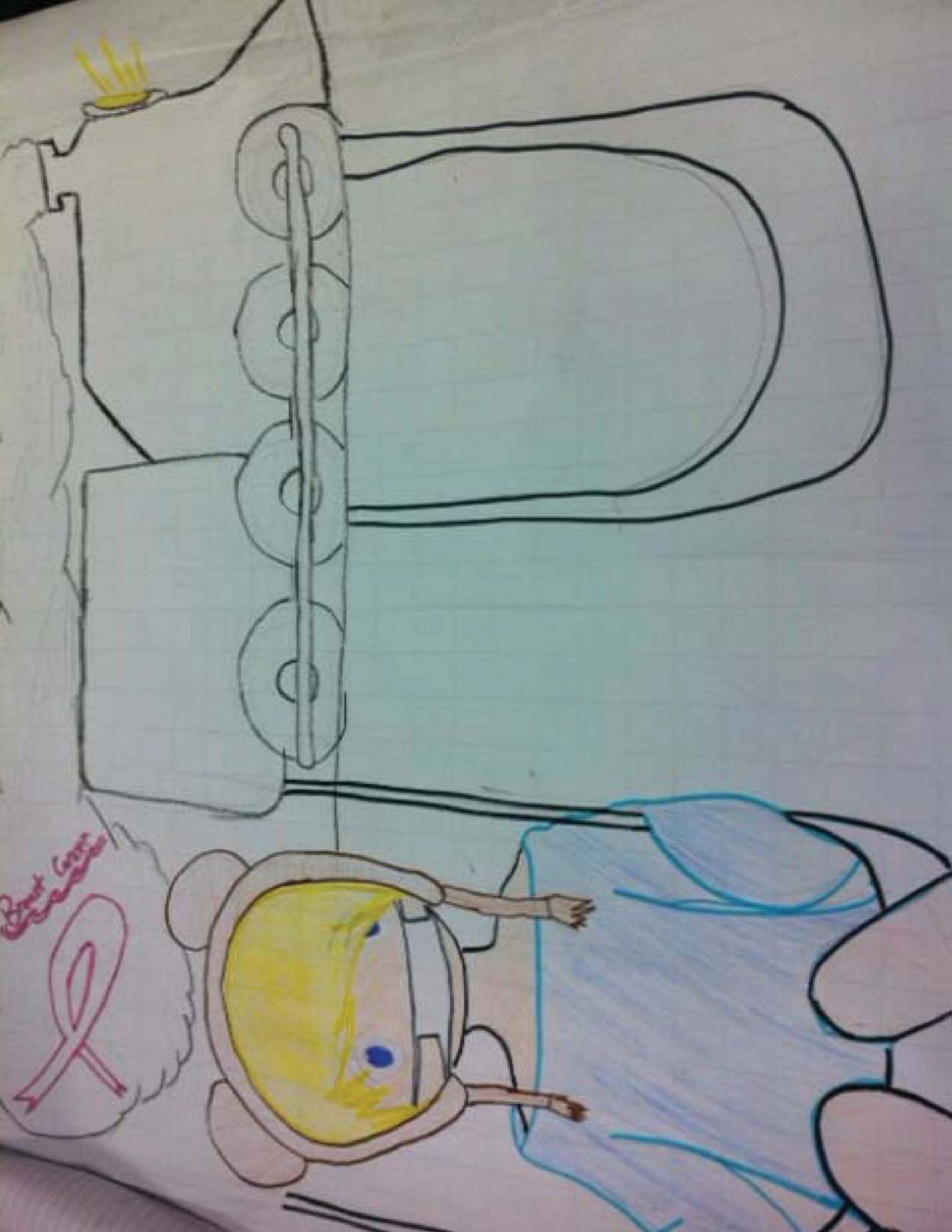


Lung After Inhaler



Great for my Respiratory

Kid taking Inhaler
Because truck Pollution



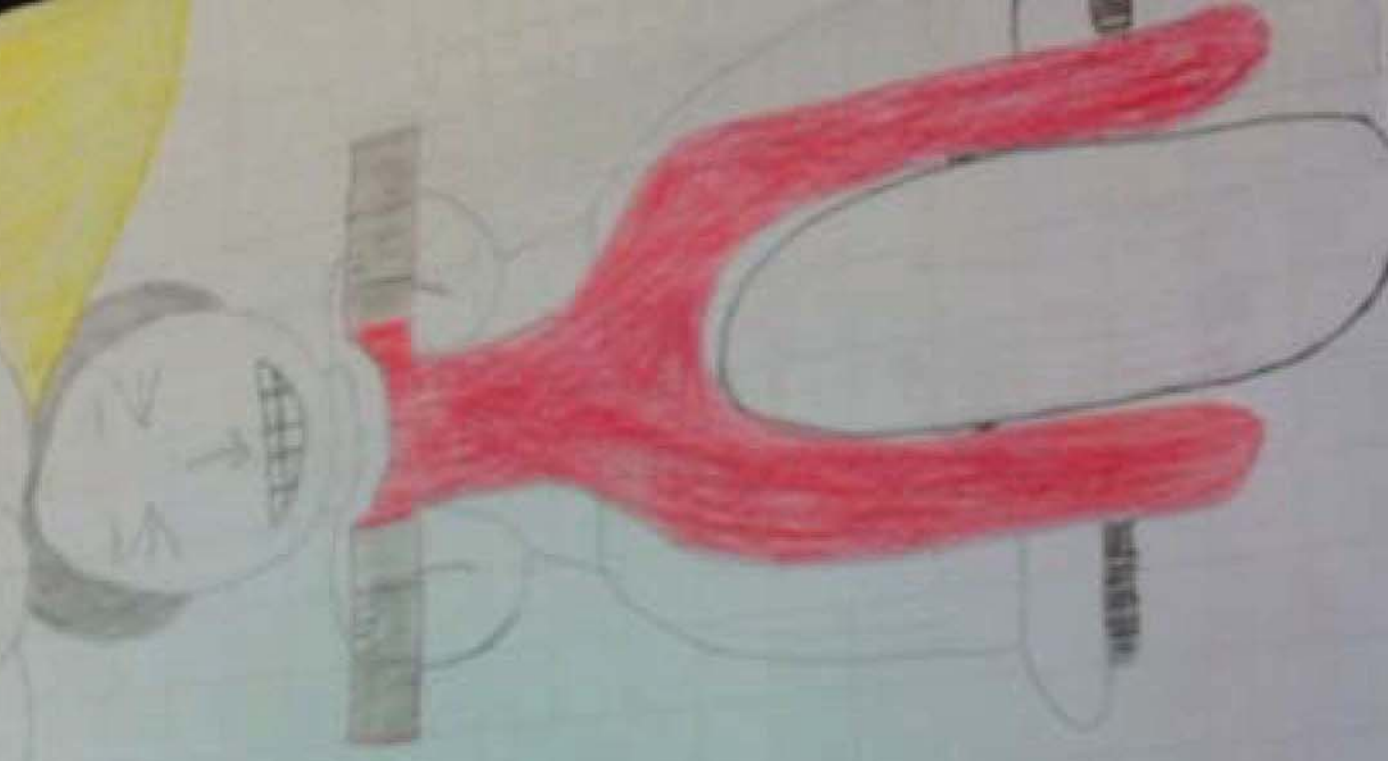
Heart Cancer
قلوبنا معكم



BEFORE



ARTIST



1 **Comment Letter 120: Sherese Onwu, Taaj Zeigler, Leigha Onwu,**
2 **Valeria R., Zuly, Elizabeth, Elijah Walker, Rashaad Tipler,**
3 **Imani Taylor, Mujaahid Zeigler, Tylana McDaniel, Islanga**

4 **Response to Comment 120-1**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7
8

Hagner, Dennis

From: Richard Risemberg [rickrise@earthlink.net]
Sent: Wednesday, February 01, 2012 3:00 PM
To: Ceqacomments
Subject: SCIG--Not Quite There Yet (minus the typos)

Dear Mr. Cannon:

It was with interest followed by dismay that I began to read about the SCIG project--interest, because it is essential to begin moving as much freight movement as possible off trucks and onto trains, and dismay because SCIG, though a tentative half-step in the right direction, falls far short of doing that.

121-1 Trucks are dirty--even so-called "clean" diesel--compared with trains, and electric trucks will not be up to the task for generations, if ever. But even if trucks ran on magic, they are still so spatially inefficient that providing the vast rights-of-way they require will devastate our region's communities, watersheds, and treasuries. Freeways never pay more than 70% of the cost of construction and maintenance over their lifetimes from user fees such as fuel taxes and registration charges (it is often much less, as little as 16%, according to the Texas Department of Transportation and other analysts), and by generating congestion on themselves and feeder roads through "induced demand," they lock us into an endless cycle of road-building followed by ever-thicker traffic jams.

Moving the railyards a little closer to the ports, as SCIG proposes, is not even a band-aid solution. Trucks will still jam the ports region and the feeder roads to SCIG, and will still, albeit in slightly reduced numbers, make trip after trip to the Inland Empire yards.

121-2 What we need to promote and support are fully on-dock rail facilities, which will allow cargo to be moved between trains and ships without an intermediary passage, no matter how short, on trucks.

This would also allow the region faster to recoup its investment in the Alameda Corridor by using it to capacity, which we do not do at present precisely because of the lack of on-dock rail.

121-3 At present the GRID Consortium's proposal, which has been in the news lately, is the only one that allows for this. I suggest that it merits far more serious consideration than the shortsighted SCIG project, which strikes me as a half step towards nowhere, as GRID or something like it will have to be put into place in the region if we are to remain competitive both in trade and in quality of life.

Regards,

Richard Risemberg
Los Angeles
323-428-4669

--
Richard Risemberg
<http://www.bicyclefixation.com>
<http://www.newcolonist.com>
<http://www.rickrise.com>

1 **Comment Letter 121: Richard Risemberg**

2 **Response to Comment 121-1**

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 121-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 121-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14



January 31, 2012

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

Dear Mr. Cannon:

On behalf of the members of the Pacific Merchant Shipping Association (PMSA), I am submitting comments to supplement those provided on October 24, 2011 in support of the Southern California International Gateway (SCIG) BNSF Railway's proposed near-dock rail facility. PMSA represents marine terminal operators and ocean carriers calling at west coast ports.

Over the past few months, there have been many comments stating that SCIG is not needed because all the intermodal containers coming into the Port of Los Angeles and Long Beach should be placed on dock rail lines at the marine terminals. While these statements are a worthy goal and the marine terminals have continued to increase the amount of containers moving on dock, it is not possible for all the intermodal containers to be moved by on dock rail. We would like to reiterate comments given in our testimony at the public meeting in Long Beach on November 10, 2011.

122-1

First, there is a limit to the amount of space that will be available for future on-dock facilities. The California Tidelands Trust specifies that port activities should be water dependent and should give the highest priority to navigation and shipping activities. Preservation of water side parcels for navigation and shipping is essential. Near-dock rail facilities do not require waterside parcels and should not replace shipping terminal activities.

Second, there is a limit to the size of on-dock railroads within a terminal. Terminals need to be configured in a manner that balances space for offloading ships and cargo handling including on dock rail.

Third, containers that are to be transloaded are not, typically, handled on dock. These containers are sent via trucks to local transfer facilities located away from the marine terminals. From there, the container is typically merged with other containers and sent on to the final destination.

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Fourth and finally, not all cargo intended for rail can be placed on trains at the terminals. If a terminal does not have enough containers from a ship that are going to a single destination, the terminal sends the container to an off-dock or near-dock rail facility to be mixed with containers from other marine terminals that are bound to that same destination. This helps keep the terminal yards fluid and provides the best and fastest service to our customers. In today's competitive marketplace, focusing on customer service is of critical importance.

122-2

PMSA held a Green Pacific Conference in Long Beach on January 17 - 18, 2012. One of the primary purposes of this conference was to hear directly from the developers of new low emission technologies how they might be deployed in the goods movement industry. Our members are interested in learning about the viability and readiness of new low emission technologies. The conference provided a neutral forum for discussion of these technologies and proved very informative. Although many "near-zero" applications are being studied, none are currently ready for implementation into the system. As you consider comments received during the environmental review process calling for implementation of "zero and near-zero emissions" technologies, we urge you to fully evaluate the feasibility of any proposed technology.

PMSA continues to support the development of the SCIG project, which will allow the Ports of Los Angeles and Long Beach to be the vital economic engine for the region in the next decade. We look forward to the publication and certification of the Final EIR for this project in the near future.

Sincerely,



Michele S. Grubbs
Vice President

1 Comment Letter 122: Pacific Merchant Shipping Association**2 Response to Comment 122-1**

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 122-2

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

February 1, 2012

Chris Cannon, Director of Environmental Management
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SENT VIA EMAIL

Dear Mr. Cannon,

Thank you for the opportunity to comment on the Southern California International Gateway (SCIG) Project Draft Environmental Impact Report (DEIR). We write these comments on behalf of *Human Impact Partners* and *East Yard Communities for Environmental Justice (EYCEJ)*. Human Impact Partners (HIP) is a nonprofit organization whose mission is to increase the consideration of health and equity in decision-making arenas that typically do not consider health. EYCEJ is an environmental health and justice non-profit organization working towards a safe and healthy environment for communities that are disproportionately suffering the negative impacts of industrial pollution.

Given the high levels of chronic disease, including obesity, diabetes, and asthma, that we are facing as a country and that we spend a higher percent of our GDP on healthcare than any other country, it is imperative that we address the root causes of disease. While access to healthcare and genetics are important factors that determine our health status, there is a growing recognition that the places where we live, work, and play affect our personal behaviors related to health and this, in turn, affects our health status both directly and indirectly. HIP advocates for the use of scientific evidence to understand and predict the, often unintended, consequences of proposed decisions on health determinants and outcomes. HIP uses this information to make recommendations that can improve the health outcomes associated with those proposals. The origins of planning are rooted in health and these efforts are part of a growing movement to bring public health to the forefront of planning decisions.

The inclusion of a robust, systematic approach to public health is supported by both NEPA and CEQA. For example, CEQA states that “health and safety problems caused by the physical changes” of a proposal must be discussed (CCR §15126.2 (a)). A complete analysis of health effects pursuant to CEQA would consider all potentially significant direct, indirect and cumulative health impacts associated with the proposed action and alternatives. The analysis would include descriptions of baseline health status and determinants of health for the affected population.

We commend the Port of Los Angeles (POLA) for including some health evaluations in the SCIG EIR. However, there is additional health evidence related to potential impacts of the proposed SCIG project that should be considered. In addition, further health information and analyses should consider the potential for increased truck traffic due to changes in transloading activity along the corridor. Any change in truck traffic will have implications for air quality and

noise levels and associated health outcomes. Therefore, we are providing the following information and request that additional health analysis be conducted and incorporated into the SCIG Final EIR (FEIR) to account for this new information. We have outlined a number of recommendations to better define the potential health impacts of the SCIG project.

Noise and Health

The SCIG DEIR provides some background on the relationship between noise and health, which is a laudable inclusion. The DEIR acknowledges the links between increased noise and hearing impairment, sleep disturbance, cardiovascular effects, psychophysiological effects, and potentially fetal development, but does not consider methods of predicting health effects from potential changes in levels of noise resulting from the proposed SCIG project. Where quantitative methods for the prediction of health impacts do not exist qualitative estimates based on existing and predicted noise levels may be possible, and would provide a more complete health analysis.

There are also documented relationships between noise and health that extend beyond what is presented in the DEIR and which we request be reviewed in the FEIR. The following represents a more comprehensive review of the public health literature on the relationships between noise and health and should be considered in health analyses.

The health impacts of environmental noise depend on the intensity of noise, the duration of exposure, and the context of exposure. According to the WHO Guidelines for Community Noise (Berglund et. al. 1999), which reviews a significant amount of the research on noise and health, long-term exposure to moderate levels of environmental noise can adversely affect sleep, school and work performance, blood pressure, and cardiovascular disease. A significant body of the research on noise and health contained in that report and in other public health literature investigates road traffic noise specifically. The focus in this section is on noise levels; though other factors (e.g., the frequency) of noise can be important as well, this is less true for road traffic noise. The following is contained in the literature:

Sleep: Traffic noise has been linked to perceived impairment sleep quality (Griefahn et. al. 2006, Jakovljevic et. al. 2006). Reductions of noise by 6–14 dBA result in subjective and objective improvements in sleep; studies show an increase in the percentage of awakenings at night at noise levels of 55–60 dBA (Berglund et. al. 2009). A lack of sleep may have health consequences such as fatigue, impaired endocrine and immune system, and psychological effects. Sleep can also impact quality of life, intellectual capacity, education, and risk of accidents (WHO Regional Office for Europe 2005).

Annoyance: Annoyance is defined as, “a feeling of displeasure associated with any agent or condition known or believed by an individual or a group to be adversely affecting them.” (Lindvall 1973, Koelega 1987) Annoyance is related to several health effects associated with noise, including: elevated blood pressure, circulatory disease, ulcer, and colitis (Passchier 2000). Subjective reports of annoyance are the most widely studied impact of noise (Passchier 2000) and the relationship has been quantified (Miedema et. al. 2001). Annoyance to noise may stem from anger, disappointment, dissatisfaction, withdrawal, helplessness, depression, anxiety,

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↑ distraction, agitation, or exhaustion (Job 1993, Fields et. al. 1997, Community Response to Noise Team of ICBEN 2001).

Speech and language: Noise can interfere with speech communication outdoors, in workplaces, and in schoolrooms, interfering with the ability of people to perform their work (Berglund et. al. 1999).

Learning and educational performance: Chronic road noise can affect cognitive performance of children, including attention span, concentration and remembering, and reading ability (London Health Commission 2003, Stansfeld et. al. 2005).

Cardiovascular disease: The biological pathway between noise and cardiovascular disease (both hypertension and myocardial infarction) is based on noise-induced stress, which triggers the release of hormones such as cortisol, noradrenaline, and adrenaline, which in turn affect hypertension, blood lipids, and blood glucose, all of which are risk factors for cardiovascular disease.

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Hypertension: There is a dose-response relationship between environmental noise from traffic and high blood pressure; (Van Kempen et. al. 2002) people who live near chronic road noise (more than 20,000 vehicles/day) are twice as likely to have hypertension, and men specifically are almost 4 times more likely (Barregard et. al. 2009). A review by Babisch (Babisch 2006) summarizes studies on the relationship between noise and hypertension.

Myocardial Infarction: Increasing community noise, including traffic noise, increases the risk of myocardial infarction at noise levels above 50–60 dBA (Selander et. al. 2009, Babish et. al. 2005, Babisch 2006, Babisch 2008).

Stress: The combination of noise and poor quality housing has been associated with higher stress and stress hormone levels (Evans et. al. 2004).

Groups who are at higher risk for noise exposure are those less able to cope with the impacts, including people with decreased abilities (old, ill, or depressed people); people with particular diseases; people dealing with complex cognitive tasks, such as reading acquisition; young children; and the elderly in general.

Considering the above evidence in the literature, we recommend that the Final EIR include data to summarize existing conditions for the above mentioned health outcomes and as well as an analysis of how the proposed SCIG project could impact these conditions by causing changes in levels of existing noise.

Air Quality and Health

123-2

↓ The SCIG DEIR provides background on the relationship between air quality and health and includes a Health Risk Assessment that predicts cancer risk and a chronic and acute hazard index, which includes several factors for morbidity and mortality from air quality-related health

outcomes. However, the following evidence cited in research literature that details specific effects from air pollution should be presented and considered in the Final EIR.

Air Quality, Asthma and Other Respiratory Diseases

Air quality and respiratory diseases such as asthma have been found to be associated with poor air quality (Chen 2011; Peters et al. 2004; Weinmayr et al. 2010). By age 18, children exposed to higher levels of PM_{2.5}, NO_x, and elemental carbon (products of fossil fuel combustion, especially diesel) are five times more likely (7.9% vs. 1.6%) to have underdeveloped lungs (80% of normal) compared to teenagers living in communities with lower pollutant levels (CARB 2006b).

Evidence specific to the Southern California region includes the following:

- A recent study by Perez, et al. (2009) examined goods movement and local burden of childhood asthma in Southern California. They found that approximately 9% of all childhood asthma cases in Long Beach and 6% in Riverside were attributed to traffic proximity, on the accepted assumption that living within proximity to busy roads induces new-onset asthma. Thus, the researchers concluded that heavy traffic corridors in this area are responsible for a large preventable burden of childhood asthma (Perez et al. 2009).
- Using data from the Los Angeles Children's Health Survey, McConnell (1999) found that an increase of 20 parts per billion of average ozone levels was associated with an 83% increase in school absences resulting from acute respiratory illness (McConnell et al. 1999).

As referenced above, there is some data from Southern California indicating that those who are more physically active in areas with poor air quality are more likely to suffer from asthma (Peters et al. 1999).

Air Quality and Cardiovascular Disease

Air pollutants, including ozone and particulate matter, are causal factors for cardiovascular mortality and respiratory disease and illness (CARB 2007). Particulate matter from roadway vehicles exacerbates cardiovascular disease, leading to hospital visits and premature death (USEPA 2001a).

Evidence specific to the Southern California region includes the following:

- In a Los Angeles study, researchers found that an increased exposure of 10 µg/m³ of PM_{2.5} resulted in a carotid intima-media thickness (thickness of artery walls) increase of 5.9% (Kunzli et al. 2005).
- A Los Angeles study found that in times and areas with stagnant air (fall and winter) there are more likely to be higher concentrations of CO, PM₁₀, and/or NO₂, and there was an increase in hospitalizations for cardiopulmonary illness (Linn et al. 2000).

Air Quality and Cancer

Several studies, including two meta-analyses, have concluded that occupational exposure to diesel engine exhaust increases the risk of lung cancer (Bhatia et al. 1998; Lipsett and

Campleman 1999). In 1999, the State of California concluded that diesel engine exhaust is a carcinogen, and a 2000 California risk assessment attributed 70% of the cancer risk from air pollution to diesel engine exhaust (CARB 2000). On-road diesel trucks represent the largest emission source of diesel engine exhaust PM in the state (CARB 2006b).

Air Quality and Birth Outcomes

A number of recent studies have examined the relationship between exposure to air pollution and preterm birth and low birth weight. Both preterm births and low birth weight are a significant health concern to infants as they are highly correlated to physical and mental disabilities and infant mortality (CDC 2010; Paneth 1995; CDC 2002).

Preterm Births

Recent studies show that air pollutant exposure and proximity to air pollutants increases risk for preterm births. Evidence specific to the Southern California region includes the following:

- A 2003 study conducted in Los Angeles County, in which researchers found that those living closest to distance-weighted traffic density (living close to heavy traffic roads and thus having higher exposure levels to motor vehicle emissions) have an 8% increase in risk of pre-term birth (Wilhelm and Ritz 2003). This same study finds that the risk of term preterm birth increased by 11% for each 1 part per million (ppm) increase in annual average background CO concentration. Additionally, stronger associations were found for women whose third trimester was during fall and winter months, lived in areas with high levels of background air pollution, and lived in lower socioeconomic areas.
- In a study conducted in California's South Coast Air Basin, Wilhelm and Ritz (2005) found that pregnant women in their first trimester living near air monitoring stations measuring CO had a 4–8% increase in risk for preterm birth for every 1 ppm increase in CO and that pregnant women living within a mile of air monitoring stations were at 27% increased risk of having a preterm birth as a result of increased exposure to high CO (defined as equal to or greater than 75th percentile of study sample). Low socioeconomic areas with high traffic-related exposure were also found to have higher odds (up to 30%) of preterm delivery as compared to those who lived in less trafficked areas (Wilhelm and Ritz 2005).
- Ritz et al. (2007) subsequently conducted a case-control survey study in Southern California to analyze air pollution effects on pregnancy outcomes. They found that pregnant women who were exposed to PM_{2.5} and CO in their first trimester had associated increased risk of preterm births (10–29% and 20–25%, respectively). Additionally, pregnant women exposed to CO levels of 0.91 ppm and above during their last six weeks of pregnancy had increased odds of preterm birth (3–33%) (Ritz et al. 2007).

Low Birth Weight

Air pollutant exposure during pregnancy has been found to be associated with low birth weight. Since the 1990s several studies have inquired about the relationship between air

↑ pollution (including PM_{2.5}, PM₁₀, coarse PM*, CO, NO₂ and ozone) and low birth weight (Gliniania et al. 2004; Morello-Frosch et al. 2010; Peters 2004).

When examining research in southern California, evidence shows that several air pollutants are associated with risk for low birth weight. Evidence specific to the Southern California region includes the following:

- In a study conducted in the Southern California South Coast Air Basin, Wilhelm and Ritz (2007) found that pregnant women living within a mile from air monitoring stations were at 12% increased risk of having a low birth weight baby per 1 ppm increase in CO during the third trimester (Wilhelm and Ritz 2005). Similarly for PM₁₀, there was a 48% increased risk of having a low birth weight baby as a result of increased exposure to PM₁₀ (averaging greater than 44.0 µg/m³ for those within a 1-mile radius of the air monitoring station) during the third trimester.

Birth Defects

Birth defects have also been found to be associated with air pollutants. Evidence specific to the Southern California region includes the following:

- Ritz et al. (2002) found a dose-response effect for second-month exposure to CO and ozone and resulting cardiac ventricular septal defects (CO) and aortic artery and valve defects, pulmonary artery and valve anomalies, and conotruncal defects (ozone).

123-2

Air Quality, Premature Death and Mortality

Poor air quality is associated with premature death (defined as dying before one's average life expectancy). The WHO estimates that air pollution causes approximately 2 million premature deaths worldwide each year (WHO 2011). The WHO also estimates that there is an increased risk of dying of between 0.2 and 0.6% for each increase in 10 µg/m³ in ozone (WHO 2003). Specifically in relation to the presence of particulate matter, average life expectancy is decreased by 1.5 years when you compare cities at the highest and lowest PM levels (Brunekreef et al. 1997).

In addition to premature death, poor air quality is associated with mortality. Mortality rates from respiratory illness in the most air-polluted cities compared to the least air-polluted cities are 1.26 times higher (Dockery et al. 1993). The EPA states that there is a 1–8% increased risk of mortality for every 50 µg/m³ of PM₁₀ and a 1–3.5% increase in mortality for every 25 µg/m³ of PM_{2.5} (USEPA 2008b).

Evidence specific to the Southern California region includes:

- Jerrett et al. (2005) found that there was a 1.17 relative risk of all-cause mortality associated with an increase of 10 µg/m³ in PM_{2.5}. (Jerrett et al. 2005), and
- Ostro (2006) found PM_{2.5} levels to be associated with mortality. Specifically, a 10 µg/m³ change in 2-day average PM_{2.5} concentration corresponded to a 0.6% increase in all-cause mortality (Ostro et al. 2006).

Air Quality and Neurological Health Outcomes

* Where coarse particle exposure was defined as the difference in ambient exposures for respirable and fine particles (PM₁₀ - PM_{2.5})

Many air pollutants have neurotoxic or immunotoxic properties (EPA 2010d), suggesting they may impact risk of autism or other neurological health outcomes. A 2006 study showed that there may be a moderate increased risk of autism associated with exposure to ambient air pollution (including air pollution from DPM) (Windham et al. 2006). In a more recent study, Volk et al. (2010) found that living near a freeway was associated with autism (odds ratio of 2.22 during third trimester of pregnancy exposure). Evidence related to these health outcomes is currently not as strong as evidence relating to the other health outcomes described above.

Health Effects of Roadway Proximity

Epidemiologic studies have consistently demonstrated that children and adults living in proximity to freeways or busy roadways have poorer health outcomes (Brunekreef et al. 1997; Delfino 2002; Health Effects Institute Panel on the Health Effects of Traffic-Related Air Pollution 2009; Lin et al. 2002).

Evidence specific to the Southern California region includes the following:

- In a low income population of children in San Diego, children with asthma living within 168 meters (approximately 550 feet) of high traffic flows were more likely than those residing near lower traffic flows to have more medical care visits for asthma (English et al. 1999).
- In a study of Southern California school children, living within 75 meters (approximately 245 feet) of a major road was associated with an increased risk of lifetime asthma, prevalent asthma, and wheeze (McConnell et al. 2006).
- In a study conducted in 12 Southern California communities, children who lived within 500 meters (approximately 1640 feet) of a freeway had reduced growth in lung capacity relative to those living farther than 1,500 meters (approximately 4,920 feet) from the freeway (Gauderman et al. 2004).
- Specifically in Southern California (with specific focus on the I-710), Jerrett et al. (2005) found that the relative risk of lung cancer and heart disease was 1.25–1.60 times higher for those near heavy trafficked roadways with high emissions as compared to the greater Los Angeles region (Jerrett et al. 2005).
- Also, in a study conducted in 12 Southern California communities, children who lived within 500 meters (approximately 1640 feet) of a freeway had reduced growth in lung capacity relative to those living farther than 1,500 feet (approximately 4,920 feet) from the freeway (Gauderman et al. 2004).

In considering the above evidence, we recommend that additional health analyses be presented in the Final EIR, including providing existing rates for air quality-related health outcomes and the future predicted rates to give readers a better sense of the health burden of the project.

123-2

Truck Traffic Predictions

Considerations of the above health evidence should also take into account the potential *increase* in the number of truck trips that could occur in the areas immediately north of the Port of Los Angeles and Port of Long Beach, including along the I-710 Corridor that would result from the development of the SCIG. The DEIR analysis employs the assumption that the development of the SCIG will serve to *reduce* truck trips along the I-710 by handling international containers coming from the Ports at this new location, 4 miles from the Ports, instead of these containers being handled at the Hobart Yard, 24 miles north of the Ports. However, this assumption does not take into account the potential for an increased number of transloaded containers (considered “domestic” containers after transloading) to be handled at the Hobart yard.

123-3

We note an analysis by Andrea Hricko, MPH and professor of preventive medicine at the Keck School of Medicine of the University of Southern California, in which she describes the rise of a practice called transloading. Transloading involves the transfer of the contents of international cargo containers from the Ports to domestic 53-foot containers. She predicts that within several years after opening the SCIG the BNSF Hobart Yard would handle more transloaded containers transported by trucks originating from the Ports than had been “removed” from Hobart Yard through the diversion of international containers to the SCIG. Her analysis concludes that, as a result of this rise in transloaded containers, there will be a continued high volume of trucks on the I-710 and other local roads and freeways in addition to the additional truck trips to the SCIG (Hricko, 2012).

Because the potential *increase* in truck trips associated with the development of the SCIG as well as the new capacity for transloaded containers at the Hobart Yard will impact noise and air quality, these and any other analyses (including the Health Risk Assessment, cumulative impacts analysis, noise and environmental justice sections of the DEIR) that stem from the current and flawed assumptions about potential impacts to truck trips resulting from the development of the SCIG, should be recalculated. We request that such analyses be included in a re-circulated DEIR so that the public can review them and have a chance to comment on them before the FEIR is completed.

Thank you for your consideration. We look forward to your comments and are available for any questions.

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Angelo Logan
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East Yard Communities for Environmental Justice

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1 **Comment Letter 123: Human Impact Partners & East Yard**
2 **Communities for Environmental Justice**

3 **Response to Comment 123-1**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6 **Response to Comment 123-2**

7 This comment refers to a chapter or section of the DEIR that was recirculated. No
8 response is necessary per CEQA Guidelines §15088.5(f)(2).

9 **Response to Comment 123-3**

10 This comment refers to a chapter or section of the DEIR that was recirculated. No
11 response is necessary per CEQA Guidelines §15088.5(f)(2).

12



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105-3901

FEB 01 2012

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

Subject: Southern California International Gateway Draft Environmental Impact
 Report Los Angeles County, California

124-1

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (Draft EIR) prepared to assess the potential environmental impacts from the proposed Southern California International Gateway Project (SCIG). The attached comments are intended to assist Los Angeles Harbor Department, Burlington Northern Santa Fe (BNSF), and decision-makers in identifying additional environmental impacts (and actions to reduce these impacts) for consideration. We note the importance of considering all feasible measures, above and beyond the advances already undertaken in support of the San Pedro Bay Ports' Clean Air Action Plan (CAAP), to reduce health and environmental impacts in this region, where the community is already heavily burdened by ongoing freight movement activities. In order for the South Coast region to meet national ambient air quality standards, low emission and zero emission technologies will need to be implemented within the goods movement sector on an expedited schedule.

124-2


At this time, there is a great opportunity for considering advanced technology and multi-modal interagency solutions to the challenges of moving freight in an efficient and environmentally sound manner. In addition to the proposed project, we understand that the Southern California Association of Governments is currently updating its Regional Transportation Plan/SCS. Caltrans is considering modifications to local highways (including I-710), and the Ports of Long Beach and Los Angeles are both assessing the environmental impacts of potential port expansions (Pier S and APL). Due to concurrent multiple planning efforts underway, cross-agency and cross-project coordination can result in greater efficiencies and reduced impacts within the area.

124-3

While the proposed project could result in benefits from removing a portion of the truck traffic (and associated additional emissions) currently going to the more distant Hobart yard, EPA has concerns about the close proximity of the proposed project to sensitive populations, including schools, residences, and the elderly. This project introduces another port-associated activity in close proximity to sensitive receptors, increasing the impacts to the adjacent community. Through our comments described below, we recommend further consideration of alternative sites to meet the anticipated goods movement needs and provide additional measures for consideration to further reduce the community's exposure and reduce community vulnerability.

We appreciate the opportunity to review this Draft EIR. When the Final EIR is released for public review, please send one hard copy and one electronic copy to the address above. If you have questions, please contact me at (415) 972-3856 or kelly.thomasp@epa.gov.

Sincerely,



Enrique Manzanilla, Director
Communities and Ecosystems Division

Enclosure: EPA Detailed Comments

cc: Mayor Antonio Villaraigosa, City of Los Angeles
Geraldine Knatz, Port of Los Angeles
Rick Cameron, Port of Long Beach
Susan Nakamura, South Coast Air Quality Management District
Cynthia Marvin, California Air Resources Board
Jack Kitowski, California Air Resources Board
Hassan Ikrhata, Southern California Association of Governments
David Seep, BNSF Railway
Martin Tuttle, Caltrans
Ron Kosinski, Caltrans District 7
Bimla Rhinehart, California Transportation Commission
Alan Hicks, U.S. Department of Transportation, Maritime Administration
Theresa Stevens, U.S. Army Corps of Engineers
David Sulouff, U. S. Coast Guard

EPA DETAILED COMMENTS ON THE SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY (SCIG) ENVIRONMENTAL IMPACT REPORT, FEBRUARY 1, 2012

Air Quality and Zero Emission Technology

While the SCIG Draft EIR includes practical mitigation measures to reduce air quality impacts consistent with the Clean Air Action Plan (CAAP), it fails to build upon a subset of that plan, the Technology Advancement Plan's (TAP) initiative to move towards an emissions free port. We note that the mission of the TAP is to "...accelerate the verification or commercial availability of new, clean technologies, through evaluation and demonstration, to move towards an emissions free port." The Draft EIR references, and provides support for, future zero or near-zero emission technologies for trucks, cargo handling equipment or locomotives, but falls short of committing to demonstrate emerging technologies and accelerate implementation of zero emission technologies that would minimize community health impacts. While Los Angeles Harbor Department (LAHD) and BNSF have concluded that it is not yet feasible to incorporate zero emissions technologies into the proposed project, EPA proposes that specific commitments, as described below, be considered for the project, and where applicable, be incorporated into the lease agreements of future SCIG tenants. We urge the Los Angeles Harbor Department and BNSF to use the current needs for efficient and cleaner freight movement as a catalyst for initiating the most advanced technological solutions to freight movement, including zero emissions technologies.

Recommendations:

- 124-4 | • In order to clarify what is meant by zero emission equipment in the document, LAHD should consider adding a definition to Section 3.2.

- 124-5 | • EPA recommends that the proposed project conditions and lease measures contained with Section 3.2.5 of the Draft EIR (as they pertain to the demonstration of zero and low emissions technologies) be included as measures in the final lease agreement with the SCIG tenants. These measures will generate invaluable in-use demonstration data on zero emission freight technologies, and will assist with the implementation of the TAP established by the San Pedro Bay Ports' CAAP. Specific recommendations for your consideration are provided below.

- 124-6 | **MM AQ-1 & MM AQ-2: Fleet Modernization for Construction Equipment and On-Road Trucks**
The 200 mile vendor radius caveat may result in procurement issues for Tier 3 and Tier 4 construction equipment and on-road trucks during the relevant project timeframes. Thus, we suggest that LAHD expand the pool of vendors to include all those within the United States.

- 124-7 | **MM AQ-5: General Construction Mitigation Measure**
U.S. EPA encourages LAHD to require the replacement of existing mitigation measures with superior, certified technologies once the LAHD has approved the technology for use.

LM AQ-8: Periodic Review of New Technology and Regulations

124-8

U.S. EPA encourages LAHD to require the SCIG tenants to conduct a feasibility review of new emissions-reduction technologies on a periodic basis throughout the term of the lease, instead of only when permits are amended or there is a facility modification. The findings of the review should be reported to LAHD and available to the public.

PC AQ-10: Zero Emission Technologies Demonstration Program

124-9

Adopt project conditions and lease measures within the SCIG facility lease that will require the demonstration of Zero Emission Container Movement System (ZECMS) technologies. These conditions and measures should include, but should not be limited to those listed in Section 3.2.5, PC AQ-10.

PC AQ-11: Low Emission Drayage Trucks

124-10

Adopt this proposed measure, which would require drayage trucks calling on the SCIG facility to meet an emission reduction in diesel particulate matter emissions (DPM) of 95% by mass relative to the federal 2007 on-road heavy-duty diesel engine emission standard ("low-emission" trucks). Furthermore, U.S. EPA suggests that the requirement for the percentage of zero emission trucks calling on the SCIG facility be revised to reflect a more aggressive implementation schedule. Zero emission technology for trucks is being demonstrated currently. Requiring this technology for 100% of the trucks operating between the ports and SCIG should be feasible before 2026.

PC AQ-12: San Pedro Bay Ports CAAP Measure RL-3

124-11

U.S. EPA strongly supports the goals of CAAP Measure RL-3, and recommends that LAHD establish additional goals that increase the percentage of switcher locomotives that are repowered with the cleanest nonroad engines available on an accelerated schedule.

National Ambient Air Quality Standards

Page 3.2-6 states that "USEPA currently designates the SCAB as an "extreme" nonattainment area for 1-hour ozone, a nonattainment area for 8-hour ozone, a nonattainment area for PM10, and a nonattainment area for PM2.5, and a maintenance area for CO1. The SCAB is in attainment of the NAAQS for SO2, NO2, and lead (USEPA, 2005). States with nonattainment areas must prepare a State Implementation Plan (SIP) that demonstrates how those areas will come into attainment." Regarding this statement, and other references to criteria pollutants, we provide the following recommendations.

Recommendations:

124-12

EPA recommends that the Final EIR reflect the following information:

- The South Coast air basin is classified as "extreme" nonattainment for both 1-hour and 8-hour ozone, "serious" nonattainment for PM10, and a maintenance area for CO and NO2. The southern portion of Los Angeles County is designated as a nonattainment area for lead.

124-13

- The PM2.5 portion of the South Coast 2007 Air Quality Management Plan (AQMP) and the corresponding portions of the 2007 State Strategy were approved on November 9, 2011 (see 76 FR 69928). The 8-hour ozone portion of the South Coast 2007 AQMP and corresponding portions of the 2007 State Strategy were approved on December 15, 2011. These are the applicable state implementation plans for the 1997 PM2.5 and 8-hour ozone standards for general conformity.

Children’s Health

124-14

The Draft EIR identifies the location of several sensitive receptors (e.g., schools, parks, daycare centers, senior citizen healthcare facilities) within the vicinity of the proposed project area (pages 3.2-14 and 3.2-15; Sections 3.2 and 3.9). Sections 3.2 and 3.9 further state that air quality and noise impacts from the proposed project would result in significant impacts and that mitigation measures for air quality and noise impacts are not expected to reduce all of the identified impacts to less than significant. Children are more susceptible to environmental exposures than adults; therefore, EPA recommends that the Draft EIR clearly identify the range of potential impacts to children associated with the various project alternatives and project sites, and discuss appropriate mitigation measures for any adverse impacts to children and other sensitive receptors throughout the project’s construction and operation.

Recommendations:

124-15

- Figure 3.2-1 shows locations of sensitive receptors in the vicinity of the proposed project site. EPA recommends that a list of the sensitive receptors identified in Figure 3.2-1 be provided in the Final EIR. This list should include the location of the sensitive receptors as well as their distance from the proposed project boundary.

124-16

- Figures 3.2-11 and 3.2-12 depict areas where the 24-hour and annual ground level PM₁₀ concentrations for the mitigated proposed project minus baseline exceed significance thresholds. To better elucidate where sensitive receptors are located relative to these areas where the 24-hour and annual ground level PM₁₀ concentrations will exceed significance thresholds, EPA recommends that the sensitive receptors shown in Figure 3.2-1 be included on Figures 3.2-11 and 3.2-12.

124-17

- The proposed project site is located within 550 feet or less of two schools (Mary Bethune School and Elizabeth Hudson K-8 School) and one daycare center (Cabrillo Child Development Center). Furthermore, the proposed project site is within 0.5 mile of a convalescent home (Loram Manor) and within one mile of a senior citizen healthcare facility (Santa Fe Convalescent Home). Moreover, the proposed project site is located near parks, residential neighborhoods, and other schools.

Chapter 2 of the Draft EIR discusses other potential project sites outside and within the Port of Los Angeles/Port of Long Beach Port Complex. Five alternate railyard sites inside the Port Complex were identified. Section 2.5.2.2 states that all five of the alternate sites inside the Port Complex would meet at least some of the project

↑ objectives, and four of the five sites would likely have fewer community issues than the proposed project site because they are located further away from sensitive land uses and residences.

124-17

- EPA recommends that LAHD further evaluate the proposed project and alternative sites in order to compare potential impacts to children’s health and other sensitive receptors. Clearly identify the project alternatives and alternate sites that have the least impact to children and sensitive receptors, as well as those alternatives that have the least impact on areas already significantly impacted by existing air pollution, high disease rates, and other indicators of social vulnerability. EPA recommends that the final decision give high priority to the site(s) that have the least impact to children and other sensitive populations.

124-18

- EPA recommends that LAHD require or encourage tenants to reduce backland footprints by densely stacking containers, creating more space for on-dock rail.

124-19

- EPA recommends that the Final EIR identify the mitigation measures that will be implemented throughout the construction and operation of the project to reduce the project’s impacts to sensitive populations.

Environmental Justice

124-20 ↓ The Draft EIR provides an environmental justice analysis consistent with Executive Order 12898, although CEQA does not require this specific analysis. While we recognize the inclusion of this analysis, we note that the document does not provide mitigation to fully offset the significant project related impacts to the surrounding community. The Draft EIR recognizes in the EJ analysis that there will be disproportionately high and adverse effects on minority and low-income populations due to the proposed project’s impacts to aesthetics, cultural resources, land use, and noise. The local community is already heavily impacted,¹ a condition that could be exacerbated by the many projects planned around the impacted communities. Therefore, all impacts, even seemingly small ones, are important to consider and mitigate in order to fully offset the adverse project-related impacts to the local community.

There is a growing body of evidence that environmental justice communities are disproportionately exposed and more vulnerable to pollution impacts than other communities.² As discussed in *EPA’s Framework for Cumulative Risk*,³ disadvantaged,

¹ Final Report, Multiple Air Toxics Exposure Study in the South Coast Air Basin, MATES-III, September 2008, South Coast Air Quality Management District.

² Symposium on the Science of Disproportionate Environmental Health Impacts, March 17 - 19, 2010, see the fourteen scientific reviews commissioned by EPA and published in the American Journal of Public Health at:

<http://www.epa.gov/compliance/ej/multimedialalbums/epa/disproportionate-impacts-symposium.html>.

³ Available at: <http://cfpub.epa.gov/ncea/rafr/recordisplay.cfm?deid=54944>.

124-20

underserved, and overburdened communities are likely to come to the table with pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases, unacceptably, burdensome. Thus, certain subpopulations may be more likely to be adversely affected by a given stressor than is the general population.⁴ Identifying additional mitigation measures supported by the community will further protect the community from the disproportionate and adverse health impacts of the proposed project.

124-21

The proposed project is located in communities that are already heavily impacted from the cumulative effects of port activities, diesel truck traffic, and surrounding industrial facilities. These existing conditions along with the potential localized impacts from the project, including increased truck traffic, rail traffic and a 24 hour a day operating schedule, will impact the surrounding community. EPA recognizes that the “Zero Emissions Container Movement System” and the alternative sites inside the port have been eliminated from further consideration, although these two options would be more protective of the sensitive, environmental justice communities surrounding the proposed project. Considering the protective elements from these two alternatives, including clean technologies and siting the project on land further removed from sensitive receptors and EJ communities, could improve the environmental and public health implications of the proposed project.

Recommendations:

124-22

- Chapter 3 of the Draft EIR discusses air quality impacts from the construction and operation of the proposed project that will be significant and unavoidable. Chapter 6 of the Draft EIR identifies minority and low-income communities residing near the proposed project site. Section 6.4.2.2 further states that significant air quality impacts in the form of exceedances of concentration thresholds would occur, but concludes that those exceedances are not linked to result in localized health effects and would not disproportionately affect communities of concern.
 - In the Final EIR, EPA recommends further justification to support the above conclusion negating localized health effects and disproportionate effects in the Final EIR, including the methodology used to assess whether the project’s air quality impacts would contribute to localized health effects, and the methodology used to determine whether the project’s air quality impacts would result in a disproportionate impact to minority and low-income communities.

124-23

- In Section 6.5 the Draft EIR describes BNSF outreach efforts. Although outreach activities, including public meetings, are described, it is unclear how public feedback was responded to and incorporated into the decision-making process. EPA recommends providing more information on the community outreach and involvement process including a summary of community concerns and community-recommended mitigation measures, and the responses to this input.

⁴ Sacks, Jason D. et al. 2010. *Particulate Matter-Induced Health Effects: Who Is Susceptible?* Environmental Health Perspectives 119(4).

124-24

- EPA recommends additional mitigation measures in the Final EIR to further reduce the community's exposure and reduce community vulnerability, such as:
 - Fund anti-idling enforcement measures in neighboring impacted communities;
 - Fund proactive measures to improve air quality in neighboring homes, schools, and other sensitive receptors;
 - Provide public education programs about environmental health impacts to better enable residents to make informed decisions about their health and community; and
 - Engage in proactive measures to train and hire local residents for construction or operation of the project to improve their economic status and access to health care.

Impacts to Waters of the United States

124-25

While the EIR was completed to comply with state California Environmental Quality Act, we encourage the Los Angeles Harbor Department to further clarify potential impacts to jurisdictional waters of the United States and possible analysis pursuant to National Environmental Policy Act that may be required. The DEIR states that the proposed project will have impacts to the Dominguez Canal and that the Dominguez Canal is considered jurisdictional waters of the United States (Page 3-3.9). As such, a CWA Section 404 Permit may be required from the Army Corps of Engineers for the projects impacts to waters of the United States. During a phone conversation with Port of Los Angeles in December 2011, EPA was informed that the project's impacts to waters of the US would be permitted with a Nationwide Permit, and would therefore not require additional analysis pursuant to the National Environmental Policy Act. Communication with the Army Corps of Engineers indicated that U.S. Coast Guard may be involved in bridge construction over Dominguez Canal.

Recommendation:

EPA recommends that the estimated impacts to jurisdictional waters of the United States be disclosed in the Final EIR, as well as the Clean Water Act Section 404 permitting strategy, including accompanying National Environmental Policy Act analysis and a schedule for its completion (if required).

1 **Comment Letter 124: USEPA, Region IX, Communities & Ecosystems**
2 **Division**

3 **Response to Comment 124-1**

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 **Response to Comment 124-2**

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)).

15 **Response to Comment 124-3**

16 This comment refers to a chapter or section of the DEIR that was recirculated. No
17 response is necessary per CEQA Guidelines §15088.5(f)(2).

18 **Response to Comment 124-4**

19 This comment refers to a chapter or section of the DEIR that was recirculated. No
20 response is necessary per CEQA Guidelines §15088.5(f)(2).

21 **Response to Comment 124-5**

22 This comment refers to a chapter or section of the DEIR that was recirculated. No
23 response is necessary per CEQA Guidelines §15088.5(f)(2).

24 **Response to Comment 124-6**

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 124-7**

31 This comment refers to a chapter or section of the DEIR that was recirculated. No
32 response is necessary per CEQA Guidelines §15088.5(f)(2).

33 **Response to Comment 124-8**

34 This comment refers to a chapter or section of the DEIR that was recirculated. No
35 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 124-9**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
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4 **Response to Comment 124-10**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 124-11**

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9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 124-12**

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12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 124-13**

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16 **Response to Comment 124-14**

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18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 124-15**

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21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 124-16**

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24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 124-17**

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27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 124-18**

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30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 124-19**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 124-20**

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3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 124-21**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 124-22**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 124-23**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 124-24**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 124-25**

17 DEIR Section 3.12 acknowledges the Clean Water Act’s jurisdiction over the Dominguez
18 Channel, which, as the commenter notes, is a water of the United States. DEIR Section
19 3.12.4.3 describes the impacts that the proposed Project would have on the Dominguez
20 Channel. See Comment Letter 63i in which the USACE describes the likely permitting
21 requirements relative to waters of the United States. Accordingly, no additional NEPA
22 analysis is required.

23

Hagner, Dennis

From: Jason Herring [jaherring@usa.net]
Sent: Wednesday, February 01, 2012 10:54 PM
To: Ceqacomments
Subject: BNSF/SCIG Public Comment

Mr. Chris Cannon
Directorn of Environmental Management at Port of Los Angeles

Dear Sir,

I submit this letter as my public comment regarding the proposed BNSF rail yard known as the Southern California International Gateway (SCIG). Please include this in the final EIR.

125-1 The proposed SCIG, on the surface, appears to be an example of natural organic growth of the port facilities which brings long haul rail closer to the docks. However, with the upcoming Panama Canal widening project nearing completion and the prospect of the Punta Colonet port project in Baja Mexico a plan for classic port capacity expansion seems woefully insufficient.

125-2 This is not a time for incremental improvements. The Ports of Los Angeles and Long Beach risk losing a substantial portion of their container traffic if they do not make major advancements in the efficiency of our intermodal port operations. The SCIG reduces some of the truck traffic regarding miles traveled but does not address the core of the problem: multiple transfers to multiple modes of transport before the container is exiting the greater Los Angeles area towards it's destination. The reliance on truck transit from the dock to a rail yard should be eliminated. This costs time and money, costs communities in the form of health and traffic problems, and ultimately will cost us regional container traffic and therefore jobs and economic input.

125-3 In addition, the SCIG site seems poorly located near residences and schools. The port cities have been severely degraded over the years due to this traffic, and a few token parks hardly compensate for the years of damage caused by the truck traffic.

125-4 The time is now to make a major leap forward. The opportunity to improve efficiencies through unloading cargo directly to rail at the docks and bypassing the ferrying trucks completely should be explored. Such a system could radically reduce traffic and emissions coming from port itermodal operations and eliminate the need to further widen the 710 freeway. Without implementing modern infrastructure such as this our ports could lose the title of "America's Port" - and if that happens it may be too late.

Please reconsider this ill-advised project which merely kicks the can down the road. We may be running out of road.

Sincerely,
Jason Herring
Resident
San Pedro, CA 90731

1 **Comment Letter 125: Jason Herring**

2 **Response to Comment 125-1**

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 125-2**

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 **Response to Comment 125-3**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 125-4**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20
21



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

February 1, 2012

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



Dear Mr. Cannon:

**Draft Environmental Impact Report
Southern California International Gateway (SCIG) Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project. 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. Air quality impacts of the Proposed SCIG project must be carefully evaluated and mitigated because the railyard will be one of the largest intermodal facilities in the nation, and will be located near residences, schools, a pre-school, and a veterans center. The West Side neighborhood of Long Beach is home to approximately 13,500 residents¹ and lies between the project site and the I-710 freeway, but as close as 1,000 feet from the proposed project. In addition, Hudson School, an elementary and middle school with over 1,000 students, is less than 600 feet from the eastern boundary of the proposed Project site². The Mary Bethune School and Cabrillo Child Development Center are less than 500 feet from the eastern boundary of the proposed site. See Figure 1.

126-1

The Draft EIR shows that the Proposed SCIG project will generate significant localized air quality impacts. Localized air quality impacts are characterized by air quality impacts that directly affect the areas surrounding the proposed project site. Based on the DEIR, the Proposed SCIG project will generate localized NO₂ and PM₁₀ concentrations and would exceed the applicable significance thresholds by more than 300% and 2,300%, respectively. In addition, the DEIR concluded that that the proposed project would result in significant localized PM_{2.5} impacts. These NO₂ and PM₁₀ concentrations from the proposed project will impact residents, school children and other sensitive populations near the proposed railyard.

126-2

Under CEQA, the lead agency must adopt all feasible measures to mitigate significant air quality and health impacts. The DEIR, however, lacks *any* mitigation for NO₂ impacts, and the only

¹ Based on 2010 census data for census tracts 572301, 572500, 572600, 572800, and 575500.

² <http://lbhudson.schoolloop.com/schoolaccountability>

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. The Proposed SCIG Project can and must incorporate the following measures or alternatives to mitigate significant local NO₂ and PM₁₀ impacts to the surrounding community:

1. Zero-Emission Container Movement Between Marine Terminals and SCIG.

Use of zero-emission container transport, where the vehicle or system that does not create tailpipe emissions, as follows:

- 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).
- 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.

- By 2018, at least 25% of BNSF line-haul locomotives entering SCIG and other port properties shall be Tier 4.
- By 2020, at least 95% of BNSF line-haul locomotives entering SCIG and other port properties shall be Tier 4.

3. Evaluation and Demonstration of Zero-Emission Line-Haul Locomotives.

- Evaluation of traditional electrified line-haul locomotive technologies to be completed by 2013.
- Technology demonstrations of new zero-emission line-haul locomotive technologies to begin no later than 2013.

4. Cooperative Actions by Project Applicant.

Establish project approval conditions requiring project applicant to cooperate with actions to implement paragraphs 1 thru 3 above.

Improper Baseline

In addition to significant NO₂ and PM concentrations identified in the DEIR, the project may create additional significant impacts to regional air quality -- or substantially more severe local impacts -- that are not disclosed or mitigated in the DEIR. This is due to the improper baseline used in the DEIR to evaluate impacts. SCAQMD staff previously filed two comment letters regarding this deficiency.³ As noted in those letters, the Draft EIR fails to disclose the impacts of the project because it credits the proposed project with improvements in air quality that will 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.

If DEIR based its conclusion of significance on the correct baseline, the residential cancer risk would be significant. The analysis in Appendix C3 (Page C3-68) presents the impacts of the proposed project relative to the “floating” baseline, which is the correct baseline. This analysis

³ SCAQMD letter dated November 30, 2011 to Mr. Christopher Cannon; SCAQMD letter dated January 19, 2012 to Mr. Christopher Cannon.

126-8 ↑ is presented as additional information, but was not used to determine the project's significance or the need for mitigation. This analysis discloses that, contrary to the conclusions in the body of the DEIR, if the correct baseline was used the proposed project will increase the residential cancer risk by 17 in a million, a level that is in excess of the CEQA significance threshold established by SCAQMD and used by the port, and is a greater impact than allowed by the port's Clean Air Action Plan Project Conditions. The significance determination must be based on the correct baseline and disclose that the proposed project will have a significant increase in the residential cancer risk.

Analysis of Hobart-Related Trucks

126-9 The DEIR failed to analyze and disclose the impacts at BNSF's Hobart Railyard (Hobart) implying that this railyard will be nearly vacant if the Proposed SCIG facility is built. The DEIR assumes that the proposed project will eliminate 95 percent of truck trips between the ports and Hobart (Page 2-11). As a result, the DEIR increases the baseline emissions to account for trucks and locomotives that are currently handling containers at the Hobart Railyard, but fails to analyze truck trips associated with Hobart capacity that will be freed up as a result of building SCIG. There has been no indication that Hobart will be vacant or that BNSF will reduce its capacity. The DEIR must evaluate the extent to which capacity opened up at Hobart by construction of SCIG will be filled with other cargo, e.g. domestic freight containers.

Availability of Modeling Files

In our December 15, 2005 comment letter on the Notice of Preparation for the project, AQMD staff requested that the lead agency "send with the Draft EIR all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files." On November 15, 2011, AQMD staff again requested the supporting technical files for the Draft EIR from the lead agency. Although Port of Los Angeles staff committed to providing these files, AQMD staff needed to send at least five more requests over the next two months before we received the first incomplete set of files on January 17, 2012. After informing lead agency staff of the incompleteness of the technical data, the final set of files was not received by AQMD staff until January 31, 2012, one day before the close of the comment period.

126-10 The DEIR makes air quality significance determinations based upon an extensive technical analysis including detailed calculations and dispersion modeling. A brief summary of this analysis was presented in the Air Quality Chapter of the DEIR with more detailed summaries contained in three technical appendices. However, the actual calculations and modeling used to support the significance determinations were not made available with the release of the DEIR. Because SCAQMD is the agency responsible for ensuring ambient air quality standards are met in the South Coast Air Basin, and SCAQMD staff has the technical expertise to thoroughly evaluate air quality analyses conducted under CEQA, it is standard practice for lead agencies to provide electronic copies of all technical files to SCAQMD for review during the EIR comment period. As an example, the Port of Los Angeles has submitted supporting technical files for port projects, such as the recent APL project and the China Shipping project in 2008.

✓ CEQA guidelines §15105 provides for a minimum 45 day review period for an EIR, while §15147 provides that "highly detailed and technical analyses" may be placed in an appendix

126-10 ↑ rather than the main document, but that any appendices “shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.” Given the delay in making the files available, we appreciate that the lead agency has granted our agency a two week extension to review the modeling files. However, it is uncertain at this time if the two week extension is sufficient to enable full review.

Cumulative Analysis

126-11 Chapter 4 of the DEIR presents the Cumulative Analysis. The analysis lacks sufficient detail to adequately evaluate the lead agency’s findings. Specifically, the combined ICTF/SCIG analysis should include additional information related to the individual contributions of each project, rather than just presenting the components together. The public needs to understand the impacts of each project individually, as well as jointly, so that a clear picture of the impacts and potential mitigation measures and alternatives can be obtained. This should be feasible since we understand that the release of the ICTF DEIR is imminent. It is also our understanding that oversight of the two projects is being handled by the POLA staff so that information for both projects should be available.

Need for Recirculation

126-12 CEQA Guidelines requires a Lead Agency to recirculate an EIR when significant new information is added showing a “a new significant impact would result from the project.” The DEIR found that the residential cancer risk is 17 in a million when using the correct baseline, which would change the conclusion from insignificant to significant which would trigger recirculation. There a number of issues as outlined in our comments where the emissions and air quality impacts we believe are underestimated such as the number of truck trips, DTL fueling, locomotive idling, switcher use, construction emissions to transport cranes, to name a few. We believe that when these issues are properly analyzed it will disclose new significant impacts and substantial increases to existing impacts and therefore require recirculation.

126-13 Finally, the ports have authority to establish environmental conditions as part of project approvals for rail facilities. It is essential that the Port get the particulars regarding this project right during the initial project approval. As the ports and local governments throughout the region are aware, the Class I railroads have a history of using federal law to block environmental mitigation for their activities. The railroad would likely use the same legal strategy for any mid-course corrections to reduce the environmental impacts after project approval. Tier 4 locomotives and zero-emission technologies are needed to mitigate local health impacts; they also will be needed for future Air Quality Management Plans and Regional Transportation Plans to show compliance with federal law and avoid jeopardizing transportation funding. The port thus needs to use its initial project approval to ensure that long-term environmental needs will be met.

Attached are more details regarding these and other comments. The AQMD staff is still reviewing air dispersion modeling files were received in mid-January. The AQMD staff will provide additional comments on the dispersion modeling within the next few weeks.

126-14 ↓ 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

126-14 ↑ 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

Attachment A
Additional Comments on the DEIR for
Southern California International Gateway (SCIG) Project

The following includes specific comments on the DEIR for the Proposed Southern California International Gateway (SCIG) Project.

126-15

Additional Measures are Required to Mitigate Significant Impacts

The proposed SCIG project will be one of the largest intermodal railyards in the United States and will be located near residences, schools, a pre-school, and a veterans center. The West Side neighborhood of Long Beach is home to approximately 13,500 residents⁴ and lies between the project site and the I-710 freeway, but as close as 1,000 feet from the proposed project. In addition, Hudson School, an elementary and middle school with over 1,000 students, is less than 600 feet from the eastern boundary of the proposed Project site⁵. The Mary Bethune School and Cabrillo Child Development Center are less than 500 feet from the eastern boundary of the proposed site. See Figure 1.

The Proposed SCIG Project will result in significant localized impacts of NO₂ and PM₁₀. As depicted in Figure 2 below, NO₂ is expected to exceed federal standards over a wide area, including population centers in west Long Beach and Wilmington. Concentrations of NO₂ in the community from the project alone are predicted to exceed the federal standard by at least a factor of five (Table 1 below). The modeled point of maximum NO₂ impact is located adjacent to the relocated tenants south of the project site. PM₁₀ impacts are predicted to exceed the annual and 24-hour SCAQMD Air Quality Significance Threshold by a factor of about 20. The area of PM₁₀ impact also extends into the west Long Beach community adjacent to the SCIG facility (Figure 3 below).

⁴ Based on 2010 census data for census tracts 572301, 572500, 572600, 572800, and 575500.

⁵ <http://lbhudson.schoolloop.com/schoolaccountability>



126-15

Figure 1: Surrounding Residential and Sensitive Land Uses Near Proposed SCIG Facility

126-15

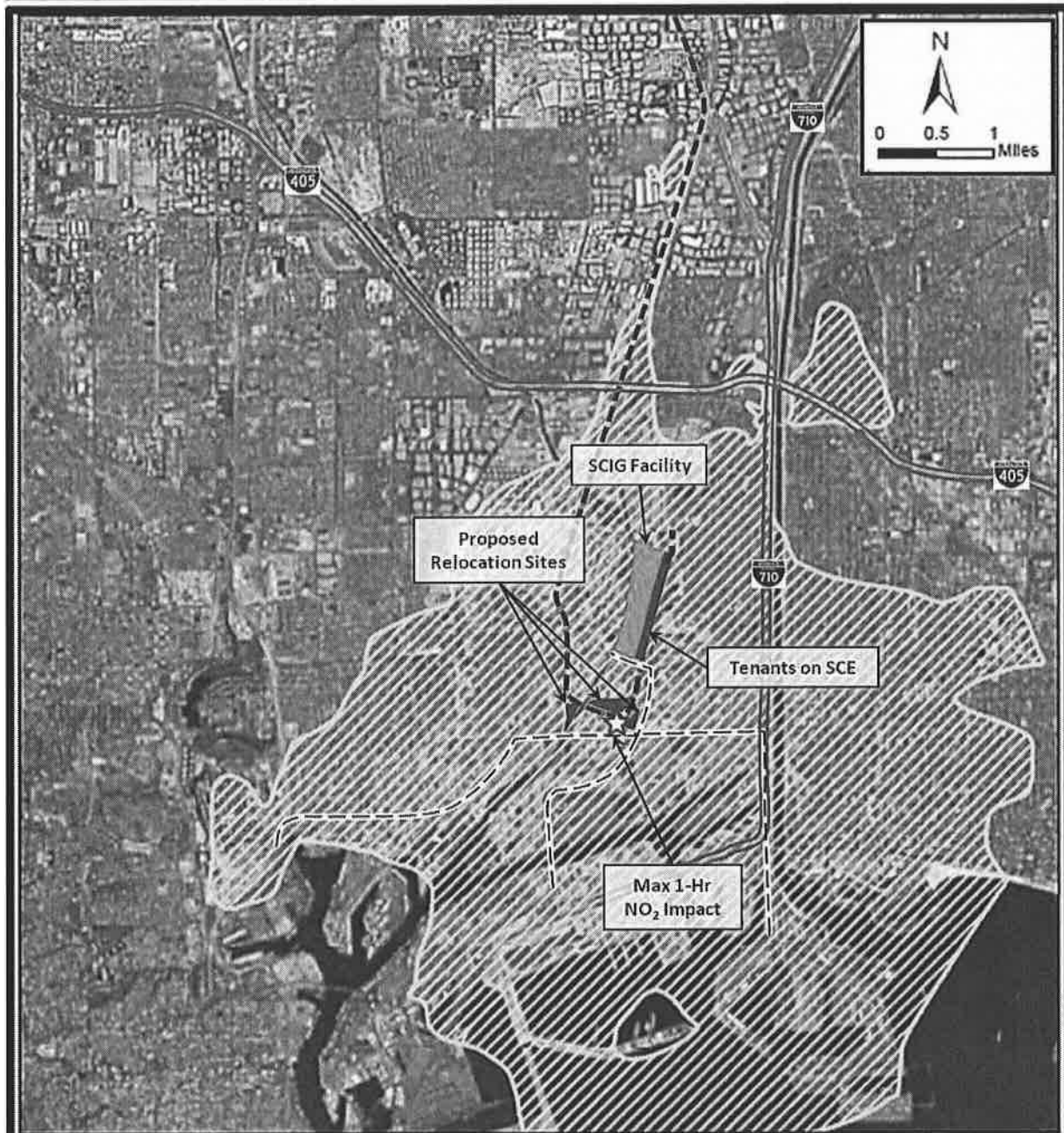


Figure
Ground-Level Concentration
1-Hour NO₂
Unmitigated Proposed Project
plus Background

Adapted from DEIR Figure C2.5-5

Legend







-  Rail Lines used by SCIG trains
-  Freeway
-  Truck Route
-  SCIG Facility
-  Max 1-Hr NO₂ Impact Location
-  Exceeds 189 µg/m³ Significance Threshold

Figure 2: 1-Hour NO₂ Unmitigated Impacts

126-15



Figure
Ground-Level Concentration
Annual PM₁₀
Mitigated Proposed Project minus CEQA Baseline

Adapted from DEIR Figure C2.5-12

Legend







-  Rail Lines used by SCIG trains
-  Freeway
-  Truck Route
-  SCIG Facility
-  Max Annual PM₁₀ Impact Location
-  Exceeds 1.0 µg/m³ Significance Threshold

Figure 3: PM₁₀ Unmitigated Impacts

Table 1

Pollutant	Predicted Concentration from Project Emissions ($\mu\text{g}/\text{m}^3$)	Threshold ($\mu\text{g}/\text{m}^3$)
NO ₂ 1-hour ^a (federal)	996	189
PM ₁₀ Annual ^b	24.6	1.0
PM ₁₀ 24-hour ^b	43.6	2.5

^a Data from Table C2.5-13 of the Draft EIR

^b Data from Table C2.5-14 of the Draft EIR

Based on data presented Table C.2.5-15 (reprinted in Table XX below), the primary source of NO₂ emissions at the point of maximum impact are the Tenant Onsite Trucks. The primary source of emissions at the point of maximum impact for PM₁₀ is the SCIG Onsite trucking activity. However, this information cannot be used to determine if these same sources are driving the significant impacts for all areas. For example, because the NO₂ impacts covers such a wide geographic extent, it would seem that the 1,995,000 SCIG drayage trucks in 2023 are likely to be more important than the 91,456 Tenant Onsite Trucks in areas far removed from Tenant Onsite Truck activity. Because the lead agency failed to provide the modeling files to SCAQMD staff in a timely manner, the SCAQMD was unable to properly evaluate this issue.

Exposure to NO₂ can result in a range of adverse health effects. Current scientific evidence links short-term NO₂ exposures, ranging from 30 minutes to 24 hours with an array of adverse respiratory effects including increased asthma symptoms, more difficulty controlling asthma, and an increase in respiratory illnesses and symptoms. In addition, studies also show a connection between short-term exposure and increased visits to emergency departments and hospital admissions for respiratory illnesses, particularly in at-risk populations including children, the elderly and asthmatics.

Moreover, the project may create additional significant impacts to regional or local air quality, or substantially more severe impacts to local air quality, that are not disclosed or mitigated. This is due to the improper baseline used in the DEIR to evaluate impacts. SCAQMD staff previously submitted two comment letters regarding this deficiency.⁶ These letters note that the DEIR evaluates impacts by comparing future emissions with the project, to emissions levels back in 2005 — prior to adoption of the Clean Air Action Plan and state and federal rules limiting emissions from locomotives and trucks. This analysis does not disclose or mitigate the impacts of the project as required by CEQA. This so because the analysis credits the project with emission reductions unrelated to the project, and it does not in any way compare future emissions with the project to future emissions without the project. For some impacts, such as cancer risk, the DEIR concludes that the project will have no impacts or beneficial impacts, even though the project will cause greater health risks in some locations than would occur without the project.

We appreciate that the DEIR includes a comparison of future cancer risks with and without the project in an appendix, but that analysis is not used to identify significant impacts (Appendix C3, Page C3-68). Under the circumstances of this project, this type of analysis must be used to identify significant impacts and to evaluate the need for mitigation. It is also important to note

⁶ SCAQMD letter dated November 30, 2011 to Mr. Christopher Cannon; SCAQMD letter dated January 19, 2012 to Mr. Christopher Cannon.

126-15

↑ that the analysis of cancer risks in the appendix which does compare future risks with and without the project discloses that the project will increase cancer risk by 17 in a million at the point of maximum impact. That point is in a residential area. This is in excess of the CEQA significance threshold established by SCAQMD and used by the port, and is a greater impact than allowed by the port's Clean Air Action Plan Project Conditions. These are additional reasons why, under CEQA, feasible mitigation measures must be applied.

Additional Measures to Mitigate Significant Impacts are Feasible

The DEIR lacks *any* mitigation for NO₂ impacts, and the only mitigation for PM is street sweeping — which is not sufficient to fully mitigate this significant impact. Localized NO₂ and PM10 caused by the project can be further mitigated. The Proposed Project can and must incorporate the following three mitigation measures or project alternatives which would mitigate significant localized NO₂ and PM10 impacts to the surrounding community: (1) zero-emission container movement between marine terminals and SCIG; (2) greater acceleration of use of Tier 4 line-haul locomotives; and (3) evaluation and demonstration of zero-emission line-haul locomotives. To ensure these elements are carried out, the project applicant should be required to cooperate in their implementation. The elements and actions are discussed in more detail below.

Zero-Emission Container Movement Between Marine Terminals and SCIG

126-16 As is described in Attachment B, the proposed project must include a measure that requires transport of containers using zero-emission technology that does not create tailpipe emissions from the vehicle or system transporting containers. Such a measure or project alternative is required by CEQA to be included in the EIR in order to mitigate the significant impacts of the project. Zero-emission container transport technologies can and must be implemented beginning 2016 as follows:

- **By 2016, at least 25% of container transport between the terminals and SCIG shall be by zero-emission technology.**
- **By 2020, 100% of container transport between the terminals and SCIG shall be by zero-emission technology.**

Considering the current levels of product development, it is clear that, if the lead agency provides a clear message to technology providers that zero-emission technologies will be needed and when, such technologies can be commercialized in sufficient time to begin operational deployment between the ports and SCIG between by 2016, with 100% deployment by 2020. (See Attachment B - Zero-Emission Container Transport). The measure described above will send such a clear market signal to technology developers and allow this schedule to be met.

↓ *Potential Modification of 2016 Requirement.* SCAQMD staff would support allowing modification of the 2016 requirement for 25% of containers to be moved with zero-emission technology, 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 would not be allowed since zero-emission technology can certainly be available in time to deploy sufficient numbers of zero-emission trucks or other technology by that time (see Attachment B). 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.

Zero-Emission Container Movement Is Feasible Under CEQA Because it Can Be Implemented Within a Reasonable Period of Time; The DEIR Applies a Legally Incorrect Interpretation of Feasibility. CEQA requires application of “feasible” mitigation measures or project alternatives to mitigate significant impacts. Zero-emission container transport technologies could mitigate the significant NO₂ impacts, but the DEIR states that they are not feasible, apparently because such technologies are not commercially available today. The DEIR repeatedly indicates that its authors reached this infeasibility conclusion based on the status of technology development today, not on what could feasibly be implemented in time to mitigate the project’s impacts (e.g. by 2016, when project operation begins, or 2023, when the railyard is expected to reach capacity). For example, the DEIR states, “ZECMS has not yet reached the point of being feasible” (2-49); ZECMS “does not exist as a commercial product today” (2-50); and “ZECMS technologies are not yet viable” (2-51)(emphasis added). Indeed, the DEIR indicates that “it is very possible that zero-emission drayage trucks will become feasible,” and that “zero emission container transport concepts, while not readily available at this time, are nonetheless potentially feasible future options for development by the ports . . .” (2-52).

These statements evidence a fundamentally incorrect interpretation of the law. CEQA does not require that a mitigation measure or alternative be capable of being implemented at the time the EIR is drafted. CEQA Guidelines section 15364 defines “feasible” for this purpose as, “. . . capable of being accomplished in a successful manner within a reasonable period of time . . .” (emphasis added). As is described in Attachment B, there is ample evidence that zero-emission transport between the ports and near dock railyards is capable of being accomplished early in the life of the SCIG project, specifically, between 2016 and 2020. The project is expected to begin operation in 2016, reach full capacity in 2023, and to have a life of at least 30 years – the proposed lease term. Under these circumstances, with a project life – and associated health impacts -- measured in decades, an ability to deploy mitigation in the first four years of project life is certainly “within a reasonable period of time.”

The Low Emission Drayage Trucks Proposed Project Condition is Not Sufficient. The zero-emission transport measure proposed above would replace measure PC-AQ-11: Low-Emission Drayage Trucks proposed in the DEIR. PC-AQ-11 is a proposed project condition (not a CEQA mitigation measure) that sets standards for diesel particulate matter emissions from trucks. It does not purport to limit NO_x emissions (the cause of ambient NO₂), or other particulates. The measure thus does not necessarily address localized impacts from NO₂ and PM₁₀, and is not a sufficient mitigation measure for the project's significant impacts.

Based on discussions with BNSF staff, the company anticipates complying with PC-AQ-11 using LNG trucks. The DEIR does not contain any evidence that such trucks would eliminate the project's significant NO₂ and PM impacts, and AQMD technical staff does not expect they would. Ambient NO₂ concentrations result from NO_x emissions. NO_x and PM emissions from LNG vehicles are substantially higher than emissions from zero-emission vehicles such as electric trucks. Given the substantial NO₂ concentrations predicted in the DEIR, there is a need under CEQA to include the cleanest feasible vehicles and engines. The DEIR does not, however, provide any specific measures to mitigate NO₂ impacts. Based on information in the DEIR, including the substantial exceedance of applicable ambient thresholds, simply establishing diesel particulate matter standard for combustion equipment does not provide emission reductions to fully mitigate NO₂ impacts. Even the cleanest combustion engine technology will have associated local NO_x emissions impacts substantially above zero-emission technologies. Zero-emissions technologies thus must be included as mitigation measures for significant NO₂ and PM impacts. The deployment of zero-emissions technologies will also provide additional co-benefits in terms of additional reduction in diesel fine particulates and cancer risk. The DEIR considers zero-emission technologies as a potential mitigation measure for the project's ambient air quality impacts, but rejects them as infeasible (3.2-79). As is described elsewhere in this comment letter, this conclusion regarding infeasibility is incorrect and based on an erroneous interpretation of CEQA.

The Lead Agency Can Require Zero Emission Technologies. PC-AQ-11 demonstrates the Lead Agency's ability to require use of a trucks meeting a specific performance standard. This ability has also been amply demonstrated through the ports' successful implementation of the Clean Truck Program (see *2010 Clean Air Action Plan Update*), which progressively banned relatively old trucks from port properties. The same principle may be used to allow only zero-emission trucks over time.

Tier 4 Line-Haul Locomotives

PC AQ-12 specifies that as part of the SCIG lease agreement between LAHD and BNSF, a permit condition requiring implementation of measure RL-3 in the 2010 CAAP will be included. PC AQ-12 needs to be revised to be consistent with the goal of RL-3 to achieve 95% Tier 4 locomotives entering port property by 2020, and to apply all feasible mitigation of significant impacts. Thus, line-haul locomotives must be required to meet the following condition:

- **By 2018, at least 25% of BNSF line-haul locomotives entering SCIG and other port properties shall be Tier 4.**

126-16

126-17

- **By 2020, at least 95% of BNSF line-haul locomotives entering SCIG and other port properties shall meet U.S. EPA Tier 4 emission standards.**

Tier 4 locomotive emission standards will reduce NOx and PM10 emissions and will further mitigate the significant localized impacts of NO₂ and PM10 caused by the project. The proposed requirement in PC AQ-12 for 50% Tier 4 and 40% Tier 3 by 2023 is not sufficient given the severity of localized NO₂ and PM10 impacts. In addition, PC AQ-12 further weakens RL-3 by allowing locomotive emission reductions that would occur under RL-3 to be achieved on an equivalent basis anywhere in the Basin. This equivalency feature is not necessary to assure feasibility, and is contrary to the intent of RL-3 which sought emission reductions in or near port properties in order to reduce local exposures of harmful pollutants from locomotive activities. Therefore, the lead agency needs to include the 95% requirement under RL-3 in permit condition PC AQ-12, as well as requiring emission reductions to take place at or near port property by applying the measure to locomotives entering SCIG and other port properties – as set forth in the CAAP.

This measure is feasible. The ports have authority as “market participants” to establish environmental conditions in leases that would otherwise be preempted if they were acting as a regulator (*American Trucking Association v. City of Los Angeles*, 2011 U.S. App. LEXIS 22086 (October 31, 2011)). The railroads have demonstrated an ability to accelerate fleet turnover in the South Coast Air Basin to locomotives meeting the latest EPA “Tier” of emissions standards for new locomotives. They are doing this now to comply with a 1998 Memorandum of Understanding between the Class 1 railroads and the California Air Resources Board. That MOU required the railroads to achieve a fleet average locomotive emission rate equal to the EPA Tier 2 standards that apply to locomotives initially sold in 2005. This fleet average was to be achieved by 2010 – just five years after Tier 2 locomotives initially became available under the EPA rule. A similar timeframe exists between 2015, when (under EPA rules adopted in 2008) new locomotives must meet Tier 4 standards, and 2020, the target date in CAAP RL-3 for 95% Tier 4 locomotives. That CAAP goal was supported not only by the ports, but also by the California Air Resources Board (which executed the 1998 MOU) and SCAQMD.

We expect that the railroad or lead agency may make a number of arguments against the 95% target. They may argue that sale of Tier 4 locomotives is several years away and their cost is not yet known. However, the railroads committed to accelerating Tier 2 locomotives in 1998 -- seven years prior to their development and sale. In addition, in determining feasibility of this measure, the port should consider the facts that (1) the railroads commonly purchase new locomotives for reasons unrelated to the environment, and, for such locomotives, the only real cost of this measure is to route them to Southern California – something the railroads are doing now with Tier 2 locomotives, and (2) the railroads have recently reported their highest annual profits in history (in the billions of dollars for each company), thus undermining any argument that acquiring additional Tier 4 locomotives would be economically infeasible.

The railroad may argue that Tier 4 locomotives may not be available. While Tier 4 locomotives are not yet available, Tier 4 emission standards adopted 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, 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 nonroad 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

126-17 The railroad may also argue that the 1998 Tier 2 MOU allowed certain credits, such as for locomotives achieving greater emission reductions than Tier 2, and that such credits would be difficult to create now due to the lower emission levels required by Tier 4. However, even if this is a reason to deviate from the CAAP's 95% by 2020 goal, either in year or percentage required – and we do not believe it is (due to the considerable resources of the railroad), the EIR includes no analysis to determine what level of Tier 4 penetration less than the 95% goal previously supported by the ports, CARB and AQMD would be the maximum feasible. That maximum feasible level clearly is greater than the 50% by 2023 included in the EIR. 2023 is eight years after Tier 4 must under federal law be available. It is our understanding that BNSF has already achieved a greater than 50% level of penetration of Tier 2 locomotives (without counting any credits), and did so in less than eight years after Tier 2 first became available. In sum, there is no support for a conclusion that the EIR includes all feasible mitigation.

Evaluation and Demonstration of Zero-Emission Line-Haul Locomotives.

126-18 Emissions from line-haul locomotives associated with SCIG will contribute to significant project impacts identified in the DEIR. They also will contribute to cumulative impacts which, if the proper baseline is utilized (see Attachments C and D. Zero-emission locomotive technologies will assist in mitigating these impacts. They will also assist the ports in attaining San Pedro Bay Standards, which will require greater emissions and health risk reductions than will be achieved by current regulatory and CAAP standards (see 2010 CAAP Update, Page 20). Finally, zero-emission rail technologies will also be important for the region in attaining federal ozone air quality standards. Attainment will require broad deployment of zero-emission technologies for transportation.⁷

^[1] Federal Register Vol. 73, No. 126, Monday, June 30, 2008 Rules and Regulations.

⁷ The South Coast Air Basin has made substantial progress in reducing pollution, but still has the worst air quality in the nation, with substantial health impacts. SCAQMD air quality computer modeling shows that, to attain federal health-based ambient air quality standards for ozone, the region will need to reduce emissions of nitrogen oxides by approximately two-thirds by 2023, and by about three quarters by approximately 2030. These needed reductions are over and above the emission reductions that will be achieved by all adopted rules and programs. Mobile sources create 90% of NOx emissions. Trucks are the single largest source category, and locomotives are among the top NOx contributors. Fleet turnover to newer, lower emitting units will not be sufficient to attain federal air quality standards. Broad deployment of zero emission technologies such as electric power for transportation will be needed.

Electrified rail deriving power from overhead catenary wires or third rails is a strategy currently in use around the world for both freight and passenger service. Applying current electric locomotive technology is one potential means of achieving zero-emission rail. Issues that need to be resolved include funding the capital costs of electrified locomotives and infrastructure, sizing of locomotives to U.S. freight trains, and operational issues such as transitioning from electrified track in the region to track outside of the region that does not have electric power. Some potential new technologies could avoid the need for catenary or third rail infrastructure, or switching locomotive power at the edge of the region. Examples of such technologies include hybrid-electric locomotives with all electric range, dual-mode freight locomotives, battery tender cars to power traditional locomotives, and linear synchronous motors to propel trains.

Due to the air pollutant impacts of the SCIG project, the project must include feasible measures to move the ports toward zero locomotive emissions. These measures can and should include, at a minimum, the following two-pronged approach:

1. Evaluation and Demonstration of Existing Zero-Emission Line-Haul Locomotive Technologies

The Port of LA will evaluate, in conjunction with SCAG, EPA, CARB and SCAQMD, the practicability of electrified rail powered from overhead catenary wires or third rails. Such evaluation will include consultation with locomotive manufacturers to assess cost and operational feasibility of using traditional electric locomotives to serve SCIG. The cost feasibility shall include potential funding opportunities including but not limited to public-private partnerships, private funding by the railroad (e.g. pursuant to *Cooperative Actions by Project Applicant*, below), and public funding. These evaluations shall be completed by mid 2013 and shall be reported in writing and described to the Harbor Commission in a public meeting.

2. Technology Demonstration of New Zero-Emission Line-Haul Locomotive Technologies

The Port of LA will co-fund with SCAQMD and other parties, demonstrations of two or more advanced zero-emission line-haul rail technologies. These shall include but are limited to: hybrid-electric locomotive with all electric range, dual-mode locomotive, battery tender cars, fuel cell locomotives or tender cars, and linear synchronous motor technology. The technology demonstration shall commence no later than 2013. The Port of LA will also, in conjunction with SCAG, EPA, CARB, and SCAQMD, jointly seek funding through public-private partnerships, private funding by the railroad (e.g. pursuant to *Cooperative Actions by Project Applicant*, below), and public funding, for a large-scale demonstration in operational service.

Cooperative Actions by Project Applicant

In order to assure implementation of the above measures, the lead agency must adopt project approval conditions requiring the applicant to cooperate in the actions described above. Specifically, the port needs to adopt the following:

126-19 **The Port of LA will adopt SCIG project approval conditions requiring the applicant to cooperate in actions to implement zero-emission transport between the ports and SCIG, and in the evaluation and demonstration of existing and new zero-emission line-haul locomotive technologies, as described above. Specifically, such conditions will require the applicant to (1) provide information needed for Port of LA to conduct the above-described evaluations, (2) cooperate in any technology demonstrations, and (3) take any other actions, including co-funding, the Port of LA determines necessary to implement this alternative, subject to reasonable limits established by the Port of LA in the project approval.**

The DEIR Does Not Include a Range of Reasonable Alternatives as Required by CEQA

126-20 *Zero Emission Alternative.* CEQA requires that an EIR include a range of reasonable alternatives⁸ “selected and discussed in a manner to foster meaningful public participation and informed decision making,”⁹ Currently, the DEIR includes only one alternative (other than “no project”): a reduced capacity alternative. Under the no project alternative, the impact analysis assumes that the proposed project would not be built, while the reduced capacity alternative assumes that all physical features of the proposed project will be built, but that the capacity would be restricted to 1.85 million TEUs (as compared to 2.8 million for the proposed project). No alternatives that would reduce environmental impacts while maintaining the proposed capacity are included.

There are two major problems with this. First, including just one real alternative is not a reasonable “range.” Second, this problem is made worse by the fact that the reduced capacity alternative would scale back the ability of the project to meet its objectives. This indicates that the alternative is less desirable to the lead agency, is thus less likely to be approved, and that a “reasonable” range of alternatives therefore has not been presented. There is no alternative directly focused on mitigating a key impact of the project – air quality. A zero-emission

⁸ Under state law, 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.” (CEQA Guidelines §15126.6(a)). Alternatives should not be rejected merely because they “would impede to some degree the attainment of the project objectives, or would be more costly.” (CEQA Guidelines §15126.6(b)) The range of alternatives required in an EIR is governed by a “rule of reason.” (CEQA Guidelines §15126.6(f)).

⁹ State CEQA Guidelines § 15126.6 (f) states: 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.

126-20 ↑ alternative could have been crafted for this purpose that would be feasible to implement during the life of the railyard, meet all stated project objectives, and reduce environmental impacts.

126-21 *Alternative Location.* Part of the lack reasonable range of alternatives is the lack of a project alternative incorporating an alternate site for the project, and the insufficiency of analysis under CEQA of potential alternative sites. In Chapter 2 of the DEIR, the lead agency discusses alternative locations inside and outside the port boundaries for the proposed project. Siting the proposed SCIG project inside port boundaries would mitigate the proposed project's significant localized impacts to residents and sensitive receptors such as schools. Several proposed sites with port boundaries are discussed. These include Pier S, POLB Eighth Street/Pier B, LAXT, Berth 200, and the Terminal Island Joint Intermodal Terminal (TIJIT). The lead agency provides relatively conclusory explanations for why each one of these sites should be eliminated from consideration. This discussion cites and relies upon the Parsons Transportation Group, 2004 study *San Pedro Bay Ports Rail Market Study Part 2, and their 2010 Rail Simulation Modeling Update*. However, the public does not have access to these studies to verify the conclusions reached by the lead agency in the DEIR. Although the studies are listed in the Reference Section accompanying the DEIR, one is not available and the other is listed as Appendix G2. Appendix G2 is only 4 pages long and there is no information related to the inadequacies or potential rail delays associated with alternate sites for intermodal yards within port boundaries. This is not sufficient information disclosure to satisfy CEQA. The lead agency must provide complete studies referenced in Section 2.5.2 in order for AQMD and the public to understand and assess the DEIR's conclusions.

126-22 *Excess Capacity*

The SCIG project would, in conjunction with the proposed expansion of the adjacent ICTF railyard, exceed the ports' own projections for needed near-dock railyard capacity through 2035. In Appendix G2 of the DEIR, the lead agency discusses the projected cargo demand forecast and the need for an additional near dock intermodal rail yard to handle future demand. The lead agency states, "The demand for Direct Intermodal capacity exceeds the capacity of planned on-dock facilities in year 2020 and that latent demand grows to 2.68 million TEU per year by 2035." Based on the projected demand and forecasted near- and on-dock capacity, there appears to be significant overbuilt capacity planned for near dock rail yards that will serve the San Pedro Bay ports. Table 2 below summarizes the Projected Intermodal Need at the SPB Ports and the Near Dock capacity with the existing ICTF and the Proposed SCIG facilities.

Table 2

Rail Yard Capacity	Million TEU's
Projected Intermodal Need at SPB Ports	2.68
Current ICTF capacity	1.40
Proposed SCIG	2.80
Total Near Dock	4.20
Potential overbuilt capacity (Projected Intermodal Need – Total Near Dock)	1.52

↓ As shown in Table 2 above, the Projected Intermodal Need is 2.68 million TEUs, this assumes all planned on-dock rail yard development occurs. With the current ICTF capacity of 1.4 million

126-22

TEUs and the Proposed SCIG capacity of 2.8 million TEUs, the Proposed SCIG facility will exceed the Projected Intermodal Need by 1.52 million TEUs. The lead agency must specifically evaluate whether the amount of near-dock railyard capacity *actually needed* could be built at sites within the ports, which is farther from residents and schools than the proposed project and future ICTF expansion. At a minimum, the lead agency should consider Alternative 2, Reduced Capacity Alternative, as the preferred alternative due to the excess demand being built into the proposed project. Lastly, the lead agency should provide assurance approval of the Proposed SCIG facility would not result in any reduction in committed on-dock improvements.

NO₂ and PM₁₀ Impacts

126-23

The NO₂ and PM₁₀ localized analysis does not provide a complete picture of the potential severity of NO₂ or PM₁₀ impacts to the community. For example, because the area of impact has such a wide geographic extent, it is not clear if most of the impacted community will experience NO₂ concentrations five times higher than federal standards, or if most impacted areas will be exposed to concentrations much closer to (though still over) the standards. AQMD staff recommends that the lead agency revise the criteria pollutant maps to include contours showing how the NO₂ and PM concentrations vary within the areas significantly impacted.

NO₂ Sources

126-24

Based on data presented Table C.2.5-15 (reprinted in Table 3 below), the primary source of NO₂ emissions at the point of maximum impact are the Tenant Onsite Trucks. The primary source of emissions at the point of maximum impact for PM₁₀ is the SCIG Onsite trucking activity. However, this information cannot be used to determine if these same sources are driving the significant impacts for all areas. For example, because the extent of NO₂ impacts covers such a wide geographic extent, it would seem that the 1,995,000 SCIG drayage trucks in 2023 are likely to be more important than the 91,456 Tenant Onsite Trucks in areas far removed from Tenant Onsite Truck activity.

Table 3

Emission Source	NO ₂ 1-hour	PM ₁₀ 24-hour	PM ₁₀ Annual
Tenant Onsite Trucks	50.5%	0.4%	<0.1%
Tenant CHE	38.4%	0.1%	<0.1%
SCIG Onsite Trucks	4.1%	95.1%	97.3%
Tenant Offsite Trucks	1.9%	0.2%	<0.1%
SCIG Onsite Locomotives	1.8%	0.2%	<0.1%
SCIG Offsite Trucks	2.0%	2.8%	1.9%
SCIG Offsite Locomotives	0.6%	<0.1%	<0.1%
All Other Sources	0.7%	1.1%	0.3%

In order to address significant localized impacts, mitigation measures should be focused on the most important source locally. Because there isn't enough information presented to determine which sources are most important for different parts of the impacted community, it is not clear where mitigation efforts should be focused. AQMD staff recommends that additional figures be presented similar to that found in the CAAP (Figure 5-5 of the HRA for the 2010 CAAP update)

126-24

where pie charts depicting source contribution are shown on a map for representative locations alongside risk values.

NO₂ Emission Rates

The footnotes to table C1.2-TEN-2 *Emission Factors for Tenant Port Drayage Trucks* state:

- Emission factors were derived from EMFAC2007 v2.3 with modified fleet age distribution based on Port-wide inventory (Starcrest, 2009).
- Emission factors incorporated the SPBP Clean Truck Program and California Statewide Bus and Truck Regulation.

126-25

These assumptions do not appear to reflect the actual future emission factors for trucks operating at tenant properties. For example, Cal Cartage currently is served by a fleet of approximately 350 LNG heavy duty trucks. AQMD staff recommends that lead agency update these emission factors for these tenant trucks and present the results of these reductions on predicted pollutant concentrations in the community.

126-26

Further, given the significant difference in the number of trucks serving SCIG in the peak year of 2023 (1,995,000) compared to the tenant sites (91,456), it is surprising that the emission rates were found to be the same at 14 pounds per hour for the NO_x 1-hour analysis (Table C2.2-4). AQMD staff requests that the lead agency explain why this rate is the same for these two sources.

Mitigation Measures

MM AQ-1: Fleet Modernization for Construction Equipment

MM AQ-1 requires that from January 1, 2012, to December 31, 2014, all off-road diesel-powered construction equipment greater than 50 horsepower meet Tier 3 non-road emission standards and be equipped with CARB certified Level 3 diesel emission control system (DECS). Beginning in January 1, 2015, the mitigation measure requires all off-road diesel-powered construction equipment greater than 50 horsepower meet Tier 4 non-road emission standards with CARB certified Level 3 DECS. 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.

126-27

MM AQ-2: Fleet Modernization for On-road Trucks (used during construction)

MM AQ-2 requires that all on-road heavy-duty diesel trucks used during construction shall comply with EPA 2007 on-road PM and NO_x emission standards. MM AQ-2 specifies exceptions from this requirement for import haulers and earth movers. SCAQMD sees no reason for these exceptions. It has been five years since the 2007 on-road standards went into effect and even with the known slow turn-over of these trucks, it is very likely that trucks used for import haulers and earth movers, meeting the 2007 on-road standards are in service. SCAQMD staff urges the lead agency to remove these exceptions and require as part of this mitigation measure, use of the cleanest available trucks, during construction. Specifically, trucks used during

126-28

126-28

↑ 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.

Baseline Emission Quantification Methodology

126-29

One of the principal concerns with the DEIR is the establishment of the CEQA baseline. The lead agency evaluates impacts of the proposed project by comparing future emissions with the proposed project, to emissions levels back in 2005. This analysis does not disclose the impacts of the proposed project because it does not compare future emissions with the project, to future emissions without the proposed project. For some impacts, such as cancer risk, the lead agency concludes that the proposed project will have no impacts, even though the project will cause greater health risks in some locations than would occur without the project. This conclusion is based on the determination that the DEIR present the baseline conditions as the operational activities that occurred and conditions as they existed, in 2005.

This approach is unrealistic and runs counter to CEQA guidelines. CEQA Guidelines section 15064 requires the DEIR to analyze the impacts of the project and determine “whether a project may have a significant effect...” Section 15064(d) further says “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...” The analysis in the DEIR violates this guideline by not focusing on changes *caused by the proposed project* and improperly taking credit for changes that are not related to the proposed project. This concept is discussed in detail in our initial letter commenting on the SCIG DEIR submitted to the lead agency on November 30, 2011 (Attachment C and D).

Inclusion of Hobart Drayage Trucks and Locomotives in CEQA Baseline

126-30

Under CEQA Guidelines Section 15125, the lead agency is required to document the environmental setting at the time the Notice of Preparation (NOP) is released. In addition, the guidelines require that “the environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” The CEQA baseline in the DEIR includes all activities of the existing tenants located at the project site as it existed in 2005 (CEQA baseline year). There were nine tenants operating at the site in 2005 including several trucking businesses such as California Cartage and Three Rivers Trucking. In addition to the existing tenant operations, the analysis includes the drayage truck trips from the port terminals to and from the Hobart Railyard in the city Commerce, as well as the resulting locomotive operations necessary to transport containers into or out of the Basin. According to the DEIR, these Hobart-related trips were included under the assumption that the drayage truck trips and the resulting locomotive operations would be shifted to the SCIG facility once the proposed project was completed.

↓ The estimates for the number of truck trips, train counts, and resulting emission contribution to the overall CEQA baseline is shown in the following table. Table 4 shows that the resulting emissions contribution from the Hobart-related truck and train trips to the overall CEQA baseline is significant, and is the majority contributor for all but CO.

Table 4

Pollutant (lbs/day)	Truck Trips	Train Trips	Total of Truck and Train Trips	Overall Baseline Emissions	Percent Contribution
Counts per Year	814,000	1,800			
VOC	280.88	93.46	374.34	590.00	63.4%
CO	1,306.22	752.33	2,058.55	4,935.00	41.7%
NOx	4,467.86	3,341.63	7,809.49	10,205.00	76.5%
SOx	31.70	98.01	129.71	144.00	90.1%
PM10	394.57	48.21	442.78	747.00	59.3%
PM2.5	192.15	44.35	236.50	345.00	68.6%

Source: Tables C1.2 BL-1 through C1.2 BL-8, and C1.2-BL-29

126-30

Including the Hobart-related drayage truck trips and train operations inflates the CEQA baseline so that the incremental change with the proposed project is lower than it would otherwise be if only the emissions from the existing tenants were included in the baseline. The proposed project represents a new facility meant to accommodate the future growth in international containers, and though one of its benefits is to redirect container traffic to the downtown railyards (e.g., Hobart Railyard), it is possible – even probable -- that the lost container traffic to the Hobart Railyard due to the new SCIG facility, will be made up by local container traffic such as transloaded cargo. If the lead agency insists on including drayage truck trips and train operations to and from the Hobart Railyard in the CEQA baseline, it must also include the future truck trips and train operations to and from Hobart allowed by the capacity at Hobart railyard that is freed up because of construction of SCIG.

In short, much of the DEIR (including its heart: impacts and needed mitigations) is based on a fundamental but unsubstantiated assumption that constructing SCIG will eliminate truck trips to Hobart. But nothing in the SCIG project approval would limit capacity at Hobart, and BNSF has stated no intention to reduce operations there. There is a direct tie between building SCIG and opening up capacity at Hobart, and the EIR must analyze how much of that capacity will be filled, e.g. by domestic freight. Only then can a valid assessment of truck and locomotive traffic and emissions impacts of SCIG be developed. The EIR is fundamentally deficient under CEQA without a thorough analysis of this issue.

Table 3.2-25 Inconsistency

126-31

Table 3.2-25 of the DEIR shows the peak operational emissions of the proposed project without mitigation. The emissions impact is also presented by determining the difference between the proposed project emissions in a given year with the CEQA baseline emissions. At the end of the table there is a footnote (footnote “c”) that states the CEQA baseline emissions do not include the emissions from drayage trucks and locomotive emissions to and from the BNSF Hobart Railyard for years 2013 through 2015. The footnote is not included for years 2016 and beyond. In reviewing this table, the SCAQMD staff has noted that the values for the CEQA baseline emissions are the same for all years. This would seem to indicate that the emissions from drayage trucks and locomotive emissions to and from the BNSF Hobart Railyard were included for all years, making the footnote incorrect. The SCAQMD staff requests: (1) justification on the

126-31 ↑ use of two different CEQA baselines; and (2) clarification on how the emissions from drayage trucks and locomotive emissions to and from the BNSF Hobart Railyard were factored into the CEQA baseline for the various years in Table 3.2-25. The SCAQMD recommends that the Final EIR peak operational emissions table should reflect the true values for both the CEQA baseline and the proposed project impacts.

126-32 *Inclusion of Existing SCE Tenants Cal Cartage and Three Rivers Trucking in Baseline*
 The lead agency has included the activities and associated emissions from existing tenants in the baseline. The operational emissions from the relocated tenants are also included in the future emissions for the proposed project. What is not clear is whether the portion of activities from tenants Cal Cartage and Three Rivers Trucking that remain on the SCE leased property are included in the future projected emissions for the proposed project. The lead agency should clarify whether the operations of the SCE-based tenants are included in future project emissions. If they are not part of the proposed project emissions, then operation emissions should be removed from the baseline emissions.

Construction Emissions Quantification Methodology

Crane Delivery

In order to calculate the emissions from the delivery of rail mounted gantry cranes (RMG) to the proposed project site, the lead agency assumes that one ship is capable of delivering 20 RMGs (pg. 3.2-27). It is our understanding that 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 smaller 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).

126-33 Another concern is that the cargo ships emission calculation lacks sufficient detail for SCAQMD staff to understand how the emissions are calculated. It appears that the DEIR utilizes an average emission rate in pounds of emissions per ship call based on the results of the 2007 Port of Los Angeles Emission Inventory. However, a more accurate methodology would break out each cargo ship movement operation such as transit, maneuvering, and hotelling. In that way the reader could verify that reasonable assumptions were used in the analysis. We are also unclear as to whether the emissions from tugboats used to help maneuver ships to dockside for crane unloading were included in the analysis. In addition, the DEIR states that the cranes would be delivered by general cargo ships (pg. 3.2-27), while Table C1.1-64 lists the emission rates per call as being from container ships. The emission rates for these two ship types are quite different and clarification is needed. The lead agency should include more detailed emission calculations to fully document all emission sources of crane delivery.

Construction Shifts

126-34 ↓ The description in the DEIR of the number of construction shifts and resulting construction hours per day is inconsistent. For instance, the number of construction shifts per day is described as being “normally occurring in two shifts per day” (pg. 2-25), while in two other sections of the DEIR, construction activity is described as being 10 hours per day (pgs. C2-2, C1.1-9, and C1.1-

126-34 ↑ 10). Since this has an impact on construction emissions, the SCAQMD staff recommends that additional clarification be provided to clearly state what assumptions were used in analysis for construction shifts and hours.

Operation Emissions Quantification Methodology

Locomotive Emission Factors

126-35 In order to calculate the emission from locomotives, the lead agency estimated train emissions using emission factors based on the 1998 Fleet Average Agreement between CARB and the Class I railroads for fleet forecasts through 2019, and the EPA national locomotive fleet forecast for all years after 2019 (pg.3.2-32). No references on where the actual emission factors could be located in the DEIR were provided. However, the SCAQMD staff located the emission factors in Tables C1.2-20 through C1.2-22 of Appendix C1.2. It is unclear how these emission factors relate to both the 1998 Fleet Average Agreement between CARB and the Class I railroads, and the EPA national locomotive fleet forecast. An explanation should be provided on how the emission factors in Tables C1.2-20 through C1.2-22 were estimated and whether they are based on projected in-use emission rates or emission standards. Specifically, in order for the reader to determine if the emission factors are reasonable, the lead agency needs to provide in the DEIR a methodology on the derivation (with appropriate references) of the emission factors and how they were converted from a grams per brake-horsepower rate to a grams per hour rate.

Switcher Locomotives

126-36 The DEIR describes the maximum operating hours per day of switcher locomotives as being two switchers operating for a total of 20 minutes per day (pg. 3.2-34). This underestimates the switcher activity and is unrealistic considering the numbers of trains entering and exiting the proposed SCIG facility at buildout (i.e., 8 trains per day). It is our understanding that, switcher operating hours at a typical railyard with similar size to the proposed project is much higher. For instance, the operating hours for switchers at BNSF's Los Angeles - Hobart Railyard¹⁰ is on the order of 16.5 hours per day. Considering the obvious impacts on emissions, the lead agency should provide substantiation for the low daily operating hours estimate for switchers.

Train Counts

126-37 ↓ The lead agency estimates the proposed project will process 1.5 million lifts per year at its maximum operating capacity in 2023. 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 maximum operating capacity in 2023¹¹. 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. Table 5 is provided below summarizing these parameters.

¹⁰ Los Angeles - Hobart Railyard TAC Emissions Inventory, December 2006, http://www.arb.ca.gov/railyard/hra/env_hob_ei122006.pdf

¹¹ Notice of Preparation and Initial Study, Intermodal Container Transfer Facility Modernization and Expansion Project, ICTF Joint Powers Authority, January 2009.

Table 5

	SCIG¹	ICTF²
Container Lifts (Annual) ³	1.5 million	1.5 million
Rail Round Trips (Annual) ³	2,880	4,745

1. DEIR, Table 2-2
2. Notice of Preparation and Initial Study, Intermodal Container Transfer Facility Modernization and Expansion Project, ICTF Joint Powers Authority, January 2009.
3. 2023

It is unclear why the estimate for annual rail round-trips at capacity for the proposed project is so much lower than the estimate reported in the NOP for the ICTF proposed project. Intuitively, we would expect the train counts to be similar since the number of container lifts was equivalent. The SCAQMD staff requests that an explanation be provided on how the train counts were estimated and why the counts are so different than the counts presented in the NOP for the ICTF proposed project.

Locomotive Fueling and Servicing

The DEIR estimates the emissions from the on-site fueling of locomotives at the proposed SCIG facility. Such on-site refueling is expected to be conducted using Direct to Locomotive (DTL) fueling. The assumptions for these DTL fueling events are shown in Table C1.2-44. The SCAQMD believes that the activity estimates provided in this table are too low for the projected number of trains entering and exiting the SCIG facility. The SCAQMD staff has provided Table 6 below to present the estimation of the amount of dispensed fuel that is underestimated, given the number of daily trains.

Table 6

	2016	2023
Train visits per day ¹	6	8
Number of Locomotives per year ²	8640	11520
Average Fuel dispensed per DTL Event (gallons/DTL Event) ³	1200	1200
Total Fuel Required per Year (gallons)	10,368,000	13,824,000
Annual Fueling Truck Trips ⁴	683	910
Average Capacity of DTL Fuel Truck (gallons)	8,000	8,000
Total Possible Fuel Dispensed (gallons)	5,464,000	7,280,000
Underestimation of Dispensed Fuel	4,904,000	6,544,000

1. Table C1.2-6
2. Based on 360 days per year and 4 locomotives per train consist
3. (http://www.arb.ca.gov/railyard/hra/env_barstow_eirpt.pdf, Chapter 6.2, pg. 6-1 and Table 4-3, pg 4-3); (http://www.arb.ca.gov/railyard/hra/env_sb_eirpt.pdf, Chapter 6.2, pg 6-5)
4. Table C1.2-44

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Table 6 shows that in 2016, 683 tanker truck visits will be required to refuel the estimated 2,160 train round trips per year (based on 6 train round trips per day). This increases to 910 tanker truck visits in 2023 and later years, when there will be 2,880 train round trips per year (based on 8 train round trips per day). Using conservative assumptions of four locomotives per train consist, 1,200 gallons per fuel dispensed per DTL fueling for each locomotive, and a 8,000 gallon capacity of fuel per DTL fuel truck, the SCAQMD staff estimated that there would be an underestimate of fuel dispensed of approximately 4.9 million and 6.5 million gallons of fuel needed in 2016 and 2023, respectively. Therefore, the estimated number of DTL tanker truck visits used in the analysis for the proposed project is physically impossible due to the typical size of the fueling tankers and the number of train visits per day. There will necessarily be nearly twice as many truck trips to deliver the required 10,368,000 gallons (in 2016) compared to the capacity of the 683 truck trips assumed in the DEIR. Consequently, emissions from truck trips for fueling are substantially underestimated. The SCAQMD staff recommends that the assumptions used for the number of DTL tanker truck visits be reevaluated or the lead agency should provide additional evidence that can substantiate the projections.

126-38

Another area of concern is the amount of on-site truck idling time assumed for each DTL tanker truck visit. In table C1.2-44, the lead agency assumes that each DTL tanker truck will idle for 0.17 hours per trip (10.2 minutes). This idling time is significantly lower than the idling times assumed during DTL refueling at the BNSF railyards¹² in San Bernardino, Barstow, and San Diego which averaged from 60 to 70 minutes per visit. The assumptions used for DTL tanker truck idling should be reevaluated or the lead agency should provide additional evidence that can substantiate the projections.

The DEIR does not include any assumptions for locomotive idling during fueling or other service events. Based on investigations by the SCAQMD staff, locomotive idling times during DTL fueling and service events can be up to 150 minutes per event. Since this omission can have a significant impact on emissions, 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.

Drayage Truck Trips

The lead agency states in the DEIR Section 3.10.3.3.2 that the proposed project would operate with fewer drayage trucks per intermodal lift as compared to the existing Hobart Railyard facility (pg. 3.10-25). As a result, the proposed project would operate with fewer bobtails (tractors with no chassis) than the baseline operation (i.e., Hobart Railyard). In Table 3.10-13, the lead agency provides the drayage truck trips per intermodal lift ratios for both the baseline and proposed project scenarios. Table 3.10-13 is repeated below for ease of discussion (Table 7). 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

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¹² (http://www.arb.ca.gov/railyard/hra/env_sb_eirpt.pdf, Chapter 6.2, pg 6-5);
http://www.arb.ca.gov/railyard/hra/env_barstow_eirpt.pdf, Chapter 6.2, pg 6-1);
http://www.arb.ca.gov/railyard/hra/env_sd_eirpt.pdf, Chapter 6.2, pg 6-1)

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.

Table 7

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

126-39 The SCAQMD 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 2-32 of the 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 SCAQMD staff requests the lead agency to provide the assumptions on how the ratios in Table 3.10-13 were derived.

Change in Trip Generation

126-40 Table 3.10-23 (pg. 3.10-40) summarizes existing tenant trip generation under CEQA baseline conditions and the proposed project scenario, as well as the net change in peak hour trip generation at the Sepulveda driveways and relocation site entrances. The SCAQMD staff has discovered a subtraction error in the net change peak-hour trips for the Sepulveda driveways MD and PM values, assuming the values for the CEQA baseline and proposed project are correct. A table highlighting (Table 8) the error and what should be the correct net change is provided below. We request that the lead agency correct these values in the final DEIR or if different, explain how they were calculated, and if necessary re-evaluate the impacts.

Table 8

Entrance	Scenario	Tenant	AM			MD			PM		
			In	Out	Total	In	Out	Total	In	Out	Total
Sepulveda	CEQA Baseline	Total	215	135	350	90	95	185	110	165	275
	Proposed Project	Three Rivers	30	15	45	30	30	60	35	55	90
		Cal Cartage	50	20	70	30	30	60	35	35	70
		Total	80	35	115	60	60	120	70	90	160
	Net Change ¹		(135)	(100)	(235)	(165) (30)	(170) (35)	(335) (65)	(160) (40)	(255) (75)	(415) (115)

1. CEQA Baseline minus proposed project.

Construction Truck Trips

In evaluating the impacts under Impact TRANS-1 (pg. 3.10-41), the lead agency determined that there would be fewer than 30 peak-hour truck trips during construction operating hours (i.e., 7:00 A.M. to 7:00 P.M.). The SCAQMD was unable to locate supporting analysis to verify this value (including in Appendix G), but based on the reported truck round-trips this value seems low.

The reported proposed project construction truck round trips were 330 round trips per day. The construction operating hours span twelve hours, so the average number of one-way truck trips would be 55 one-way trips (660 one-way trips divided by 12 hours). Therefore, a final peak-hour truck trip count of less than 30 trips could not occur if the average was 55 trips. The SCAQMD staff requests that the lead agency provide a clarification of this impact determination, and if necessary re-evaluate the impacts.

In addition to the above concern, the SCAQMD staff also would like to know how the threshold of 30 peak-hour truck trips relates to the thresholds discussed under Impact TRANS-1 (pg.3.10-37). The thresholds for this impact were supposed to be consistent with the thresholds for Impact TRANS-2, which used volume to capacity (V/C) ratios and relative level of service (LOS) values to determine significance. These thresholds are as follows:

- V/C ratio increase greater than or equal to 0.040 at any intersection if final level of service is C,
- V/C ratio increase greater than or equal to 0.020 at any intersection if final level of service is D, or
- V/C ratio increase greater than or equal to 0.010 at any intersection if final level of service is E or F.

No discussion of V/C ratios and relative LOS values are included in the impact determination section (pgs. 3.10-40 thru 3.10-41), so they are inconsistent. Therefore, the SCAQMD staff requests that the lead agency provide further clarification of this impact determination, and if necessary re-evaluate the impacts.

Locomotive Idling

On page 3.2-32 of the DEIR, the lead agency states "Locomotives entering the facility will shut down three of the four engines per locomotive consist." The lead agency further goes on to state

↑ that “The remaining three engines are only restarted immediately prior to departure of trains from the facility.” In addition, on-site idling of any single locomotive is also limited to 15 minutes due to each locomotive being equipped with the Automatic Engine Start Stop technology. These assumptions form the basis for calculating all SCIG related locomotive idling emissions in the DEIR.

126-42

The SCAQMD staff is concerned that on-site locomotive idling may be underestimated. It is also not clear what was the assumption for the average and peak idling time for line-haul locomotives at the facility. Idling would occur for locomotives preparing to both shut down and start up upon entering and leaving the facility, as well as for servicing and fueling. Based on investigations by the SCAQMD staff, locomotive idling times during DTL fueling and service events can be up to 150 minutes per event. The SCAQMD staff requests that the lead agency provide the assumption for the average and peak idling time for line-haul locomotives at the facility. It is also unclear where locomotive servicing will be occurring for the six to eight trains projected to arrive and depart the SCIG facility during operation years. The locomotive servicing location needs to be clarified. Finally, since the lead agency is basing their analysis on the assumption that three out four locomotives will shut down upon entering the facility, this requirement needs to be included as a permit condition to the proposed project. Otherwise, it is uncertain that the CEQA document accurately describes impacts from locomotive idling.

Existing and Relocated Tenants

126-43

The DEIR includes the baseline emissions for nine tenants operating at the site in 2005 including several trucking businesses such as California Cartage and Three Rivers Trucking. However, relocated tenant operations were estimated for only four of the nine existing tenants (pg. 32.-29). According to the lead agency “Other tenants are not considered whose leases would be non-renewed or terminated.” The SCAQMD staff is concerned that excluding these other tenants out of the future emission analysis underestimates the impacts of the proposed project. These tenants are involved with port-related business and are likely to relocate to the surrounding area, so it is important to make an attempt to include them in the future analysis. The lead agency needs to provide a discussion of these other relocated tenants and perform significant analysis to include their future emissions in the impact section for air quality.

Health Risk Assessment (HRA)

HRA Locomotive Fleet Mix and Emission Factors

126-44

↓ The quantification methodology for locomotive emissions is dependent upon the baseline and projected fleet mix of locomotives. The assumed fleet mix in turn determines the estimated emission rate used in the emissions calculations. According to Table C1.2-21, line-haul locomotive fleets for future years are based on projections from 2005 CARB Railroad Statewide Agreement through 2019, and the EPA Regulatory Impact Analysis for the federal 2008 locomotive rulemaking beyond 2019 (footnote 2, pg. C3-5). On page 3.2-32 the lead agency specifies that the fleet forecasts in the DEIR are based on the 1998 CARB Railroad Statewide Agreement and EPA Regulatory Impact Analysis for the federal 2008 locomotive rulemaking. This is an inconsistency, and the lead agency needs to provide an explanation on which source was used as the basis for the fleet mix projections.

In addition, the information provided is insufficient to determine the makeup of the fleet mix because only emission rates in grams per hour (g/hr) are provided which do not indicate the percentage makeup of the projected fleet by locomotive tier. The DEIR needs to include a description of how (including the actual yearly breakdown by locomotive tier) the fleet mix was derived and why two fleet mix projections were used.

126-44

In addition, the line-haul emission rates provided are presented in terms of grams per hour (g/hr) by notch rather than in the traditional standard-based metric of grams per brake-horsepower hour (g/bhp-hr). These units make it difficult to compare the emission rates used to calculate the baseline and proposed project emissions to the U.S. EPA locomotive emission standards. Accordingly, the lead agency needs to clarify the line-haul fleet mix make-up in percentages by emission tier (e.g., Tier 2, Tier 3...etc.). We also request that the line-haul emission rates be presented in terms of an overall composite emission factor in terms of g/bhp-hr, by pollutant for each milestone year.

Baseline Health Risk

126-45

It is unclear whether the HRA analysis includes the emissions from the drayage trucks going to and from the Hobart Railyard. In Appendix C3 – Health Risk Assessment for the Southern California Intermodal Gateway (SCIG) the lead agency indicates that the drayage trucks traveling between the baseline tenant sites and the Port terminals were modeled as part of the baseline analysis (pg. C3-3). Based on the list of truck routes provided it does not appear the baseline HRA modeling includes the drayage truck trips traveling to and from the Hobart Railyard. This section of the DEIR does not mention any reference to the drayage trucks going to and from the Hobart Railyard. However, in Table C3-2-2 there is a line item for toxic air contaminant emissions from Hobart trucks. According to the table, the 70-year average CEQA baseline value for Hobart trucks is 36,000 pounds per year. We recommend the lead agency clarify whether Hobart-related drayage trucks are included in the CEQA baseline HRA analysis.

Emergency Generator

126-46

As part of the HRA analysis (pg. C3-22), the lead agency assumed that there would be a 600 kW emergency generator (Generac Model SD600) modeled with the following parameters: exhaust gas exit temperature of 879 degrees Fahrenheit; a stack diameter of 23 feet; and exhaust gas exit velocity of 10,755 feet/min. To verify these parameters, the SCAQMD staff evaluated the SD600 model emergency generator from information available on the manufacturer's website (<http://www.generac.com/Industrial/>). According to the documentation for this engine, the actual parameters are exhaust gas exit temperature of 1,300 degrees Fahrenheit; a stack diameter of 0.67 feet (8 inches); and a calculated exhaust gas exit velocity of 9,195 feet/min (based on 6,419 cfm). Table C3-4-1 also has a reference to the stack diameter of the emergency generator of 0.23 feet. Because of these discrepancies, the SCAQMD staff requests that the lead agency verify the parameters used to model the proposed project emissions from the emergency generator, and if necessary, remodel the impact from the emergency generator.

In addition, the lead agency specifies that the PM emission factor for the emergency generator will be 0.2 g/bhp-hr. This emission rate is equivalent to a Tier 4 level which is required of emergency generators beginning in 2015. If the emergency generator is manufactured prior to 2015, the requirement is that it meet a PM level of 0.75 g/bhp-hr. The SCAQMD staff is

126-46 ↑ recommending that the lead agency closely monitor requirements for emergency generator to ensure that it meet the Tier 4 requirement, or remodel the proposed project emissions from the emergency generator using the PM level of 0.75 g/bhp-hr.

Refueling Trucks

126-47 The lead agency states that the “Refueling trucks visiting the SCIG facility were modeled as exiting the facility and using the PCH to the I-110 and I710 freeways, and then north on these freeways to the interchanges with the I405” (pg. C3-2). In addition, on page 3.2-31 of the DEIR, the lead agency states that for refueling trucks “The average on-site travel distance is 0.25 miles per round trip.” The SCAQMD staff is requesting clarification whether refueling trucks were modeled on-site in the HRA and requests clarification of the on-site assumptions for refueling trucks. The SCAQMD staff received modeling files in late January and has not had sufficient time to review these files.

Sensitive Receptors

126-48 The DEIR does not disclose to the public what sensitive receptors were identified. In Figures 3.2-1 and C3.3-2 of the DEIR, the lead agency presents the location of sensitive receptors relative to the proposed project site. It impossible to identify the actual location and what sensitive receptor is identified based on these figures. In addition, it is impossible to identify if sensitive receptors were inadvertently excluded. The lead agency should present a figure showing the sensitive receptors with an added identifier (e.g., number), along with accompanying table listing the sensitive receptor, map identifier, location, and receptor classification (e.g., school, hospital, nursing home, pre-school, etc.).

Greenhouse Gas Impacts and Mitigation

Mitigation Measure-2: Solar Panels

126-49 In response to the significance finding under Impact GHG-1, the lead agency proposes several mitigation measures to reduce, but not eliminate the impacts of this greenhouse gas threshold. One of the most significant measures is Mitigation Measure MM GHG-2: Solar Panels. The SCAQMD staff considers MM GHG-2 to be too general and lacks any requirement that solar panels be installed. In order to reduce the measure’s generality and ensure that solar panels be required if deemed feasible, the SCAQMD staff recommends that the measure’s language be reworded to state “The Port shall review the feasibility of including *solar panels* at the future SCIG site *and, if appropriate, include SCIG* on their Inventory of Potential PV Solar Sites at POLA from their December 2007 Climate Action Plan.”

Zero emission technologies discussed above are feasible mitigation measures for greenhouse gas emissions.

Table 3.6-4 Inconsistency

126-50 ↓ In Table 3.6-4 of the DEIR the annual GHG operational emissions of the proposed project are presented. The emissions impact is also presented by determining the difference between the proposed project GHG emissions in a given year with the CEQA baseline GHG emissions. At the end of the table there is a footnote (footnote “c”) that states the CEQA baseline emissions do not include the emissions from drayage trucks and locomotive emissions to and from the BNSF Hobart Railyard for years 2013 through 2015. The footnote is not included for years 2016 and

beyond. In reviewing this table, the SCAQMD staff has noted that the values for the CEQA GHG baseline emissions are the same for all years and are identical to those presented in Table 3.6-1: Baseline (2005) Annual GHG Emissions (which includes the emissions from drayage trucks and locomotive emissions to and from the BNSF Hobart Railyard). This would seem to indicate that the GHG emissions from drayage trucks and locomotive emissions to and from the BNSF Hobart Railyard were included for all years, making the footnote incorrect.

126-50

The Final EIR must include: (1) justification on the use of two different CEQA baselines; and (2) clarification on how the emissions from drayage trucks and locomotive emissions to and from the BNSF Hobart Railyard were factored into the CEQA baseline for the various years in Table 3.6-4. The Final DEIR must include a GHG operational emissions table that reflects the true values for both the CEQA baseline and the proposed project impacts.

Other Comments

Characterization of U.S. EPA locomotive rule

The DEIR Chapter 2 – Project Description contains a description of the 2008 U.S. EPA locomotive rule (40 CFR Part 92). This description is inaccurate and needs to be re-written. According to the DEIR description "...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 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 SCAQMD requests that the description of the 2008 U.S. EPA locomotive rule be amended in the Final DEIR to reflect the actual rule requirements.

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Surrounding Land Uses

The lead agency describes the surrounding land uses in the Executive Summary and Chapter 1 (pg. 1-3) in terms of being primarily industrial. On page 1-3 of the DEIR the lead agency states: "The proposed Project site is located near the Wilmington community to the west and the City of Long Beach to the east, in a primarily industrial area..." On page ES-3 of the DEIR the lead agency further states: "... primarily industrial area bounded generally by Sepulveda Boulevard to the north, Pacific Coast Highway (PCH) to the south, the Dominguez Channel to the west, and the Terminal Island Freeway to the east (Figure ES-1). The general area is characterized by

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heavy industry, goods handling facilities and port-related commercial uses consisting of warehousing operations, trucking, cargo operations, transloading, container and truck maintenance, servicing and storage, and rail service.” These descriptions do not accurately reflect the fact that there is a residential area with several sensitive receptors (e.g., schools) just to the east of the facility on the east side of the Terminal Island Freeway. To better represent the description of the surrounding land uses, the DEIR must include a description in the Executive Summary and Chapter 1 similar to the statement found on page 2-7 of the DEIR, which states the following: “The area to the east, across the Terminal Island Freeway within the West Long Beach area, is predominantly a single-family residential area, but it includes a high school, an elementary school, and a nursery school, as well as veteran’s housing and a medical center.” In addition, the DEIR should include a figure that depicts the general land uses of the surrounding area for greater clarity as well as a list of all sensitive receptors. We have included a figure (see Figure 1) which presents the surrounding land use broken out into commercial/industrial, residential, and sensitive receptors.

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Emission Estimation Assumptions

In reading through the DEIR, the SCAQMD staff has noted that some of the underlying assumptions used in the analysis are unclear, missing, or spread out in various places of the document. In order to improve the understanding of the DEIR, the SCAQMD staff recommends that clear and unambiguous tables by source category, activity, and year be included that summarize the assumptions used in the emission estimates and HRA analysis.

ATTACHMENT B ZERO-EMISSION CONTAINER TRANSPORT: NEEDS AND TECHNOLOGIES

Overview


SCAQMD comments regarding the proposed Southern California International Gateway railyard propose a commitment by the lead agency to require deployment of zero-emission technologies to move containers between ports and the proposed SCIG railyard. The specific technology or technologies used to implement this alternative would be determined by the lead agency. This alternative would be implemented according to the schedule set out in the comment, with deployment beginning by 2016. By 2020, all container moves between the ports and SCIG would be by zero emission technologies.

Any of several types of zero-emission container movement systems could be used to implement this measure. 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 (AER) and zero-emission hybrid or battery-electric trucks with “wayside” power (such as electricity from overhead wires). The measure could also be implemented by fixed-guideway systems such as maglev or linear synchronous motor propulsion.

Such systems are not currently in use for full-scale port operations and, depending on the technology, may require different levels of additional development and optimization. But, as is described below, a variety of these technologies are being demonstrated, and there is substantial evidence that they can be made commercially available within a few years after commencement of proposed Project operation, particularly if the Ports send a market signal to technology developers by requiring the use of zero-emission technologies. In addition, many of these zero-emission technologies are expected to be operationally feasible to serve the ports. For example, electric trucks with adequate range, power and reliability -- such as are being developed and demonstrated at the Ports -- could fit into current operating procedures as a replacement for fossil fuel-powered trucks, and their implementation could be required and co-funded through mechanisms similar to those employed to implement the ports’ Clean Truck Program (see below). Drayage service to the proposed Project is particularly conducive to implementation of zero-emission trucking technologies because of the relatively short distance involved and because the SCIG railyard could be served by a relatively limited number of trucks compared to the total number serving the ports and region.

Reasons for Zero-Emission Transport

As is described in the SCAQMD comment letter regarding the SCIG DEIR, deployment of zero-emission technologies for transport between the ports and the proposed Project will mitigate significant project impacts as required by CEQA. In addition, zero emission transport is important for the following reasons:

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- In the 2010 Update to the San Pedro Bay Ports Clean Air Action Plan, the ports underscored their commitment to air quality improvement by adopting San Pedro Bay Standards. These targets for port air quality programs are comprised of two components: 1) reduction in health risk from port-related diesel particulate matter (DPM) emissions in residential areas surrounding the ports, and 2) “fair share” reduction of port-related air emission to assist the region in achieving federal air quality standards. These components reflect the ports’ stated goals of reducing health risks to local communities from port-related sources, and reducing emissions to support the attainment of health-based ambient air quality standards on a regional level.

Specifically, the ports’ Health Risk Reduction Standard is to reduce the population-weighted cancer risk of ports-related DPM emissions by 85% by 2020, relative to 2005 conditions, in highly impacted communities located near port sources and throughout the residential areas in the port region. The San Pedro Bay Emission Reduction Standards are to, by 2014, reduce emissions by 22% for nitrogen oxides, 93% for sulfur oxides, and 72% for DPM; and to, by 2023, reduce emissions by 59% for nitrogen oxides, 93% for sulfur oxides and 77% for DPM.

While the ports have made significant progress toward meeting these goals, as reflected in each port’s annual emission inventories, emissions forecasts indicate that CAAP measures and existing emissions control regulations will not be adequate to achieve and maintain the San Pedro Bay Standards. Implementation of zero-emission technology options would provide significant benefits to the ports, bringing them closer to achieving the San Pedro Bay Standards, addressing community concerns about pollution from port operations and projects, and assisting the region in attaining National Ambient Air Quality Standards. The South Coast Air Quality Management District and the California Air Resources Board have determined that, in order to attain currently-adopted federal ozone standards, zero-emission technologies will need to be broadly deployed in transportation sources. Absent timely adoption of sufficient plans and measures to attain the national standards as required by the Clean Air Act, federal transportation funds for infrastructure projects will be jeopardized, and restrictions on construction of stationary sources will be imposed.

- Deployment of zero-emission technologies for the transport corridor between the ports and the SCIG facility is particularly important for the following reasons:
 - Emissions in this transport corridor occur relatively close to locations where people live, work and go to school.
 - These areas are also impacted by cumulative emissions from other port-related sources: ships, harbor craft, cargo handling equipment, locomotives and trucks.
 - Achieving emission reductions beyond current regulations and CAAP measures, as needed to attain the San Pedro Bay Standards, will be relatively challenging in the case of some port-related sources (e.g. vessel main engines) compared to further reducing emissions from other sources such as trucks.

- The transport corridor to near dock rail yards is in an area where existing regulations and CAAP measures are projected to achieve a lower percentage level of risk reduction than other areas. *See* 2010 CAAP Update, Figure 2.2: Percent Reduction in DPM-Related Health Risk Between 2005 and 2020 for Areas Located Closest to the Ports (p.35).
- The transport corridor to near dock rail yards--as a high volume, relatively short (approximately five mile)--route, is particularly suited to deployment of new technologies such as electric trucks, which ultimately could be deployed by the ports, and then in broader areas as technologies evolve.
- In addition to air quality benefits, utilization of zero-emission technologies could be a significant strategy for reducing greenhouse gas (GHG) emissions. Each port, in cooperation with their respective cities, has initiated a process to quantify, evaluate and implement strategies to reduce GHG emissions from their administrative operations as well as from port-related activities of their tenants and customers.
- Finally, energy security (i.e. reducing dependence on foreign oil) is also a significant consideration as the ports transition into the future. Uncertainty about potential future supplies of oil and rising costs provide another reason for moving away from technologies that rely on petroleum to technologies that are powered by electricity, ideally produced using renewable energy sources.

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Zero-Emission Container Transport Technologies

A variety of zero-emission technologies can be available for deployment early in the life of the proposed Project if the port requires them. The following is a discussion of key technology options.

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 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)).

The Port of Los Angeles is testing the Balqon Nautilus XE30 battery-electric truck prototype. Early tests of the Balqon E-30 began in 2008 with a lead-acid battery pack. In subsequent manufacturer tests the truck was equipped with a larger and more advanced lithium-ion battery pack, and the port has stated it will demonstrate this upgraded vehicle commencing in fall of 2011. Manufacturer's tests of the upgraded vehicle have shown a maximum range of between 125 – 150 miles loaded, and dynamometer results indicate ability to climb a 15% grade while fully loaded for two hours. (TIAX, 7). The port demonstration will test performance in actual operations against these and other metrics.

126-54 The performance metrics being targeted by the manufacturer would be sufficient to meet the needs of service between near dock rail yards and the ports. These needs are relatively limited, primarily due to the short distance between the ports and near dock rail yards: approximately 10 miles round trip. This limits the required number of trucks, as well as their needed range and charging time.

Number of Trucks. Regarding number of trucks needed, at full build out, at least 2,100,000 annual round trip truck trips are anticipated between proposed near dock rail yards and the ports - - an average of 5,753 per day. TIAX assumed that a Balqon truck would make 12 round trips per day, assuming three shifts per day (TIAX, 14). This would total 120 miles per day per truck (within the loaded range estimated by the manufacturer for a single charge), and would indicate a need for 480 trucks to fully serve the rail yards. (A substantially lower number would be needed just for SCIG). Adding 8% to account for seasonal variation (TIAX, 9) indicates a need for 518 trucks to serve the near-dock yards. Balqon has estimated that it could produce as many as three trucks per day due to modular truck design, which would enable it to deliver more than 750 trucks per year. This would, in one year and for one manufacturer, be well in excess of the fleet size needed to serve proposed SCIG railyard.

Charging Time. Regarding charging time, Balqon offers a 60kW charger that would require 4.5 hours for a full charge. Balqon is working on a 100kW charger that would reduce charging time, as well as the number of required chargers and peak electrical demand. (TIAX, 14). In addition, quick charge technologies are now being manufactured, e.g. by AeroVironment which are in use by Foothill Transit electric buses to allow continuous service for a set route. Such technologies could be adapted to allow charging of trucks in much less than one hour. In addition, various charging strategies are available that could further reduce time dedicated to charging. These include battery swapping and “opportunity charging.” (TIAX at 13). Even assuming a 4.5 hour

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charging time every day, however, would allow 12 round trips to near dock rail yards per day (TIAX at 14; assuming round-trip duration of 1.6 hours. (Id. at 15)).

Implementation Time. TIAX recommends 6 to 12 months of tests in real world drayage operations, followed by an assessment and an additional larger scale demonstration of 12 to 18 months duration. (TIAX, 20-21).

To the extent that in-use performance testing indicates a need for improvements such as greater range or gradability for a battery-electric truck such as Balqon, resolving such technical issues is, in general, a matter of appropriately sizing and engineering key components—notably the battery. A variety of battery sizes are feasible, although there are trade-offs such as weight and cost. The limited range requirements of service to near dock rail yards will, however, minimize the impact of any such trade-offs.

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Given these factors, it is expected that battery-electric trucks can be developed and manufactured in sufficient time and quantities to fully serve near dock rail yards by 2016, even if modifications in response to demonstration tests are required.

Costs. As with most new technologies, capital costs are higher for electric-drive trucks compared to conventional diesel trucks. However, operating and maintenance (O&M) costs of electric-drive trucks can be significantly lower, due to higher vehicle fuel economy (reduced fuel costs per energy used) and lower maintenance costs. TIAX calculated a ten-year cost for the Balqon truck, including capital cost of truck, operation and maintenance, at \$363,841 - \$391,233, about \$30,000 - \$60,000 more than the \$335,041 cost for a diesel truck. This differential cost is, however, well within the amount of government incentive funding for relatively clean technologies that has been provided in the past for vehicles such as LNG trucks, and which is currently available (see below). Cost of charging infrastructure would vary greatly based on conventional or quick charging, and charging strategy (e.g. whether battery swapping and opportunity charging occur). TIAX estimated costs of one approach at between \$26.4 and 30.4 million for a fleet of 720 trucks (TIAX, 14) -- well in excess of the number needed to serve SCIG. Again, various government funding programs have been and continue to be available for installation of charging infrastructure.

Charging infrastructure is quickly decreasing in cost. Nissan recently announced a DC-fast charging system one-fourth the price of current systems, specifically \$10,000 compared to \$40,000 used in the TIAX assessment [<http://wot.motortrend.com/nissan-announces-low-cost-dc-quick-charger-for-us-135121.html>] The rapid advances in charging infrastructure and economies of scale will undoubtedly continue to drive hardware costs lower.

Since the electric drayage truck is still in its early commercialization phase, the costs are expected to come down as the technology matures, unit volumes increase and economies of scaled production and supply take effect. Balqon estimates that with large scale purchase commitments and its partnership with Winston Battery Limited, the largest heavy-duty lithium battery manufacturer in China, battery costs will come down to half their current costs.

Operational Issues. The ports have devoted substantial resources to developing and

demonstrating electric trucks in part because they would fit well into current operating modes, with minimal or no need for new transportation infrastructure such as roads or new fixed guideway systems. Operational issues thus are expected to be manageable.

It should also be noted that the successful deployment of nearly 900 natural gas drayage trucks since 2008 indicates that the drayage industry can adapt to operational changes and adapt to new fueling procedures and limitations. Most of these natural gas drayage trucks are routinely being refueled at a small number of public stations located near the ports, although some motor carriers are installing onsite natural gas refueling stations. Refueling can take longer than diesel, and during peak times, the waiting time at the limited number of natural gas fueling stations can exceed one hour. Motor carriers have been able to make adjustments to this process. Weight and payload considerations significantly restrict the amount of onboard energy that LNG drayage trucks can carry compared to diesel trucks. However, in a local delivery application such as drayage, LNG trucks can provide plenty of driving range to meet daily operational requirements. In these ways and others, drayage truckers using natural gas rigs have been able to accommodate fuel-related changes in operational requirements. (TIAX, 16).

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Implementation Mechanisms. The ports have shown ability to craft programs to transition on-road trucks to new technologies. The successful Clean Trucks Program provides one model of a feasible mechanism to do this for the proposed SCIG railyard-related drayage. Through progressive bans of older vehicles and funding and fee mechanisms to provide incentives, the ports succeeded in transitioning from relatively old diesel truck drayage to thousands of new diesel trucks, and nearly 900 LNG trucks. The number of vehicles needed in connection with proposed SCIG railyard is far less. In addition, through approval conditions on the marine terminal project, the lead agency has the ability to ensure cooperative actions by the applicant to assist in the transition.



Figure 1 Balqon Electric Battery Truck

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, and are beginning to be deployed in passenger vehicles. The Port of Los Angeles recently awarded Vision Motor Corporation (Vision) of El Segundo, California a contract to outfit fifteen battery electric trucks with fuel cells for demonstration purposes. Total Transportation Services, Inc. (TTSI), a port drayage company, has stated an intent to buy 100 “Tyranos” fuel cell Class 8 trucks from Vision for \$27 million, subject to an initial vehicle (which was delivered on July 22, 2011) performing as expected. TTSI also stated it may acquire an additional 300 vehicles. TTSI intends to test the initial truck for 18 months by using it to haul containers between the ports, rail yards and distribution facilities.

Vision estimates that its fuel cell electric battery trucks would have an operating range of 200 miles on a single charge, with the proposed 20 kg of hydrogen storage and 130 kWh battery pack, while at the same time lowering operating and maintenance costs as compared to diesel-powered trucks. The company’s engineers report the vehicle has a rated gradability of 13% when fully loaded at 80,000 GVWR; this should enable it to meet all grades that will be encountered in short-haul drayage. (TIAX, 7).

TIAX recommends an 18 month demonstration period in drayage operations, followed by an assessment and a further large scale demonstration for 12 to 18 months. (TIAX, 21). Given these factors, it is expected that fuel cell battery-electric trucks can be developed and manufactured in sufficient time and quantities to fully serve proposed SCIG railyard before 2016, even if modifications in response to demonstration tests are required.

The discussions above regarding number of vehicles needed, operational issues and implementation mechanisms are generally applicable to fuel cell trucks, although hydrogen fueling time would be less than Balqon truck charging time, and would be similar to fueling time for current LNG trucks. (TIAX, 17). Per vehicle combined capital and operating costs, as well as fueling infrastructure costs, are projected by TIAX to be higher than for the Balqon truck, although costs could be below the TIAX projections if certain cost reductions expected by Vision are realized, and if cost of fueling infrastructure is recovered through revenue sales. (TIAX, 12, 15). In addition, as noted above, Vision does have a private purchaser with a potential sale of at least 100 units. Vision Motors believes the cost for hydrogen for their fuel cell heavy-duty truck can be cost-competitive with and even lower than diesel fuel. Based on a planned station near the existing hydrogen pipeline, which provides hydrogen to the refineries, there is ample supply near the ports. Vision has estimated a cost of hydrogen at \$2.50/kg (equivalent to 1 gallon of diesel) compared to \$4/gallon for diesel.

[http://www.visionmotorcorp.com/downloads/VIIC%20Investment%20Deck_General%2007-05-2011h.pdf].



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. The large vehicle drive-train manufacturer Meritor has developed such a heavy-duty truck and it is being 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. (<http://walmartstores.com/sustainability/9071.aspx>). This speed is likely sufficient to serve proposed SCIG railyard drayage needs. The vehicle can maintain zero-emission operation for 20 miles, sufficient for two round trips to near dock rail yards with zero emissions, but the vehicle could be coupled with plug-in charging capability. The latter would open the potential for 24-hour zero-emission operation using existing quick-charge technologies. Battery capacity could also be augmented in production units, based on specific needs.



Figure 3: Dual-Mode Hybrid (Meritor)

The discussions above regarding number of vehicles needed, operational issues and implementation mechanisms are generally applicable to hybrid AER trucks. Costs for commercially available units are unknown at this time, but would likely be slightly more than conventional hybrids as larger battery packs would be needed for the electric only mode. The incremental cost of a hybrid AER truck compared to a diesel truck is anticipated to be approximately \$50,000-70,000 depending on the capacity of the battery pack. This incremental cost is similar for LNG trucks which were successfully funded through a combination of grants for the Ports' Clean Truck Program (see below).

Since this technology is currently being demonstrated and is similar to hybrid electric technologies that are currently being marketed, it is expected that hybrid AER trucks could be deployed in a similar timeframe as full battery-electric trucks. As with the other zero-emission technologies described here, a key need to ensure timely deployment is a clear message from the ports to technology developers that such technologies will be required.

Trucks With Wayside Power (e.g. "Trolley Trucks")

As noted above, given the relatively short distance between the ports and near dock rail yards, several types of zero-emission trucks can feasibly be made available in coming years. One largely existing technology that could be used to serve this need, as well as 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. Other potential wayside power technologies that serve the same purpose include linear induction, which can charge batteries from electromagnetic systems in roadbeds without a physical connection or exposed wires.

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.¹³

¹³ 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



Figure 4 Dual-Mode Battery Electric Transit Bus (Rome)

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.

As existing technologies long used in the transit bus sector, an application of wayside power for trucks would be technologically feasible and could be implemented relatively soon. Siemens retrofitted existing trucks for its prototype road in Germany.

The key feasibility and cost issues presented by wayside power are associated with need for power infrastructure such as overhead catenary wires. Rights of way must have room for such infrastructure, although they could be limited to key corridors and still provide the battery charging benefits described above. Cost of overhead catenary wires would have to be estimated

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/>).

by corridor as it varies by circumstance, e.g. based on available space, but would likely be from one to a few million dollars per mile. Operational cost benefits due to reduced fuel and maintenance costs for electric technologies would offset a portion of these costs. Based on communications with Siemens and other equipment manufacturers, AQMD technology advancement staff concludes it would be feasible to deploy catenary electric trucks within a few years and early in the life of the proposed SCIG railyard.

Fixed-Guideway Systems

Fixed guideway systems, as the name implies, are mechanisms that move the containers on rails, magnetic levitation tracks, or other fixed structures. An example of a fixed guideway zero-emission container movement system in use today is an electric locomotive pulling a train of containers. Such electric locomotives receive power from overhead catenaries or electric third rails, and are used for freight transport in Europe, Asia and other locations, but not in the United States. Figure 6 shows an electric freight locomotive in Europe.



Figure 6 European Electric Freight Locomotive

The fixed guideway approach would consist of development of infrastructure to move containers between the ports and the SCIG facility using magnetic levitation, linear motor technologies, or catenary/third rail power. Unless existing rail lines could be utilized without impeding other operations, the guideways would be purpose-built, which would likely require right-of-way acquisition. Several technology developers have proposed to the ports to use linear motors to propel containers on purpose-built fixed guideway systems, including maglev systems. Under this approach, containers would be loaded onto specialized shuttles conveyed between port terminals and the SCIG facility. In another variation, electric or diesel trucks would interact with ports and rail terminals as conventional trucks do today, but would be propelled on certain roads by linear synchronous motors in the roadbed. Linear motors propel vehicles using electromagnetic force created by a wire coil embedded in the road.

Light rail train and subway lines have operated for years using linear motor technology, and it is expected that, given sufficient resources, this technology can technologically be adapted for freight movement. The staffs of the two ports have, however, focused their zero-emission technology development and demonstration efforts on truck technologies and, recently, technologies to move line-haul rail. (*See, Roadmap for Moving Forward with Zero Emission Technologies,*

presented by port staffs on July 7, 2011 at a joint meeting of the Harbor Commissions of the Ports of Long Beach and Los Angeles). The port staffs have stated concerns about (1) congestion on existing rail lines if they are used to move containers between the ports and near-dock railyards, and (2) about cost and operational feasibility of creating new types of fixed guideway systems. Regarding the latter, the port staffs have cited the results of a "Request for Concepts and Solutions" (RFCS) the ports issued in conjunction with the Alameda Corridor Transportation Authority to design, build, finance and operate a zero emission container movement system (ZECMS). The seven responses to the RFCS included six fixed-guideway systems and one truck-based system (hybrid truck with all electric range).

The responses to the RFCS were reviewed by a panel chosen by the Keston Institute at USC, which determined that none of the proposals demonstrated that the intended ZECMS objectives would be achieved. The Keston panel stated that, prior to selection and deployment of any system, additional testing needs to be carried out in an environment that simulates actual container handling operations. The panel also concluded that a ZECMS would have difficulty competing economically with conventional truck drayage.

It should be noted, however, that the Keston panel did not conclude that zero-emission transport is infeasible, and, indeed, concluded that it is technologically feasible. As the panel stated:

"(T)he panel believes that the submissions illustrate that the concept of a ZECMS is well within the realm of technological feasibility and that potentially viable technologies either already exist or could believably be available within a relatively short timeframe. In other words, a ZECMS is, or could be shortly, technically feasible."

(The panel also noted that the one truck technology proposed—hybrid trucks with all electric range—had achieved the target level of technology readiness for selection and deployment.¹⁴)

A key issue found by the Keston panel for fixed guideway systems was that the solicitation prohibited any public funding of, or government requirement for, zero-emission technologies, even during the initial development and startup phase. The panel said:

In light of the capital intensive nature of fixed guideway systems and the best case assumptions regarding growth in container volume, market share, capital costs, and system availability used in many of the proposers' analyses, the panel believes that, absent other drivers (e.g., environmental regulations or a subsidy provided by the Ports or others), a ZECMS will have difficulty competing economically with conventional truck drayage, particularly given the rapid advances being made in hybrid-electric vehicles and their inherent flexibility and scalability. . . . The RFCS was quite clear that a ZECMS would be in direct competition with the existing system of truck drayage, so that it had to match or improve the total economic value it offered compared to the existing system—the Ports would not provide any subsidy nor would they compel port users to use the ZECMS.

¹⁴

The panel stated: "Although not strictly a 'zero emission' technology in all operational modes, the panel believes that the hybrid truck has achieved the equivalent of TRL 8. Under the assumption that hybrid trucks would be operating in the electric mode in the port environs, this technology would be viewed as compliant with the goal of removing combustion emissions from port operations."

It should be noted, however, that public funding has in the past been considered appropriate to develop and deploy new clean technologies, including by the ports, and such funding is and will likely continue to be available in the future (see below). In addition, the JPA and ports have clear authority, which they have exercised in the past, to require and incentivize use of new technologies.

Rail

In addition to implementing zero-emission technologies such as electric trucks to move containers between the ports and the SCIG facility, the measure proposed by SCAQMD would require the JPA or ports to take actions to evaluate and demonstrate zero-emission technologies for line-haul locomotives. Zero-emission electric locomotives are an existing technology in use around the world for freight and passenger transport. One issue to be addressed in implementing such technology in Southern California would be the transition to non-electrified track outside of the region. One potential solution is to switch between electric and diesel locomotives at the edge of the region. It should be noted, however, that the railroads have in the past objected to the time, expense and railyard space needed to switch to cleaner locomotives when trains enter this region. A second major issue is the expense of electrification infrastructure such as overhead catenary wires, and the cost of electric locomotives.

Among the technologies to be evaluated under this alternative would be technologies that could eliminate the need for catenary wires, or to switch locomotives at the edge of the electrified region. These include dual-mode locomotives, such as are currently in use for passenger trains; battery tender cars to provide power to locomotives in certain areas; and hybrid-electric locomotives with all electric range. Finally, linear synchronous motor (LSM) technology has the potential to move trains on existing rail lines that are retrofitted with such technology.

Zero Emission Implementation Timeline Overview

A Gantt chart of the likely zero-emission technologies is shown in Figure 7, which illustrates expected timeframes for development, validation and evaluation of technologies. The timeframes are based on status of the specific technologies, and on typical timeframes for the referenced actions. These timeframes are based on proposals received for such technologies as well as technical experience by the Technology Advancement Office at the SCAQMD. Although each technology provider and manufacturer may describe these phases differently, the cycles are all on the order of five to seven years from development to commercialization. The development phase includes design and non-recurring engineering activities for the prototype technology. This phase also typically includes limited testing or simulation in preparation for field trials. The validation phase is testing and demonstration of the technology in the field, including data collection for design changes and optimization. During this phase, the technology design is tested to the actual performance standards (e.g., towing capability, gradability, speed, etc.). The final fleet evaluation phase includes multiple units in actual fleet or real-world use with potential for accelerated durability testing to gauge maintenance and reliability issues. During this phase, testing is conducted to ensure safety as well as working with the appropriate agencies for commercial certification.

It should be noted that the development phases for many of the truck projects were already initiated in 2008-2009 through efforts at the Ports, the SCAQMD and the DOE. The last phase of “evaluation” includes durability and certification activities, which may lengthen the phase depending on the field-trial experiences. Timeframes could also be shortened if sufficient funding is applied to increase resources toward that effort by the manufacturer. However, considering the current levels of product development and uncertainty, it is clear that, given sufficient clarity of purpose, all described technologies can be commercialized by 2016-2020, with some at earlier dates.

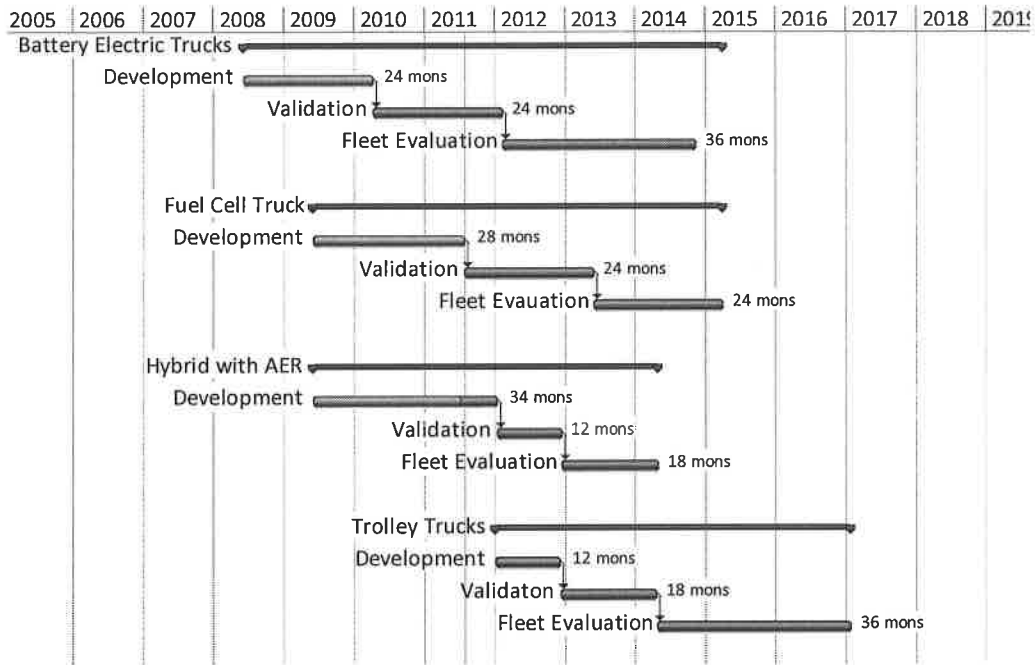


Figure 7: Commercialization Timeframes For Zero Emission Truck Technologies

Financing Support for Zero-Emission Technologies

A key aspect of technology development and commercialization is initiating and ensuring activities by technology manufacturers. Government can play a critical role by ensuring a market for the end product (e.g. by adopting emission control requirements), and by offsetting the typically high cost of technology development and initial deployment through funding incentives. This strategy has been used in Europe for zero-emission technologies, which is why manufacturers are working on zero-emission trucks, namely Siemens and Volvo. State and local governments in California have a long history of successfully requiring and incentivizing deployment of new technologies. Actions by the ports to require and incentivize clean technologies are thus of critical importance.

As noted above, the ports have implementation mechanisms such as project approval conditions and port rulemaking that can require transition to new technologies. In addition, a variety of sources exist for development and incentive funding. Potential sources of funding for air quality technologies include, but are not limited to, the ports, AQMD, and the future tenant. State and

local governments have a long history of incentivizing cleaner technologies through collaborative efforts. A recent example is the partnership with CARB, the Port of Los Angeles, the Port of Long Beach, U.S. Department of Energy, California Energy Commission and U.S. EPA for the buydown of the cleaner but more expensive natural gas trucks as part of the Ports Clean Truck Program. The AQMD utilized the existing Proposition 1B incentive of \$50,000 per truck but augmented this with an additional \$50,000 through grants from the U.S. Department of Energy, California Energy Commission and U.S. EPA as well as AQMD funds and the Ports. With the \$100,000 incentive, fleets and independent operators were able to offset the higher cost of natural gas trucks which are approximately \$150,000 – 170,000. Through this collection of incentives, the AQMD was successfully able to purchase over 690 natural gas trucks as part of the Ports' Clean Truck Program.

Other funding examples include the Hybrid Voucher Incentive Program (HVIP), which provides \$20,000 per hybrid truck, including all-electric technologies. The AQMD further supplemented the HVIP by adding \$1.5M for vehicles deployed in the South Coast Region. In May 2011, the California Energy Commission added an additional \$4M to the HVIP to further incentivize electric vehicles making the per-truck funding \$40,000 to \$50,000. A list of currently available incentives for heavy-duty zero-emission trucks is included in the table below.

Incentive Program	Sunset Date	Project Category	Current Maximum Potential Funding/Credit Amounts
Carl Moyer Program	2015	New Purchase	25% of Total Purchase Price (Up to Cost-Effectiveness Limit of \$16,640 per ton)
		Repower	\$30,000 per truck
Proposition 1B	2013	Replacement	\$60,000 per truck
		Repower	\$30,000 per truck
HVIP	2015	New Purchase	\$25,000 per truck (33 - 38K GVWR)
			\$30,000 per truck (>38K GVWR)
Hybrid and Electric Trucks and Infrastructure Act (S. 1285)	Proposed to end by Dec. 2015	New Purchase	\$24,000 per truck

Although some of these programs may not be in place at the time of the project initiation, it is anticipated that, given market demand, similar or renewed funding will be available.

Conclusion

Based on the above, there is substantial evidence to conclude that zero emission technologies can be deployed in the 2016 to 2020 timeframe (or earlier) to move containers between the ports and near-dock railyards — if the port requires such deployment.

1 **Comment Letter 126: South Coast Air Quality Management District**

2 **Response to Comment 126-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 126-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 126-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 126-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 126-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 126-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 126-7**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23 **Response to Comment 126-8**

24 This comment refers to a chapter or section of the DEIR that was recirculated. No
25 response is necessary per CEQA Guidelines §15088.5(f)(2).

26 **Response to Comment 126-9**

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 **Response to Comment 126-10**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 **Response to Comment 126-11**

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 126-12**

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4 **Response to Comment 126-13**

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7 **Response to Comment 126-14**

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10 **Response to Comment 126-15**

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13 **Response to Comment 126-16**

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16 **Response to Comment 126-17**

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25 **Response to Comment 126-20**

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28 **Response to Comment 126-21**

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31 **Response to Comment 126-22**

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1 **Response to Comment 126-23**

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4 **Response to Comment 126-24**

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7 **Response to Comment 126-25**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 126-26**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 126-27**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 126-28**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 126-29**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 126-30**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 126-31**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 126-32**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 126-33**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 126-34**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 126-35**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 126-36**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 126-37**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 126-38**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 126-39**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 126-40**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 126-41**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 126-42**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 126-43**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 126-44**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 126-45**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 126-46**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 126-47**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 126-48**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 126-49**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 126-50**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 126-51**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 126-52**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 126-53**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 126-54**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31

32 The commenter attached two letters. The letters refer to a chapter or section of the DEIR
33 that was recirculated. No response is necessary per CEQA Guidelines §15088.5(f)(2).
34 Copies of the commenter’s attachments are included in the electronic versions (CD and
35 POLA website) of the Final EIR. The commenter’s attachments:

- 1 1. November 30, 2011 Letter from SCAQMD to Christopher Cannon
- 2 2. January 19, 2012 Letter from SCAQMD to Christopher Cannon
- 3
- 4



Richard I. Mueller
President

February 1, 2012

Mr. Chris Cannon, Director of Environmental Management
Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731
Via email: ceqacomment@portla.org

Ameron International Corporation
Water Transmission Group
10681 Foothill Blvd., Suite 450
Rancho Cucamonga, CA 91730
Telephone: 909/944-4100. Ext. 192
Fax: 909/980-7865
Email: Richard.Mueller@nov.com

Subject: Public Comment on Draft EIR for the Southern California International Gateway (SCIG) Project

Dear Mr. Cannon:

For the past two years, I have been associated with the development and promotion of an on-dock, direct ship-to-train container transfer system conceived by Mr. David Alba. Mr. Alba's on-dock system, (called Green Rail Intelligent Development, or GRID), has been vetted by railroad intermodal freight experts. Those experts found GRID's on-dock container storage and transfer facility to be a technically superior alternative to both the existing system and the SCIG project. Additionally, GRID has been vetted by environmental justice groups, including local chapters of the Sierra Club, based around the Ports and around the existing container transfer facilities. The Sierra Club has recognized the environmental superiority of the GRID system by passing a resolution of support specifically for building the GRID system.

Besides the technical and environmental superiority offered by the GRID system, GRID offers the ability to move container freight throughout the LA-Inland Empire region underground, with maximum security, minimal intrusion on existing transportation modes, and with minimal local pollution due to its electric power source. GRID would also maximize use of the Alameda Corridor for Class I rail deliveries to other states. And GRID can do this while being self-funding, without increases to current freight movement costs.

I am attaching a 2-page flier which outlines some of GRID's attributes and benefits. This system can be built with current technologies. The hardest part of deciding to implement GRID is for decision makers in Southern California to shift their operational paradigms.

Considering all the potential business and environmental benefits GRID would provide, it is in the best interest of Southern California to shelve SCIG and for the paradigm shift toward implementation of GRID to occur.

Sincerely,

Ameron International Corporation
Water Transmission Group

Richard I. Mueller, P.E.
President

Attachment: GRID flier

127-1

1 **Comment Letter 127: AMERON International Corporation, Water**
2 **Transmission Group**

3 **Response to Comment 127-1**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6
7 The commenter attached an additional document. This document does not specifically
8 address sections of the DEIR or its adequacy. Therefore, no responses are provided.
9 Copies of the commenter’s attachments are included in the electronic versions (CD and
10 POLA website) of the Final EIR. The commenter’s attachment:

- 11 1. GRID – Green Rail Intelligent Development

12
13
14



Air Resources Board



Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for
Environmental Protection

February 1, 2012

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

Dear Mr. Cannon:

The California Air Resources Board (ARB) staff is providing comments regarding the draft Environmental Impact Report (EIR) for the proposed Southern California International Gateway Project (SCIG or the Project), a new near-dock railyard to be built and operated by BNSF Railway (BNSF). Since the Port of Los Angeles (Port) owns and would lease the property to BNSF, the Port is in a unique position to ensure that this railyard sets a new benchmark for environmental leadership, while meeting the need for additional capacity to move international containers by rail.

Increasing rail capacity should ideally be achieved through the expansion of on-dock rail at the ports, which maximizes the efficiency of the freight system and minimizes regional emissions and localized health impacts. To the extent that there are space limitations at the Southern California ports, we recognize the regional air quality and climate benefits of near-dock railyards such as the SCIG facility that can reduce the length of truck trips between the ports and railheads.

128-1 Whether on-dock or near-dock rail, siting a new freight hub in a community already highly impacted by diesel pollution carries a responsibility to build and operate a state-of-the-art facility with emissions as close to zero as technologically possible. The proposed SCIG Project includes a number of features that meet this standard, including the electric cargo cranes, the site design to nearly eliminate yard hostlers, and the roadway infrastructure with designated truck routes to direct trucks further away from local residents. This concept needs to be extended to include emerging zero-emission technology for the trucks and locomotives that will serve the facility as well.

ARB staff believes that technology capable of zero-emissions will be available for additional applications in the early years of Project operation. The final project conditions need to support development of this technology and provide for its use to better protect the health of nearby residents from the harmful effects of fine particle pollution (including diesel particulate matter (PM)), ensure the emission reductions required to attain air quality standards for all pollutants, and reduce greenhouse gases.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Background

We summarize our understanding of the proposed Project, the existing conditions, and the air quality impacts in the draft EIR to establish the context for our recommendations.

The proposed SCIG railyard is located in Long Beach, a four-mile truck trip from the Ports of Los Angeles and Long Beach. BNSF would divert all port-related containers from the existing BNSF Hobart railyard in downtown Los Angeles, a 24-mile truck trip from the ports, to the new near-dock facility. The SCIG would displace existing trucking operations at the Project site; those operations would relocate immediately south or nearby. BNSF would begin SCIG construction in 2013, initiate operations in 2016, and reach full scale operations by 2023. At capacity, SCIG would handle up to 1.5 million container lifts, two million truck trips, and 2,880 train trips annually.

Immediately north of the Project site is the existing Union Pacific Railroad (UP) Intermodal Container Transfer Facility (ICTF), an intermodal railyard. UP plans to double the capacity of the ICTF railyard this decade. If both the SCIG facility and ICTF expansion are built, they would represent the largest intermodal railyard container complex in the U.S. with a combined annual container lift capacity of three million.

There are a number of schools and residences in close proximity to, and downwind of, the Project site. For example, the Hudson Elementary School and Cabrillo High School are located across the street, about 500 feet from the site boundary.

The draft EIR presents several analyses of the Project's potential air quality impacts at both a regional and local level. The document identifies a regional air quality and climate benefit, largely attributable to the shorter truck trips between the ports and the SCIG facility, as compared to the BNSF Hobart railyard. The draft EIR also assesses the maximum individual cancer risk (risk) to the adjacent neighborhood from Project emissions. Both of the risk estimates that we discuss here reflect SCIG emissions at full capacity and the benefits of adopted ARB and federal regulations that are cutting diesel emissions over time from all sources. If forecasted emissions from the SCIG facility are considered in isolation, the risk is estimated at 48 chances in a million. If emissions from the SCIG facility are compared to the forecasted emissions from existing tenant operations at the site (the No Project alternative), the net increase in the estimated risk is 17 chances in a million.

ARB staff concludes that whatever legal or technical comparison is used, the proposed SCIG facility would increase the health risk in the immediate area and the Project should utilize all existing and emerging zero-emission technology.

Recommendations

ARB staff recommends the following additional actions to support the development, demonstration, and deployment of zero-emission technology to reduce regional emissions and the localized health risk from the proposed SCIG facility. ARB will be an active partner in this effort.

Trucks: The draft EIR shows that the majority of the localized cancer risk for the proposed SCIG facility is attributable to diesel drayage trucks. The project condition that the Port is considering to require phase-in of natural gas drayage trucks would reduce the diesel PM over time, but not eliminate the truck emissions that also contribute to fine PM and nitrogen dioxide pollution. Zero-emission trucks are on the cusp of commercialization and the needs of a near-dock railyard are an ideal match for the capabilities of the technology. We believe that use of zero-emission truck technology is feasible in the early years of Project operation, consistent with the California Environmental Quality Act definition:

"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.
(California Code of Regulations, title 14, section 15364)

ARB staff recommends that the Port and BNSF provide co-funding, facility access, and operational support for a one year demonstration of zero-emission truck technology at a comparable on-dock or near-dock railyard serving the Port of Los Angeles and/or the Port of Long Beach prior to 2015. We would like to participate in this demonstration and have access to the data collected.

We also recommend that in coordination with the agency Technical Working Group for the Clean Air Action Plan, the Port accelerate the first periodic review of new truck technologies from 2023 to 2015. This process should also include consultation with BNSF and the public. The review should focus on truck technology capable of zero emissions in service between the ports and near-dock railyards and specifically assess:

- The technical and operational capability of these trucks, including reliability and durability, for a near-dock duty cycle.
- The incremental cost to purchase and operate these trucks, given liquefied natural gas vehicles as a baseline technology, as well as the estimated per-load cost for a fleet of zero-emission trucks in near-dock service.
- The production capacity to meet the needed volumes for the SCIG (and ICTF) railyards.

- Actions needed to facilitate the deployment of zero-emission truck technology in this service.
- The most expeditious schedule to phase in the use of trucks capable of zero-emission operation for near-dock railyard service.

The results of this review, including the analysis and conclusions of the agency partners in the Technical Working Group, should be documented in a draft report available for public review and comment.

128-2 Finally, ARB staff recommends that the Port commit to bring the report described above to the Los Angeles Board of Harbor Commissioners at a public meeting in 2015 and seek a determination of the most expeditious schedule for BNSF to phase in requirements for trucks capable of zero-emission operation. The intent should be to achieve widespread use at the SCIG facility by 2020 and to reflect the schedule in the lease agreement with BNSF.

Locomotives: We continue to support the locomotive strategy in the 2010 Clean Air Action Plan, consistent with ARB's 2009 recommendation for the San Pedro Bay Ports to accelerate the turnover of cleaner Tier 4 line-haul locomotives serving port properties as expeditiously as possible following their introduction in 2015, with the goal of 95 percent Tier 4 line haul locomotives serving the ports by 2020¹. The Project conditions should identify this goal and require the minimum performance standard for locomotive emissions described in Clean Air Action Plan Measure RL-3².

128-3 Since 2009, technology developers have begun to explore concepts for locomotives that offer promise of even cleaner technology that could achieve zero-emission operation for limited distances, lower fuel use and cost, and readily integrate into the railroads' national fleet. To support this concept, we further recommend that the Port and BNSF commit to providing co-funding, facility access, and operational support for the development and demonstration of interstate line-haul locomotive technology with zero-emission capability by 2017. This would include, but is not limited to, a hybrid-electric locomotive with all electric capability.

ARB staff also recommends a project condition to ensure that BNSF uses switch locomotives meeting Tier 4 emissions levels at SCIG, starting in 2016. This would clarify and strengthen the current ultra-low emitting switch locomotives provision.

¹ Air Resources Board, "Recommendations to Implement Further Locomotive and Railyard Emission Reductions," September 9, 2009. (Source: <http://www.arb.ca.gov/railyard/ted/drftrec090909.pdf>)

² Emissions equivalent to at least 50% Tier 4 line-haul locomotives and 40% Tier 3 line-haul locomotives on port properties by 2023.

Mr. Chris Cannon
February 1, 2012
Page 5

Closing

ARB staff appreciates the opportunity to comment on the draft EIR. We stand ready to work with the Port and BNSF, as well as the South Coast Air Quality Management District and the U.S. Environmental Protection Agency to make the SCIG Project a true state-of-the-art facility that serves the region's cargo and air quality needs, while protecting the health of its neighbors.

If you have questions, please call me at (916) 322-4204 or contact Ms. Cynthia Marvin, Assistant Chief, Stationary Source Division at (916) 322-7236 or cmarvin@arb.ca.gov.

Sincerely,

Original signed by

Richard W. Corey
Deputy Executive Officer

cc: See next page.

Mr. Chris Cannon
February 1, 2012
Page 6

cc: Elizabeth Adams
Deputy Director
U.S. EPA Region 9 – Air Division
75 Hawthorne Street
San Francisco, California 94105

Mary Nan Doran
Associate General Counsel
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

David Seep
Director of Environmental Operations
BNSF Railway Company
2500 Lou Menk Drive, OOB-2
Fort Worth, Texas 76131

Barry Wallerstein, D. Env.
Executive Officer
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, California 91765-4178

Cynthia Marvin
Assistant Chief
Stationary Source Division

State Clearinghouse #2005091116

1 **Comment Letter 128: Air Resources Board**

2 **Response to Comment 128-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 128-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 128-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11

Hagner, Dennis

From: Gabrielle Weeks [GWeeks@angeles.sierraclub.org]
Sent: Wednesday, February 01, 2012 6:39 PM
To: Ceqacomments
Subject: BNSF SCIG comment

To Chris Cannon
Director Environmental Management
Port of Los Angeles

As the chair of the Sierra Club's Long Beach Area Group and community activist, I advocate for the best air quality we can achieve while still moving goods. Both the Ports of Long Beach and Los Angeles have made environmental improvements in the last few years. I sincerely hope this trend continues.

The best technology to move cargo and to keep from backing up traffic is the GRID project that you are hopefully already familiar with. GRID is a proposal to develop a multi-tiered dock at the Ports, where 14 conventional ship to rail networks would be consolidated into a single electric powered super terminal.

The GRID terminal is designed to mimic the interior of a cargo ship, only much larger. Freight is stacked into the massive matrix by automatic loaders which glide magnetically along the top of the grid. A rail line runs through the center, where it can be loaded much faster than it could at a conventional ship to rail network, because there would be no need for cranes.

The automated freight trains would carry cargo through a freight line running beneath the San Gabriel River and Los Angeles River connecting the ports to the receiving areas in the Inland Empire.

Water and electrical utility lines could be run beneath the river, eliminating the need for above ground power lines. This creates an opportunity for environmental remediation of the man-made river and for parks and mixed used development incorporating green energy production – wind, solar, etc.

The Sierra Club Angeles Chapter endorsed this concept many months ago. It would dramatically improve the environment in our region and be a project of national significance.

You should drop your support for SCIG and incorporate the aspects of GRID in place of SCIG, because:

- A 21st Century ON-Dock ship to rail system is long overdue
- GRID would create new infrastructure leading to new manufacturing and massive construction creating jobs.
- The SCIG continues to be a system dependent on thousands of trucks.
- The SCIG reinforces old transportation technologies and a 50 year old supply chain system.
- The SCIG is badly sited in areas where there are schools and homes that would suffer from noise, pollution and other negative impacts.
- The SCIG is a "rehandling" of containers that will adversely slow the flow of cargo resulting in greater pollution.

Sincerely,
Gabrielle Weeks
Executive Director, Long Beach Coalition for a Safe Environment

Chair, Long Beach Area Group, Angeles Chapter Sierra Club
2919 E. 5th
Long Beach CA 90814

1 **Comment Letter 129: Long Beach Area Group, Sierra Club, Angeles**
2 **Chapter**

3 **Response to Comment 129-1**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6

Hagner, Dennis

From: Judy Bergstresser [bergstressers@sbcglobal.net]
Sent: Wednesday, February 01, 2012 5:32 PM
To: Ceqacomment
Subject: Public comment on the Southern California International Gateway (SCIG) Project - Judy Bergstresser

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

RE: Port of Los Angeles Draft Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for the Southern California International Gateway (SCIG)

Dear Mr. Cannon,

This letter is written in response to the call for public comment regarding the Port of Los Angeles' Draft Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for the Southern California International Gateway (SCIG).

The volume of goods movement has already exceeded the capacity of the ports and the existing 'inland ports' and it is forecast to expand greatly in the future.

130-1 All aspects of goods movement, from the idling ships to the distribution warehouses and intermodal rail facilities cause an unduly high percentage of the regions pollution, truck traffic, congestion, accidents, negative health impacts, environmental risks and negative impacts to quality of life.

The expansion of port operations and intermodal facilities into other areas of the city, no matter how mitigated, increases these negative impacts.

130-2 Any project related to goods movement emanating from the POLA/LB must actively decrease negative impacts.

130-3 The BNSF SCIG expands and perpetuates port sprawl and urban blight into nearby communities. It is a short term and temporary fix for several reasons. It will need to be expanded as the volume of freight traffic into and out of the ports increases. It relies on clean truck technology that is not yet adequate

130-4 for moving cargo containers. It still brings thousands of trucks through residential neighborhoods.

We are already experiencing severe infrastructure deficits and disrepair to highways and within the ports themselves. Cargo transportation is the dominant demand on many routes and is the fastest growing sector making demands of our roadways. It does not make sense to continue to use trucks to move cargo, even if those trucks have their own dedicated highways or lanes.

130-5 If we do not take aggressive steps to modernize all phases of the goods movement chain, we will lose trade volume to foreign ports.

Rather than expanding and perpetuating existing goods movement systems, we need to develop newer technologies and practices to meet contemporary and future challenges.

The best way to do this is to 1) increase the speed and efficiency of container movement and 2) transition to emission-free port operations and goods transport.

130-6 ● Containers must be sorted for final destination at dockside, not sent off individually on trucks – no matter how clean those trucks may be – to off-dock sorting facilities.

130-7 ● Freight transport must be isolated from general traffic throughfares

130-8 ● Container transport from port to UP and BNSF railyards should be accomplished via non-diesel rail – moving goods by rail takes less energy, it is more cost effective, it is safer, and rail is easier to make clean, quiet, and carbon neutral.

130-9 ● Port cranes and stationary ships must be electrically powered.

130-10 The best way to achieve these goals is by developing the GRID project plans. The GRID project address all of these documented environmental, social justice, speed and efficiency problems. It has been developed based on years of expertise and should be supported, studied and included in all plans for port and infrastructure development.

Sincerely,

Judy Bergstresser
1945 Meridian Avenue
South Pasadena, CA 91030

1 Comment Letter 130: Judy Bergstresser**2 Response to Comment 130-1**

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 130-2

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 § 21091(d); CEQA Guidelines § 15204(a)).

14 Response to Comment 130-3

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 130-4

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 130-5

27 This comment refers to a chapter or section of the DEIR that was recirculated. No
28 response is necessary per CEQA Guidelines §15088.5(f)(2).

29 Response to Comment 130-6

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 Response to Comment 130-7

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

35 Response to Comment 130-8

36 This comment refers to a chapter or section of the DEIR that was recirculated. No
37 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 130-9**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 130-10**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7

8

February 1, 2012

Chris Cannon, Director of Environmental Management
 Port of Los Angeles/Harbor Department, 425 South Palos Verdes Street, San Pedro, CA 90731
 "Chris Cannon" <ceqacomment@portla.org>

RE: SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY (SCIG)
 ADP No. 041027-199 Southern California International Gateway Project DEIR
 PUBLIC COMMENT

Dear Director Cannon:

The Southern California International Gateway (SCIG) is directly linked to the 710 Extension/Expansion projects and the freight movement system of LA and other counties. The SCIG, other Port projects, and both 710 projects will affect many communities including my own and the City of Los Angeles. General comments focus on the errors, inconsistencies, inadequacies, and incomplete development of the Project, alternatives, and assessment of impacts not only for the SCIG but also resulting from the poor efficiency and productivity performances of the Ports of Los Angeles and Long Beach (PoLA). The Draft Environmental Impact Report (DEIR) is poorly and inconsistently written and general is so confused and out of date as to render public review and commenting impossible. Comments on such a large document can be summarized as follows:

- | | |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 131-1 | 1. Long Period of preparation of DEIR and UpDating Due to long period of preparation, pens of many authors and few editors can be seen. References are generally out of date and do not reflect documents that are available in 2012. |
| 131-2 | 2. Coordination of Agencies, Freight Studies, and Models The PoLA and SCIG DEIR preparation do not appear to have coordinated with the various related federal, state, regional, and local agencies and authorities, e.g., FHWA and FRA; SCAG – East-West Truckway; Caltrans/MTA – I-710 South Expansion and SR-710 North Extension; and LA City and HD. |
| 131-3 | 3. Freight Logistics and Traffic Systems Although a logistics project, the SCIG DEIR does not reflect current studies and projects specific for freight movement and does not incorporate current, planned, and prospective projects and system at: Ports of Los Angeles/ Long Beach – Terminals, Railroads, Trucking Companies, and IBLW; Out-Port Terminals; Inland Empire Terminals/Centers; High Desert Corridor Terminals/Center; ICTF, Hobart/Bandini Yards; and Shipping and Maritime Movements |
| 131-4 | 4. Port/Freight Terminology and Definitions Different sections and pages use inconsistently various logistics terms without definitions and consistent usage throughout the DEIR: Intermodal – Ship 2 truck 2 Rail rather than Ship 2 Rail; Cargo, Domestic, Transloading; TEUs, FEU, 53ftUS-EUs – loaded, import/export, and empty; and Berth, docks, terminals, ports. |
| 131-5 | 5. Port/Terminal/Highway Operations and Physical/Administrative Constraints In various sections, various administrative, employment/labor, and other constraints are mentioned or suggested without clear definition as to how they influence the alternatives and the Project development, e.g., Terminal leases, Operating Hours and Operating Constraints – RR and IBEW. |
| 131-6 | 6. Alternatives Discarding of various In-Port alternatives reflects a 19 th century to logistics by terminal leasees and labor. The most Environmental Superior Alternative would involve a five year redevelopment of the PoLA (and maybe PoLB) to improve port efficiency and productivity by at least 50% and perhaps doubling throughput using the same maritime and land side areas: e.g., Locational - In-Port, At/On-Berth, Near-Berth/Near-Dock (Maersk/APL), Far-Dock/Railyard (various separate terminal facilities); Out-Port - Near-Port: ICTF / Proposed Project – 12mi; Far Port:Hobart/Bandini/Mission – 30mi; Out Port: Inland Empire/High Desert Corridor – 60mi; Local Port Rail/SkyTrains, Class 1 Rail, Alameda/Other Trainway Corridor, East-West Truckways, and Extended Project (Only as Phase 1 SCIG). |

- 131-7** | 5. Air Quality – I-110 to SR 57 x Coast to I-210 The DEIR does not provide available information about the poor air quality and continuing degradation which has been documented and does not achieve even federal standards due to continuing acceptance of mobile sources. Improved freight movement efficiencies and productivities begins first with the PoLA and changes in shipping containers from 40ft to 53ft sea containers, they are on their way NOW.
- 131-8** | 6. General Traffic Congestion The Project over-hypes the degree of reduction provided by the SCIG and thereby distorts and is largely overwhelmed by the doubling of total port throughput.
- 131-9** | SCIG is the wrong location and should be at berth, in-port in PoLA as projects in Port of Long Beach
The DEIR is inadequate and incomplete, is out-dated, is confused in terminology and usage.

Sincerely,

Dr. Tom Williams,
LA-32 Neighborhood Council, NELA Coalition,
Sierra Club/Angelos – Life Member and Transp.Comte.
4117 Barrett Road
Los Angeles, CA 90032

Cc: SCAG
SCAQMD
City of Los Angeles, Transportation and Trade Committees

ADP No. 041027-199 Southern California International Gateway Project DEIR, Comments

**ADDITIONAL COMMENTS MAY BE SUBMITTED UNTIL MONDAY 9AM 6
FEBRUARY 2012.**

131-13

Similarly, the Port of LA leases do not include a minimum throughput related to international typical operations of say minimum of 300-500K containers per year per berth/dock, 10 berths = 3-5M containers per year.

C2.b Inadequately, incompletely defined lead to distorted and inadequate presentation and review, see above. Presumably near- and off- dock may be the same as indicated in comments below but could be In-Port or Out-Port.

The DEIR must be updated and supplemented for international operational efficiencies and terminologies and recirculated.

p.2-4/1 C3. ...Ports also evaluated the ability of the physical infrastructure to accommodate the demand. Terminal capacity estimates were developed by each port for existing and planned container terminals...reflect key assumptions about how much land will ultimately be available for container use (backland acreage), number and size of the terminal's berths and cranes, and how the terminals will operate (labor rates and gate hours).

131-14

C3.a As indicated above the Ports have not evaluated efficiencies or productivities for the Port, Terminals, or berths and thereby any Terminal only deal with their lease costs, capital costs, and labor costs with regard to the value of berths for the regional economy and port efficiencies and eventually \$Values per square foot. This has led to minimizing investments, maintaining acceptable labor and political relationships without regard to berth productivity and efficiency leading to abuse and waste of precious maritime resources.

C3.b As an important "key assumption" is "backland" acreage and efficiency, no definition is provided and no functional and environmental relationships are described here or elsewhere. Some ports have NO backlands as the ports value in-port space as too precious for storage of empty containers for the convenience of a terminal operator.

C3.c Terminals can restrict their productivity by the simple constraint of cranes and other capital facilities and their labor relationships based on their specific proprietary needs rather than the most productivity facilities and operations. The Ports have NOT estimated their maximum productivity based on total existing and potential berth lengths and what would be required from Berth to Gate to support such productivity. The Ports have thereby not provide adequate or complete description of the In-Port maximum capacity and any current estimates are 1) out-dated, 2) inadequate, and 3) incomplete.

The DEIR must be updated and supplemented for definitions and description port operations and the real physical availability, opportunities and constraints for current/2012 conditions and recirculated.

p.2-4/2 C4. ...Ports plan to expand existing and construct new on-dock railyards ...over the next 10 to 15 years.

131-15

C4.a As indicated above, expansions and new "on-dock railyards" may further restrict future direct ship to rail transfers rather than continuing and expanding stacked storage of containers "on-dock". It is unclear as to whether the term "on-dock" actually means at-berth. Here also need the definition of "railyards" vs berth sidings and whether the yards include tracks/sidings for simple storing of trains waiting to depart and to move into berths for loading/unloading.

C4.b As implicated before, terminals often include transloading 40ft to 53ft containers and this may be a historic left-over as both APL and Maersk are moving to ship design/retrofits for 53ft-US containers and transloading may no longer be necessary after 2020. The estimates and their inclusion in the DEIR are inadequate and incomplete due to their use of transloading facilities within the ports.

The DEIR must be updated and supplemented for definitions, clear discussion as to transloading, and description port operations and the real physical availability, opportunities and constraints for current/2012 conditions and recirculated.

p.2-4/2 C5 ...Ports will seek to maximize the on-dock operations at the marine terminals by encouraging tenants to schedule round-the-clock shifts...LAHD's on-dock rail expansion plan is discussed in the San Pedro Bay Ports Rail Study Update (Parsons, 2010) and is summarized in Section 1.1.3.3.

131-16

C5.a As indicated here, terminals may not be operating 24-hr/7-day/365+d/yr and therefore related "on-dock" rails which is not physically constrained to terminal hours may be operationally constrained. Ports do not require their "tenants" to operate as productive port facility but only as

tenants require irrespectively of the related logistic networks can operate. In port-terminal leases, encouragement is NOT enforceable and all PoLA/LB leases must be renegotiated with efficiency, productivity, and operations clause incorporated in new leases.

C5.b *Absence of “maximize” port operations, indirectly impacts the basic framework elements and requires/perpetuates the Off-Port needs and their impacts. The Project basis of design is based on inadequate and incomplete*

C5.c *Ports may be encouraging abuse and wastes by “encouraging” tenants without regard to efficiencies and productivity of the ports and related environmental impacts arising from such abuse and wastes of resources. The Project description is inadequate and incomplete as it is based on an inefficient and –low productivity of the ports and at-berth ship-to-rail/truck operations. The proposed Project is not required if the port berths and terminals and tenants were required to meet Best Practices of other ports, terminals, and berths.*

The DEIR must be updated and supplemented for definitions, clear discussion as to transloading, and description port operations and the real physical availability, opportunities and constraints for current/2012 conditions and recirculated.

p.2-4/3 C6 ...total estimated intermodal rail demand coming from...ports is 17.3 million TEUs by ...2035...based on 40 percent...total...container capacity of 43.2 million TEUs.

C6.a *Intermodal is not defined and its use without definition renders the Project description as incomplete and inadequate. Furthermore, most trains and long-haul truck generally use 53ft containers(EUs) and thereby currently require transloading of 40ft containers into 53ftEU. Within 20 years, most/all trans-Pacific containers will be the 53ftEUs rather than the 40ft-FEUs.*

Such changes would eliminate need for intermediate transloading and allow for more direct ship to truck or to rail transfers and reduce the 17.3MTEUs down to less than 10KTEUs before 2035 or long before 2046. Thereby rails can be extended to berths for direct transfers.

C6.b *Use of TEUs may or may not include both incoming loaded containers and empty containers; the DEIR must include a definitive statement as to how the TEUs are forecasted, i.e., 43.2M going out and 43.2M coming in empty of the Port or 21.6M going out and 21.6M coming in.*

C6.c *As a 2012 DEIR, the Project description and alternatives must be updated to use the more currently used FEUs (40ft equivalent units, containers) rather than TEUs (40ft equivalent units, containers)to clearly relate objectives and transport elements and to provide an adequate depiction of the Project’s importance and impacts. Furthermore, even the FEUs should have the US equivalent stated, 1000:FEUs/<750: 53ftEUs. $17.3/43.2 \text{ TEUs} = 8.6/21.6 \text{ FEUs} = 6.3/16.4 \text{ 53EUs} = 17.3K/d \text{ 53EUs}$ and $45K/d \text{ 53EUs}$.*

The DEIR must be updated and supplemented for current usage and definitions related to publicly known conditions – trucks rather than 20ft equivalent units. As provided, the DEIR is not adequately or completely accessible to any others than specialized logistics specialists and recirculated.

p.2-4/3 C7 ...on-dock railyard capacity will be unable to handle future intermodal demand. On-dock capacity...exceeded by the demand in the near future...rail system simulation has determined that even the movement of containers on trains via “block swap” and “unsorted” operations will not yield higher capacities or greater use of the on-dock facilities.

C7.a *As indicated above, the capacities and demands are inadequate and incomplete for future conditions and use of such do not clearly and adequately comprehension of the Project and therefore its impacts and growth inducement nor prospective alternative to the Project.*

C7.b *A “Simulation” does not “determine” as it is based on assumptions which are not provided in the description or related appendices. Therefore such reference to some unknown, undocumented simulation without adequate and complete provision of the assumptions used in the simulation does not support any adequate or complete discussions or reviews. Furthermore as indicated above, many assumptions are subject to significant changes during the next few years and those after the 2009 studies and assessments.*

C7.c *“Block Swaps” and “Unsorted” and related Transloading are not defined in publicly knowledgeable terms. Furthermore, current uncoordinated port, terminal, and berth activities along with disjunctive coordination between ships, rail/road, and transloading clearly renders more coordinated long-haul truck and rail services. This short section as in so many other sections renders the Project description, Alternatives comparisons, and Growth Inducements as*

totally inadequate and incomplete and cannot be used to support the needs and purposes of the Project and assessment of impacts and growth inducements.

The DEIR must be updated and supplemented for definitions, clear discussion as to transloading and other terms, and description port operations and the real physical availability, opportunities and constraints for current/2012 conditions and recirculated.

p.2-4/4 C8 2.1.2 Near-Dock and Off-Dock Capacity Given the **limitations** of on-dock facilities, the ports **expect** that near-dock and even off dock facilities will continue to be needed to satisfy the Ports' future **intermodal** needs related to:

- (1) overflow traffic due to on-dock capacity **constraints**,
- (2) containers that require **staging** until a train going to the appropriate destination is available, and
- (3) **transload cargo**.

[Ports]...expect that near-dock and off-dock railyards will continue to handle a **significant portion** of the intermodal traffic.

C8.a Limitations are not specifically and quantitatively defined especially for administrative operating hours and restrictions. What is difference between limitations and constraints

C8.b Use of terms such as "expect" or "significant" is undefined and inadequate for dealing with logistics limitations. When the total of 4+M TEUs is used compared to an overall 44M TEUs the contribution of SCIG does not appear to warrant a "significant" designation.

C8.c Constraints must be clearly defined as the SCIG appears to be justified at its proposed location largely by administrative (operating hours), lease (storage and transloading facilities), and organizational (stacked containers) constraints rather than the physical land available.

C8.d Staging is not defined nor are the constraints or ,limitations related to staging.

C8.e What is the difference and definitions of "Transload CARGO" rather than freight and/or containers? Inadequate definitions and usage and inconsistent usage leads to lack of completeness.

The DEIR must be updated and supplemented for explicit definitions and usage, clear discussion as to staging, transloading and other terms, and description port operations and the real physical availability, opportunities and constraints for current/2012 conditions and recirculated.

p.2-4/5 C9 ...**Tables...show** that approximately 4.4 million **TEUs** will be handled by **near- and off-dock railyards** by the year **2030/2035**...current facilities cannot accommodate that volume, indicating that additional **lift** capacity is needed for each railroad...two Class 1 railroads...handled about 50 percent of the intermodal cargo from the ports...**basic assumption** of the **demand model**...**cargo** forecasts...each...railroads...to handle p.2-5/1 50 percent of the **projected** demand.

C9.a Values of Tables must be part of a model calculation but are not attributed to SCAG or MTA/Caltrans or even PoLA/LB and thereby are inadequate for supporting the contention.

C9.b 2030/2035 is not a year but is a period which should not be used as both SCAG and MTA/Caltrans use only 2035.

C9.c Lift is not defined and can involve many different operations and equipment (e.g., gantries vs fork lifts). Does one lift equal only a pickup or does it include a pickup and a drop of container, cargo, or freight pallet

C9.d Basic assumptions are not clearly defined, quantified, and compared with those of SCAG and MTA/Caltrans for a "model"; all assumptions must be completely and adequately listed somewhere and referenced in the text which is inadequate and incomplete..

C9.e Demand model is not designated nor reference; the DEIR appears not to use the SCAG 2035 RTP nor those of MTA/Caltrans for the I-710/SR-710 corridor studies and thereby

C9.f TEUs/Lift/Cargo are not defined clearly and are inconsistently used. Few TEUs are ever lifted while cargo is difference from goods, freight, or containers and not all containers are 20ft these days.

C9.g Projected demand is not defined and is inconsistently use rather than forecasts, estimates, predictions, etc. used elsewhere in the Chapter and DEIR; they are not the same.

The DEIR must be updated and supplemented for definitions, clear discussion as to models, periods and years and other terms, and recirculated.

p.2-4/5 C10 A review of the 2009 **cargo forecast**, and...50 percent market share of direct **intermodal, transloaded, and domestic containers**...**suggests**...existing capacity at the ICTF will be exceeded

some time between 2030 and 2035 due to **increasing cargo volumes**. ..UP will handle about half of the projected 4.4 million TEUs in **2035**, or 2.2 million TEUs. This **prediction** is based upon the **objective of accommodating UP's share of port intermodal containers solely at the ICTF** (i.e., assuming no **drayage** to the **off-dock railyards**...2009 **cargo forecast suggests**...BNSF...need **additional lift capacity** by **around 2030**...will handle the other half of the projected 4.4 million TEUs **in 2030**, or 2.2 million TEUs...emphasized that these **determinations** are **predicated** upon the following assumptions related to on-dock capacity:

C10.a Cargo, Intermodal, Transloaded, and Domestic are not defined nor consistently used here and elsewhere and thereby renders the statement inadequate.

C10.b Suggests and forecasts are not defined and are inappropriate for use when discussing model results and existing capacity. Furthermore, these terms are inconsistent with use of determinations and predicated later in the same paragraph; inconsistent usage either confuses the reviewer or is purposely included to provide some additional emphasis.

C10.c Sometime, between 2030 and 2035, around 2030, in 2030, and in 2035 are inappropriate for discussion of model results and inconsistently used as in other statements.

C10.d Increasing cargo volumes, additional lift capacity

C10.e Drayage is not defined and is inconsistently introduced without reference to trucking, traffic, movements, etc.

The DEIR must be updated and supplemented for definitions, clear discussion as to models, periods and years and other terms, and recirculated.

p.2-4/5 C11 (1) all...**proposed/planned** POLA/POLB rail infrastructure...on-dock railyards) is constructed more or less in accordance with the **projected timetables**;

(2) three labor **shifts/day** occur in the on-dock railyards; and

(3) an ILWU labor rule modification allows some railcar movements on adjacent tracks in the on-dock railyards for **efficiency gains** during loading/unloading of stationary cars.

C11.a Proposed, planned, and projected timetables are not clearly defined nor provided along with their implications to effects on freight movement

C11.b Shifts and operating daily, weekly, or monthly operating periods are not clearly defined and related to their effects on freight movement through the Port, either outside, adjacent to, or within "on-dock rail yards".

C11.c Efficiency gains are not quantified nor defined nor compared but are PIVOTAL to any logistics network. The Port of LA appears to have a very low efficiency which may reflect the low efficiencies in ship movements/berthing time, loading/unloading, in-port on-dock and near-dock movements. HongKong has many berths moving >300,000 and up to 1,000,000 TEUs/berth-yr while PoLA moves less than these numbers.

The DEIR must be updated and supplemented for definitions, clear discussion as to shift and efficiencies of the entire logistics network from ships near port to freight leaving the inland logistics centers, and description port operations and the real physical availability, opportunities and constraints for current/2012 conditions and recirculated.

p.2-5/2 C12 This EIR takes a **conservative approach**: it **analyzes** the maximum capacity the Project applicant has applied for (**2.8 million TEUs, or 1.5 million "lifts"**), and **assumes** that **market factors** would **determine** the **actual demand**...

C12.a Conservative approach and analyzes are not defined and related to the assessment of impacts. The conservative approach should be applied to the project's effects on the traffic, while the current approach heightens the positive effect by reducing the number of trucks on the I-710. The calculation of international 20ft units to trucks is incorrect as the US trains and truck generally carry 53ft containers rather than ships carrying 40ft container. Many ships are being refitted and designed to accommodate the US 53ft containers in order to reduce and eventually eliminate "transloading" from 40ft to 53 ft containers. For conversion of 2.8M TEUs = 1.4M 40ft-FEU and lifts = 1.1M US-53ftEU), a ratio between TEU and US truck or rail containers should be TEU x 0.375 or 1.1M rather than 1.5M; the differences tends to heighten the traffic reduction as claimed in the DEIR.

C12.b The DEIR "assumes" undefined "market factors" and therefore the DEIR cannot "determine" anything much less the "actual demand". The statement totally disregards the use of

documented model results which can be stated as “modeled” or forecasted or just assumed as correct and consistently applied.

The DEIR must be updated and supplemented for definitions, recalculations for a real conservative approach, calculations reflecting improved performance and industry changes along with clear discussion as to approach and factors for the entire logistics network, and description port operations and the real physical availability, opportunities and constraints for current/2012 conditions and recirculated.

131-23

p.2-5/2 C13 ...environmental analysis is also based on the 2007 cargo forecast...to conservatively account for the maximum potential for high growth and activity levels...noted that the 2009 cargo forecast predicts that actual demand...would be less than 2.8 million TEUs...railroads would compete for their share of the market up to a total of 4.4 million TEUs

C13.a 2007 and 2009 are inadequate for the year 2012, especially as Caltrans, SCAG, and MTA have models for the years 2010-2012 and have not been compared and reviewed with those of the LA-HD/PoLA/LB.

C13.b As indicated above the “conservative approach” actually distorts and heightens the beneficial effects of reducing traffic on I-710.

C13.c What is the difference between a cargo forecast, freight forecast, and TEU-container forecasts? Is there a difference between these elements and between forecasts and models? Previous statements refer to models of freight movements.

C13.d Commonly a forecast does not PREDICT ACTUAL DEMAND. Terms must be defined and consistently used throughout the DEIR.

The DEIR must be updated and supplemented for definitions, clear discussion as to models and forecast, available models and differences, and the constraints/limitations regarding a total rail component of only 4.4M TEU compared to a total movement of up to 44M TEU and recirculated.

131-24

p.2-5/2 C14 ...recent cargo volumes suggest that the 2009 forecast may have substantially underestimated future growth and that near-dock intermodal volumes may reach 4.4 million TEUs earlier than the 2009 forecast predicts.

C14.a As other agencies already have recent (=2010-11 and 2012) volumes ,

C14.b Use of suggest, may, substantially, and underestimates without quantification and definitions renders the statement and section inadequate and incomplete especially as models are available and presumably were used for the DEIR with appropriate statements of assumptions and verification of input values and their validity.

The DEIR must be updated and supplemented for definitions, clear discussion to modeling results and updates based on current 2011-12 information rather than 2007-2009 and recirculated.

131-25

p.2-10/1 C15 2.3 Project Objectives...The need for additional rail facilities to support current and expected cargo volumes...intermodal container cargo...identified in several recent studies...As discussed in those studies, even after maximizing the potential on-dock rail yards, the demand for intermodal rail service creates a shortfall ...in rail yard capacity...2006)...specifically identified a need for additional near-dock intermodal capacity to complement and supplement existing, planned, and potential on-dock facilities...

C15.a What are “expected” cargo and “intermodal container cargo”?? As undefined and not common nor consistent usage such use and terms must be defined for adequate and complete communications within the DEIR.

C15.b “Maximizing” the “potential” rail facilities within physical limitations and constraints of the Ports could support direct ship2rail and ship2truck2rail intermodal transfer of all containers within the ports at daily movements of 180 trains, 5-10/hr, but cannot be achieved within the current context of ports’ lease agreements and labor contracts for ports and terminals.

C15.c Discussions of “intermodal” freight or container presumes that such transloading of sea container (FEUs) to US containers (53ftEU) will continue throughout the study period which is not support by current trends by APL and Maersk to retrofit and build new vessels capable of carrying the US container sizes. Therefore direct Ship-Rail transfers is and will be expanding during the study period 2015-2045.

131-26

C15.d *“Potential” is not defined but could include a ten year reconstruction of much more efficient Ports with minimum transfer rates of 500,000 TEU per berth per year, total of less than 100 berths in both ports.*

131-26

The DEIR must be updated and supplemented for definitions, clear discussion to the maximum physical capacity of more efficient berths, terminals, and ports and updates based on port efficiencies known from other large ports and recirculated.

p.2-10/2 C16 Unlike **on-dock** rail yards...dedicated to a single marine terminal, **near-dock** rail yards...ability to **combine cargo** from various marine terminals and **build trains** that **efficiently** transport **cargo** to specific destinations throughout the country. Near-dock usage...relatively flat due to the availability of only one near-dock rail yard [**ICTF**]...facilities are able to provide needed intermodal capacity with **greatly reduced trucking impacts**, compared to the **more remote off-dock facilities**. Any **cargo**...moved by train **from the Ports** benefits the overall transportation system by reducing the truck trips and total truck mileage along with the associated impacts.

131-27

C16.a *“The greatly reduced trucking impacts...” represents an assessment of impacts and distorts the Project description without the objectivity required in a DEIR. Furthermore the trucking impacts of the proposed SCIG and the ICTF will not greatly or significantly change the truck traffic on I-710 and in the vicinities. The total estimate 4.4M TEU out of 44M TEU clearly shows that the total effect of these facilities would be less than 10%*

C16.b *Cargo can be combined in ship, at-berth, on-dock, and in-port as they are done elsewhere in the world through computer systems usually operated by the port to maximize efficiencies of berths and ship-turnarounds. The PoLA/LB cannot control the operations of leased terminals, berths, equipment, labor, and railroads and therefore can never hope to achieve the efficiencies and productivity and turnarounds for logistics systems found elsewhere in the world.*

C16.c *More remote off-dock facilities are not defined nor located (e.g., Holbart vs Colton) while the proposed Project is designated as near-dock. All facilities not on the dock or at the berth must be considered as “off-dock” and ICTF is more remote off-dock than proposed SCIG.*

The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion to the maximum physical capacity of more efficient berths, terminals, and ports and updates based on port efficiencies known from other large ports and recirculated.

p.2-10/3 C17 LAHD...**expressed...intent** to **promote** increased use of rail **in general**, and near-dock rail facilities...in its **Rail Policy**...

131-28

C17.a *Use of expressed, intent, promote, and in general have no adequate meaning in the context of the DEIR and require definition and quantification if they could be.*

C17.b *No reference is provided for the LAHD Rail Policy and how it would be applied outside the PoLA, i.e., off-dock and out-of-port, although a leased property presumably SCIG may have to comply with such policies.*

The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion to the application of the Rail Policy without reflection of current terminal leases and labor agreements and recirculated.

p.2-10/3 C18 ...comply with the Mayor of Los Angeles’ goal for the LAHD to **increase growth** while mitigating the impacts of **that growth** on the local communities and...region by implementing **pollution control measures**...California EPA has recommended the SCIG project as...candidate in the **2007 Goods Movement Action Plan** and the **Southern California Association of Governments (SCAG)** has identified the SCIG project as **potentially playing a key role**...in its 2008 Regional Transportation Plan Goods Movement Report (SCAG, 2008).

131-29

C18.a *Goals without application are inadequate for the PoLA as any growth is administratively limited without suitable performance requirements on the leasee and with conflicting labor agreements which reduces efficiencies and productivity, usually the cheapest way to reduce pollution and lessen environmental impacts.*

C18.b *The 2007 Action Plan and SCAG 2008 Report are outdated for SoCal and have been replaced by SCAG 2035 RTP and Caltrans/MTA I-710 freight studies and modeling.*

C18.c *SCAG has recognized the role of SCIG but in their freight model it does not play a “key role”.*

- 131-29 **The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion to the application of the SCAG 2035 RTP models and Caltrans/MTA models and recirculated.**
- p.2-10/4 C19 ...**primary objective and fundamental purpose**...Project...additional near-dock intermodal rail facility...would meet **current and anticipated** containerized cargo demands,
C19.a The Objective/Purpose provide no quantification and validation through computer models, but the overall goal of GET FREIGHT ON RAIL can best be achieved by reconstruction of the PoLA for maximized efficiencies and productivities.
- 131-30 **C19.b The proposed Project, the ICTF, and all other in-port rail facilities do not meet current container demands as they remain dependent on antiquated administrative and technical constraints and limitations rather than direct ship2rail transfer of standard US-53ft containers.**
C19.c Containerized cargo, cargo, freights, and containers are not defined nor used adequately and consistently.
The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion to the application of the PoLA/SCIG objectives and purposes without reflection of current terminal leases and labor agreements and recirculated.
- p.2-10/4 C20 **provide shippers with comparable intermodal options,**
 incorporate advanced environmental controls, and
help convert existing and future truck transport into rail transport...
 thereby providing air quality and **transportation benefits.**
- 131-31 **C20.a When dealing with maritime related systems, the DEIR inadequately defines “shippers” and may refer only to the land “shippers” rather than the maritime shippers.**
C20.b “Comparable intermodal options” is incomplete and totally inadequately defined; comparable to what, what options, and even intermodal. Intermodal can be Ship2Rail, Ship2Truck/Tractor2Rail, or Ship2Truck2truck. All are intermodal so that the adequate use of the term must be clearly defined and other terms used for other combinations. For Railroad, intermodal may also mean a single trailer with container loaded on a single rail car.
The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion to the intermodal systems without reflection of current terminal leases and labor agreements and recirculated.
- p.2-10/5 C21 ...**objectives** accomplish the **primary objective & fundamental purpose:**
- 131-32 **C21.a Use of objectives to accomplish the objective and purpose is inadequately or incompletely developed and is misleading. Presumably the SCIG has more than one objective & purpose.**
The DEIR must be updated and supplemented for clear and consistent definitions and usage and recirculated.
- p.2-10/5 C22 1. Provide an additional near-dock intermodal rail facility that would:
 a) **Help meet the** demands of current and **anticipated** containerized cargo from the various San Pedro Bay port marine terminals...
- 131-33 **C22.a Use of help provides inadequate and incomplete, nonobjective assessment or description and avoid adequate quantification which would clearly demonstrate the trival “help” provided by the SCIG.**
C22.b Anticipated is without definition and is meaningless when the DEIR supposedly include results of a computerized logistics model for the SCIG.
The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion to the SCIG assistance in meeting demands without reflection of current terminal leases and labor agreements and recirculated.
- p.2-10/5 C23 b) **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.
- 131-34 **C23.a Specialist may know the definitions of these terms but the DEIR is supposed to be written for non-specialists and public decision makers (LA City Council, under Charter provision 245). Furthermore many ports have well-organized computer data bases for management of all**

containers through their facilities to maximize efficiencies and productivities which often includes routing and aggregating of individual containers and even freight contents for common destinations of ships, berths, gantries, stacks, terminals, rail lines or trucks ALL IN-PORT.

131-34 C23.b Use of Terminals often reflects the break-container, transloading of 40ft to 53ft containers for US markets. During the operations of the SCIG, maritime trends already in place and expanding should eliminate transloading and need of "terminals" within ports; APL and Maersk have already converted and are retrofitting and building new vessels for the US 53-ft Container. The SCIG is inadequate and incomplete in that DEIR assumes antiquated technology and systems will continue when they are in fact changing NOW. The SCIG may also assume that current leases and labor agreement may be continued throughout the project life which appears unfounded and unsupported.

The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion as to the changing containers and needs for terminals and for transloading with and without reflection of current terminal leases and labor agreements and recirculated.

p.2-10/5 C24 2. Reduce truck miles traveled associated with moving containerized cargo by providing a near-dock intermodal facility... p.2-11/1 a) Increase use of the Alameda Corridor for the efficient... transportation of cargo between the San Pedro Bay Ports and destinations both inland and out of the region, and

C24.a As indicated elsewhere continued reference to reduce mileage inadequately compares to the total miles reduced against the overall freight mileage throughout the SCAG/MTA areas.

131-35 C24.b Increased use of the Alameda Corridor is only mentioned here but must be a major important goal of the PoLA/LAHD as the facility is operating and greatly improving due to major capital expenditures for grade crossings. The DEIR does not provide adequate comparisons and benchmarks for the existing and prospective rail capacities in the Alameda Corridor and its dependent sections to the east and north. The existing ROW rail capacity could convey all 2035 containers from the PoLA/LB to either the Inland Empire or High Desert Corridor logistics centers and beyond at a lower level of investments than the currently proposed SCIG and road projects.

C24.a The PoLA/LAHD have not conducted a Maximum Efficiency evaluation for the Port of LA but compared to other international ports, Rotterdam, HongKong, and Singapore, the SPPs, PoLA/LB are several decades behind in efficient and productive use of the port lands and facilities, even without construction new berths.

The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion as to the changing containers and needs for terminals and for maximum efficiencies and productivity with and without reflection of current terminal leases and labor agreements and recirculated.

p.2-11/1 C25 b) Maximize the direct transfer of cargo from port to rail with minimal surface transportation, congestion and delay.

C25.a "Maximize" is incorrect without conditional phrases as the maximizing of physical facilities would easily accommodate IN-PORT, AT-BERTH, and ON-DOCK direct transfers without container storage/stacks and totally avoid "Near-Dock" (Out-Of-Port / Remote Off-Dock) facilities all together.

131-36 C25.b "Direct transfer" is erroneous misleading, and therefore inadequate and incomplete for the DEIR as direct transfers would be from Ship2Rail not Ship2Truck/Tractor2Rail. By including "from port" the DEIR further misleads as the transfer from the port include trucking transloaded containers.

C25.c "Minimal" effects would be achieved by IN-PORT transfers directly to rail and use of existing ROWs with planned projects and additional improvements – ALL containers can be transported by RAIL with only direct local transfer by trucks for end-users within 30mi of the Port.

The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion as to the full Railroad capacity and favorable impacts of maximum efficiencies and productivities of the Ports lands and without reflection of current terminal leases and labor agreements and recirculated.

p.2-11/1 C26 3. Provide **shippers, carriers, and terminal operators** with **comparable options** for Class 1 railroad near-dock intermodal rail facilities.

C26.a The SCIG does not provide comparable options as both Class 1 railroads currently have IN-PORT/ON-DOCK facilities and could expand appropriately if current administrative constraints were amended during the next 10 years and facilities were modernized to those similar to other major international ports.

C26.b Comparable Options are not defined nor quantified and therefore are incomplete and inadequate.

The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion as to the full Railroad capacity and favorable impacts of maximum efficiencies and productivities of the Ports lands and without reflection of current terminal leases and labor agreements and recirculated.

p.2-11/1 C27 4. Construct a **near-dock intermodal** rail facility that is **sized** and **configured** to provide **maximum intermodal capacity** for the transfer of **marine containers** between truck and rail in the **most efficient manner**.

C27.a As elsewhere commented, the SCIG is NOT located near-dock as it lies totally outside of the port and should be designated as at least Off-Port or "Near-Port", even the gates of the PoLA are not "near-dock but still within the Port.

C27.b The SCIG is not "sized" for Maximum Capacity unless a very limited definition of "intermodal" is described compare to the intermodal activities at the Hobart/Bandini/Mission yards and Colton centers. As described in the DEIR both SCIG and ICTF would only account for 10% of the planned throughput of 44M TEU containers. Therefore the statement is inadequate if not erroneous and incomplete as it stands.

C27.c Term of "Marine Containers" are not defined as by the time they reach the SCIG they would be transloaded intermodal containers coming from terminals, and they would be 53ft containers not 40ft containers. As indicated elsewhere, the typical 20ft container has been replaced with the 40ft container and even NOW the 40ft container is be replaced by 53ft containers as "Marine Containers" by APL and Maersk. Within the period of the SCIG planned operations 40ft container may be largely (90+%) replaced by 53ft containers as the 40ft replaced the 20ft containers.

C27.d Most efficient manner for container transfers and for ships and rail turnarounds is direct ship2rail transfers without trucks, tractors, stacking, or transloading IN-PORT.

The DEIR must be updated and supplemented for clear and consistent definitions, clear discussion as to the full railroad capacity and favorable impacts of maximum efficiencies and productivities of the Ports lands and without reflection of current terminal leases and labor agreements and recirculated.

p.2-11/1 C28 5. Provide infrastructure improvements consistent with the **California Goods Movement Action Plan**.

C28.a This Action Plan is outdated and being updated and presumably would include modeling results and conditions developed by Caltrans/MTA and SCAG 2035 RTP. Referenced consistency with an outdated plan is totally inadequate and in complete by not including information and modeling by Caltrans, MTA, and SCAG in 2010, 2011, and 2012.

The DEIR must be updated and supplemented for clear and consistent inclusion of current State, Regional, and Local authorities and without reflection of current terminal leases and labor agreements and recirculated.

**OTHER COMMENTS WILL BE SUBMITTED UNTIL MONDAY 9AM 6
FEBRUARY 2012.**

1 **Comment Letter 131: Tom Williams, Neighborhood Council, NELA**
2 **Coalition**

3 **Response to Comment 131-1**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6 **Response to Comment 131-2**

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 **Response to Comment 131-3**

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 131-4**

19 This comment refers to a chapter or section of the DEIR that was recirculated. No
20 response is necessary per CEQA Guidelines §15088.5(f)(2).

21 **Response to Comment 131-5**

22 Thank you for your comment. The comment is noted and is hereby part of the Final EIR,
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24 action on the SCIG project. The comment is general and does not reference any specific
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27 **Response to Comment 131-6**

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30 **Response to Comment 131-7**

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33 **Response to Comment 131-8**

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1 **Response to Comment 131-9**

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3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 131-10**

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7 **Response to Comment 131-11**

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9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 131-12**

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13 **Response to Comment 131-13**

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16 **Response to Comment 131-14**

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19 **Response to Comment 131-15**

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21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 131-16**

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24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 131-17**

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28 **Response to Comment 131-18**

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31 **Response to Comment 131-19**

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7 **Response to Comment 131-22**

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10 **Response to Comment 131-23**

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13 **Response to Comment 131-24**

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16 **Response to Comment 131-25**

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19 **Response to Comment 131-26**

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22 **Response to Comment 131-27**

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25 **Response to Comment 131-28**

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28 **Response to Comment 131-29**

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31 **Response to Comment 131-30**

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1 **Response to Comment 131-31**

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4 **Response to Comment 131-32**

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7 **Response to Comment 131-33**

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10 **Response to Comment 131-34**

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13 **Response to Comment 131-35**

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16 **Response to Comment 131-36**

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19 **Response to Comment 131-37**

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22 **Response to Comment 131-38**

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25 **Response to Comment 131-39**

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27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28
29



VIA E-MAIL TO CEQACOMMENTS@PORTLA.ORG (ORIGINAL TO FOLLOW BY U.S. MAIL)

February 1, 2012

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

RE: Comments on Southern California International Gateway ("SCIG") Draft Environmental Impact Report ("Draft EIR"): Opposition to Certification

The Wrigley Area Neighborhood Alliance, Inc. ("WANA") is opposed to certification of the Draft EIR and hereby requests that it be revised and re-circulated in a good faith effort at full disclosure. The Draft EIR fails to provide a credible analysis of the cumulative health effects on residents and high-risk receptors in the immediate project area. Consequently, faulty conclusions regarding project benefits are being presented to the public and decision-makers.

General Comments

The substantive nature of the deficiencies permeating Chapter 3.2 entitled *Air Quality and Meteorology* and Appendix C3 entitled *Health Risk Assessment* violate policies expressed in Public Resources Code sec. 21003; Guidelines secs. 15003 and 15006. These policies were included to encourage efficient and streamlined implementation of the California Environmental Quality Act ('CEQA') process. The analysis and conclusions presented in these portions of the Draft EIR are incomprehensible to people skilled in conducting and evaluating health risks. Consequently, the Draft EIR fails to bridge the gap between science and politics and does not foster informed public debate on the merits of the proposed project.

132-1

Furthermore, it is unreasonable to promulgate an analysis based on the assertion that current and future emissions resulting from current tenant operations on the proposed project site (environmental setting/baseline conditions) will exceed those of the proposed SCIG operation and associated 1,500,000 annual truck trips in the immediate project area. The negative CEQA increments in Table C3-7-1 on Page C3-34 are especially difficult to interpret with respect to impacts on the local project area since they are predicated on regional factors and conditions. The appropriate CEQA baselines and CEQA increments should be derived from local project area factors and land use before and after project completion and compared with the alternatives of zero emission technology and on-dock rail facilities.

132-2

The Notice of Preparation was released in 2005 and the Draft EIR in September 2011, well beyond the customary timeframe of 12-18 months for the CEQA process. As a result, the narratives concerning the CEQA baselines, especially the ones that “float”, and thresholds based on both emissions and cancer slope factors are obtuse, highly confusing and may even contradict each other.

132-3

The November 10, 2011 public meeting held in Long Beach in the immediate project area was dominated by business and trade interests, who filled the seats leaving many of the area residents outside in the cold. Union members arrived early and were given box suppers. By the time most of the local people arrived, there were no seats and comments could not be heard outside. Those speakers who did address the Draft EIR on behalf of business and trade interests cited the regional health risk reduction as being a major benefit along with the economic stimulus. While the relative risk might be lower, it is still well above what is considered protective of human health, especially for sensitive receptors.

132-4

Risk is relative to the assumptions and project conditions influencing the relative risk calculation. The Port of Los Angeles acknowledged at a recent Future Ports Conference in a presentation by the former Los Angeles Harbor Environmental Planning Director Ralph Appy that after 2016 mass emissions of criteria and air toxics will increase not decrease as stated in the Draft EIR. Therefore, the risk will increase on both the local and regional levels. Even clean fuel trucks emit significant levels of fines and ultra fines from lubricants and tire dust (Draft EIR, Page 3.2-10).

132-5

The wind conditions described in Section 3.2.2.1 beginning on page 3.2-1, landforms and PM_{2.5} concentrations measured at Port of Los Angeles and SCAQMD monitoring stations (Pages 3.2-7, 3.2-8 and 3.2-9) confirm that the bulk of fine and ultra fine particulates will remain in the local project area and, most likely, will not be rapidly dispersed throughout the region. Of all the local monitoring stations, the highest reported concentration of PM_{2.5} are found at the SCQAMD monitoring station on Long Beach Boulevard in Bixby Knolls.

132-6

The revised Draft EIR for re-circulation should include a discussion of all appropriate and relevant studies conducted by government regulators including the State and US EPA National Ambient Air Quality Standard (NAAQS”) for fine particulate matter (“PM_{2.5}”) as well as those standards established by the National Institute for Occupational Health and Safety (“NIOSH”)for workers exposed to diesel exhaust in rail yards and the process by which the US EPA derived the reference concentration for chronic exposure to diesel exhaust summarized in Reference 1 downloaded from <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=29060>. (Reference 2 was downloaded from <http://www.epa.gov/IRIS/subst/0642.htm#refinhal>.)

Inappropriate Threshold of Significance

132-7

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.) Use of the 10 in a Million Threshold expressed as milligram per kilogram of body weight instead of the NAAQS for PM_{2.5} does not afford the environment the fullest protection within the reasonable scope of statutory language. For a complex mixture such as diesel exhaust, the 10 in a million threshold is overly simplistic especially since the US EPA published a very detailed health risk assessment for diesel exhaust and defined a measurable reference concentration to serve as the threshold of significance in evaluating project impacts. (Reference 1 was downloaded from.)

Diesel exhaust is considered to be a human lung carcinogenicity hazard. Because of uncertainty in the available exposure-response data, a cancer unit risk/cancer potency for diesel exhaust has not been derived (Reference 1, Page 9-25). Since there is no cancer unit risk/cancer potency for diesel exhaust, the Draft EIR should not have used the cancer slope factor of “10 in Million” expressed in milligrams per kilogram of body weight as a threshold especially since the US EPA has established an enforceable threshold of $15 \mu\text{g}/\text{cm}^3$ for $\text{PM}_{2.5}$.

In the absence of a cancer unit risk, the US EPA chose a simple exploratory analyses to provide a perspective of the range of possible lung cancer risk from environmental exposure to diesel exhaust (Reference 1, Page 1-5). A risk perspective such as the one selected for the Draft EIR cannot be viewed as a definitive quantitative characterization of cancer risk nor is it suitable for estimation of exposure-specific population risks (Reference 1, Page 1-6).

The NAAQS for $\text{PM}_{2.5}$ is based upon the Reference Concentration (“RfC”) established by the US EPA for noncarcinogenic chronic exposure to diesel exhaust. The RfC is level of human lifetime exposure thought to be without appreciable risk. For lung damage resulting from diesel exhaust, the RfC is estimated to be $5.0 \mu\text{g}/\text{cm}^3$. However, this level may not adequately protect sensitive receptors such as children and the elderly (Reference 1, page 9-25). Furthermore, for localized urban areas where people spend a large portion of their time outdoors, the current levels of exposures are much higher and may range up to $4.0 \mu\text{g}/\text{cm}^3$ (Reference 1, Page 1-3).

For example, monitoring data in Table 3.2-2.on Page 3.2-8 of the Draft EIR indicates measurements at the North Long Beach Station during the 2007-2009 period exceeded the State Standard of $12 \mu\text{g}/\text{cm}^3$ by a factor of 5. These levels also exceed those measured at the Port of Los Angeles Monitoring Stations (Page 3.2-9 and the derivation of the RfC of $5 \mu\text{g}/\text{cm}^3$ in Reference 2 downloaded from <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=29060>).

There is no evidence in the Draft EIR to support the conclusion that the relative risk due to cumulative impacts will be reduced in the local area below the State Standard. Data given by the Los Angeles Harbor Department at a Future Ports Conference in 2010 clearly stated that the relative risk from goods movement will decrease until 2016 and will then increase due to the growth in the number of containers coming into the LA-LB Port complex. With gasoline and natural gas (liquefied or compressed), the ultra fine particulates are derived mostly from the lubricant oil.

Discussion of the Toxicological Properties of Ultra Fines

The discussion of ultra fines should be brought up-to-date and appropriate scientific references should be cited for the broad statements on Page 3.2-10. Understanding of the health impacts of ultra fine particulates is not in its infancy as demonstrated in review articles published in readily available professional journals. (See attached abstracts with links to authors published in 2006 and 2008.)

The small size of diesel particulate matter, combined with their large surface area, will likely enhance the potential for subcellular interactions with important cellular components of respiratory tissues once the particles are inhaled by humans or other species (Johnston et al., 2000; Oberdörster et al., 2000). These findings may soon lead to lowering of the RfC for ultra fine particulates to protect sensitive receptors.

132-7

132-8

At the very least, the Port of Los Angeles as the lead agency should have consulted with local scientists affiliated with the *Southern California Center for Airborne Particulate Matter*, one of five centers funded by the US EPA in the late 1990s to study the underlying basis of health effects associated with air pollution. Recent findings on the toxicological properties of ultra fines have serious cumulative consequences for Long Beach residents (Personal communication: Andrea Hricko, M.P.H. at Gateway Cities Council of Governments, Air Quality Action Plan Advisory Roundtable Meeting, Fall 2011). Ultra fines can build up within structures and persist in the indoor environment for very long periods of time, thus adding to the cumulative impacts.

132-9

Disagreement among experts does not make a Draft EIR inadequate. However, if there are opposing views, the Draft EIR should summarize the main points of disagreement among the experts.

Exclusion of a Discussion of Zero Emission Technologies for Transport Vehicles and Good Faith Analysis of On-Dock Rail Alternatives

Of even greater concern are recent findings that while PM₁₀ and PM_{2.5} concentrations in DE from cleaner diesel engines is decreasing, the ultrafine fraction is not (personal communication Andrea Hricko). The ramifications of these findings must be addressed in the Draft EIR. The physical and toxicological properties of ultra fines are well-established (Attachments 1-3)). All internal combustion engines including those fueled by gasoline and natural gas produce ultra fines as stated on page 3-2-10 of the Draft EIR. Use of Zero Emission Technologies ("ZET") as mitigation for the cumulative impacts of ultra fine particles must be thoroughly analyzed in the re-circulated Draft EIR. The increased health costs on an already over-burdened population should be addressed relative to the costs of ZET and On-Dock Rail Alternatives.

132-10

Additional Concerns

WANA has also reviewed the comments submitted by the City of Long Beach and concurs with the issues raised: (1) project boundaries reconfigured after issuance of the Notice of Preparation ("NOP") in 2005 (Figures 2-1, 2-2, 2-3a and 2-3b); (2) description of air quality baseline conditions, *i.e.*, current environmental setting; (3) erroneous emissions analysis which 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; (4) misrepresentation of the reduction in annual truck trips between the project site and the BNSF Hobart Yard (Page 3.10-26); (5) understated cumulative impacts to the local environment (Item 4.2.2.4 on Page 4-26, Item 4.2.2.8 (Pages 4-28 and 4-29); (6) a faulty and misleading health risk analysis that omitted analysis of the impacts of ultra fine particulates and appropriate mitigation, *i.e.*, use of zero emission technology; (7) inadequate analysis of project alternatives such as on-dock rail facilities, a reduction in the physical size of the proposed facility and provisions for a permanent buffer zone between the residential area and the facility; (8) failure to mandate lease conditions as project mitigations (Page 3.2.-73); (9) conflict of construction hours and duration with city noise ordinance (MM NOI-2 and MMNOI-2) and failure to identify a potential unavoidable significant impact on sensitive receptors; (10) flawed analysis of truck routes in Figure 2-4 entitled *Designated Truck Routes*; (11) use of traffic noise methodology that is no longer recommended by the Federal Highway Authority ("FHWA"); and (12) inadequate sound mitigation (MN NOI-1) based on current experience with a similar facility to the north of the proposed project site. WANA also supports the City of Long Beach comments on other noise issues and project impacts on local job and business losses.

132-11

132-12

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Conclusion

132-23

The adequacy, completeness, and a good faith effort at full disclosure are paramount in the CEQA process (Section 21083, Public Resources Code; Reference: Sections 21061 and 21100, Public Resources Code; San Francisco Ecology Center v. City and County of San Francisco, (1975) 48 Cal. App. 3d 584). For the reasons stated above, WANA has determined that the current Draft EIR is not scientifically or legally defensible. While there may be a modest improvement to regional air quality, those improvements can only be achieved at a very high cost to Long Beach residents in West Long Beach and Wrigley.

Recommendations

132-24

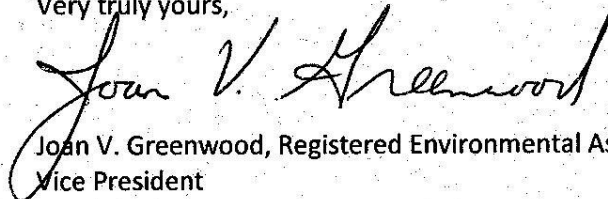
The Wrigley Area Neighborhood Alliance, Inc. ("WANA") asks that the Draft EIR be revised and re-circulated to include an analysis of the health risks to the local project area based on the US EPA RfC for diesel exhaust. This revised approach and methodology will provide the public and elected officials with relevant information that takes into account the full impact of the project's environmental consequences on receptors in the immediate project area, which includes the Wrigley District of Long Beach.

132-25

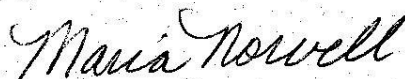
A revised Appendix 3C should be reviewed and signed by an American Board of Toxicology certified professional and a Certified Industrial Hygienist ("CIH").

Thank you for consideration of these comments. Should you have any questions, please contact Joan Greenwood, Vice President and Environmental Committee Chair at (562) 355-8679. Her e-mail address is jgreenwood8679@gmail.com.

Very truly yours,



Joan V. Greenwood, Registered Environmental Assessor #08155
Vice President



Maria Norvell, President
Wrigley Area Neighborhood Alliance, Inc.
P.O. Box 6370
Long Beach, California 90806

1 **Comment Letter 132: Wrigley Area Neighborhood Alliance**

2 **Response to Comment 132-1**

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
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29 **Response to Comment 132-8**

30 This comment refers to a chapter or section of the DEIR that was recirculated. No
31 response is necessary per CEQA Guidelines §15088.5(f)(2).

32 **Response to Comment 132-9**

33 This comment refers to a chapter or section of the DEIR that was recirculated. No
34 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 **Response to Comment 132-10**

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 **Response to Comment 132-11**

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 **Response to Comment 132-12**

8 This comment refers to a chapter or section of the DEIR that was recirculated. No
9 response is necessary per CEQA Guidelines §15088.5(f)(2).

10 **Response to Comment 132-13**

11 This comment refers to a chapter or section of the DEIR that was recirculated. No
12 response is necessary per CEQA Guidelines §15088.5(f)(2).

13 **Response to Comment 132-14**

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 **Response to Comment 132-15**

17 This comment refers to a chapter or section of the DEIR that was recirculated. No
18 response is necessary per CEQA Guidelines §15088.5(f)(2).

19 **Response to Comment 132-16**

20 This comment refers to a chapter or section of the DEIR that was recirculated. No
21 response is necessary per CEQA Guidelines §15088.5(f)(2).

22 **Response to Comment 132-17**

23 This comment refers to a chapter or section of the DEIR that was recirculated. No
24 response is necessary per CEQA Guidelines §15088.5(f)(2).

25 **Response to Comment 132-18**

26 This comment refers to a chapter or section of the DEIR that was recirculated. No
27 response is necessary per CEQA Guidelines §15088.5(f)(2).

28 **Response to Comment 132-19**

29 This comment refers to a chapter or section of the DEIR that was recirculated. No
30 response is necessary per CEQA Guidelines §15088.5(f)(2).

31 **Response to Comment 132-20**

32 This comment refers to a chapter or section of the DEIR that was recirculated. No
33 response is necessary per CEQA Guidelines §15088.5(f)(2).

1 Response to Comment 132-21

2 This comment refers to a chapter or section of the DEIR that was recirculated. No
3 response is necessary per CEQA Guidelines §15088.5(f)(2).

4 Response to Comment 132-22

5 This comment refers to a chapter or section of the DEIR that was recirculated. No
6 response is necessary per CEQA Guidelines §15088.5(f)(2).

7 Response to Comment 132-23

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 132-24

14 This comment refers to a chapter or section of the DEIR that was recirculated. No
15 response is necessary per CEQA Guidelines §15088.5(f)(2).

16 Response to Comment 132-25

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)).

22 The commenter attached three additional documents (see below). Those documents do
23 not specifically address sections of the DEIR or its adequacy. Therefore, no responses are
24 provided. A copy of the commenter's attachment is included in the electronic versions
25 (CD and POLA website) of the Final EIR. The commenter's attachments were:

- 26 1. A Review of Carbon Nanotube Toxicity and Assessment of Potential Occupational and
27 Environmental Health Risks. Crit Rev Toxicol 2006 36(3) abstract.
- 28 2. Toxicological Assessment of Ambient and Traffic-Related Particulate Matter: A Review
29 of Recent Studies. Mutat Res 2006 613(2-3) abstract.
- 30 3. Airborne particulate matter and human health: toxicological assessment and importance
31 of size and composition of particles for oxidative damage and carcinogenic mechanisms.
32 J Environ Sci Health C Environ Carcinog Ecotoxicol Rev 2008 26(4) abstract.

33

February 1, 2012

Mr. Christopher Cannon
Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90733-0151

Re: Comments on the DEIR for the Southern California International Gateway Project

Dear Mr. Cannon:

On behalf of the Community Outreach and Engagement Program of the Southern California Environmental Health Sciences Center, I submit these comments on the BNSF's Southern California International Gateway Project's ("SCIG," "Project") Draft Environmental Impact Report ("DEIR," "EIR") to bring the Los Angeles Harbor Department's ("LAHD") attention to several important issues and flaws in the DEIR on the SCIG. We request that the Los Angeles Harbor Department fully examine the issues raised below in its DEIR.

Please note that these comments are *an additional set of comments to The Truck and Transload Report* which has also been submitted as comments on the BNSF SCIG DEIR.

1. The EIR fails to have a clear statement of purpose. The DEIR states that:

"the primary objective and purpose of the proposed project is to provide an additional near-dock intermodal rail facility serving the San Pedro Bay Port marine terminals that would meet current and anticipated containerized cargo demands, provide shippers with comparable intermodal options, incorporate advanced environmental controls, and help convert existing and future truck transport into rail transport, thereby providing air quality and transportation benefits."

This objective is too narrow; with it, the only facility that can meet the claimed purpose is a "near-dock" facility. But an "on-dock rail yard" could do all the above - except be a "near-dock" facility! The "purpose," therefore must not be to provide an "additional near-dock rail yard" which precludes consideration of reasonable alternative projects, such as on-dock facilities that could *"meet current and anticipated containerized cargo demands."*

2. The EIR must address a reasonable range of alternatives. We appreciate the mention of alternatives in the DEIR, but, in fact these alternatives are only "mentioned;" they are not appropriately analyzed. The section is so sparse that it almost seems like the Port of Los Angeles (POLA or Port of LA) "blew off" the Alternatives Analysis. There is no discussion, for example, of putting containers with eastern destinations onto trains on-dock at the Ports without sorting them by destination and having them go to another's state's inland port (e.g., AZ), as has been raised repeatedly at POLA hearings and Harbor Commission meetings as alternatives to near-dock rail yard projects.

The discussion of Pier S is extremely short, saying that having Pier S land be utilized as an on-dock rail yard is infeasible and arguing that the Port of LA cannot suggest Pier S land become an on-dock rail yard because it is owned by the Port of Long Beach (POLB). The possibility of putting additional on-dock rail at the Port seems to have been dismissed by a Parsons report (2010) which is only four pages long (DEIR, Appendix G2).

133-1

133-2



3. **The EIR must provide a clear and accurate project description that addresses ALL of the project's components – and we argue, that should include a sketch of the layout of the facility.** The DEIR's description of the proposed Project is unclear because the DEIR contains no detailed sketch of the layout of the facility, particularly with respect to where the entrances and exits are for the site, the location where locomotives will be serviced and maintained, where a "hazmat" area will be, etc. Such a sketch was requested in 2005 by this commenter in her BNSF SCIG NOP comments. In addition, such a sketch was requested by the Long Beach Unified School District. Despite these specific requests, no such sketch is in the BNSF SCIG DEIR. Commenter Andrea Hricko subsequently requested a sketch from Port of Los Angeles leadership in the fall of 2011 after the SCIG DEIR was released, but they would not furnish a sketch, suggesting that I could comment on that in my SCIG DEIR comment letter (which I am doing once again).

See sections of the 2005 BNSF SCIG NOP comments submitted by Andrea Hricko, pasted below:

Insert 1. 2005 BNSF SCIP NOP comment submitted by Andrea Hricko, USC, from Port of Los Angeles environmental website under CEQA. (Sections pasted in below).

Specifically, the EIR must describe the following, which the SCIG NOP fails to describe:

- **where the "Haz Mat area" of the site will be (not included in the NOP maps)**

Project description: maps and figures

- The EIR must include a map to identify and show the proximity to all schools in the area, including parochial schools, as well as other facilities such as homeless shelters, housing for homeless veterans, daycare centers, community gardens, parks and recreational areas, many of which are within .25 miles of the proposed facility. The map included with the NOP is insufficient to show the impacted communities in all directions from the proposed project.

This section of the NOP states: "Trains using the intermodal facility may potentially transport hazardous materials." A map of the SCIG shown in a presentation at the Mobility 21 Conference (Appendix C) actually shows the Haz Mat area of the SCIG located directly across the Terminal Island from the homeless facilities and daycare center on San Gabriel Avenue. (Compare location of Haz Mat area on map in Appendix C with location of homeless shelter, transitional school for homeless children, and a daycare center less than .25 miles from the proposed SCIG, Appendix D). We recommend that this Checklist response be changed to "potentially significant impact," and that the EIR present a thorough evaluation of the risk of exposure, including identification of what types of hazardous materials will be handled at the facility. It would seem prudent to locate a Haz Mat area of the SCIG much further away from young children. In addition, the Emergency Response Plan should involve input from the adjacent community.

See sections of the BNSF SCIG NOP comments submitted by LBUSD below:

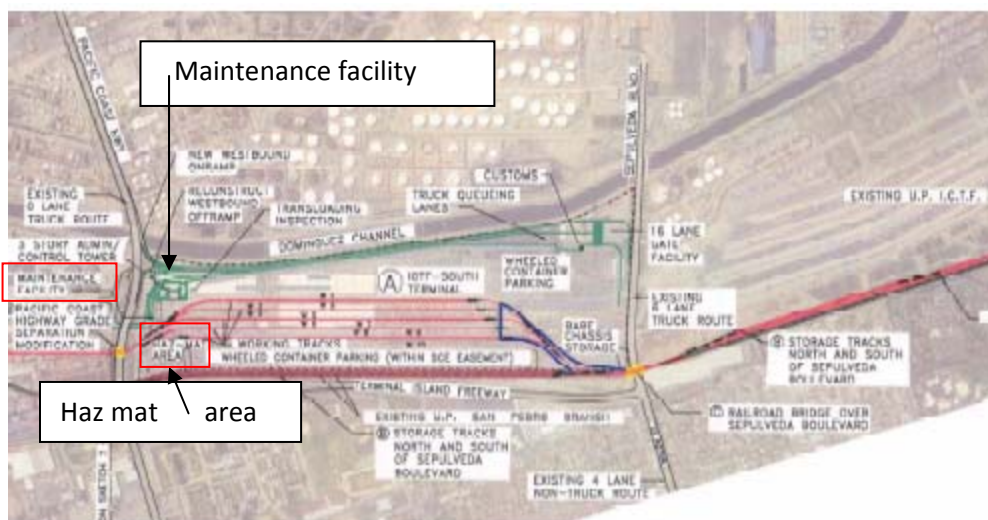
Insert 2. 2005 BNSF SCIP NOP comment by Long Beach Unified School District (LBUSD)

General:

- The EIR should include a figure (or figures) that shows general locations for all major Project construction and improvements including, but not limited to, all new tracks (e.g., tracks for transfer of marine containers & additional BNSF tracks), fueling areas, a truck in/out gate, etc. Please clarify the Area of Less Frequent Train Movements as shown in Figure 2, Project Site Area. It is uncertain what the Area of Less Frequent Train Movements represents; if that is the area where additional rail tracks are being proposed, please label as such.

In comments submitted in 2005, this commenter provided a *sketch that was not in the NOP but that had been copied from a Port of Los Angeles Power Point presentation made at Mobility 21 Conference*. She requested that such a sketch be included in the DEIR. Pls note below the “Haz Mat Area” and the “Maintenance Area” in the sketch found by Andrea Hricko on the Internet but not included in the NOP or in the DEIR. The sketch below was submitted by Andrea Hricko in her NOP comments, with request for clarification, which was not done in the DEIR.

Insert 3. Sketch of the BNSF SCIG from a POLA power point presentation presented at the Mobility 21 Conference on July 29, 2005 (submitted to the BNSF SCIG NOP record by Andrea Hricko, USC, October 2005)



Some reasons why a sketch is important:

- Truck entrances and exits. Exactly where the entrances and exits to this proposed railyard certainly matter, because the level of truck traffic on the railyard’s adjacent Terminal Island Freeway will depend on whether and to what extent the northern entrance to the site is used. Because the Terminal Island (TI) Freeway is immediately adjacent to schools, residential neighborhoods, churches, and parks, the level of truck traffic on the TI Freeway is essential to the EIR’s impacts analysis. This commenter requested a diagram describing the layout of the facility in her comments submitted back in 2005,ⁱ but none was

provided in the DEIR. Similarly, in 2005 the Long Beach Unified School District (LBUSD) requested a diagram of where the trucks would enter and exit (see above). None was provided. In the fall of 2011, this commenter also made a request of POLA leadership for a diagram showing the layout of the SCIG facility but her request was denied. Please provide a detailed sketch/layout of the facility in the EIR.ⁱⁱ

133-3

- b. Hazmat area. A diagram of the facility's layout that circulated on the Internet in 2005 showed a "haz mat" area directly across the Terminal Island Freeway from the daycare center. (See sketch above). Questions about the "haz mat" facility shown in the sketch were raised by this author in her comments on the BNSF SCIG NOP in 2005. Despite the previous request for an explanation, the DEIR provides no mention of a "haz mat area." The word "haz mat" does not appear in the DEIR. Port staff told this commenter that there would not be a hazmat area at the BNSF SCIG, although perhaps some hazardous materials might be used. Why did a "haz mat area" appear in earlier diagrams produced by BNSF and the POLA about the SCIG and then disappear? Please clarify in the EIR.
- c. Maintenance facility. In the above sketch of the layout found online in 2005 BNSF showed a "maintenance facility." No such maintenance facility exists on any of the maps of the SCIG in the DEIR. Again, this commenter in the fall of 2011 asked POLA leadership for a diagram of the facility layout to see where this maintenance facility would be located. Dr. Geraldine Knatz and Mr. Chris Cannon responded that a sketch of the site layout could not be provided but that: "*There is no locomotive maintenance facility that is proposed at this site.*" This raises obvious questions:

Where will the locomotives from the BNSF SCIG be serviced and load-tested before they travel cross country?

This is a question not answered in the BNSF SCIG DEIR. All line-haul locomotives that are heading cross-country are inspected and load-tested before leaving, based on information received by Andrea Hricko at a tour of the UP Commerce facility. The DEIR has this to say about trains leaving the SCIG: "*After proper inspections and testing, the train would depart from the south end of the facility and proceed onto the Alameda Corridor.*"

The DEIR also states that:

"A locomotive service area consisting of two short tracks would be located adjacent to the south lead tracks on land south of PCH. Both yard switching and line-haul locomotives would receive minor service, including fueling, in this area (major service would be performed at "central locomotive services facilities off-site.)"

133-4

The DEIR fails to describe where all the yard switching and line-haul locomotives will receive *major servicing*. Please provide information about where the "offsite" "major service" will be "performed at central locomotive services facilities" as stated in the BNSF DEIR?

133-4

Please also provide a sketch/layout of the facility showing where the minor service and fueling will occur, since it does not show up on any diagram in the DEIR.

Concerns about the off-site maintenance facility – is it going to be at the Sheila Yard in Commerce? Where does the DEIR account for emissions from locomotives being serviced and load-tested at an off-site facility?

Without any knowledge otherwise, it might be assumed that the locomotives from the BNSF SCIG would be serviced at the BSNF Sheila Yard in the City of Commerce, where BNSF Hobart Yard locomotives are currently handled. Actually, where else would such load testing be handled in the area if not at the Sheila Yard? Please clarify in the EIR – with great specificity – where the line haul locomotives from the SCIG will be serviced/maintained/load-tested before they head to eastern U.S. destinations.

This is a description of the Sheila Yard from the California Air Resources Board's (CARB) Health Risk Assessment (HRA) ⁱⁱⁱ for that yard:

133-5

“The BNSF Sheila Mechanical Railyard is a locomotive mechanical shop facility, and mainly supports the operations at the BNSF Hobart Railyard nearby. Operations at the railyard include locomotive fueling, locomotive maintenance, locomotive line haul, passenger locomotives, track maintenance, portable power generators, on-road fleet vehicles, and other stationary sources. There were 14,577 locomotives serviced at the BNSF Sheila Mechanical Railyard in 2005.”

Below is an approximation of the additional emissions that might occur in Commerce if all the SCIG locomotives were serviced at the Sheila Yard.

First, in 2005 the diesel PM emissions at the BNSF Sheila Mechanical Railyard were estimated at about 2.7 tons per year. Since Sheila is not a high priority yard for ARB's 2010 commitments by the railroads to reduce emissions, we will estimate the same tonnage of pollution for the future. In 2005, there were 2.7 tons of emissions for 14,577 locomotives serviced at Sheila. The SCIG DEIR says that it will have 8 trains a day with 3-4 locomotives per train.

Using an average of 3.5 locomotives/train/day times 8 trains/day =10,220 locomotives/year.

If there are 2.7 tons of DPM at Sheila per 14,577 locomotives, then there would be approximately 1.9 tons per year of additional DPM for the 10,220 SCIG locomotives if Sheila also services them.

1.9 tons/year from new load testing for SCIG + 2.7 tons/year for Sheila's existing testing = 4.6 tons/year. Thus, there would be 70% more pollution/year in the Commerce area when it starts to service locomotives from the SCIG at the Sheila Yard (1.7 times as much diesel emissions as currently).

Table 1. Potential emissions at the BNSF Sheila Yard if BNSF SCIG locomotives are serviced there

133-5



Yard	# of locomotives serviced or needing to be serviced	Tons of diesel particulate matter (DPM) emitted/year
Sheila	14,577 (2005)	2.7 tons (2005)
BNSF SCIG	10,220 (future)	1.9 tons (future)
Total	24,797 (future)	4.6 tons/year

The additional emissions due to the SCIG locomotive maintenance at the “central services facilities off-site” – if that “site” is the Sheila Maintenance Yard – must be included as air pollution impacts for the SCIG and for the community impacted by them. If Sheila is not the site for such maintenance and load testing – please tell the public what that site is.

133-6



4. The EIR must describe exactly who will be impacted by the Project. Numerous schools, a daycare center, a housing complex for vulnerable veterans, churches, parks, and residential neighborhoods are very close to the proposed Project site. The DEIR gives short shrift to these surrounding conditions. For example, the DEIR only mentions the SCIG’s proximity to schools a few times in the entire DEIR document. Here in the Appendix of the DEIR (in the reprint of the NOP) the mention of schools is almost buried:

9 Surrounding Land Uses and Setting

Properties adjacent to the proposed intermodal facility include a rail loading and unloading facility to the north, industrial refining facilities to the west, container and trailer parking and servicing facilities to the south, and multi-family residential land uses, including several schools, churches, a homeless shelter and a veterans facility, across the Terminal Island Freeway to the east in the City of Long Beach. The intermodal facility Project site is currently used for warehousing, container, and trailer parking and servicing.

Above, only three schools are named, when in fact at least *eight* or perhaps even *nine* schools and daycare centers are close to the proposed site, including the huge recreational/sports facilities of Cabrillo High School where students exercise every day and play competitive sports: See the inexplicably incorrect explanation below – stating that only three schools are within one quarter mile of the facility:

- c. Would the project emit hazardous emissions or handle hazardous materials or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school?

Potential Significant Impact. The proposed Project is directly across the Terminal Island Freeway from Reid High School, Hudson Middle School and Bethune Program for the Homeless, each of which is within a quarter mile of the site (see Figure 2, Project Description). Hazards that are routinely handled in accordance with federal and state law regarding hazardous materials could, nevertheless, potentially adversely affect these schools due to their proximity to the Project site. This impact is potentially significant and will be addressed in the EIR.

The DEIR has statements in it that re incorrect and that conflict with the above, stating that NO schools are within one quarter mile of the proposed site. This is completely incorrect.

133-6

133-6

Hazards and Hazardous Materials Construction and operation of the proposed Project and Reduced Project Alternative would cause increased risks of accidents and upsets as a result of the use and transport of hazardous materials and the possibility of ruptures and spills during construction and operation, and could expose workers and the public to hazardous wastes (RISK-1 through RISK-3). With the application of standard controls and precautions such as emergency planning and response, as well as standard POLA lease measures for site remediation and contamination contingency planning, these impacts would be less than significant. Because the site is not on a list of hazardous materials sites or within one-quarter mile of a school the impacts of the proposed Project and Reduced Project Alternative would be less than significant (RISK-4 and RISK-6).

Below, only two schools and a daycare center are mentioned in the list of sensitive receptors, when 9 school and daycare centers are located within one mile of the site. The recreational sports sites for Cabrillo High School are less than 500 feet from the eastern edge of the project but they are never mentioned as a “sensitive receptor.”

3.2.2.4 Sensitive Receptors

The impact of air emissions on sensitive members of the population is a special concern. Sensitive receptor groups include children, the elderly, and the acutely and chronically ill. The locations of these groups include residences, schools, daycare centers, convalescent and retirement homes, and hospitals. Sensitive receptors that could be affected by the construction or operation of the proposed Project are shown in Figure 3.2-1. The nearest sensitive receptors to the proposed Project site include residents in the West Side neighborhood of Long Beach. Additionally, the Mary Bethune School and the Hudson Middle School are 435 and 530 feet, respectively, from the Eastern boundary of the proposed Project site. The nearest daycare center is the Cabrillo Child Development Center, about 415 feet from the Eastern boundary of the proposed Project site. The nearest convalescent home is Loram Manor, about 1670 feet east of the Project boundary. The nearest healthcare facility is Santa Fe Convalescent Hospital, approximately 0.94 miles (4,950 feet) from the Project boundary.

Table 2. Public schools close to the BNSF proposed SCIG Project

School	Distance from site	School playground or recreational sports practice area
Stephens Fine Arts Magnet Middle School	<0.5 mi.	
Webster Elementary School	<1.0 mi.	
Hudson School	<0.25 mi.	< 500 feet
Cabrillo High School	<0.75 mi.	<500 feet
Mary Bethune Program for the Homeless	<0.25 mi.	<500 feet
Reid Senior High School (<0.25 mi.),		
Garfield Elementary School	<0.75 mi.	
John Muir Elementary School	<1.0 mi.) ¹	
<i>Total number of students within one mile of the SCIG</i>		

Also of concern is that the DEIR does not have a map showing the location of schools and other sensitive receptors in close proximity to the proposed SCIG site. The diagram below shows the SCIG in relationship to the location of the closest schools.

133-6

Figure 1. Aerial map simulation of BNSF SCIG Project by BNSF (from its website) with labels added by Andrea Hricko, 2012.



133-6

5. **Environmental justice impacts must be carefully considered in the EIR.** The proposed Project Site is located near two low-income communities of color: West Long Beach and Wilmington. According to the 2000 census, Latinos, African-Americans, Asians, and other non-white ethnicities represent more than 85% of the population in these communities. However, the DEIR does not make clear that the EIR will assess and mitigate these clear environmental justice impacts.

133-7

Wilmington, West Long Beach and Carson are already burdened by the Port of LA, Port of Long Beach, the 710 freeway, the Terminal Island Freeway, and the UP-ICTF — in addition to the nearby refineries. The proposed Project would site yet another source of pollution in these communities. Of particular concern in this area are the adverse health effects of diesel emissions, dramatically increased local levels of which are implicated by the proposed Project's use of trucks, locomotives, switch engines, and yard equipment. The EIR must consider and implement mitigation measures to eliminate all environmental justice impacts implicated by the proposed project.

133-8

6. **The DEIR significantly underplays the hazardous waste risk.** Many currently active and abandoned BNSF rail yards are contaminated. There are dozens of hazardous waste incidents related to freight trains every year – including incidents related to BNSF – and including incidents at rail yards.

This is what the SCIG DEIR says about the potential for a hazardous waste incident:

According to LAHD, nearly 20,000 containers of hazardous cargos pass through the Ports each year. The proposed SCIG facility would handle a portion of those containers, applying established corporate procedures for hazardous cargos (see Section 3.7.2.4).

133-8

The DEIR shows the hazardous waste risk as “less than significant” and inexplicably states that the Project would not emit hazardous emissions – when diesel particulate is a toxic air contaminant in California. (DEIR at ES-56):

Proposed Project	RISK-5: The proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Less than significant impact	Mitigation not required	Less than significant impact
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In its own annual report, however, (section reprinted below) BNSF states that it is currently dealing with 286 hazardous waste sites in the United States where cleanup is underway or required.

Source: BNSF Railway Annual Report. Class I Railroad Annual Report to the Surface Transportation Board. December 2010. (See excerpt below).

“Environmental

The Company’s operations, as well as those of its competitors, are Subject to extensive federal, state and local environmental regulation. **BNSF Railway’s operating procedures include practices to protect the environment from the risks inherent in railroad operations, which frequently involve transporting chemicals and other hazardous materials.** Additionally, many of BNSF Railway’s land holdings are and have been used for industrial or transportation-related purposes or leased to commercial or industrial companies whose activities may have resulted in discharges onto the property. As a result, BNSF Railway is subject to environmental cleanup and enforcement actions. In particular, the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), also known as the Superfund law, as well as similar state laws, generally impose joint and several liability for cleanup and enforcement costs on current and former owners and operators of a site without regard to fault or the legality of the original conduct. BNSF Railway has been notified that it is a potentially responsible party (PRP) for study and cleanup costs at Superfund sites for which investigation and remediation payments are or will be made or are yet to be determined (the Superfund sites) and, in many instances, is one of several PRPs. In addition, BNSF Railway may be considered a PRP under certain other laws. Accordingly, under CERCLA and other federal and state statutes, BNSF Railway may be held jointly and severally liable for all environmental costs associated with a particular site. If there are other PRPs, BNSF Railway generally participates in the cleanup of these sites through cost-sharing agreements with terms that vary from site to site. Costs are typically allocated based on such factors as relative volumetric contribution of material, the amount of time the site was owned or operated and/or the portion of the total site owned or operated by each PRP. **BNSF Railway is involved in a number of administrative and judicial proceedings and other mandatory cleanup efforts for 286 sites, including 19 Superfund sites, at which it is participating in the study or cleanup, or both, of alleged environmental contamination.** (Emphasis added).

133-9

8. The consultants who created the DEIR did an inadequate job of reviewing research findings on the health effects of air pollution, especially diesel exhaust, on health. There is not even one study included that shows the connection between diesel exhaust and lung cancer.

The DEIR ignores more than 30 studies that show lung cancer in workers exposed to diesel exhaust. These studies are the basis for California’s naming diesel particulate matter as a Toxic Air Contaminant. (See OEHHA fact sheet on diesel exhaust: http://oehha.ca.gov/public_info/facts/pdf/diesel4-02.pdf).

The list of references in the DEIR and in its Appendices (including the Health Risk Assessment) includes no citations to the significant studies by Garshick et al on diesel and lung cancer in railroad workers.

We note that in other proceedings, Environ has criticized the studies showing an association between lung cancer and diesel exposure, including the important Garshick studies which show lung cancer in association with diesel exposure in railroad and trucking industry workers. (See for example this DEIR: <http://www.watertransit.org/files/pubs/SouthSanFrancisco/EIR-Draft/06%20App%20D%20HHRA.pdf>). See also work that Environ previously did for the Port of Los Angeles, "2010 UPDATE - San Pedro Bay Ports Clean Air Action Plan, Appendix B: Final Bay-Wide Regional Human Health Risk Assessment Tool for DPM" by Environ International, 2009. http://www.portoflosangeles.org/CAAP/12_21_2010_CAAP_Appendix_B.pdf).

In the BSNF SCIG DEIR, the Garshick and other studies on lung cancer and diesel exhaust are simply ignored. Please see a short list of references on diesel exhaust and its health effects in Appendix A.

We note that in the Trapac EIR, there was a list of scientific references on the health effects of diesel exhaust, ultrafine particles, etc. See: http://www.portoflosangeles.org/EIR/TraPac/DEIR/Appendix_D7_Additional_Resources.pdf

9. The DEIR makes a statement that diesel exhaust does not cause objectionable odors, without any references, when numerous studies show that the odors are objectionable to most of the nearby population exposed.

Impact AQ-6: The proposed Project would not create objectionable odors at the nearest sensitive receptor.

Operation of the proposed Project would increase air pollutants due to the combustion of diesel fuel. Some individuals might find diesel combustion emissions to be objectionable in nature, although quantifying the odorous impacts of these emissions to the public is difficult. The mobile nature of most Project emission sources would help to disperse proposed Project emissions. Additionally, the distance between proposed Project emission sources and the nearest residents is expected to be far enough to allow for adequate dispersion of these emissions to below objectionable odor levels.

We note the following link from EPA's website, which states that the odor of diesel exhaust is objectionable to most people: <http://www.epa.gov/ttn/atw/dieselfinal.pdf> and also a recent study looking at chemical intolerance and acute sickness from diesel exhaust exposure. (Source: Laumbach RJ, Kipen HM, Kelly-McNeil K, Zhang J, Zhang L, Liou PJ, Ohman-Strickland P, Gong J, Kusnecov A, Fiedler N. Sickness response symptoms among healthy volunteers after controlled exposures to diesel exhaust and psychological stress. *Environ Health Perspect.* 2011 Jul;119(7):945-50. Epub 2011 Feb 17.)

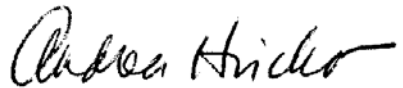
10. The DEIR includes more information on ultrafine particles than it does on diesel exhaust, but it states that research on "ultrafine particles is "in its infancy," while research in California started in 1999 and hundreds of publications on ultrafine particles are in the literature.

133-11

↑ The Southern California Particle Center based at UCLA started in 1999 -- 13 years ago – and at the request of then-Commissioner David Freeman, Dr. John Froines of UCLA, director of the particle center, made a ½ hour presentation was made to the POLA Board of Harbor Commissioners at the in 2006. Please see references in Appendix A.

Thank you for considering these comments.

Sincerely,



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and

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Appendix A: Selected references on diesel exhaust and ultrafine particles for consideration in the redone DEIR and FEIR. Note highlighted references by Garshick on trucking and railroad workers and lung cancer is association with diesel exhaust exposure – particularly relevant for this DEIR.

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THE TRUCK AND TRANSLOAD REPORT:

An analysis

of unverified assertions and untested assumptions

in the BNSF SCIG DEIR

concerning future activities at the BNSF Hobart Yard

if the BNSF SCIG opens

**Report submitted as comments
to the POLA on the SCIG DEIR**

by

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February 1, 2012

** A first draft of this report was completed by Andrea Hricko and Ariella Morrow in 2007, when Ms. Morrow was a graduate MPH student at USC Keck School of Medicine. Ms. Morrow is currently a medical student and has not reviewed the recently issued Draft Environmental Impact Report. We acknowledge her work and earlier efforts.*

Summary

BNSF Railway has proposed a new intermodal rail facility to be located “near-dock” -- four miles from the Ports of Los Angeles and Long Beach. A Draft Environmental Impact Report (DEIR) has been issued. That report concludes that the new rail yard, called the Southern California International Gateway or SCIG Project will reduce truck traffic, improve air quality and improve health in the region.

This analysis examines the assertions in the DEIR about how the claimed reduction in truck traffic will be accomplished. It examines the assumptions in the DEIR upon which other analyses (e.g., air quality) are based. It explores what might happen to the BNSF Hobart Yard if the SCIG opens, with claims in the DEIR stating that Hobart will handle only “domestic” containers and will no longer be handling any more than 5% of international cargo, thereby “shifting” trucks from the I-710 and I-110 Freeways a shorter distance to the new SCIG.

Definitions play a role in claims in the DEIR. It is important to note that “domestic containers” can be of two types:

- Transloaded containers - cargo that arrived at the Ports and was then taken out of the 40-foot containers at a transload facility and then placed into 53-foot containers before arriving at a rail yard, and
- “Pure” domestic cargo in either domestic 53-foot containers or trailers – cargo that has not passed through the Ports before arriving at the rail yard. (*See DEIR at 3.10-31*)

The analysis concludes that those who drafted the DEIR and supplied information for it (POLA, Environ, and BSNF) failed to consider the most recent trends in the industry with regard to a “surge” in transloading of international containers, a practice increasingly popular with retailers that has been well-reported in the logistics industry press and in goods movement reports. According to the director of the Alameda Corridor Transportation Authority, a full 25% of imported cargo containers from the Ports of Los Angeles and Long Beach are now transloaded into domestic containers before they leave Southern California on rail. The author concludes that by 2016 the BNSF Hobart Yard would have the opportunity to “replace” the volume of “lifts” (containers) that go to the new BNSF SCIG yard with transloaded containers. If this happens, it would mean that there will likely be no “reduction” in truck mileage on the I-710 when the SCIG opens. In fact, the volume of trucks on the road to the two railyards (SCIG and Hobart) would be double the volume that had gone to the BNSF Hobart Yard alone. Several scenarios are included in this report.

The analysis concludes that the assertions in the DEIR about 1) reduction of truck trips to the BNSF SCIG, including information about the volume of transloaded containers and other information about what the “domestic containers” will comprise, are undocumented, 2) the assumptions are untested, and 3) the conclusions in the DEIR about traffic and air pollution impacts – which are based on these assumptions – are inaccurate.

Using documented and up-to-date information about trends in transloading, this Truck and Transload Report concludes that by 2016 the BNSF Hobart Yard will have the opportunity to replace with transloaded “domestic” containers all the “truck trips” that would supposedly have “been eliminated” by switching international containers from Hobart to the new BNSF SCIG.

In addition, there will be nearly an equal number of trucks by 2016 to the Hobart Yard and to the new BNSF SCIG, indicating that there could be twice as much truck traffic on the Harbor area’s roads and freeways than the DEIR claims.

More detail: as calculated in this report, based on Port cargo forecasts in the SCIG DEIR, there might be as many as 1,202,500 transloaded containers available for the Hobart Yard in 2016, meaning that the number of transloaded containers by 2016 could replace the number of international containers moved to SCIG in 2016 (projected at 1.1 million). This would indicate that all of the traffic counts in the DEIR are faulty. If the Hobart Yard is going to continue handling transloaded containers (which it already does, but which the DEIR fails to describe), then there will be no reduction of truck trips and miles on the I-710 Freeway assuming that imported cargo grows as forecasted and that transloading continues to capture an ever-growing share of how imported cargo leaves the Ports.

In addition, the distance from the Port to a typical transload center and then on to Hobart with a transloaded domestic container is more than the current 24 miles that trucks travel to deliver international containers, because of the diversion off the I-710 to the transload facility and often then back onto the I-710. This transload scenario makes all the calculations in the SCIG DEIR about reduced truck traffic along the I-710 questionable.

The author of these comments recommends sending the DEIR back to the drawing board, redoing it and recirculating it, and requiring that all of the unverified assertions and untested assumptions be fully documented – and that all analyses, including air quality impacts, traffic impacts, cancer risk in the HRA, cumulative impacts and other impacts of the proposed SCIG, based on these assertions and assumptions, be fully redone.

THE REPORT

We appreciate the opportunity to offer comments on the BNSF SCIG DEIR and have chosen to look at the truck, traffic and transloading issue in the form of a report.

What does the DEIR say about the proposed BNSF SCIG project and the future of the existing BNSF Hobart Yard?

The Southern California International Gateway (“SCIG”) rail yard project is an intermodal rail facility proposed by the BNSF Railway and the Port of Los Angeles (POLA) that would increase the ability of both POLA and the Port of Long Beach to grow. The POLA released the project’s Draft Environmental Impact Report (DEIR) in September 2012, with comments due on February 1, 2011.

The DEIR was prepared by Environ International. The DEIR’s analyses of potential air quality impacts, traffic impacts, cancer risk, cumulative impacts and other impacts of the proposed SCIG all heavily rely on assertions in the DEIR about BNSF’s major Southern California rail yard, Hobart, the country’s largest intermodal facility, which is located 24 miles from the Ports at the northern end of the I-710 (Long Beach) Freeway. Drayage trucks will be “shifted” from Hobart to the SCIG, saving miles traveled and reducing air pollution, according to the Draft EIR:

“The proposed Project would construct an intermodal transfer facility at a location approximately 4 miles from the Ports, the proposed Project would eliminate a part (estimated at 95%) of existing and future intermodal truck trips between the Port and the BNSF’s Hobart Yard, which is located approximately 24 miles north of the Ports in the cities of Los Angeles and Commerce, by diverting them to the proposed SCIG facility.” (DEIR at 3.10-30) (emphasis added)

The DEIR continues:

“On the I-710 freeway ... it is estimated that the project will reduce over 1.3 million truck trips per year.... This is due to the fact that the trips will occur to SCIG rather than to Hobart Yard, thus eliminating the trips on the I-710.” (DEIR at 3.10-26) (emphasis added).

In addition, the DEIR states:

“The proposed Project would result in fewer truck trips on the surrounding freeway system, as drayage operations currently serving the Hobart Rail yard near downtown Los Angeles utilizing I-110 and I-710 north of the Pacific Coast Highway would be switched to the proposed Project site utilizing the proposed Project truck routes. Thus, the existing longer-distance freeway system trips from the ports to downtown rail yards would be replaced by shorter-distance trips to/from the proposed Project along port-area roadways.” DEIR at 3.10-45) (emphasis added).

The DEIR does state that a small number of international containers will still go to the Hobart Yard, indicating that the Yard will not be closing:

“The baseline intermodal demand handled by the Hobart Yard would be handled by the proposed Project. In order to be conservative, some international container trips are assumed to be handled by the Hobart Yard under proposed Project conditions – five percent of the baseline operations.” (DEIR at 3.10-40, emphasis added).

And finally, below is a description of how the DEIR says it used all of these alleged shortened traffic routes to evaluate air pollution and other impacts:

“These changes in traffic patterns, which are evaluated in this EIR, are being proposed in order to shorten truck trips for movement of containers between ships and railyards), thereby easing traffic conditions on local freeways and reducing regional air quality impacts. On the I-710 freeway, which is the primary roadway facility that services current Hobart Yard traffic, it is estimated that the project will reduce over 1.3 million truck trips per year between the SCIG project site and the BNSF Hobart Yard. This is due to the fact that the trips will occur to SCIG rather than to Hobart Yard, thus eliminating trips on the I-710.” (DEIR at 3.10-26) (emphasis added)

What types of cargo are currently handled at the BNSF Hobart Yard – in 2011?

The DEIR states the following about the BNSF Hobart Yard and other intermodal rail yards in the Ports area: (See DEIR at 1-13).

Off-Dock Rail

Off-dock railyards are located farther (more than five miles) from marine terminals. Currently, there are a total of five off-dock railyards, three operated by UP and two operated by BNSF, but only two handle substantial numbers of containers from the San Pedro Bay Ports: the BNSF Hobart Yard in Los Angeles/Commerce/Vernon and the UP East Los Angeles Yard (Figure 1-8). Both railyards are located near downtown Los Angeles, approximately 24 miles north of the Ports. The remaining off-dock railyards include the UP Los Angeles Trailer and Container Intermodal Facility (LATC), UP City of Industry yard, and the BNSF San Bernardino yard. In 2008 the East LA and Hobart yards handled most of the international cargo not handled by on-dock yards and the ICTF: 136,000 TEUs by East LA and 1.48 million by Hobart, which currently handles all of BNSF's non-on-dock international cargo. All of the off-dock railyards in the region, including Hobart, handle more domestic and transloaded containers than international containers.

Key Definitions

Off-Dock Railyard: railyard located more than five miles from a marine terminal.

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We note that the last sentence in the DEIR above states that: **“All of the off-dock railyards in the region, including Hobart, handle more domestic and transloaded containers than international containers.”** This statement is interesting in several ways. First, it is an admission that the Hobart Yard currently handles transloaded containers. But the statement is factually incorrect with regard to the makeup of the overall container load at Hobart – something that is critical to the DEIR’s calculations. Using information from BNSF, **the California Air Resources Board and Los Angeles County Metropolitan Transportation Authority both show that at the Hobart Yard, 59% of the containers handled are international containers and 41% are domestic (including transloaded and “pure” domestic).**ⁱ That is, there are currently more international containers at Hobart Yard than domestic and transloaded containers. It seems odd in a DEIR of this magnitude to have such a basic fact about the BNSF Hobart facility be completely wrong. See figure from L.A. County Metro below:

**Table A-6
UP and BNSF Intermodal Off-Dock Railyards
In the South Coast Air Basin
International vs. Domestic Containers**

Railyard	International Containers (Port Containers) ^a	Domestic Containers (Non-Port / Warehouse / Transloading) ^a
BNSF San Bernardino	0%	100%
BNSF Hobart (includes BNSF Commerce/Eastern)	59%	41%
UP Commerce	24%	76%
UP ICTF/Dolores	100%	0%

a. Los Angeles County Metropolitan Transportation Authority, Technical Memorandum – I-710 Railroads Goods Movement Study, WBS Task ID:100.10.50, February 2009, pp. 22-24.

B. Basis for Emission Control Factors

The Union Pacific Intermodal Container Transfer Facility (UP ICTF) handles only international cargo containers. There are three large rail yards (and one small yard) north of the Ports that handle a combination of international containers, domestic containers, and transloaded containers, as shown in Table 1.

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Table 1. Rail Intermodal Throughput Capacity, Adapted from Metro Tableⁱⁱ and California Air Resources Boardⁱⁱⁱ

Facility	Capacity Lifts	2006 international lifts	Percent of Yard That is International Container Traffic	Percent of Yard That Handles Domestic Containers (Pure Domestic and Transloaded Domestic)
BNSF Hobart	1, 500,000*	808,086	59%	41%
UP East Los Angeles/Commerce	510,000	80,108	24%	76%
UP LATC	340,000	32,912	16%	84%
BNSF Eastern*		130,000 (2004)		

*BNSF counts capacity at this yard as 1.7 million, but the actual capacity according to the ARB is 1.5 million lifts. The rest is related to the BNSF Commerce Eastern yard, according to the ARB. The BNSF Eastern yard focuses on local domestic containers and handled 130,000 lifts in 2004, according to the California Air Resources Board. http://www.arb.ca.gov/railyard/hra/bnsf_eastern_hra.pdf

**Table A-5
Four High-Priority Railyards
Container Lift Activities, Forecasts, and Capacities
(April 2011)**

Railyard	2005 (lifts) Actual	2010 (lifts) Actual	2015 (lifts) Projected	2020 (lifts) Projected	Annual Percent Growth from 2011 to 2020	Railroad Stated Capacity (lifts)
BNSF San Bernardino	555,000 ^a	447,000 ^b	546,000	668,000	4.1	660,000 ^c
% change from 2005	—	-19%	-1.6%	+20%	—	—
BNSF Hobart	1,338,000 ^a	1,090,000 ^b	1,386,000	1,763,000	4.9	1,500,000 ^d
% change from 2005	—	-19%	+3.6%	+32%	—	—
UP Commerce	345,000 ^a	429,000 ^b	534,000	664,000	4.4	510,000 ^e
% change from 2005	—	+24%	+55%	+92%	—	—
UP ICTF/Dolores	626,000 ^a	450,000 ^b	587,000	767,000	5.5	760,000 ^e
% change from 2005	—	-28%	-6.2%	+23%	—	—

^a Del Grosso, Robert C., *BNSF Railway Company 2010 Locomotive Review*, p. 9.
^b Union Pacific Fact Book, 2005, p. 9.
^c ARB staff, Harold Holmes, Personal communication with BNSF via email (January 17, 2011).
^d Union Pacific Fact Book, 2010, p. 15.
^e Los Angeles County Metropolitan Transportation Authority, *Technical Memorandum – I-710 Railroads Goods Movement Study*, WBS Task ID:100.10.50, February 2009, pp. 22-24.
^f Based on personal communications between BNSF and Harold Holmes via phone on May 20, 2011, staff determined that 1.5 million of 1.7 million lift capacity was attributed to BNSF Hobart Railyard only, with the balance attributed to BNSF Commerce/Eastern Railyard.

What are current transloading trends at the Ports of L.A. and Long Beach, what does the DEIR say about transloading, and why does transloading matter to analysis of the DEIR’s assertions?

There is a surging industry trend: the practice called “transloading.” The trend involves switching the contents of international containers into domestic containers at a location north of the Ports, in the 25-mile stretch between the Ports and the Hobart rail yard.

It works this way: 3 big-rig trucks pick up three international containers at the Ports. The containers are driven a few miles or up to 24 miles north of the Ports, and they are dropped off at a “transload center.” At the transload center, the contents of the 20 or 40-foot “international” containers are emptied. The goods are then reloaded into 53-foot “domestic” containers. This trend is valuable for the retail industry, because the contents of 3 international containers fit into 2 domestic containers, reducing shipping costs and allowing for greater flexibility in selecting destinations for cargo once it has arrived in California.^{iv}

The 53-foot transloaded “domestic containers” may “appear” to be “domestic” but they are full of international goods. And these transloaded containers travel at least 24 miles to get to the Hobart Yard.

The DEIR virtually ignores the latest trends in the goods movement industry with regard to transloading of international containers; in fact, the DEIR’s statistics are based on completely outdated figures. The DEIR has a table (See Table 1-2 below) citing transload statistics,^v referring to an unidentified source or report, simply “POLA, 2009.” The text states that: “... approximately eight percent of import containers are transloaded to domestic international containers, a portion of which may then be drayed to an intermodal railyard for transport by rail to their eastern destinations.” It also cites the Table 1-2 below as data used in developing intermodal rail forecasts. (See DEIR at 1-21).

Table 1-2. Mode Split of Containers Handled at the Ports of Los Angeles and Long Beach in 2008.

Container Mode	TEUs (Millions)	Percent of Total
Direct Rail (Direct Intermodal)		
- On-Dock	(3.4)	(23.7)
- Near-Dock	(1.06)	(7.4)
- Off-Dock	(1.68)	(11.1)
Total Direct Rail	6.14	42.2
Transload	1.12	7.8
Local/Domestic (Truck only)	7.07	50.0
Total	14.33	100%

Source: POLA, 2009.

Contrary to the claimed 2009 statistics cited in Table 1-2 (above) of the DEIR showing 7.8% transloaded containers, currently a full 25% of cargo coming into the Ports is transloaded to rail, according to the head of the Alameda Corridor Transportation Authority (ACTA), John Doherty). In an email exchange with the author of these comments, in October 2011,^{vi} Mr. Doherty stated the following:

“Another simpler way of expressing the data (thereby avoiding the confusion of whether you are talking about % of outbound rail imports or % of port total imports) is as follows: about 40% of port imports go out of state by rail as ISO containers (20’, 40’, 45’) with no transloading, about 25% go out by rail after transloading (48’ and 53’), about 10% go out of state by truck after transloading (48’ and 53’), and about 25% stay local both with and without transloading.” (*John Doherty, ACTA, October 2011*)

The following table reflects the statistics from Mr. Doherty, which are his conclusions after having interviewed more than 100 shipping and transload experts.

Mode	%
Out of state <u>by rail</u> in ISO containers (20’, 40’, 45’) – <u>with no transloading</u>	40%
<u>Out of state by rail after transloading</u> into 48’ and 53’ containers	25%
Out of state by truck after transloading (48’ and 53’)	10%
Stay local both with and without transloading	25%
TOTAL CARGO	100%

The current documented statistic of 25% transloading of containers entering the Ports of LA and Long Beach versus the DEIR’s statistic of 7.8% transloading (shown in DEIR Table 1-2) indicates a 320% error in the DEIR.

We note that in another section of the DEIR, a figure of 25% transloading is mentioned, with no citation, but the DEIR does nothing to explain the discrepancy with the 7.8% figure. The DEIR claims to use the 25% figure in calculating freight rail volumes for 2035. It does not discuss using either the 7.8% figure nor the 25% figure in doing any calculations about what the future will hold specifically for the Hobart Yard. See DEIR

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at 4-92, reprinted below:

Specifically, year 2035 freight rail volumes were developed using projections for direct intermodal containers from the ports (intact containers that are not transloaded); projections for non-intermodal port rail shipments (bulk, automobiles, and carload traffic); transloaded cargo containers (estimated, on the basis of historical data and recent SCAG studies, at 25 percent of all import containers; the I-170 EIR/EIS and current work being conducted for the SCAG 2012 RTP use this same assumption); non-port rail data and projections being developed for the 2012 RTP; historical lift data, by railyard, of marine and non-marine containers at off-dock railyards; off-dock railyard capacities (see Section 1.1.5.3); and volumes of domestic cargo in 53-foot containers or trailers that has not passed through the ports. Consistent with the ongoing I-710 EIR/EIS technical studies, a reasonable growth factor of two percent per year was assumed. The cumulative rail volumes also include 2035 projections of passenger trains, based upon data from SCAG and MetroLink. Rail volumes for 2046 were estimated by assuming that the growth in rail volumes beyond 2035 will come only from increases in domestic freight rail traffic.

The *Journal of Commerce*, the premier logistics industry journal, has written a number of articles about the dramatic surge in transloading, especially at the POLA and POLB:

... *“In an attempt to control transportation costs, retailers transload 40-foot marine containers into 53-foot domestic containers for inland movements. The contents of three marine containers can be loaded into two domestic containers.”*^{vii}

“... transloading took off during the recession, particularly at the ports of Los Angeles and Long Beach. According to the Alameda Corridor Transportation Authority, the share of goods arriving at LA-Long Beach transloaded into domestic containers grew significantly during the recession.... *“That means that transload has a greater market share now. The pendulum has swung to transload,”* said John Doherty, CEO of the authority.”^{viii}

If, as noted above, 25% of imported cargo containers are being transloaded, where are the calculations in the DEIR that explain how this will impact/affect the NBSF Hobart Yard in the future? The author of this report cannot find such calculations.

The *Journal of Commerce* describes several reasons why retailers are embracing transloading:

“There have always been obvious economic benefits — transloading allows the contents of three international containers to be reloaded into two larger 53-foot trailers or domestic containers. ... When the recession hit and shippers large and small went searching for transportation savings, transloading was a ready-made opportunity.”^{ix}

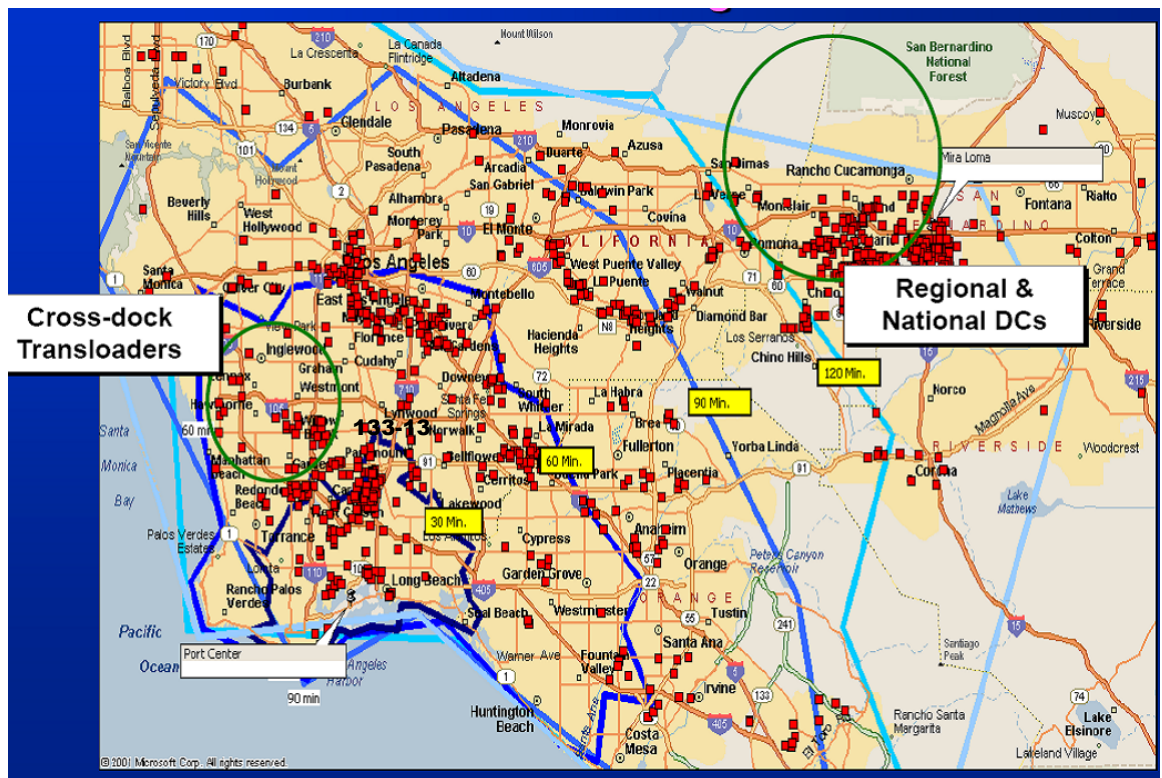
Lest anyone think that this transload trend might not have been common knowledge in the ports/logistics/rail industries long before the *Journal of Commerce* articles in 2011 (and long before the DEIR was released), please see the following excerpt from a Tioga Group report in 2008:^x

“The Transload segment will be largely confined to the region between the Ports and downtown Los Angeles. This segment includes cargo that is “cross-docked” from international containers to domestic containers or trailers for onward movement by rail

without spending significant time in inventory or undergoing value-added alterations. This cargo is typified by the Maersk Logistics activity in South Gate (Exhibit 11. As the aerial photo shows, this facility consists primarily of two-sided transfer sheds suitable for the “cross-dock” transfer operation, with minimal if any space for “warehousing...” ...such operations are clustered within 15 miles of the Ports to maximize round-trip drayage productivity. Tioga studies have reinforced this finding.”^{xi}

See also the following reference, which states that as early as 2004 – 8 years ago – a full 12% of cargo was transloaded according to a 2004 study by the Alameda Corridor Transportation Authority (ACTA),^{xii} which is also referenced in the 2006 Multi-County Goods Movement Action Plan (McGMAP).^{xiii} The McGMAP report includes the following graphic, showing the high volume of transload facilities north of the the POLA/POLB and in the vicinity of the Hobart Yard.^{xiv}

Figure 1. Transload Facilities North of the Ports in Los Angeles; McGMAP 2006.

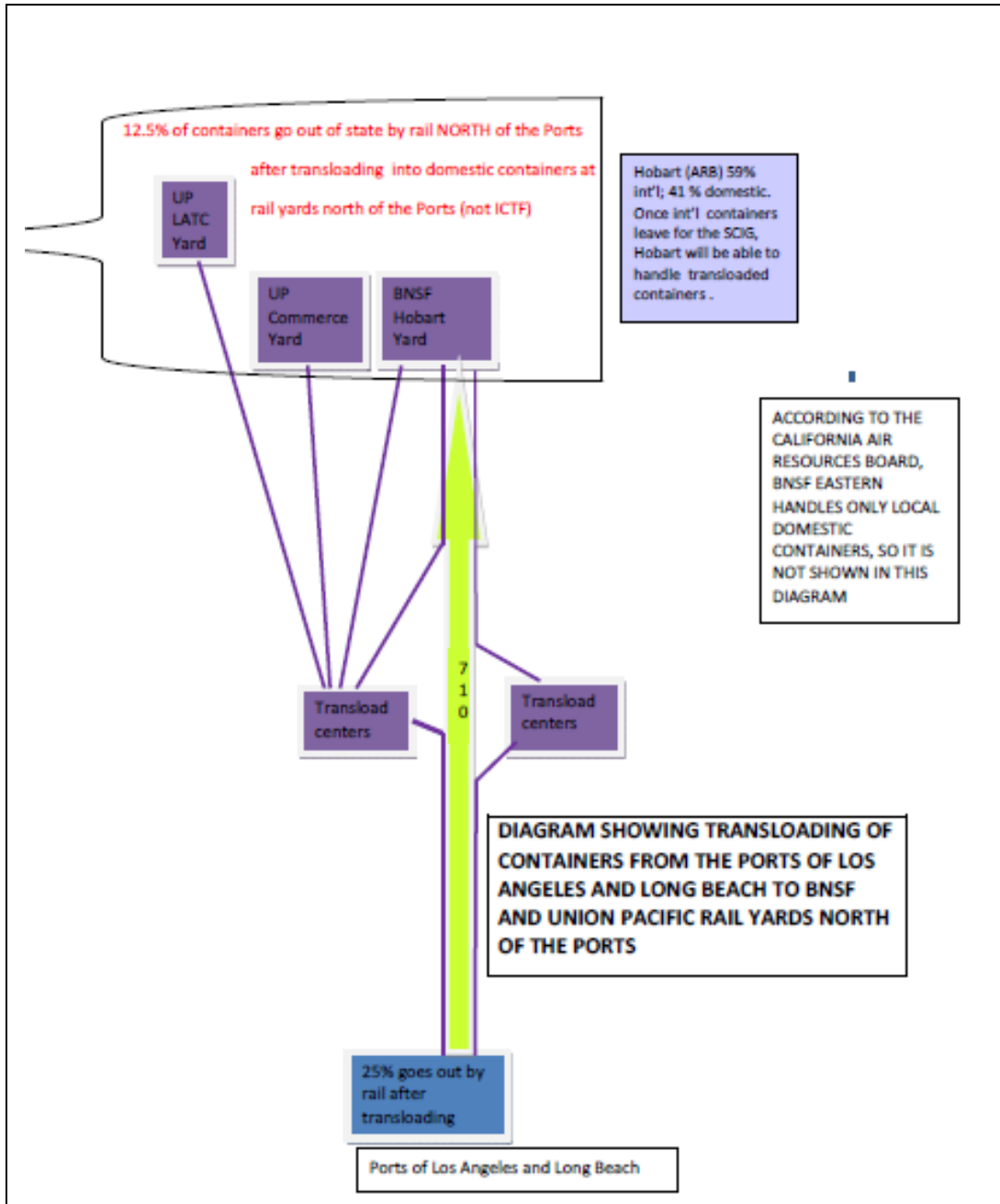


The current surging transload trends are anticipated to continue,^{xv} and if they do, this report calculates that transloading will allow the BSNF Hobart Yard an opportunity to replace the volume of containers that was diverted to the SCIG by 2016, if the SCIG becomes operational.

The graphic below shows the location of the major railyards in southern California that handle cargo from the Ports:

The sketch below shows the major rail yards handling transloaded cargo north of the Ports.

Figure 2. Major Railyards in Southern California Handling Cargo that Originated at the Ports (either in International Containers or Transloaded)



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Sketch by Andrea Hricko

WHAT WOULD HAPPEN IF THE HOBART YARD TOOK ONLY DOMESTIC (NON-TRANSLOADED) CONTAINERS ONCE THE SCIG OPENS, AS THE DEIR IMPLIES?

SCENARIO 1.

Using 2010 actual statistics on lifts, the Hobart Yard would lose 59% of its lift capacity by shifting international containers to the SCIG. It would then replace the Hobart with 5% additional international containers. The remaining 41% of the Hobart yard handles domestic and transloaded containers. No information on the splits between domestic and transloaded at Hobart are in the DEIR or seemingly published elsewhere, we have assumed an even split in the two types. Note that BNSF to refer to all of the non-international containers it handles at Hobart as “domestic” containers, even though a good proportion of them are actually “transloaded”). See Table 3 below.

In 2010 there were 1,090,000 “actual” lifts at the Hobart Yard

Table 3. Where containers would go under Scenario 1 – The Hobart Yard, 2010, if SCIG had opened that year (last year with accurate figures for actual lifts, so this is a model)

Actual total lifts in 2010	Int'l lifts gone to SCIG (59%)	Add back 5% international containers as the DEIR states	Pure domestic containers* 41% (remaining space)	Total of pure domestic and 5% international containers
1,090,000 Note: capacity is 1,500,000	643,100	54,500	* After international containers go to SCIG there would be only “pure domestic” containers at the Hobart, according to the DEIR – these are containers that did not contain goods that originated at the Ports. That means, 41% of the remaining space at the Hobart yard after removing international containers	446,900 54,500 =501,400 501,400 <i>This means the Hobart Yard would be only 33% full if the SCIG had opened in 2010 and if Hobart thereafter handled only pure domestic containers.</i> <i>That would leave 66% of the capacity EMPTY – or potentially available for 998,600 transloaded</i>

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			would be "pure domestic containers." (If there are even that many to handle at Hobart	containers (which is not mentioned in the SCIG DEIR). CAPACITY LEFT AT HOBART FOR 998,600 MORE CONTAINERS IF SCIG OPENED
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*ARB states that Hobart is 41% "domestic containers," including domestic and transloaded.

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According to statements in the DEIR, the Hobart Yard will not be handling any international cargo that originated at the Ports if the SCIG opens. Let's accept that as factual for this scenario and see what would happen to the Hobart Yard. If SCIG had opened in 2010, and Hobart's international containers were shifted to SCIG, Hobart Yard would be handling only 33% of the lifts it handled in 2010. If it handled no additional transloaded containers with international cargo that originated at the Ports, it would be two-thirds empty." (See other scenarios for how quickly it could fill up with transloaded containers).

This is the ONLY scenario under which trucks from the Ports would be reduced on the I-710 Freeway. That is, for the DEIR to be correct, Hobart would handle only 5% international containers and also "pure" domestic containers with local goods. As the DEIR claims, it would not handle international goods that came in through the ports and were transloaded into 53-foot containers. It would be the largest intermodal rail yard in the U.S. operating 66% empty.

BASED ON FUTURE CARGO FORECASTS, HOW QUICKLY COULD THE HOBART YARD ACTUALLY FILL UP WITH TRANSLOADED AND DOMESTIC CONTAINERS AFTER THE BNSF SCIG OPENS?

SCENARIO 2.

Recognizing that transloading as a trend is surging and is currently 25%, where does the 25% of transloaded cargo go? John Doherty, director of the Alameda Corridor Transportation Authority (ACTA) says that ½ of the transloaded cargo goes “east” – to City of Industry, Mira Loma, San Bernardino, etc. He says that the other ½ goes to the rail yards that are “north of the Ports” (UP Commerce, UP LATC and BSNF Hobart).^{xvi}

Let’s look at forecasts for the year 2016. See below; in 2016 it is estimated that there will be with 17.8 million TEUs at the twin ports. Let’s estimate how many transloaded containers there would be and where they could possibly go.

Table from DEIR, below (DEIR, at 1-23). *Note it has inappropriate figures for near/off-dock rail throughput (that is, it does not account for 25% transloading).*

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Table 1-5. 2009 San Pedro Bay Ports Direct Intermodal Cargo Forecast.

2009 San Pedro Bay Ports Direct Intermodal Cargo Forecast (shown in Million TEUs)							
Year	2008 (Actual)	2012	2016	2020	2023	2030	2035
Total San Pedro Bay Ports Cargo Volume	14.3	14.3	17.8	21.8	25.2	34.6	43.2
Total Direct Intermodal	6.1 (42.2%)	5.7 (40.0%)	7.1 (40.0%)	8.7 (40.0%)	10.1 (40.0%)	13.8 (40.0%)	17.3 (40.0%)
On-Dock Rail Throughput (share)	3.4 (23.7%)	3.7 (25.7%)	6.0 (33.4%)	7.3 (33.3%)	8.2 (32.5%)	11.5 (33.3%)	12.9 (29.8%)
Near-/Off-Dock Rail Throughput (share)	2.7 (18.5%)	2.0 (14.3%)	1.2 (6.6%)	1.5 (6.7%)	1.9 (7.6%)	2.3 (6.7%)	4.4 (10.2%)

Using the forecasted cargo volumes in TEUs from Table I-5 above, the chart below converts TEUs to containers. Please note that a full 25% of import containers is transloaded but that ½ of that goes “east” and ½ of that stays north of the Ports. That means 12.5% of the cargo containers imported are transloaded to domestic containers before going to one of the rail yards north of the Ports that are shown in Figure 2.

Table 4. San Pedro Bay Ports Intermodal Forecast, 2009. Table adapted from Tioga Report, 2009.^{xvii}

Year	TEUs	1 container = 1.85 TEUs	Total containers/year	Total containers that are transloaded north of the Ports = 12.5%
2012	14.3 Million		7.73 Million	996,250
2016	17.8		9.62	1,202,500
2020	21.8		11.78	1,472,500
2023	25.2		13.62	1,702,500
2030	34.6		18.7	
2035	43.2		23.25	

In 2016 there will be 1,020,500 transloaded containers heading north of the Ports to a rail yard, using the 25% of Port imports figure supplied by John Doherty of ACTA. If these containers ALL went to Hobart, they would more than “replace” the 1.1 million international cargo containers that were “diverted” to the SCIG in that year. The SCIG will handle 1.1 million containers in 2016 according to the DEIR’s Executive Summary.

In scenario, the Hobart Yard would have the opportunity to be full again by 2016 – and there would be just as many trucks on the I-710 and other local freeways as there are today. In fact, counting the trucks carrying 1.1 million containers to the SCIG and potentially 1.0 million containers to Hobart – there would be TWICE as many trucks on the roads as there are now. No reduction in air pollution. No “health savings.” Increased cancer risk. Increased noise.

In this scenario, the capacity of the Hobart Yard is 1,500,000. With 1,020,500 transloaded containers, there would still be space for 479,500 pure domestic containers.

**BASED ON FUTURE CARGO FORECASTS, HOW QUICKLY
COULD THE HOBART YARD ACTUALLY FILL UP WITH
TRANSLOADED AND DOMESTIC CONTAINERS AFTER THE
BNSF SCIG OPENS?**

Scenario 3

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But what if some of the transloaded containers went to the UP LATC or the UP Commerce Yards. Does that dramatically change the forecast for Hobart? First, these yards are significantly smaller as Table 5 demonstrates. In this Scenario, let's assume that there is a domestic to transload "split" of 50/50 at the two UP yards (noting also that UP Commerce handles 26% international containers and Hobart would handle 5 percent international cargo.) Let's go back to Scenario 1, in which Hobart in 2010 had 1,090,000 actual lifts, 59% of which were international. For that Scenario, we used what we consider faulty information in the SCIG DEIR—that is that only "pure domestic containers" are handled at the Hobart Yard. Therefore we "assumed" that the remaining 41% of the containers handled in 2010 were "pure domestic containers." For this Scenario, however, we look at Hobart having a more realistic 50-50 split of domestic containers and transloaded containers in 2010. (See Table 3 above). That would mean that the "pure domestic containers at Hobart in 2010 were ½ of 446,900 or 223,450. (Again, refer to Table 3 above).

We start with the 223,450 pure domestic containers as calculated above, and add a 3% increase per year. Handling of pure domestic containers is rising at a much slower rate than is transloading so we have added a small growth rate for pure domestic containers. 2010 pure domestic containers at Hobart were calculated at 223,450. If this number rose by 3% every year until 2016, there would be approximately 266,810 "pure domestic containers" handled by Hobart in 2016. There would leave 958,000 spaces for transloaded containers at Hobart.

Table 5. Future Space for Transloaded Containers at the UP and BNSF Rail Yards North of the Ports, if International Containers Leave Hobart for the SCIG

Yard	Ca- pacity in 2016	Int'l con- tainers?	If 50/50 domestic and transloaded	Space for trans- loads	Transloaded containers available in 2016 1,202,500	In 2016, total transloaded containers = 1,202,500 based on cargo projections in DEIR SCIG
UP LATC	250,000	0	125,000	125,000		125,000
UP Commerce	510,000	26% = 132,600 <i>Leaving 377,400 slots</i>	188,700	188,700		188,700
Hobart Eastern	200,000		BNSF and CARB say that this yard handles “only local domestic” containers	0		
Hobart	1.5 million	75,000 (5%)	266,810	1.16 million		958,000
					There would be more transloaded containers available for Hobart than there is even space for, if we assume a 50-50 split of domestic and transloaded at Hobart.	958,000 transload spaces would be available for Hobart to have the oppor- tunity to fill
<p>Scenario 3: Again, in 2016 the SCIG will have 1.1 million “lifts” according the DEIR. In 2016, there will be 1,202,500 transloaded containers available for the three rail yards, two of which are small compared to Hobart. Hobart would have space for at least 958,000 of these containers.</p>						

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	<p>SCIG would have diverted 1.1 million containers and Hobart would have been able by 2016 to “fill” 958,000 of those slots, leaving a difference of only 142,000 containers. By early 2017, Hobart would have the opportunity to have MORE transloaded containers than the 1.1 million “diverted” to the SCIG.</p> <p>In this scenario, by early 2017, there will be more transloaded containers on the I-710 and adjacent roads heading to Hobart than were so-called “eliminated” by diversion of international containers to the SCIG.</p>
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Please also note: The LATC and Up Commerce handle a small % of international containers but these might move to the UP ICTF if it is approved and opens. This somewhat limits their ability to take a full load of transloaded containers, leaving more containers potentially needing to go to the Hobart Yard.

The DEIR says that the Hobart Yard will handle only domestic containers in the future, thereby “..._eliminat[ing] a part (estimated at 95%) of existing and future intermodal truck trips between the Port and the BNSF’s Hobart Yard?” (DEIR at 3.10-25). Where in the DEIR is documentation provided for that statement?

The simple answer is that we can find no documentation for this statement anywhere in the 4000+ page SCIG DEIR. We can, however, find many assertions to that effect in the DEIR and in the press.

BNSF president and CEO Matthew Rose described the advantages of the SCIG at a 2006 Town Hall Los Angeles keynote address, by noting how much shorter truck trips would be for containers currently going to the Hobart Yard once they are able to travel to the SCIG. He stated:

“... The Hobart Yard ... is 20 miles away from the ports and handles, this year [2006], about 1.4 million containers and trailers. You can imagine if we could shift that volume near-dock or on-dock the impact that we could just have in terms of reducing congestion and improving air quality.”^{xviii}

- Matthew K. Rose, Chairman, President and CEO, Burlington Northern Santa Fe Corp.


Mr. Rose also added:^{xix}

“Hobart is the largest inland intermodal facility in the world, and we look forward to being able to continue that as well.”

Despite Mr. Rose’s assertions that the Hobart Yard will continue to thrive, the DEIR states over and over again that when the SCIG opens, truck trips on the I-710 Freeway from the Ports will be dramatically reduced. (See for example *DEIR*, at 2-11; 3.10-30; 3.10-25; 4-60; and 7-33.) The only reference to the future of Hobart Yard, however, is that it will handle 5% international cargo containers and otherwise handle “domestic” containers. (DEIR 3.10-25). The only documentation provided for assertions about what will happen to the Hobart Yard with/without the SCIG project appears to be a reference to “Personal communication, J. Hovland, 2009.” “J. Hovland” is apparently John Hovland, director of marketing and facilities management for BNSF Railway in Fort Worth, Texas.

None of the following types of potential documentation about what could happen to the BNSF Hobart Yard are included in the DEIR:

-
- No memo from BNSF’s J. Hovland about the future of the BNSF Hobart Yard.

- 
- No memos describing exactly what BNSF plans to do with the Hobart Yard if the SCIG is approved.
 - No affidavits from BNSF about its future plans for the Hobart Yard.
 - No affidavits or memos from BNSF that state that the Hobart Yard will only be handling “pure” domestic containers (ones with goods that did not originate at the Ports)
 - No affirmative statement saying that BNSF Hobart will not be accepting any international cargo in transloaded containers at the Hobart Yard if/when the SCIG is built.
-

Thus, the assertion that BNSF Hobart will “eliminate 95% of existing and future intermodal truck trips between the Port and the BNSF’s Hobart Yard” is undocumented and untested.

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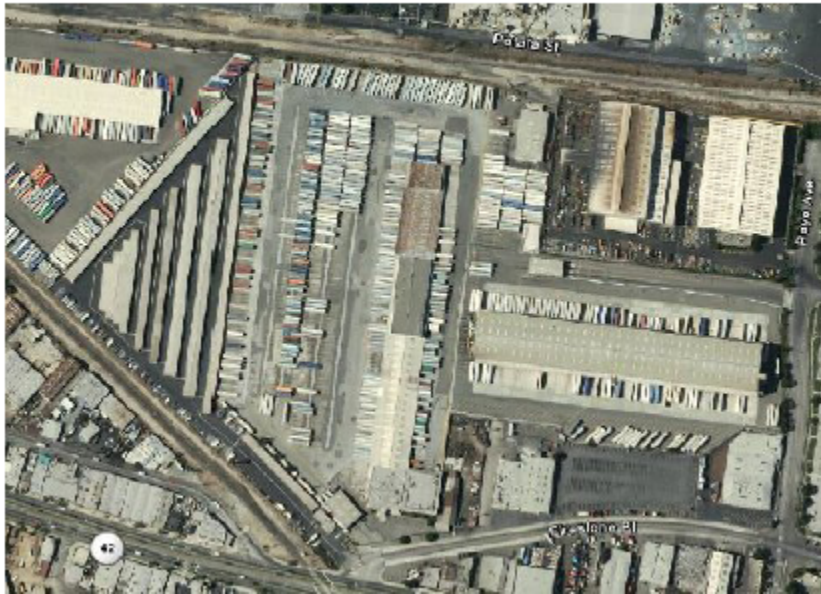
This assertion presented as fact in the DEIR is also an **untested assumption** which is used in all of the DEIR’s and Health Risk Assessment’s (HRA) analyses and conclusions about truck volumes, near-roadway pollution, noise, EJ, air quality, and diesel cancer risk – an assumption that trucks from the Ports will no longer travel 24 miles to the Hobart yard if the SCIG is built. Using this untested assumption, the DEIR has calculated dramatic “health savings” and “pollution” savings that would result from “eliminating trucks” from the Ports to Hobart. The author has analyzed data on truck trips, transload volumes and traffic and concludes that the assertion utilized in all the DEIR and HRA analyses is incorrect and the assumptions based on it make the subsequent analyzes upon questionable, as will be demonstrated below.

HOW MANY MILES WOULD A TRANSLOADED CONTAINER TYPICALLY TRAVEL TO GET TO THE HOBART YARD?

Such a calculation includes miles covered by a truck driving an international container from the Ports to a typical transload center and then having another truck carrying the transloaded domestic container to the Hobart Yard. As we can see from Figure 1 in this report, showing transload centers, there are hundreds of transload centers between the Port and Hobart Yard. Let's use an example of one that is in South Gate, as pictured below in Figure 3 from the McGMAP report:

Figure 3. Maersk Transloading Facility in South Gate, CA

Exhibit 11: Transloading Facility, South Gate, CA



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If the SCIG is built, there will be empty space at the Hobart Yard that could have the opportunity to handle transloaded containers. Calculations of the potential volume of transloaded containers that could originate at the Ports and end up at the Hobart Yard demonstrate that Hobart can continue to thrive as an intermodal rail yard with a large number of both domestic and transloaded containers from the Ports. Much of the goods originate at the Ports and make their way by truck up the I-710 Freeway (or other freeways) to the Hobart Yard – after having been transloaded into domestic containers, making at least a 24-mile trip before reaching Hobart. *See Table 6.*

See Table 6 below. Three very typical routes from the Port of L.A. to a transload center and then on to the Hobart Yard with a domestic container all would entail MORE truck miles traveled than the straight route from the POLA up the I-710 Freeway to the Hobart Yard with an international container. That means that if the international container lift load at Hobart went to the SCIG but the empty slots were replaced with a similar number of transloaded container lifts, the number of truck miles traveled would actually increase, including on local area freeways. Note the routes and mileages below.

Table 6. Distances of Direct Rail Container Trips versus Transloaded Container Trips from the Port of Los Angeles to the BNSF Hobart Yard

Starting Point	Destination #1	Destination #2	Total Miles Traveled	Miles saved or added compared to 24.3 miles on the I-710 or other local area freeways
Port of Los Angeles	To BNSF Hobart, 3770 East Washington Blvd., Commerce, CA		24.3 miles	
Port of Los Angeles	To South Gate Transload Facility	South Gate Maersk logistics facility at 5011 Firestone Place, South Gate, CA 90280 to Hobart Yard in Commerce	25.7 miles	+ 1.4 miles
Port of Los Angeles	To logistics facility in Santa Fe Springs at 11204 Norwalk Blvd Santa Fe Springs, CA 90670	Santa Fe Springs transload facility (Gale/Triangle) to Hobart Yard in Commerce	33.8 miles	+8.1 miles
Port of Los Angeles	To logistics facility in Carson, CA	Carson, CA to Hobart Yard in Commerce	26.6 miles	+2.3 miles including 7 miles on the I-110; 4 miles on the I-405 and 13 miles on the

				I-710.
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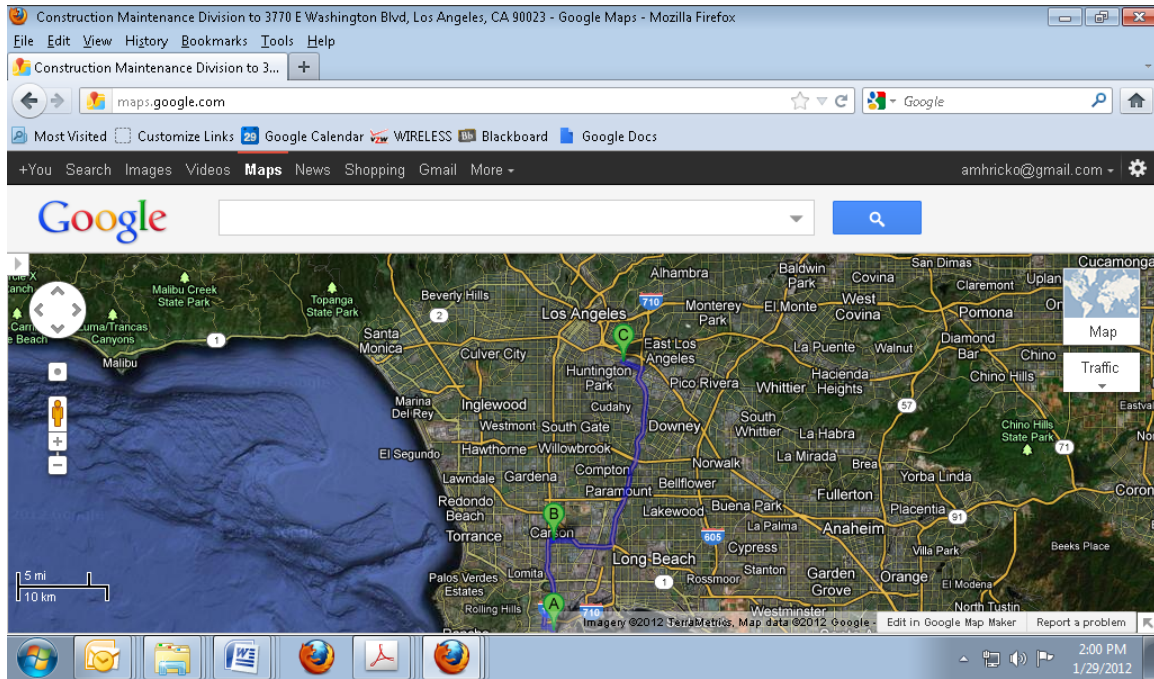
Google Map of route from POLA to Carson logistics facility to Hobart Yard: 1 mile on surface streets; 7.1 miles on I-110; 1.4 miles on surface streets; 3.9 on the I-405; and 13.2 on the I-710. That adds up to about 26.6 miles.

500 Pier a Street, Wilmington, CA 90744 - (310) 732-3700

1. Head **north** on **S Palos Verdes St** toward **W 5th St** go 0.2 mi
About 1 min total 0.2 mi
 2. Turn left onto **W 1st St** go 0.6 mi
About 2 mins total 0.8 mi
 3. Turn right onto **N Gaffey St** go 0.2 mi
total 1.0 mi
 4. Slight right onto **I-110 N** go 5.8 mi
About 5 mins total 6.8 mi
 5. Take the exit toward **Carson St** go 0.1 mi
total 6.9 mi
 6. Take exit **7** toward **S Figueroa St** go 0.2 mi
total 7.1 mi
 7. Turn left onto **S Figueroa St** go 0.2 mi
About 1 min total 7.3 mi
 8. Turn right onto **W Carson St** go 0.2 mi
About 1 min total 7.6 mi
- Total: **7.6 mi** – about **12 mins**
- Carson, CA total 0.0 mi
9. Head **east** on **W Carson St** toward **Moneta Ave** go 1.5 mi
About 4 mins total 1.5 mi
 10. Turn right to merge onto **I-405 S** toward **San Diego** go 2.4 mi
About 3 mins total 3.9 mi
 11. Take the **I-710 N** exit toward **Pasadena** go 0.3 mi
total 4.2 mi
 12. Continue on the ramp and merge onto **I-710 N** go 13.2 mi
About 13 mins total 17.4 mi
 13. Take exit **17C** for **Washington Blvd** toward **Commerce** go 0.2 mi
total 17.6 mi
 14. Merge onto **Hepworth Ave** go 56 ft
total 17.6 mi
 15. Turn right onto **E Washington Blvd**
Destination will be on the left go 1.5 mi
About 3 mins total 19.1 mi

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Total: **19.1 mi** – about **23 mins**
3770 E Washington Blvd, Los Angeles, CA 90023



In other words, if transloaded containers replace the former international container slots that are “diverted” to the SCIG, then there would be more truck miles with the transloaded containers than currently exist with the international containers at Hobart – because transloaded containers always have to make a diversion to a transload center before going to Hobart.

A WORD ABOUT SEMANTICS

When people's lives and health are at stake, we cannot afford to play with semantics over what is inside of a 53-foot container and where the cargo inside originated.

What is a 40 foot container with goods originating at the Ports called? -- An "international" container

What is a 53 foot container with goods originating at the Ports called? – A "domestic" container.

What is INSIDE each of these containers? – goods that originated in another country, e.g., China, Vietnam, Korea!

A 53-foot container with goods from the Ports inside it cannot be camouflaged in the BNSF SCIG DEIR as though industry, the Port and environmental consultants are unaware of the transloading phenomenon and of exactly how far trucks travelled to get that container to the Hobart Yard from where the goods entered at the Ports.

To reiterate, many retailers these days are finding that using 53 foot containers and using the transloading process provides them more flexibility in getting their products, provide additional transit time to make decisions about where the transloaded domestic containers are heading, and they hold more contents, making them cheaper to ship on rail than 40-foot containers.^{xx} The CEO of a company with transloading facilities, one located in Santa Fe Springs, told the author that transloading containers which originated at the Ports into 53-foot domestic containers and driving them to the BNSF Hobart Yard is a regular part of their business.^{xxi} Since transloading is a surging trend and Hobart is the country's largest intermodal rail yard, Hobart is undoubtedly already handling more and more of these transloaded containers – and they would arrive on trucks that have traveled at least 24 miles to get to the Hobart yard because of their diversion to a transload center.

How does this reconcile with all the analyses in the DEIR? It does not. The analyses (air quality, HRA, noise, cumulative impacts, and more) in the entire DEIR need to be redone

with accurate information about transloading and affidavits about what will happen to the Hobart Yard once the SCIG opens.

We conclude that the DEIR fails to recognize that in the future the Hobart Yard could potentially retain a robust business handling transloaded containers that originated at the Port of L.A. and Long Beach that are full of international cargo. The DEIR further confuses the issue by the choice of words. It says the Hobart will be “95% international container free” when SCIG opens. It does not say that Hobart will be “95% free of international goods that originated at the Ports.” The DEIR would have one believe that all of the containers handled by Hobart now and in the future are “pure domestic containers” with locally made products inside them, thereby ignoring the reality of the transload business (and of the U.S. economy).

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Finally, we attach below a series of claims that have been made over and over again about the so-called diversion of trucks off the 710 Freeway that the SCIG will allegedly create. The DEIR needs to redo the DEIR and validate and test the assertions and assumptions upon which it makes these claims. The public’s health in Wilmington, Carson and Long Beach depends on it – as does the health of the thousands of residents who live along the I-710 Freeway.

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EXAMPLES OF CLAIMS BETWEEN 2005-2011 THAT THERE WILL BE PUBLIC HEALTH BENEFITS DUE TO ELIMINATING TRUCK TRAFFIC ON THE I-710 BY BUILDING THE SCIG

Even before the initial environmental review process began in 2005, BNSF made assertions about the public health benefits that the SCIG would bring, issuing a press release about the anticipated public health and quality of life benefits of the SCIG, quoting then Mayor of Los Angeles James Hahn:

"This near dock rail facility will eliminate nearly 1 million truck trips per year, benefiting our commuters, our communities and our environment."

- Former Los Angeles Mayor James Hahn. Quotation in BNSF press release: "BNSF's Proposed Near-Dock Facility Receives Support from L.A. Mayor Hahn and Councilwoman Hahn," February 10, 2005¹

In July 2007, the BNSF SCIG's promotional website, entitled *Communities Matter*, promised that the SCIG "will help reduce traffic on local highways" and "improve air quality."² As noted above, BNSF specifically claimed that the SCIG will ease the impact of trucks on the region's air quality and congestion, including the I-710 (Long Beach) Freeway. That freeway leads from the Ports to the BNSF Hobart Yard, the largest intermodal facility in the U.S., located in City of Commerce. As mentioned earlier, BNSF president and CEO Matthew Rose described the advantages of the SCIG at a 2006 Town Hall Los Angeles keynote address, by noting how much shorter truck trips would be for containers currently going to the Hobart Yard when they will go to the BNSF SCIG:

"... The Hobart Yard ... is 20 miles away from the ports and handles, this year [2006], about 1.4 million containers and trailers. You can imagine if we could shift that volume near-dock or on-dock the impact that we could just have in terms of reducing congestion and improving air quality."^{xvii}

- Matthew K. Rose, Chairman, President and CEO, Burlington Northern Santa Fe Corp.

Shifting millions of containers from the Hobart Yard to on-dock rail would indeed be advantageous, because on-dock rail does not involve the use of trucks to move containers off the port property. On-dock rail means that a container is taken off a ship and goes directly onto a train to its destination – no truck involved, thereby reducing air pollution.

Moving the containers to near-dock rail, on the other hand, requires trucking each container five miles one way to the near-dock SCIG facility, creating air pollution.

¹ http://www.bnsf.com/employees/communications/bnsf_today/2005/02/2005-02-10-d.html

² Burlington Northern Santa Fe Railway's Southern California International Gateway website www.communitiesmatter.com/why.html.

But it is actually the rest of CEO Rose's statement (and the earlier statement of former Mayor James Hahn) about the SCIG that has captured the attention and admiration of many elected officials and even Port staff – BNSF's claim that the SCIG would take more than a million trucks off the I-710 Freeway, trucks that normally would have traveled from the Ports to the BNSF Hobart Yard in Commerce. From the Port's web site in 2007 (and still there in 2012):

"Today, port related containers moving between the BNSF railyard and the ports travel on the I-710 freeway. Once this facility [the SCIG] is fully operational, it is expected that one million port-related trucks could be eliminated from the I-710 freeway per year. Estimated year of completion is 2009." (Citation: POLA website accessed 7-17-2007 and again on 1-29-2012).

It is important to note that the BNSF assertions over the past 5-7 years have been accepted even more widely than stated above. In fact, from the Governor's office to State of California advisory councils, to the Southern California Association of Governments, and to various industry stakeholders, the BNSF claims have been stated and re-stated as "fact."

The Governor's Goods Movement Action Plan selected SCIG –because it would eliminate trucks on the I-710:

"It would "reduce truck trips on Interstate 710." ³ "... SCIG ... will eliminate over a million truck trips per year on I-710."

- Gill V. Hicks, transportation consultant
Chairman of California Marine and Intermodal Transportation System Advisory Council (CALMITSAC). Quotation in a BNSF press release, May 8, 2007: "BNSF Enhances Proposed Southern California International Gateway"⁴

"Such a facility could eliminate one million truck trips annually from the 710 Freeway..."

- Southern California Association of Governments
Southern California Regional Strategy for Goods Movement: A Plan for Action. February 2005 (Amended March 2005)⁵

"Authorities estimate the [SCIG rail] yard could take as many as 1 million trucks off local roadways, including the Long Beach (710) freeway, annually."

- "Rail yard planners offer cleaner solutions"
Long Beach Press Telegram May 8, 2007 ⁶

"It is simple: take a million older trucks a year off the 710 Freeway and replace them with clean trucks delivering containers to rail much closer to the ports."

- Elizabeth Warren

³ Goods Movement Action Plan, January 2007 <http://www.arb.ca.gov/gmp/docs/gmap-1-11-07.pdf>.

⁴ BNSF press release.

⁵ Southern California Regional Goods Movement Policy Paper, page 22. www.scag.ca.gov/goodsmove/reportsmove.htm

⁶ http://www.bnsf.com/employees/communications/bnsf_today/2007/05/2007-05-08-b.html

Executive Director, FuturePorts
“BNSF Railway Enhances Proposed Southern California
International Gateway” BNSF E-Release May 2007 ⁷

Moreover, the Los Angeles Chamber of Commerce endorsement letter for the SCIG highlights:

*“the significant air quality, traffic and safety improvements” that will have a
“direct effect on improving the quality of life for communities in the port areas as
well as those along the Interstate 710 Corridor and other freeways.”* ⁸

The claim that the SCIG will result in a million fewer trucks on the I-710 and other local freeways, thereby improving air quality and reducing the burden on southeast L.A. communities along the I-710 goods movement corridor, has been so widely asserted and repeated that it appears to be “fact;” it is now commonly accepted as “the truth.” But the SCIG DEIR simply fails to evaluate the unverified assertions and untested assumptions behind those statements.

⁷ <http://www.communitiesmatter.com/erelease/0507/index.html>

⁸ Russell J. Hammer, President & CEO of the Los Angeles Chamber of Commerce; in a letter to BNSF Railway, June 16, 2005
<http://www.communitiesmatter.com/SCIGletter0605.pdf>

UNTESTED ASSERTIONS HAVE APPEARED ON THE PORT OF LOS ANGELES WEBSITE FOR YEARS

Despite statements by elected officials, newspaper reports and BNSF officials at multiple corporate levels, along with statements in the DEIR, no documentation to support the claims above has yet been provided. For more than seven years, even the Port of Los Angeles has accepted this as “fact” on its public web site:

Accessed July 16, 2007 on POLA website:

“Today, port related containers moving between the BNSF railyard and the ports travel on the I-710 freeway. Once this facility is fully operational, it is expected that one million port-related trucks could be eliminated from the I-710 freeway per year.”

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Accessed January 29, 2012 on the POLA website:

“Southern California International Gateway”

The Port of Los Angeles is developing a new near dock rail facility, which will be operated by Burlington Northern Santa Fe (BNSF). This facility will be used to handle Port related intermodal containers. The proposed site for this facility is Port of Los Angeles property north of Pacific Coast Highway, south of Sepulveda Boulevard and west of the SR103. Today, port related containers moving between the BNSF railyard and the ports travel on the I-710 freeway. Once this facility is fully operational, it is expected that one million port-related trucks could be eliminated from the I-710 freeway per year. Estimated year of completion is 2009.”

Since the statements were made before the BNSF SCIG Draft EIR/EIS was even completed, and since it has not yet been finalized by the Port, it might be reasonable to question whether the above web site statements might even be considered prejudicial.

CONCLUSION

The author of these comments concludes that the DEIR should be sent back, be redone and be recirculated for comment. She requests that the recirculated DEIR include an evaluation of whether the capacity that will be opened up at Hobart by building SCIG will be filled with additional freight truck trips to Hobart with transloaded containers that originated at the Ports – and that the impacts of that traffic and air pollution be re-considered in the new DEIR. The author also requests that the DEIR consultants document BNSF and other industry data about where containers are heading, and conduct interviews with key transloading center executives to develop an accurate picture of what is happening in southern California with regard to transloading practices. This is critical to an accurate BNSF SCIG DEIR, and it is needed to replace the virtually non-existent review of transloading that exists in the current DEIR and the undocumented statements about the fate of BNSF Hobart Yard after the SCIG opens, if it does. All analyses in a

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revised DEIR for air quality, cancer risk, other health risks, noise, cumulative impacts, traffic, etc. will need to be redone once transloading statistics are included.

Thank you for your consideration.

ⁱ California Air Resources Board. Supplement to the June 10 Staff Report. Proposed Actions to Further Reduce Diesel Particulate Matter at Four High Priority California Railyards. July 2011.

ⁱⁱ Los Angeles County Metropolitan Transportation Authority. Technical Memorandum – I-710 Railroads Goods Movement Study, February 2009, pp 22-24.

ⁱⁱⁱ California Air Resources Board. Supplement to the June 10 Staff Report. Proposed Actions to Further Reduce Diesel Particulate Matter at Four High Priority California Railyards. July 2011.

^{iv} Phone interview with Michael Kaplan, CEO of Gale/Triangle, Inc., October 2011.

^v See Table at DEIR, page 1-21.

^{vi} See email exchange reprinted in Appendix A.

^{vii} Bill Mongelluzzo. Alameda Shortfall, Just Once More. *The Journal of Commerce Magazine*. Nov 10, 2011.

^{viii} Peter Tirschwell. Surging Transload. *Journal of Commerce online*. Jan 24, 2011 (SEE ATTACHMENT)

^{ix} Peter Tirschwell. Transloading, Part II. *The Journal of Commerce Magazine* - Jan 31, 2011. *Commentary*.

JOC Tirschwell (Article attached).

^x Tioga Group. Appendix C- Memorandum – Revised to Michael Fischer, Mark Jensen, Dave Levinsohn – Market Estimate for Alternative Container Transport Technology, October 1, 2008.

^{xi} Tioga Group. Appendix C- Memorandum – Revised to Michael Fischer, Mark Jensen, Dave Levinsohn – Market Estimate for Alternative Container Transport Technology, October 1, 2008.

^{xii} Consolidation Activity in the Southern California Area. Alameda Corridor Transportation Authority, March 2004.

^{xiii} Wilbur Smith & Associates. Multi-County Goods Movement Action Plan. Final Technical Memorandum 3: Existing Conditions and Constraints. October 6, 2006.

<http://www.metro.net/images/Final%20TM3%20100606.pdf>

~~^{xiv} Tioga Group. Appendix C- Memorandum – Revised to Michael Fischer, Mark Jensen, Dave Levinsohn – Market Estimate for Alternative Container Transport Technology, October 1, 2008.~~

^{xv} See JOC

^{xvi} From email exchanges between the author of these comments and Mr. John Doherty, director of the Alameda Corridor Transportation Authority, October 2011.

^{xvii} Tioga Group. San Pedro Bay Container Forecast Update. Prepared for the Ports of Los Angeles and Long Beach, July 2009.

^{xviii} *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.

^{xix} *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.

^{xx} Phone interview with Michael Kaplan, CEO of Gale/Triangle, Inc., October 2011.

^{xxi} Phone interview with Michael Kaplan, CEO of Gale/Triangle, Inc., October 2011

^{xxii} *Town Hall Los Angeles, Keynote Address “Will Southern California Have Adequate Freight Transportation Capacity In the Future?”* <http://www.communitismatter.com/hall.html>. September 14, 2006.

February 1, 2012

Mr. Christopher Cannon
Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, CA 90733-0151

Re: Comments on the DEIR for the Southern California International Gateway Project

I am resubmitting pages from my original comment letter on the BNSF SCIG NOP in 2005 to the record as comments for the BNSF SCIG DEIR in 2012. I note that the following items described in great detail in the NOP comment letter were not addressed in the BNSF SCIG DEIR:

- | | |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 133-25 | 1. No sketch of the facility was provided in the DEIR as requested in the NOP comment letter. |
| 133-26 | 2. No information and research findings on the health effects of diesel exhaust was provided in the BNSF SCIG DEIR, although a substantial body of information was submitted in the NOP comment letter in 2005. |
| 133-27 | 3. The BNSF SCIG DEIR has ignored all of the studies done by AQMD at Hudson School, even though that I requested in my comment letter in 2005 that these be studied carefully and discussed in the DEIR. Hudson school playground is within 300 feet of the SCIG. The AQMD studies show how seriously impacted Hudson School already is. |
| 133-28 | 4. I requested that Dr. Eric Fujita's study (Desert Research Institute) on the Hudson School area be included and discussed in the DEIR whenever it was published – a heads up for the DEIR team to watch for it. The study is not included. See Fujita EM, Campbell DE, Zielinska B, Arnott WP, Chow JC. Concentrations of air toxics in motor vehicle-dominated environments. Res Rep Health Eff Inst. 2011 Feb;(156):3-77. |

1 Comment Letter 133: University of Southern California**2 Response to Comment 133-1**

3 The commenter states that the Project's primary objective – to provide an additional near-
4 dock facility -- is too narrow and precludes consideration of alternatives other than a near-
5 dock facility. RDEIR Section 2.3 includes another five objectives. Contrary to appellants'
6 assertions, however, there is no legal requirement that the alternatives selected must
7 satisfy *every key objective* of the project. Alternatives need not satisfy all project
8 objecti[ve]s, they must merely meet 'most' of them. (CEQA Guidelines, § 15126.6 (a).
9 *California Native Plant Society v. City of Santa Cruz*, (2009)177 Cal. App. 4th 957, 991.

10 Response to Comment 133-2

11 Please refer to Master Response 5, Alternatives.

12 Response to Comment 133-3

13 See RDEIR Figure 2-3a and b and the text titled "Truck Gate Complex" in RDEIR
14 Section 2.4.2.2 for the location of the project features mentioned in the comment. There
15 would be no "Haz-Mat" areas in the proposed SCIG facility, as Figure 2-3 shows.

16 Response to Comment 133-4

17 The trains utilizing the SCIG project would be maintained at the BNSF's Sheila
18 Mechanical Facility, as described in Master Response 3, Hobart. The master response
19 also describes why the BNSF Sheila locomotive maintenance facility was considered
20 appropriately in the RDEIR analysis. See RDEIR Figure 2-3b for the SCIG locomotive
21 servicing facility's location.

22 Response to Comment 133-5

23 Please see the response to Comment 113-4.

24 Response to Comment 133-6

25 Please see RDEIR Section 3.2.2.4 and Table 3.2.6.

26 Response to Comment 133-7

27 Please see Master Response 10: Environmental Justice.

28 Response to Comment 133-8

29 The commenter does not agree with the impact conclusion in DEIR Section 3.7, Hazards
30 and Hazardous Materials. This comment refers to a chapter or section of the DEIR that
31 was recirculated. No response is necessary per CEQA Guidelines §15088.5(f)(2).
32 However, according to CEQA Guidelines § 15151, disagreement among experts does not
33 make an EIR inadequate.

34 Response to Comment 133-9

35 The commenter is referred to the RDEIR Section 3.2.2.2 and Impact AQ-7.

1 **Response to Comment 133-9**

2 The commenter is referred to the RDEIR Section 3.2.2.2 and Impact AQ-7.

3 **Response to Comment 133-10**

4 The commenter does not agree with the DEIR’s discussion of ultrafines. This comment
5 refers to a chapter or section of the DEIR that was recirculated. No response is necessary
6 per CEQA Guidelines §15088.5(f)(2). However, pursuant to CEQA Guidelines § 15151,
7 disagreement among experts does not make an EIR inadequate. The analysis in the
8 RDEIR, Chapter 3.4 was conducted by an expert in air quality and reviewed by LAHD
9 staff. Please see DEIR Section 11.3.

10 **Response to Comment 133-11**

11 Thank you for your comment. Please refer to Master Response 12, UFP.

12 **Responses to Comments 133-12 through 133-24**

13 The comments 133-12 through 133-24 were submitted with the commenter’s comments
14 on the September 2011 Draft Environmental Impact Report (DEIR) which was
15 superseded by the September 2012 Recirculated Draft Environmental Impact Report
16 (RDEIR) as described in the Notice of Availability of the RDEIR. The RDEIR has been
17 substantially revised in comparison to the DEIR including much of the data and
18 references in comments 133-12 through 133-24. Because of these substantial revisions,
19 comments submitted during the original DEIR public review period on the recirculated
20 portions are no longer applicable and POLA is not required to respond to them pursuant
21 to CEQA Guidelines § 15088.5(f). Nevertheless, because the commenter has asserted that
22 these comments are still relevant to the recirculated portions LAHD has responded to
23 these referenced DEIR comments. In many cases, these responses to DEIR comments are
24 answered in terms of how they are explained in the RDEIR since the DEIR has been
25 superseded.

26 **Response to Comment 133-12**

27 The reviewer cites a number of statistics for the volume of cargo at Hobart Yard. These
28 figures are taken from a variety of reports, relate to different years, and are not accurate,
29 as the following analysis shows.

30 Appendix G4 of the RDEIR shows cargo volumes for 2010 (the RDEIR Baseline Year)
31 that are more up to date than the figures in the comment. Those volumes are shown in
32 the tables below in both lifts and Twenty-foot Equivalent Units (TEUs). As explained in
33 RDEIR Section 1.1.2, a “lift” is the movement of a container from a truck to a train or
34 vice versa. This analysis uses a conversion factor of 1.80 TEU per lift for the baseline
35 2010 year, and a conversion factor of 1.85 TEU per lift for future years (to account for
36 the trend of increasing size of marine containers). See Introduction to Appendix G-4 in
37 the FEIR. The sources of the baseline cargo figures data used in the RDEIR are
38 summarized below.

39

DEMAND in Lifts		Scenario #1 - Baseline 2010			
		IPI L+E	TL L	Dom L+E	Total Lifts
On-Dock Yards Total		1,840,321			1,840,321
	<i>% Market Split</i>	<i>100%</i>			
On-Dock Yards BNSF Total		1,037,123			1,037,123
On-Dock Yards UP Total		803,198			803,198
Off-Dock Yards Total		912,306	639,251	1,091,004	2,642,561
	<i>% Market Split</i>	<i>35%</i>	<i>24%</i>	<i>41%</i>	
BNSF Off-Dock Yards Total		448,592	305,116	640,338	1,394,046
Hobart & Commerce Yards		448,455	168,528	349,491	966,474
San Bernardino Yard		137	136,588	290,847	427,572
SCIG Yard		0	0	0	0
UP Off-Dock Yards Total		463,714	334,135	450,666	1,248,515
East L.A. Yard		36,862	146,751	227,856	411,469
ICTF Yard		417,992	2,452	1,300	421,744
City of Industry Yard		103	111,276	119,900	231,279
LATC Yard		8,757	73,656	101,610	184,023
Total		2,752,627	639,251	1,091,004	4,482,882

Excerpt from RDEIR Appendix G4

Source: Lifts/TEUs from Train Builder Intermodal Rail Analysis Module

Prepared for the Port of Los Angeles by Cambridge Systematics on August 13, 2012

DEMAND in TEUs		Scenario #1 - Baseline 2010			
		IPI L+E	TL L	Dom L+E	Total TEUs
On-Dock Yards Total		3,312,578			3,312,578
	% Market Split	100%			
On-Dock Yards BNSF Total		1,866,821			1,866,821
On-Dock Yards UP Total		1,445,756			1,445,756
Off-Dock Yards Total		1,642,151	1,917,754	3,195,640	6,755,545
	% Market Split	24%	28%	47%	
BNSF Off-Dock Yards Total		807,466	915,349	1,853,853	3,576,668
Hobart & Commerce Yards		807,219	505,585	1,004,236	2,317,040
San Bernardino Yard		247	409,764	849,617	1,259,628
SCIG Yard		0	0	0	0
UP Off-Dock Yards Total		834,685	1,002,405	1,341,787	3,178,877
East L.A. Yard		66,352	440,252	676,923	1,183,527
ICTF Yard		752,386	7,356	3,900	763,642
City of Industry Yard		185	333,828	359,698	693,711
LATC Yard		15,763	220,968	301,267	537,998
Total		4,954,729	1,917,754	3,195,640	10,068,123

Excerpt from RDEIR Appendix G4

Source: Lifts/TEUs Data from Train Builder Intermodal Rail Analysis Module

Prepared for the Port of Los Angeles by Cambridge Systematics on August 13, 2012

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The data in RDEIR Appendix G4 includes cargo volumes developed for three separate intermodal markets: 1) Inland Point Intermodal (IPI), which are direct intermodal containers, loaded and empty, from the Ports (IPI L&E in the table); 2) Transloaded marine cargo (TL L in the table; there are no empty transloads); and 3) “Pure” domestic cargo (Dom L&E in the table). See RDEIR Sections 1.1.3, 1.1.5.3 and Introduction to Appendix G4 in the FEIR for further details on the nature of these markets. Values for Hobart Yard and the much smaller Commerce Yard combined are highlighted in these summary tables and show that in 2010 Hobart handled 401,172 lifts of marine containers and Commerce handled 47,283 lifts of marine containers. These figures clearly demonstrate that in 2010 Hobart/Commerce cargo consisted of 35 percent direct intermodal (i.e., marine) cargo and 65 percent transload and domestic cargo. Accordingly, the commenter’s claim that the RDEIR’s statement regarding the composition of cargo at Hobart is wrong is itself incorrect. The EIR fully includes in its analysis the fact that Hobart handles transloaded cargo – see the figures in Appendix G4.

The sources of data for 2010 cargo volumes are explained in the Introduction to RDEIR Appendix G4 in the FEIR and summarized here. For the first market (IPI), direct intermodal volumes in lifts are updated annually by the railroads and provided to the ports. For the second market (transload), the RDEIR relied on the results of an analysis on transloading prepared by Cambridge Systematics for LAHD in August, 2012, which was confirmed by a report by Cambridge Systematics and Starboard Alliance LLC for the

1 ports of Los Angeles and Long Beach in December 2012 (Cambridge, 2012). The
2 RDEIR’s estimate that 27% of loaded imports through the ports are transloaded to rail
3 (RDEIR Table 1-5) is supported by these reports. The third market, “pure domestic” (lifts
4 of trailers and 48-and 53-foot containers), is the total volume at the yard minus the IPI
5 and transload volumes.

6 **References:**

7 Cambridge Systematics, Inc. and Starboard Alliance Company LLC. 2012. *Transloading*
8 *of Marine Containers in Southern California, Final Report*. December 2012.

9 **Response to Comment 133-13**

10 The RDEIR uses the latest research on transloading trends including analysis completed
11 for the LAHD in August 2012 which was confirmed in a report conducted by Cambridge
12 Systematics and Starboard Alliance LLC for the ports of Los Angeles and Long Beach in
13 December 2012 (Cambridge, 2012). The RDEIR analysis estimated that 27% of **loaded**
14 **imports** through the ports are **transloaded to rail** (RDEIR Table 1-5). The ports handled
15 7,102,793 TEUs of loaded containerized imports in 2010, of which 1,917,754 TEUs
16 (27%) would have been transloaded.

17 In total, however, the ports handled slightly more than 14 million TEUs in 2010 (imports,
18 exports and empties combined). TEUs transloaded to rail (which occurs in the import
19 direction only) amounted to about 13.5% of that total, as shown in RDEIR Table 1-2 and
20 Table 1-5. Accordingly, it is clear that the commenter confuses the percentage of loaded
21 imports with the percentage of total TEUs, and that the figures in the RDEIR are
22 consistent with the figures cited in the comment (e.g., Mr. Doherty’s estimate of 25% of
23 imported containers transloaded to domestic containers and trailers).

24 **References:**

25 Cambridge Systematics, Inc. and Starboard Alliance Company LLC. 2012. *Transloading*
26 *of Marine Containers in Southern California, Final Report*. December 2012.

27 **Response to Comment 133-14**

28 The RDEIR does not imply that Hobart Yard will take only “pure” domestic (not
29 transloaded) cargo. Hobart will continue to serve both of these markets as it does now,
30 plus a small portion (estimated at 5%) of BNSF’s total near and off-dock IPI demand (the
31 commenter is incorrect in stating that the EIR claims that Hobart would not handle
32 international cargo). The market demand for transloading and pure domestic cargo is
33 independent of the SCIG, which would handle IPI cargo only. See also, Master Response
34 3, Hobart.

35 The commenter states that “using 2010 actual statistics on lifts, the Hobart Yard would
36 lose 59% of its lift capacity by shifting international containers to the SCIG.” First, of
37 course, as explained in the response to Comment 113-12, the figure of 59% as the
38 proportion of Hobart’s activity attributable to direct international (IPI) cargo is erroneous
39 – the true figure is 35%. Second, the commenter seems to be confusing capacity, which is
40 a measure of supply, with demand. The SCIG project would shift most of the IPI demand
41 from Hobart to SCIG but it would not affect the capacity of the Hobart /Commerce Yard,
42 which is currently estimated at about 1.7 million lifts per year given the current track
43 layout, technology, and operational practices. Third, the commenter says that “Hobart
44 would not handle international goods that came in through the ports and were transloaded

1 into 53-foot containers.” That is not true, and nowhere does the RDEIR state or imply
2 that. Hobart/Commerce would continue to handle international cargo transloaded into 53-
3 foot domestic containers and “pure” domestic cargo handled in 53-foot domestic
4 containers. The SCIG facility would handle IPI traffic only. See Master Response 3,
5 Hobart.

6 **Response to Comment 133-15**

7 The commenter comments on a Table, DEIR Table 1-5, which no longer exists in the
8 form commented upon since it was superseded by the RDEIR. Nevertheless, this
9 response addresses the general claims that DEIR Table 1-5 used “inappropriate figures of
10 near/off-dock rail throughput (that is, it does not account for 25% transloading).” The
11 title of the DEIR table 1-5 was San Pedro Bay Direct Intermodal Cargo Forecast”
12 (emphasis added). Direct intermodal, by definition, relates to IPI cargo only; i.e., marine
13 containers without transloading. This does not mean transloading was ignored in the
14 analysis. It just means transloaded volumes were not included in this particular table.
15 Transloading has been explicitly accounted for in all of the tables in Appendix G4 of the
16 RDEIR, as well as the tables in Chapter 1 of the RDEIR, and therefore in the RDEIR
17 analyses. The commenter may also again be confusing transloading as a percent of total
18 throughput with transloading as a percent of total loaded imports (this is evident in
19 commenter’s Table 4). Since loaded imports are approximately one-half of total
20 throughput, it should not be surprising that transloading to rail as a percent of total
21 throughput (13.5%) is one-half of the percentage of loaded imports (27%). As an
22 example of the commenter’s confusion, on page 16, the commenter notes that “25% of
23 import containers are transloaded but that ½ goes ‘east’ and ½ stays ‘north of the Ports’”.
24 Then in Table 4 on page 17, the commenter incorrectly applies 12.5% to total port
25 throughput to estimate the number of containers that are transloaded “north of the ports”.
26 The commenter’s “scenarios” thus make no sense and in no way reflect actual conditions
27 in the port area because they are based on erroneous calculations.

28 **Response to Comment 133-16**

29 Regardless of where transloading operations take place, transloading and pure domestic
30 cargo volumes will continue to grow, and it is assumed that BNSF will do everything in
31 its power to accommodate that demand at its Hobart/Commerce and San Bernardino
32 Yards. Truck traffic associated with transloading and pure domestic cargo is not an
33 impact of SCIG because that traffic will continue to occur regardless of whether SCIG is
34 built. See Master Response 3, Hobart.

35 As is explained in RDEIR Section 2.4.1, the SCIG project would allow most (95% is
36 assumed) of the BNSF’s near and off-dock IPI containers to be loaded onto trains at the
37 SCIG instead of at Hobart Yard. It is assumed that the remaining 5% would continue to
38 be served at Hobart. This results in a significant reduction in future truck traffic between
39 the ports and Hobart. BNSF’s transload and pure domestic traffic will continue to be
40 served at Hobart Yard and at San Bernardino Yard, as described in RDEIR Sections 2.4.1
41 and 3.10 (the commenter misrepresents the EIR on this point). This will happen whether
42 or not the SCIG is built. The railroad will certainly work to accommodate that demand,
43 including by increasing the capacity of these other yards if necessary. See Master
44 Response 3, Hobart.

45 As shown in Appendix G4 of the RDEIR, the demand for intermodal TEUs for all three
46 markets (IPI, transload, and “pure” domestic) is projected to triple from approximately

1 10.1 million TEUs⁵ in 2010 to 30.1 million TEUs in 2035. It is clearly beneficial from an
 2 environmental standpoint to accommodate IPI demand as close to the ports as possible.
 3 The SCIG-related truck traffic requires a short (4- to 5-mile) dray from the ports, but it
 4 eliminates longer trips (about 24 miles) to Hobart Yard as described in RDEIR Sections
 5 2.4.1 and 3.10. Accommodating total demand (including transload and pure domestic
 6 demand) may ultimately require increased capacity of off-dock yards including Hobart
 7 Yard. Based on railyard capacity estimates prepared independently by AECOM, the off-
 8 dock railyards will be able to handle the projected demand as described in the RDEIR
 9 Section 5.4.1. (AECOM, 2012) This assumes that the off-dock railyards will be able to
 10 install wide-span gantry cranes and make other operational improvements to increase
 11 capacity. However, increasing capacity of Hobart, which is not part of the Project, is
 12 beyond the purview of the SCIG RDEIR. See Master Response 3, Hobart. The analysis
 13 shown in the RDEIR satisfies the requirements of CEQA.

14 On page 21 of her report, the commenter refers to this sentence on page 3.10-25 of the
 15 DEIR:

16 Because of its location approximately 4 miles from the Ports, the proposed Project would
 17 eliminate a portion (estimated at 95 percent) of existing and future intermodal truck trips
 18 between the Port and the BNSF's Hobart/Commerce Yard, which is located
 19 approximately 24 miles north of the Ports in the cities of Los Angeles and Commerce, by
 20 diverting them to the proposed SCIG facility.

21 This sentence refers to IPI traffic and not total intermodal traffic. It is certainly valid for
 22 IPI intermodal trips, and that was the data used in the traffic and health risk assessments.

23 **References:**

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

25 **Response to Comment 133-17**

26 The question posed by the comment, and the laborious calculations that follow, are
 27 irrelevant to the SCIG EIR because SCIG would not affect the number or distance of trips
 28 made by transloaded containers. The RDEIR, as explained in Master Response 3, Hobart,
 29 acknowledges that Hobart Yard will continue to serve transload and pure domestic
 30 containers as driven by natural market demand. Furthermore, the comment assumes that
 31 there is some hidden reservoir of transloaded cargo that would suddenly materialize if
 32 capacity were freed up at Hobart, which, as explained in Master Response 3, Hobart, is
 33 simply not the case.

34 **Response to Comment 133-18**

35 The reviewer defines a domestic container as a "53-foot container originating at the
 36 Ports" but, in fact, no such container exists. The containers originating at the ports are
 37 marine containers that are 20, 40, and in some cases 45-feet long. Domestic containers
 38 are 53-foot containers but they originate at industries and warehouses outside the ports,
 39 and carry domestically-produced goods. Transloaded containers are the same size as

⁵These are "marine TEU equivalents", which take into account the relative cargo-carrying capacity of marine and domestic containers. For example, a 53-foot domestic container is equivalent to 3 marine container TEUs based on cargo carrying capacity.

1 domestic containers but they do, as the commenter points out, contain goods originating
2 overseas. The two categories – domestic and transload – are not the same, and are not,
3 contrary to the commenter’s implications, treated as the same in the EIR (see, for
4 example, Appendix G4)

5 The commenter states:

6 “A 53-foot container with goods from the Ports inside it cannot be camouflaged in the
7 BNSF SCIG DEIR as though industry, the Port and environmental consultants are
8 unaware of the transloading phenomenon and of exactly how far trucks travelled to get
9 that container to the Hobart Yard from where the goods entered at the Ports.”

10 The SCIG RDEIR explicitly accounts for the transloading phenomenon and even
11 assumes that it will grow from 27% of loaded imports in 2010 to 30% by 2035. This
12 projected demand is accounted for in the lift and TEU demand estimates by rail yard
13 shown in Appendix G4 of the RDEIR.

14 The market demand for pure domestic cargo and transload cargo is independent of the
15 SCIG project (see Master Response 3, Hobart). It is reasonable to expect that the BNSF
16 would do everything in its power to accommodate projected demand for the transload and
17 domestic cargo, and the EIR explicitly recognizes this, as explained in Master Response
18 3, Hobart, and contrary to the commenter’s assertion.

19 To reiterate a key fact that the commenter does not appear to be accounting for, the
20 market demand for pure domestic cargo and transload cargo is independent of a project’s
21 capacity. In the case of the SCIG project, the region’s economy drives the demand for
22 domestic and transload cargo which would grow at a rate unrelated to capacity at Hobart.
23 A facility’s capacity does not create growth in demand.

24 **Response to Comment 133-19**

25 The comment is general and does not reference any specific section of the DEIR or
26 RDEIR, therefore no further response is required. (Public Resources Code § 21091(d);
27 CEQA Guidelines § 15204(a)).

28 **Response to Comment 133-20**

29 The commenter quotes various opinions and statements by parties who cite the expected
30 reduction in marine container truck traffic from the ports to Hobart Yard. These
31 statements do not reference sections of the SCIG DEIR or RDEIR and therefore do not
32 require a response. (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a))
33 Regarding the comment that the SCIG RDEIR failed to adequately evaluate the removal
34 of trucks on the I-710 and other local freeways, thereby improving air quality and
35 reducing the burden on southeast L.A. communities along the I-710 goods movement
36 corridor, the commenter is referred to RDEIR Section 3.2 and Appendices C1, C2 and
37 C3, which analyze in detail the air quality and health risk impacts of the proposed Project
38 including the effect of trucks, and to Master Response 3, Hobart.

39 **Response to Comment 133-21**

40 See response to 133-20. The statements were forward-looking descriptions of future
41 projects and are not “prejudicial,” nor did they constitute approvals or actions by the
42 LAHD, which acts through its Board of Harbor Commissioners.

1 Response to Comment 133-22

2 In response to the comment on “capacity that would be freed up” at Hobart once IPI
3 containers are diverted to the SCIG, see response to comment 133-18 and Master
4 Response 3, Hobart.

5 Response to Comment 133-23

6 The RDEIR uses the latest research on transloading trends including analysis completed
7 for the LAHD in August 2012 which was confirmed in a report conducted by Cambridge
8 Systematics and Starboard Alliance LLC for the ports of Los Angeles and Long Beach in
9 December 2012 (Cambridge, 2012). This research involved extensive interviews with
10 importers, exporters, and 3rd Party Logistics operators (3PLs). Appendix G4 of the
11 RDEIR takes this new research explicitly into account.

12 References:

13 Cambridge Systematics, Inc. and Starboard Alliance Company LLC. 2012. *Transloading*
14 *of Marine Containers in Southern California, Final Report*. December 2012.

15 Response to Comment 133-24

16 Transloading statistics have been included in all RDEIR analyses and such statistics are
17 shown in Appendix G4 of the RDEIR (see responses to Comments 133-12 through 133-
18 18). The analysis in the RDEIR is adequate and complies with CEQA.

19 Response to Comment 133-25

20 The commenter is referring to a section of the DEIR which has been revised and reissued
21 as part of the RDEIR. RDEIR Section 2.4.1 includes site plans for the proposed Project.

22 Response to Comment 133-26

23 The commenter is referring to a section of the DEIR which has been revised and reissued
24 as part of the RDEIR. The RDEIR has been revised to include statements about the health
25 effects of diesel exhaust. Please see also the response to comment R146-3.

26 “. . . an EIR need not include all information available on a subject. An EIR should be
27 ‘analytic rather than encyclopedic’ and should emphasize portions ‘useful to the decision-
28 makers and the public’.” (*Al Larson Boat Shop v. Board of Harbor Commissioners of the*
29 *City of Long Beach* (1993) 18 Cal.App.4th 729, 748)

30 Response to Comment 133-27

31 The commenter is referring to a section of the DEIR which has been revised and reissued
32 as part of the RDEIR. The RDEIR Section 3.2 has been revised to include information
33 on air monitoring at the Hudson School conducted by the SCAQMD.

34 Response to Comment 133-28

35 Thank you for the comment. The comment is noted and is hereby part of the Final EIR
36 and is before the decision-makers prior to taking any action on the SCIG project. “. . . an
37 EIR need not include all information available on a subject. An EIR should be ‘analytic
38 rather than encyclopedic’ and should emphasize portions ‘useful to the decision-makers
39 and the public’.” (*Al Larson Boat Shop v. Board of Harbor Commissioners of the City of*
40 *Long Beach* (1993) 18 Cal.App.4th 729, 748)

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The commenter attached three additional documents. These attachments refer to a chapter or section of the DEIR that was recirculated or the notice of preparation. No response is necessary for comments on the recirculated chapters per CEQA Guidelines §15088.5(f)(2). Copies of the commenter's attachments are included in the electronic versions (CD and POLA website) of the Final EIR. The commenter's attachments were:

1. Appendix A: Selected references on diesel exhaust and ultrafine particles for consideration in the redone DEIR and FEIR.
2. Articles from the Journal of Commerce 2011
3. Comment Letter on the Notice of Preparation (See DEIR Appendix A for comments on the Notice of Preparation.)

Port Working Group, Green LA Coalition

February 1, 2011

via US Postal to:

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

via e-mail to: ceqacomment@portla.org

Re: Southern California International Gateway Project Draft Environmental Impact Report

Dear Mr. Cannon:

The Port Working Group of the Green LA Coalition hereby submits comments to the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project. Members of the Port Working Group have raised concerns about the negative environmental, health, labor, and overall project impacts on the surrounding neighborhoods and the region in various public workshops and public hearings related to this project. We present our comments below and appreciate your detailed response to these questions and concerns.

After careful review of the document, we have concluded that major flaws remain and request that these critical issues be addressed as required in the California Environmental Quality Act (CEQA).

1. THE DRAFT EIR'S PROJECT DESCRIPTION IS INADEQUATE

The DEIR effectively disguises the true impacts of the project by omitting crucial information regarding what the project will actually do, underestimating many environmental impacts and ignoring others altogether. "An accurate, stable and finite project description is in sine qua non of an informative and legally sufficient EIR."¹

2. OVERALL PROJECT NEED

The purported need for the project is to have capacity for forecasted direct rail shipments after the currently planned on-dock rail system is (according to the DEIR) maxed out in 2020. BNSF's forecasts that capacity for roughly another 2.7 million TEUs will be needed between 2020 and 2035².

The cargo forecast used by port planners appears to be based on economic assumptions from before the recent recession and now appears extremely inflated. The DEIR uses a cargo

¹ County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185 192-93

² See *Appendix G-2, page 2*

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forecast³ that suggests that cargo levels will quadruple from record 2006 levels by 2030. With the recession a new forecast⁴ was constructed which suggests that cargo levels will still triple by 2035. The EIR suggests that actual cargo levels will be somewhere between the two forecasts. Given the current economic conditions of sluggish growth, tight credit, mortgage crisis, high unemployment and a shrinking middle class, tripling or quadrupling record cargo in the next 15 to 20 years seems unlikely. With additional cargo moving through the Panama Canal, it appears we are building port capacity for a demand that will not be realized.

These forecasts are extremely important because the projected growth is used to justify building the near dock rail yard and eliminate near-dock and on-dock alternatives to the project.

Based on this forecasting, we believe existing and already proposed port expansion projects to be able to accommodate this growth.

2.1 Meeting the need of the project and meeting goals of the CAAP

The main purposes of the SCIG stated in the DEIR include helping to meet the current and anticipated containerized cargo from port terminals, reducing truck miles traveled associated with moving containerized cargo, increasing the use of the Alameda Corridor, and maximizing the direct transfer of cargo from port to rail with minimal surface transportation, congestion and delay.

As described in the Clean Air Action Plan (CAAP) adopted by both the Port of Los Angeles and the Port of Long Beach, maximizing on-dock rail is a shared goal and both ports plan to maximize on-dock rail as an effective way to limit emissions associated with operations of on-road trucks and rail yards.

The SCIG project does not meet the purpose or need of the first item mentioned above, to help meet the current and anticipated containerized cargo and if built the project will have the potential to shift freight away from on-dock rail, which could minimize the use of on-dock rail vs. maximizing the use of on-dock rail which is part of the CAAP goal. This would perpetuate the need to truck containerized cargo to the near-dock facility and fail to meet the goal of maximizing the direct transfer of cargo from port to rail with minimal surface transportation, congestion and delay. In fact, this could increase surface transportation, congestion and delay in and around the port due to the shift. Maximization of on-dock rail is also part of the assumed rail operation described in the DEIR, which cargo capacity assumptions depend upon and with this shift those assumptions would not hold true.

Assessing the performance of the cargo forecast used in the assumptions in the SCIG DEIR, over the last two years, it is reasonable to believe that there is no need for the SCIG project from now to the years of 2035 in terms of helping to meet the current and anticipated containerized cargo from the port terminals. The planned and proposed projects, which include on-dock rail, will be able to handle all anticipated containerized cargo. In the case the cargo throughput increases and follows an optimistic forecast growth rate, the project will not be needed until 2030 if no other alternative is identified.

³ Tioga. 2007. San Pedro Bay Cargo Forecast. Draft report prepared for the Ports of Los Angeles and Long Beach. Prepared by the Tioga Group, Inc., Global Insight, Inc., Railroad Industries, Inc., D. A. Varnado Analytics. December 2007.

⁴ Tioga. 2009. San Pedro Bay Container Forecast Update. Report prepared for the Ports of Long Beach and Los Angeles. Prepared by the Tioga Group, Inc. and HIS Global Insight. July 2009.

The study by the Bay Area Council Economic Institute⁵ supports that there is a high probability that the above mentioned could and or will be the outcome if the SCIG project gets approved (See Appendix A for document referenced and we ask that it be included in its entirety as part of formal comment for the DEIR). The SCIG DEIR fails to fully study the purpose and need of the project, the alternatives to the project, which should include the no build alternative based on meeting or the lack of meeting the major objectives of the project and goals of the Port of Los Angeles set in the CAAP, specifically the cancer risk threshold impacts from shift of cargo and or other implication of project, the container terminal capacity and intermodal cargo demand and capacity and forecasting. The SCIG DEIR fails to study and provide adequate data and information to justify the project approval with and without the mitigating impacts to the environment and human health.

3. ENVIRONMENTAL ANALYSIS IS FLAWED (Chapter 3.0)

3.1 Flawed Assumptions and Analysis

Fundamentally, the DEIR includes an invalid traffic analysis that provides the basis for a flawed findings from the DEIR's air pollution study, the health risk analysis, and the cumulative impacts analysis that are based on it.

3.2 Inadequate Air Quality Analysis and Health Risk Assessment

These flaws illustrate the insincerity of the DEIR finding a net decrease in emissions between the unmitigated project and the CEQA baseline and the subsequent health impact findings. (DEIR, 3.2-59)

- a. Invalid traffic analysis provides the basis for a flawed findings from the DEIR's air pollution study, the health risk analysis, and the cumulative impacts analysis that are based on it.
- b. The DEIR ignores more than 30 studies that show lung cancer in workers exposed to diesel exhaust. Those studies are the basis for California naming diesel particulate matter as a Toxic Air Contaminant.
- c. Two USC papers (Gauderman, McConnell) on the health effects of children living in close proximity to traffic-related pollution are in the References, but there is no mention of the whole body of near-roadway and health effects research in the DEIR (needs references, what do they show?) . There is no mention in the text of proximity issues and health except with regard to CARB land use guidelines.
- d. The DEIR inappropriately credits Clean Air Action Plan (CAAP) and Clean Trucks Program (CTP) improvements to the SCIG. The 2005 baseline overstates the benefits of the project because the CAAP and CTP and state laws have been implemented since 2005. To compare the project's use of CTP-compliant trucks with pre-CTP trucks of 2005 is simply disingenuous. The port itself has repeatedly touted the early achievement of emission reductions goals from the CTP: more than 90% for sulfur oxides, 89% for DPM and 77% for NOx.

⁵ Monaco, K., Haveman, J. 2012. Assessing the Need for the Southern California International Gateway. Prepared by Bay Area Council Economic Institute. January 31, 2012.

e. The DEIR understates the ongoing emissions of current tenants of the site. It assumes that emissions from current tenants, which are included in the baseline, simply vanish when these businesses are displaced. For example, though it currently operates on 104 acres, "California Cartage would be relocated to the 10-acre site and would retain the current 20 [sic] acre parcel on SCE land, comprising a total of 29 acres. All future year activities of California Cartage ... were assumed to be scaled down by 72 percent..."(DEIR, 3.2-29). For five of the nine current tenants, no continuing operations are calculated. This assumption is indefensible.

f. The section on Toxic Air Contaminants is incorrect and misleading. It states:

"Compared to the MATES II study, the MATES III study found a decreasing risk for air toxics exposure, with the population-weighted risk down by 17 percent from the analysis in MATES II." (DEIR, 3.2-9)

In fact, the SCAQMD says:

*"Overall, the Ports area experienced an approximate 17% increase in risk, while the average population-weighted risk in other areas of the Basin decreased by about 11%."*⁶

g. The DEIR fails to meet the standard for Environmental Impact Reports, which requires adequately inform all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project.⁷ (See Appendix B for document referenced and ask that it be included in its entirety as part of formal comment for the DEIR).

h. The DEIR fails to adequately consider the traffic impacts and resulting air quality impacts on the community immediately adjacent to the project.⁸

i. The DEIR's Health Risk Assessment is flawed and fails to accurately calculate the potential health risk on residents in nearby communities.⁹

3.3 The Incremental Cancer Risk Is Greater Than 10 In A Million.

Appendix Table C3-7-4 shows maximum health impacts associated with the mitigated proposed project (DEIR, C3-50). Even given the insupportably low air emissions study results, this table shows maximum cancer risks of 48 in a million for residential receptors, 39 in a million for occupational receptors, 40 in a million for sensitive receptors, and 60 in a million for students -- all in excess of the 10 in a million threshold that the Port has promised not to exceed under the CAAP. This shows that local residents and their children will be the worse off, a fact that must be addressed in the environmental justice section of the DEIR. The DEIR downplays these numbers by asserting that cancer risk will be reduced by the project (due to the indefensible claims it makes about Hobart Yard not handling international cargo containers any longer) but

⁶ South Coast Air Quality Management District, Multiple Air Toxics Exposure Study III, Sept. 2008, p. 4-11, also see Table 4-4 on p. 4-16. Source at <http://www.aqmd.gov/prdas/matesIII/MATESIIIFinalReportSept2008.html>

⁷ Clark & Associates. Comment Letter on Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project. January 30, 2012. Included in Appendix C.

⁸ Ibid

⁹ Ibid

this claim is unsupported because of the gross errors in the traffic analysis that we have described above.

3.4 Trucks

SCIG proposes nothing more than CTP compliant trucks (i.e. Model Year 2007), offering only that the Harbor Commission could include a stronger provision. The proposed "project condition" of "low-emission" trucks is not sufficient (DEIR, 3.2-96):

- a. It is much too slow of a phase-in period, taking until 2026 to transition to truck standards that can be met by trucks on the road today. In fact, cleaner natural gas trucks make 7% of moves at the POLB, evidence that this is an immediately available, affordable and viable technology.¹⁰
- b. "Low emission" trucks should be measured not only by PM but also by NO_x and CO₂
- c. Given the long life of the project, it is reasonable to phase-in zero-emission trucks, given that such technologies are already being demonstrated at the port. Rejecting zero-emission and hybrid trucks as "technically infeasible" (DEIR, 3.2-79) does not recognize the rapid progress in this sector, and the commitment to further advances that have been made by the ports (including in the "Roadmap for Zero Emissions"¹¹ prepared jointly by the two ports).
- d. Low- and zero-emission trucks should be integrated into the project itself so as to be enforceable rather than a condition dependent on future actions of the Harbor Commission.

The failure to require cleaner truck technology flouts the CAAP. The DEIR notes that the CAAP promotes "Alternative Fuel Infrastructure for Heavy-Duty Natural Gas Vehicles", yet it fails to promote the use of natural gas or zero emission trucks. (DEIR, 3.2-64)

3.5 Insufficient Disclosure of Human Health Impacts

The California Environmental Quality Act (CEQA) requires that all potential environmental changes that can result in significant adverse impact on humans or public health must be addressed in an environmental impact report.¹² The DEIR fails to address in detail the adverse health impacts that will result from this proposed project; therefore, a comprehensive health analysis needs to be conducted.

Appendix C includes a list of health studies that need to be reviewed and added to the EIR.

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §21000, et seq., requires agencies to study the impact of proposed projects on human health and, if the impact is significant, require agencies to include mitigation measures and/or alternatives to reduce those impacts. Such an analysis is often called a Health Impact Analysis ("HIA").

- a. The plain language of the CEQA statute and regulations requires analysis and mitigation of human health impacts

¹⁰ See POLB Truck Activity Report, available at <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=6591>

¹¹ Roadmap for Moving Forward with Zero Emission Technologies at the Ports of Long Beach and Los Angeles, Technical Report, August 2011, Final.

¹² CEQA Section 15126.2 (a); Section 15065

The first words of CEQA display that the Legislature intended the law to safeguard human health and safety. Section 21000 of CEQA, entitled, "Legislative Intent," states that the fundamental purpose of CEQA is "to provide a high-quality environment that at all times is **healthful** and pleasing to the sense and intellect of man."¹³ CEQA continues:

*"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 threshold being reached."*¹⁴

The CEQA Guidelines define "Significant Environmental Impacts" to include "**health and safety problems** caused" by the project.¹⁵ The CEQA Guidelines require a **mandatory** finding of significance if a project will have impacts on human health. The Guidelines state:

*"a lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where . . . the environmental effects of a project will cause **substantial adverse effects on human beings, either directly or indirectly.**"*¹⁶

b. CEQA case law requires analysis and mitigation of human health impacts

CEQA case law has uniformly interpreted the above provisions of law to require that an EIR include an analysis of human health impacts of a proposed project. An agency abuses its discretion and fails to proceed in a manner required by law if it refuses to analyze human health impacts of a proposed project in an EIR despite being presented with substantial evidence that such impacts may occur.¹⁷

- In *Bakersfield Citizens*, the court held that it was necessary in an EIR for two proposed WalMart projects to "correlate adverse air quality impacts to resulting adverse health impacts."¹⁸ The WalMart EIRs admitted that both projects would result in significant unmitigated air pollution impacts. However, the EIRs contained no analysis of the human health implications of that increased air pollution. The court held:

Guidelines section 15126.2, subdivision (a) requires an EIR to discuss, inter alia, "health and safety problems caused by the physical changes" that the proposed project will precipitate. Both of the EIR's concluded that the projects would have significant and unavoidable adverse impacts on air quality. It is well known that air pollution adversely affects human respiratory health.¹⁹ Emergency rooms crowded with wheezing sufferers are sad but common sights in the San Joaquin

¹³ Pub. Res. Code §21000(b) (emphasis added)

¹⁴ Pub. Res. Code §21000(d) (emphasis added)

¹⁵ Cal. Code Regs. §15126.2(a) (emphasis added)

¹⁶ Cal. Code Regs. §15065(d) (emphasis added). See also, CEQA Guidelines, App. G. Section XVIII (c) ("mandatory finding of significance" required if "the project [will] have environmental effects which will cause substantial **adverse effects on human beings, either directly or indirectly.**" (emphasis added)).

¹⁷ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-20 ("*Bakersfield Citizens*").

¹⁸ Id. at 1219-20

¹⁹ See, e.g., Bustillo, Smog Harms Children's Lungs for Life, Study Finds, L.A. Times (Sept. 9, 2004).

Valley and elsewhere. . . Yet, neither EIR acknowledges the health consequences that necessarily result from the identified adverse air quality impacts. Buried in the description of some of the various substances that make up the soup known as "air pollution" are brief references to respiratory illnesses. However, there is no acknowledgement or analysis of the well-known connection between reduction in air quality and increases in specific respiratory conditions and illnesses. After reading the EIR's, the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin. On remand, ***the health impacts resulting from the adverse air quality impacts must be identified and analyzed in the new EIR's.***²⁰

- Similarly, in *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.*, 91 Cal. App. 4th 1344, 1367-1368 (2001) ("*Berkeley Jets*"), the court held that the "public health impact" of an airport expansion had to be analyzed in the EIR despite the absence of an accepted scientific methodology. The court held that the Port failed to assess the health effect of toxic air contaminants ("TAC's") from mobile sources on persons who live in close proximity to the Airport.
- Numerous other cases have required that EIRs include an analysis of health impacts created by proposed projects. For example, the California Supreme Court recently held that an EIR was required for a refinery project due in part to "adverse health effects, especially aggravation of respiratory disease."²¹
- In *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1564-1565, the court held that an EIR was required due to potential human health effects of sewage sludge. The court held that, "additional scientific work is needed to reduce persistent uncertainty about the potential for adverse human health effects from exposure to biosolids [sludge]."
- In *Los Angeles Unif. Sch. Dist. v. City of Los Angeles* (1997), 58 Cal. App. 4th 1019, the court held that an EIR was required to analyze the human health impacts of increased noise caused by a proposed project.²² In *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal. App. 4th 889, 906, the court held that an EIR was adequate because it evaluated project-related and cumulative health impacts, included a reasoned analysis in support of its conclusions, and appropriately relied on mitigation measures to reduce project impacts.²³

3.6 Locomotive idling not included in their operations

The air quality analysis is inadequate and is flawed due to the lack of inclusion of the emissions from locomotive idling associated with rail yard operations.

²⁰ Id. 1219-20 (emphasis added); see also, *Woodward Park Homeowners Assn., Inc. v. City of Fresno*, 150 Cal.App.4th 683, 731-732 (2007) ("air pollution discussion is inadequate for another reason. . . there is no disclosure and analysis whatsoever of the correlation of 'the identified adverse air quality impacts to resultant adverse health effects.'")

²¹ *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310, 317

²² See also, *Gray v. Madera* (2008) 167 Cal. App. 4th 1099 (EIR required to analyze noise impacts of rock quarry)

²³ See also, *Sec. Env'tl. Sys. v. S. Coast Air Quality Management Dist.* (1991) 229 Cal. App. 3d 110 (EIR required due to human health impacts caused by waste-burning incinerator).

4. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE (Chapter 3.6)

“Consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions.”²⁴ Here, the Project attempts to skirt responsibility for GHG mitigations, by attempting to exploit the lack of Port guidelines on managing or mitigating GHGs, and by referencing the Clean Air Action Plan (which does not include GHG targets) and the POLA Climate Action Plan (which deals only with the activities and facilities of the Harbor Department, not port operations more broadly). (DEIR, 3.6-15 & 16).

Furthermore, despite finding that the “best available information” indicates that sea-level rise due to global warming is expected to be 1.4 meters by 2100, inundating “a vast majority of the Port of LA,” it rejects out of hand any adaptation strategy for the site or contribution to adaptation for the larger port. It admits that adaptation plans are expected, but makes no offer to participate in or contribute (e.g. financially) to the implementation of those plans. It also indicates that the info is not “at an appropriate scale” or adequate to “address potential impacts to the Project.” (DEIR, 3.6-27&28)

Additionally, there is a requirement under CEQA²⁵ that projects consider cumulative impacts, and the cumulative impacts of global warming is not adequately considered.

4.1 Mitigation Measures are inadequate and need to be strengthened

GHG mitigation measures are utterly inadequate. Mitigation measures neglect the most significant sources of GHGs and fail to account for even the most elementary of actions (DEIR, 3.6-26&27). For example:

- a. The truck “mitigation measure” (DEIR, MM AQ-2) “would not have a substantial impact on GHG emissions.” Yet the project makes no effort to incorporate cleaner truck technologies (like electric, hybrid, or natural gas) which could significantly reduce GHGs.
- b. Solar panels would be reviewed in the “future” rather than integrated into the design of the facility (DEIR, MM GH-2). The project accepts no responsibility for cleaner energy, offering only that POLA would consider it as a potential site for its solar inventory (This regular inventory and solar installations totaling 10 MW are actually required as a settlement²⁶ between POLA and the Attorney General). The project should integrate solar into the project design from the beginning rather than attempt to retrofit it at some unidentified future point. To avoid double-counting of mitigations, solar installation(s) at the SCIG site should be separate from POLA’s settlement requirements.
- c. The offer to recycle up to 60 percent of waste from “all buildings” does not even meet the city’s current diversion rate. In other words, BNSF could put its office paper and recyclables in any city trash receptacle and exceed the diversion rate it claims to be

²⁴ CEQA Guidelines § 15126.4

²⁵ CEQA Guidelines § 15130

²⁶ Memorandum of Understanding Between the State of California, the Office of the Mayor of the City of Los Angeles, and the City of Los Angeles Harbor Department Creating A Partnership to Reduce Greenhouse Gases and Support the Port of Los Angeles Clean Air Action Plan.; available at:
http://ag.ca.gov/globalwarming/pdf/Port_of_Los_Angeles_Agreement.pdf

“mitigation.” Meanwhile it makes no mention of waste generated by operations outside its buildings.

- d. The DEIR offers to plant trees around the main administration building—without any specifics about location, quantity, purpose or type.
- e. There is no virtually no attempt to quantify GHG mitigations (except for the inclusion of CFLs in the administrative building, which would account for less than 0.1% of project GHG emissions (DEIR, 3.6-30)).
- f. Where lighting is concerned, CFLs are not even the most efficient lighting strategy; LED lighting is widely available and offers significantly more energy savings and electronic system management may yield even more efficiencies. Meanwhile there is no mention of the yard lighting, which is likely more energy intensive than the building lighting.
- g. There is no mention of heating and cooling systems.
- h. There is no mention of GHG reductions during construction activities.
- i. There is no commitment to offsetting unavoidable GHG emissions. Contrast that to the Port of Long Beach Pier S DEIR which sets a methodology that dedicates millions of dollars to offset GHGs (Pier S DEIS/DEIR, p 3.3-26).

5. HAZARDS AND HAZARDOUS MATERIALS (Chapter 3.7)

5.1 Concerns on Impact Risk 5b – “Operation at proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous substances or waste within ¼ mile of existing or proposed schools.”

Impact Risk 5b assumes a minimal risk for the 5 adjacent schools. The analysis identifies 9,000 containers with hazardous materials moved through the Port of Los Angeles each year (DEIR, 3.7-2). It would probably be realistic to assume a similar number of containers containing hazardous materials moving through the Port of Long Beach.

- How many of these containers with hazardous materials are projected to be moving through this facility at full capacity?
- How does this increase the probability that significant spill would occur within ¼ mile of these schools?

While there is a discussion of risk while moving hazardous materials by truck, a similar discussion about moving hazardous material by rail seems to be missing in the analysis. The Press Telegram on 1/24/12 reported on a derailment and spill in the project neighborhood²⁷. How frequent are spills in similar rail facilities? The report does not provide enough information to evaluate the risk to the schools from spills of hazardous materials.

²⁷ Press-Telegram. Train derailment in harbor area prompts alert. January 24, 2011. Available at: http://www.presstelegram.com/news/ci_19812672?source=rss

5.2 The analysis fails to identify two schools within ¼ mile of the proposed project.

By our count the number of schools within a quarter of a mile of the project is 5 with a combined attendance of 5,900 students.

- a. Cabrillo High Schools with 3,400 students is adjacent the Terminal Island Freeway. Athletic field and classrooms are within ¼ mile of the proposed project.
- b. Stephens Middle School's fence line is next to the project north lead track and has 1,000 students in attendance.

There is no discussion in the DEIR of Stephens Middle School located next to the northern lead track. This school and surrounding residential neighborhoods will be subjected to extremely high levels of diesel exhaust because of locomotives using this lead to break trains entering and to assemble trains leading the proposed rail yard. The exhaust levels would be much higher than calculated due to locomotives that will be stopping, idling and changing directions next to this school and neighborhood. With 16 trains a day²⁸, the exhaust and noise from the assembling and breaking down of trains will be ongoing. This would be in addition to the already existing exhaust and noise from the ICTF rail yard, recognized by CARB as one of the dirtiest rail yards in the state and also sitting next to this school and neighborhood. The DEIR does not provide any analysis of these hazardous emissions within a few feet of this school. Not only was the risk from these activities not analyzed but also the school was not even recognized as an impacted school within ¼ of a mile of the proposed project.

6. LAND USE (Chapter 3.8)

6.1 The DEIR Executive Summary is Misleading in its Description of the Existing Environmental Setting and Surrounding Land Uses, and Therefore Fails to Describe Indirect Impacts Increased Truck and Train Traffic will have on Nearby Schools and Residences

"An EIR must include a description of the physical environmental conditions in the vicinity of the project. . . . This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."²⁹ Here, the discussion of the existing environmental setting, as described in the Executive Summary, the Introduction, and the Project Description, is vague, focusing on the fact that the area is zoned industrial, and large minimizing the nearby sensitive receptors, such as schools and parks. Only later, in discrete sections—land use, noise—are these uses described. Furthermore, the setting fails to include the use of existing spurs by the Project. The sections that are specifically intended to provide the reader with a description of the environmental setting must be updated in the final EIR to reflect the actual setting, so that the environmental effects can be more accurately evaluated.

In the Executive Summary and the Introduction, the DEIR describes the "general area" as: "characterized by heavy industry, goods handling facilities and port-related commercial uses consisting of warehousing operations, trucking, cargo operations, transloading, container and

²⁸ Parsons Transportation Group. 2011. SCIG Rail Simulation Modeling Study. August 3, 2011. (DEIR, Appendix G2)

²⁹ CEQA Guidelines § 15125(a).

truck maintenance, servicing and storage, and rail service.” (DEIR, ES-4, 1-3.) This description of the “general area” ignores most of the uses just east of the project, which include residences, schools, parks, and places of worship, among other sensitive receptors.

Only later in the DEIR does it mention that the area is also a “single-family residential area, but it includes a high school, an elementary school, and a nursery school, as well as veteran’s housing and a medical center.” (DEIR, 2-7.) Even then, only a page later, when describing the area surrounding the north lead tracks, the DEIR states that “to the east is an industrial warehouse and single-family residences within the West Long Beach area.” This description ignores the fact that Stephens Middle School is less than 200 feet away, and Webster Elementary School only a little farther. (DEIR, 2-8, 3.1-3.) The DEIR also entirely fails to address (except for a brief mention in the Noise section) that the Mary McLeod Bethune Transitional Center is on the Southwest corner of Hudson Park, which itself is only 260 feet east of the Project site.

6.2 The DEIR Fails to Discuss Inconsistencies Between the Project and Its Direct and Indirect Impacts with Applicable Land Use Plans

The EIR must discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans, including, among others, land use and air plans.³⁰ Inconsistency with a single policy or goal of a general plan can be the basis for a finding of impacts under CEQA.³¹ The DEIR concludes that this Project is not inconsistent with any relevant plan or zoning determination. (DEIR, 3.8-21-23.) This conclusion conflates zoning and land use designations, with the goals, policies, and requirements of the relevant general, community, and redevelopment plans. In fact, the SCIG Project is inconsistent with several plans’ policies and goals, including the City of Los Angeles General Plan, the City of Long Beach General Plan, the Wilmington-Harbor Community Plan, the City of Carson General Plan, and³²

a. Port of Los Angeles Plan

The Port of Los Angeles Plan is part of the Land Use Element of the Los Angeles General Plan; therefore, the Project must be consistent with the Port Plan. Yet, as the DEIR acknowledges, one of the “primary purposes of the Port of Los Angeles Plan” is to “contribute to a safe and healthful environment.” (DEIR, 3.8-8.) An important objective of the plan includes “Objective 6. To relocate hazardous and incompatible land uses away from adjacent residential, public recreational, and tourist areas when appropriate land areas for relocation become available.” (DEIR, 3.8-11.)

As described elsewhere in these comments, however, this Project, along with its rail spurs and attendant truck traffic, will create significant air, noise and traffic impacts, especially on very nearby (far less than 1,000 feet) schools, parks, a temple, residential areas, and other sensitive receptors. Even with proposed mitigation measures the DEIR admits these impacts will remain significant and unavoidable. (DEIR, 3.8-27.) The DEIR

³⁰ CEQA Guidelines § 15125(d).

³¹ See *San Bernardino Valley Audubon Soc’y, Inc. v. County of San Bernardino*, 155 Cal.App.3d 738, 753 (1984).

³² Because this Project is at the intersection of many different community and redevelopment plans, it is crucial that the EIR analyze the Project’s inconsistency with each plan with the understanding that the policies of one plan must apply to the entire Project area. Otherwise, reading each plan in isolation ignores the real-world fact that all of the areas border and impact each other, and would allow each community to externalize its impacts on another area. (For instance, Wilmington might ignore its own objective to minimize industrial development near residences if the residences are in Long Beach.)

inexplicably ignores these important goals and objectives, and instead focuses on the ones with which the Project is consistent. To comply with CEQA, the DEIR must discuss the Project's clear inconsistencies with the Plan's goals and objectives, as only Port development projects must be consistent with the Port Plan. (DEIR, p. 3.8-12.)

b. City of Long Beach General Plan

The Long Beach General Plan states that "[f]rom an overall policy standpoint, Long Beach does not wish to host plants and processes which present a high risk for environmental damage or neighborhood disruptions of any kind."³³ Still, the City of Long Beach does have some districts designated for heavy industrial facilities; however, as the DEIR notes, the area where the Project is located is designated 9R, which is "intended to attract and maintain businesses which conduct industrial or manufacturing operations primarily indoors, with limited outdoor appurtenant activities....Zoning regulations on industrial developments are of key importance in the 9R District, where they are designated to ensure compatibility within industrial areas and with neighboring, non-industrial uses."³⁴ (DEIR, 3.8-14.) The General Plan gives examples of the types of businesses usually located in 9R Districts—"research and development firms, warehousing operating, small-scale incubator industries, and flexible space"—and notes that the 9R District "typically will include clean, non-nuisance industries whose primary activities are confined completely indoors and those whose operations produce minimal off-site impacts with respect to traffic, emissions, noise, operating hours, etc."³⁵ Despite the facts that a the SCIG Project is vastly larger than the example 9R industries, that rail yard's primary industrial activity occurs outdoors, and that SCIG Project will produce significant, unmitigated emissions, noise, traffic, and other impacts, the DEIR concludes without analysis that the Project is consistent with 9R land use designation. This conclusion is odd, given that 9G General Industry Districts, which are "intended to provide areas where industrial and manufacturing operations incorporating more intense activities, including outdoor storage and controlled outdoor industrial operations, may locate," would seem to be more appropriately geared toward railroads.³⁶ The EIR must include an analysis of the inconsistency of this Project and the underlying General Plan Land Use Designation.

Additionally, the Long Beach General Plan Air Quality Element lays out crucial policies for rail-related emissions: "Policy 4.2: Reduce the impacts of rail-related emissions on Long Beach neighborhoods and the downtown."³⁷ Thus, the General Plan recommends actions such as:

- 4.2.1. Request that the railroad companies adhere to their promise to eliminate train idling adjacent to the West side neighborhoods.
- 4.2.2. Encourage the conversion of the rail fleet to cleaner burning fuels and cleaner engine technologies.
- 4.2.5. Support the realization of the Alameda Corridor and promote the use of alternative fuels where feasible, including rail electrification.

³³ Long Beach General Plan, Land Use Element, p. 52, available at: http://www.lbds.info/planning/advance_planning/general_plan.asp.

³⁴ *Id.* at 52a.

³⁵ *Id.* at 71.

³⁶ *Id.* at 52a.

³⁷ *Id.*, Air Quality Element, p. 88.

Despite attempts at minimizing emissions and idling times, there is no way to avoid the fact that the trains will mainly run on diesel, and they will idle next to adjacent residential neighborhoods. (DEIR, 2-15.) The DEIR, therefore, must discuss these inconsistencies with the Long Beach General Plan and discuss any possible modifications to the Project to bring it more in line with the goals and objectives of the General Plan.

c. Wilmington-Harbor City Community Plan

The DEIR also ignored several objectives in the Wilmington-Harbor City Community Plan—objectives which apply even to industrial areas. These include, among others:

- 3-1.3. Require a transition of industrial uses, from intensive uses to less intensive uses, in those areas in proximity to residential neighborhoods
- 3-1.5. No container storage shall be permitted within 300 feet of any residential zone.
- 4-5. To ensure the accessibility, security, and safety of parks by their users, particularly families with children and senior citizens.
- 18-3. To assure that Port programs for land acquisition and circulation improvements will be compatible with and beneficial in reducing environmental impacts to surrounding communities caused by Port-related activities, as well as beneficial to the Port.

Though the surrounding sensitive land uses, including Hudson Park (merely 260 feet from the boundary of the Project), are in Long Beach, the Project will have “unavoidable” significant environmental impacts on surrounding residential neighborhoods, parks, and schools. (See e.g., DEIR, 3.8-31.) The DEIR, therefore, must discuss inconsistencies with these objectives.

d. City of Carson General Plan

Although the area in which the project is located within the City of Carson is zoned for Heavy Industrial use, the Project is inconsistent with the City’s goal of not located incompatible land uses near one another.³⁸ Several policies in the General Plan relate to this goal, including, among others:

- LU-7.4 Through the discretionary review process, ensure that the siting of any land use which handles, generates, and/or transports hazardous substances will not negatively impact existing sensitive receptor land uses.
- LU-7.6 Coordinate with adjacent landowners, cities and the County in developing compatible land uses for areas adjacent to the City’s boundaries.³⁹

The DEIR must address the Project’s inconsistencies with these policies and overall goal of the Plan.

e. Redevelopment Plans

The SCIG Project abuts or is nearby several redevelopment areas in both Long Beach and in Wilmington. These include: The Central Long Beach Project Area, the North Long Beach Project Area, the West Long Beach Industrial Redevelopment Project Area,

³⁸ Goal LU-7, City of Carson, General Plan, Land Use Element (2006), available at: <http://ci.carson.ca.us/CityDepartments/DevServ/GenPlan/LandUse.htm>.

³⁹ *Id.*

and the Los Angeles Harbor Industrial Center Redevelopment Project Area. The DEIR acknowledges this fact (DEIR, 3.8-5 – 3.8-8), but fails to analyze whether the Project is inconsistent with any of these plans or projects. The EIR must analyze any potential inconsistencies between the Project and any direct or indirect environmental effects and these redevelopment plans.

6.3 The Project is Inconsistent with School Siting Guidelines

The DEIR notes that the proposed Project site is within 1,000 feet of Hudson Elementary and Cabrillo High School, as well as only 260 feet from Hudson Park (a large park housing sports fields as well as other recreation areas), a Buddhist temple, and residential areas. (DEIR, 3.8-23.) The project is, in fact, only 310 feet from Hudson Elementary School and 280 feet from Cabrillo High School. (DEIR, Table 3.8-3.) “The UPRR San Pedro Branch rail line (the site of the proposed North Lead Tracks)” are less than 200 feet from Stephens Middle School and a residential area. (DEIR, 3.1-3.) Despite the close proximity of the project and the schools, the DEIR blithely asserts that the “Project would not be inconsistent with the *intent* of CARB and SCAQMD’s land use planning guidance related to siting new sensitive uses near industrial facilities, including rail yards, as it does not include the siting of any sensitive uses.” (DEIR, 3.8-24, *emph. added.*) The actual *intent* of the guidelines is to avoid siting industrial facilities and sensitive receptors in close proximity in order to prevent harming children’s health, and focusing on which came first is irrelevant. Indeed, the Project is entirely inconsistent with the intent of state and local policies for siting industrial and sensitive uses near each other. The DEIR thus fails to provide substantial evidence to support approval of the Project.⁴⁰

As the DEIR acknowledges, CARB policy recommends against siting a school near a major rail yard within 1,000 feet of each other.⁴¹ Los Angeles Unified School District’s policy is not to site schools within 1,500 feet of any active rail lines.⁴² SCAQMD’s school siting guidance states:

California law is very clear about separating sources of hazardous emissions, particularly those from mobile sources, from sensitive receptors at school sites. . . . Based on the recommendations from the above documents [CARB’s Air Quality and Land Use Handbook, PRC § 21151.8, California Senate Bill (SB) 352, SCAQMD’s Health Risk Assessment (HRA) CEQA guidance for diesel idling, California’s Office of Environmental Health Hazard Assessment (OEHHA) study, the California Department of Education (CDE) Site Selection and Approval Guide], a general buffer zone of no less than 500 feet (150 m), and possibly as much as 1,000 feet (300 m), between major roadways and school sites should be considered to protect the health

⁴⁰ With respect to schools, it is worth noting that CEQA also requires lead agencies of projects that may emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances to consult with any affected school districts. *Pub. Res. Code* § 21151.4; CEQA Guidelines § 1516(b). After reviewing the DEIR, Long Beach Unified School District opposed the project, stating: “WHEREAS, the SCIG Project is in a location close to sensitive receptors that will adversely affect the District’s students and staff as nearby schools include Webster Elementary, Garfield Elementary School, Muir Elementary School, Stephens Middle School, Hudson K-8 School, Cabrillo High School, Reid High School, and Bethune Transitional School; and WHEREAS, the SCIG Project EIR fails to adequately disclose significant project impacts. . . . That the Board of the District hereby formally opposes certification of the SCIG project EIR in its current form, and requests recirculation after completion of substantial revisions to ensure it adequately evaluates the environmental impacts on District students, staff and facilities.” <http://www.lbreport.com/schools/jan12/scigsku2.htm>

⁴¹ California Air Resources Board, *Air Quality and Land Use Handbook*, Table 1-1, available at <http://www.arb.ca.gov/ch/handbook.pdf>.

⁴² Los Angeles Unified School District (LAUSD), *Distance Siting Recommendations*. Revised 12/10/2008. http://www.lausd-oehs.org/docs/Misc/DistanceCriteriaTable%20Rev12_10_08.pdf.

*of students and school employees and meet state guidelines on location of mobile source emissions. New school sites should not be located closer than 1,000 feet (300 m) from other major mobile sources, and possibly further, depending on the source.*⁴³

The DEIR states that AQMD's guidance suggests such mitigation as a vague "physical separation between sources and sensitive uses" (despite the fact that the document, in fact, recommends a specific distance), "pollution reduction features at the source," and "changing land use designations as necessary." (DEIR, 3.8-20.)⁴⁴ Strutting the fact that the railroad itself is located in an area zoned for industrial uses, the DEIR immediately dismisses this potential mitigation measure. The DEIR also contains no discussion about increasing the "physical separation" between the rail yard and the schools as potential mitigation either. Instead, the DEIR merely offers "the construction of sound walls as mitigation along the eastern side of the Terminal Island Freeway that would serve as a buffer for sensitive uses along the corridor," despite the fact that sound walls have not been proven to mitigate any impacts except noise.⁴⁵

While CARB's and the SCAQMD's recommendations are due primarily to the severe health impacts from air emissions from railroads and rail yards, the California Department of Education and EPA policies take into account other factors in addition to air impacts, such as traffic and safety. The *California Code of Regulations, Title 5*, section 14010(d), established the following regulations pertaining to the proximity of schools to railroads:

If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossing, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.

Although the guidance documents and this code section apply to school siting, their logic and intent mean that that it should apply equally to siting of hazardous facilities near schools. Any other interpretation would be absurd and negate the clear priority of the state and local governments in protecting school children. Rather, the LAHD should be conducting a complete health risk assessment and a safety study in order to determine how best to mitigation the rail yard's impacts on the school children. Anything less violates the intent and spirit of state and local policy, and fails to provide substantial evidence to approve the project.

6.4 The Impacts of the Tenant Relocations are Unclear

The DEIR notes that the proposed project "would result in the termination of current leases and in some tenants relocating to nearby sites. Other non-LA Harbor Dept land would require property acquisition by BNSF and the removal of existing businesses." (DEIR, ES-4.) While the

⁴³ SCAQMD, Air Quality Issues in School Site Selection, Guidance Document (June 2005 revised May 2007), ES-3-4.

⁴⁴ These recommendations do not appear in the SCAQMD's school site selection guidance. It is unclear, then, where they came from, as there is no citation.

⁴⁵ The problems with the air quality mitigation measures are discussed elsewhere in these comments, and in comments submitted by the Natural Resources Defense Council and Coalition for Clean Air, and incorporated by reference herein.

DEIR states the sites to which some of the tenants would be relocated, it also states that “[o]ther potential relocation sites have not been determined.” (DEIR, 3.8-2.) Despite this uncertainty, the DEIR insists that “[n]o incompatibility with existing or planned land uses within or adjacent to tenant relocation areas would occur.” (DEIR, 3.8-21.) This assertion is based on very general assumptions, such as that the “displaced businesses for which no relocation sites were identified as part of the proposed Project or during the time of this analysis are assumed to likely move to other compatible areas in the general port vicinity,” likely “within a 25-mile radius of the Port of the Los Angeles.” (DEIR 3.8-27 – 3.8-28.) The 25-mile vicinity of the Port consists of a large variety of land uses. Such generalized and unsupported assumptions cannot provide the necessary analysis of the indirect environmental impacts of the Project.

7. Noise (Chapter 3.9)

7.1 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 Cities of Los Angeles, Long Beach and Carson Noise Ordinances, County, State and federal Standards do not meet current World Health Organization (WHO) Guidelines for Community Noise⁴⁶ and the American National Standards Institute (ANSI) ANSI S12.60-2002 Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools⁴⁷. There guidelines and standards provide the maximum protection of public health and children from noise.

In 3.9.1 Introduction, the DEIR fails to disclose that there are sensitive receptors in other cities and counties, including the City of Carson, 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. 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 accurate. 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.

We therefore request that:

- a. the noise standards for the POLA BNSF SCIG Project comply with the World Health Organization (WHO) Guidelines for Community Noise and the ANSI S12.60-2002 Table 1 pg. 5 for Learning space 35dBA.

⁴⁶ World Health Organization (WHO), Guidelines for Community Noise, 1999, available at <http://www.who.int/docstore/peh/noise/guidelines2.html>

⁴⁷ American National Standards Institute. (2002). *Acoustical performance criteria, design requirements, and guidelines for schools* (S12.60-2002); available at <http://www.caslpa.ca/PDF/noise%20in%20classroom/ASA%20Acoustic%20requirements%20for%20schools.pdf>

- b. 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, Table 1 pg. 5 for Learning space 35dBA.
- c. the DEIR, through full disclosure, include an assessment and listing of all impacted communities that will be impacted by the project site and adjoining train and truck transportation corridors.

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 incorrect.

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. We request that the DEIR include the World Health Organization (WHO) recommended "Guideline values for community noise in specific environments."⁴⁸

7.3 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.

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.

- We request that the DEIR include additional Port of Los Angeles and BNSF Railway public health studies and assessments.
- We further recommends that a Health impact Assessment be included in the DEIR to additionally address this unacknowledged and unmitigated issues.

7.4 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.

The DEIR intentionally fails to accurately characterize the negative impacts of noise and conditions in which noise levels would be higher 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.

- We therefore requests that the DEIR include accurate characterizations of noise from all sources and probable attenuations of noise.

⁴⁸ WHO (1999), Table 4.1 page 47.

- We further requests that all increased noise estimates be included in the DEIR data and mitigated.

7.5 Section 3.9.2.3 - Existing Noise Environment, discusses local and surrounding noise but fails to include all noise sources in its list.

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

We therefore 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 and that they be mitigated.

7.6 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.

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.*" (DEIR, F1-9) 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.

- We therefore requests that the DEIR include accurate information of impacted residents and sensitive receptors.
- Additionally, we 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 and that they be mitigated.

7.7 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.

- a. The DEIR discusses sensitive receivers in Long Beach, Leq and CNEL noise levels 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 the public the impression that these noise levels are acceptable since they are not red flagged.
- b. The DEIR fails to state that the measured sound levels fail to comply with the Los Angeles Noise Ordinance.⁴⁹
- c. 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.
- d. 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.”

We therefore request 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 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.
- all noise impacts be mitigated to less than significant as required by CEQA.

⁴⁹ 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.

7.8 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.

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.

We therefore request that the DEIR include a long-term noise studies and the level study period be a minimum 30 days and 24/7hrs.

7.9 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 also fails to discuss the public health impacts of noise other than sleep disturbance and speech intelligibility.

- We therefore request 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.
- Additionally we requests that the DEIR include and discuss all short and long term public health impacts from noise and that they be mitigated.

7.10 Section 3.9.3.6.1-2 - Sleep Disturbance and Speech Inference, the DEIR fails to reference relevant sleep disturbance and speech inference scientific medical noise studies and fails to reference current scientific medical studies after 1995.

The DEIR writers have intentionally omitted relevant scientific medical noise studies and failed to reference current scientific medical studies after 1995. We therefore ask that the DEIR

include relevant sleep disturbance and speech interference scientific medical noise studies and current scientific medical studies after 1995 through 2011.

7.11 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.


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. We therefore request 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.

7.12 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.

- a. 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 other.
 - We therefore request that the Port verify what CERL methodology was used and what data was obtained and used.
- b. The DEIR references the use of the Cadna Noise Model (DEIR, F1-73) and we would like to know why they chose this software program vs. SoundPlan which is used by 90% of American Acoustical Engineering Companies. Additionally, what are the distinguishing benefits?
- c. 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.

7.13 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.

- a. 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.

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- b. 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.
 - c. 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.
 - d. 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 in fact the DEIR contains no recent research studies earlier than the year 1995 and does not include sufficient international 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.
 - e. 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.

7.14 Section 3.9.4.3 - Impacts and Mitigation

- a. NOI-3 - 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.

The DEIR fail to state that trucks and trains carrying empty containers or no containers makes more noise than loaded containers, therefore increasing the estimated noise levels.

The DEIR fails to identify and list all noise sources, both locally and regionally, such as:

- b. 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.

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.

- c. 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 also be applied to other impacted 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.

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 identify 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.

- d. MM NOI-2 - The proposed noise control measures are not adequate to mitigate all noise impacts.

- The proposed construction hours are unacceptable.
- The proposed temporary noise barriers should include sound suppression methods on operating equipment, classrooms, buildings, residential homes and all sensitive receiver locations.



- 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.
- The proposed idling prohibitions fail to disclose how idling will be monitored, enforced and what penalties shall be imposed for non-compliance.
- The proposed equipment location information fails to disclose how it will be monitored, enforced and what penalties shall be imposed for non-compliance.
- 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
- 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 only in a major regional newspaper is unacceptable.
- 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.
- 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.

7.15 Section 3.9.4.4 - Summary of Impact Determinations, conclusion is 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.

7.16 Section 3.9.4.5 - Mitigation Monitoring's conclusion is 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.

7.17 Section 3.9.5 - Significant Unavoidable Impacts' conclusion 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.

8. TRANSPORTATION / CIRCULATION (Chapter 3.10)

Despite the claims the proposed project will have no impact, we find the following inconsistencies in the assumptions and also the findings.

8.1 Inadequate traffic study

The baseline for a CEQA analysis is generally the date of the Notice of Preparation, which was 2005.⁵⁰ Here the traffic studies that back up the CEQA baseline were conducted in 2007 and 2009. Moreover, the traffic counts were conducted on a total of two days in the winter, hardly a representative sample. Moreover, the DEIR consultants did not obtain precise data on truck movements from the largest truck operator on site in 2005: Cal Cartage. Cal Cartage's data for 2006 shows that the traffic baseline in the DEIR has been grossly inflated. Meanwhile, the DEIR understates the ongoing emissions of current tenants of the site. It assumes that emissions from current tenants, which are included in the baseline, simply vanish when these businesses are displaced. For example, though it currently operates on 104 acres, "California Cartage would be relocated to the 10-acre site and would retain the current [19] acre parcel on SCE land, comprising a total of 29 acres. All future year activities of California Cartage ... were assumed to be scaled down by 72 percent..." (DEIR, 3.2-29). For five of the nine current tenants, no continuing operations are calculated—perhaps they simply go out of business.

8.2 Inadequate assessment of regional traffic

The DEIR fails to adequately assess the changes in the regional rail system due to the increase in trains generated from the SCIG into the East-West rail corridors. The increase of train traffic generated by the SCIG project could have an effect on commuter rail that share the East-West corridor in terms of rail capacity and commuter train delays. The Proposed Project's Trans-5 (DEIR, ES-69, Trans-5) states that "project operations would not cause an increase in rail activity, causing potential delays in regional traffic", yet the DEIR fails to analyze the impacts on commuter rail delays and the potential delay on regional traffic due to a shift from rail commuters to single on-road vehicle commuters.

8.3 Regional Impacts, Air Quality and Circulation

The Goods Movement system in the southern California region, specifically in the Southern California Associations of Governments (SCAG) region and outlined in the Goods Movement Action Plan⁵¹, involves a series of projects, and as such, the broad system as a whole should be connected and analyzed in the DEIR. As each and every one of these projects impacts the other, all the projects need to be considered cumulatively as well as their impacts to the local community, region, and the rest of the projects in the system.

a. Inconsistency Between SCIG and BNSF Hobart

Although truck traffic and the associated impacts related to the Hobart Yard are included in the proposed project's baseline, the full impacts of this change in operations at the Hobart Yard due to this project as not been fully analyzed. There will be two shifts occurring at the Hobart yard if this project is approved. The first shift would be diverting international containers from Hobart to SCIG. The second shift would be increasing capacity at Hobart for domestic containers and the associated traffic. The DEIR includes the change shift in operations from the Hobart yard, to SCIG, however, it does not include the associated projections from future truck traffic related to the shift in

⁵⁰ CEQA Guidelines §15126.2(a)

⁵¹ Business, Transportation and Housing Agency and California Environmental Protection Agency. 2007. Goods Movement Action Plan. Available at: <http://www.arb.ca.gov/gmp/docs/gmap-1-11-07.pdf>

operations at the Hobart. To capture the true impacts of the proposed project, the DEIR needs to examine the shifts in traffic related to the classification shift to the Hobart yard associated with the SCIG project proposal. Since the Hobart yard is clearly associated to this SCIG proposed project, the associated shifts in their operation need to be included in the full environmental analysis. Without a comprehensive analysis of the shift in operation of the Hobart yard due to the SCIG project, the DEIR fails to support the claims that the SCIG will replace trucks on the 710 and reduce truck traffic to the Hobart yard. The SCIG project will have an impact that must be part of the local and regional analysis in terms of traffic circulation, air quality, and health impacts.

Again, although truck traffic to the Hobart Yard is included in the baseline, it is not included in projections of future truck traffic. This could only be valid if BNSF committed never to truck cargo to the Hobart Yard in the. This error concerning the Hobart Yard, combined with the improperly high baseline, makes the entire traffic analysis completely flawed. Unfortunately, it is also the basis of false claims that the SCIG will take trucks off the 710.

b. Inconsistency between SCIG and the 710 project

The SCIG DEIR claims that the project will take two million truck trips per year off the I-710 Freeway. However, CalTrans is preparing a DEIR on a greatly expanded I-710, in which it claims it necessary to handle increased truck traffic from the ports to the off-dock rail yards. This inconsistency needs to be clarified and supported within the DEIR.

c. Regional impacts for locomotive maintenance

The increase in locomotive traffic is included as part of the proposed project's DEIR. The status-quo for class-1 rail yard and locomotive operation states that maintenance is required for all outgoing locomotive units (load-testing, diagnostics and repair) from the region. With an increase in locomotive traffic produced by the proposed SCIG project, and the associated increase of maintenance emissions due to the load testing, the probability of increased local and regional air pollution and health impacts is certain. The SCIG DEIR fails to analyze the impacts to the local communities and of the region from increased maintenance operation due to the increase locomotive traffic into the region from the Proposed SCIG project. Specifically, the SCIG DEIR fail to analyze the impacts to the Sheila maintenance yard and or any other maintenance facilities servicing locomotives related to the SCIG.

8.4 Inadequate emergency access assessment

The DEIR fails to fully study the impacts related to emergency access, specific to the Villages of Cabrillo from the Village from the Villages of Cabrillo's main entrance at San Gabriel Ave. and Pacific Coast Highway to San Gabriel and West 20th Street. (DEIR, ES-69, Proposed Project Trans-7).

9. CHAPTER 4: CUMULATIVE ANALYSIS

9.1 Cumulative Impacts in the CEQA Process

CEQA requires "the lead agency [to] consider whether the cumulative impact is significant and whether the effects of the project are 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.”⁵² The cumulative impacts analysis under CEQA requires a 2-step analysis: (1) determine whether the combined effects from both the proposed project and other projects would be cumulatively significant; and (2) if found to be significant it must be determined whether “the proposed project’s incremental effects are cumulatively considerable.”⁵³ This discussion of cumulative impacts in an EIR “shall reflect the severity of the impacts and their likelihood of occurrence. . . . The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.”⁵⁴

9.2 Inadequacies of Cumulative Impacts Analysis for the SCIG Project

The SCIG EIR fails to adequately discuss cumulative impacts, particularly with respect to air quality, secondary impacts to surrounding land uses, and traffic.

9.3 Air Quality

The DEIR acknowledges that the South Coast Air Basin (SCAB) is a nonattainment area for O₃, PM₁₀ and PM_{2.5} and a maintenance area for CO (DEIR, 4-24). Although extensive dispersion modeling has not occurred, the DEIR states previous work with large projects in the SCAB indicates that there would be a significant impact on threshold levels for NO_x, PM_{2.5}, and PM₁₀. While it is commendable that the DEIR acknowledges a significant cumulative impact on these criteria pollutants, actual air modeling is necessary to determine the extent of the impact and suggest appropriate mitigation measures.

The DEIR states that:

In the time period between 2013 and 2015, several large construction projects will occur at the two ports and in the surrounding areas (see Table 4-1), including several container terminal redevelopments and a major highway and bridge project, that will overlap in time, and a number of smaller commercial and residential projects are or will be under construction as well. . . . / Emissions from proposed Project construction would exceed SCAQMD significance criteria for VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5}; accordingly, there would be increases in criteria pollutants for which the region is in non-attainment (PM₁₀ and PM_{2.5}). These emissions, when combined with emissions from the other concurrent construction projects, would make a cumulatively considerable contribution to a significant cumulative impact for PM₁₀ and PM_{2.5} emissions. (DEIR, 4-24)

First, it appears (though is not supported by any modeling) that the construction impacts from the Project will make a cumulatively considerable contribution to a significant cumulative impact for other criteria pollutants in addition to PM₁₀ and PM_{2.5}, including O₃, for which the SCAB is also out of attainment. Second, the DEIR acknowledges that operational cumulative impacts for NO₂, PM₁₀, and PM_{2.5} would be cumulatively significant. CEQA requires the lead agency to analyze a proposed project’s potentially significant cumulative impacts and “examine reasonable, feasible options for mitigating or avoiding the project’s contribution to any significant cumulative effects.”⁵⁵ The proposed mitigation (on-site sweeping) for operation-related

⁵² CEQA Guidelines § 15064(h)(1).

⁵³ *Communities for a Better Environment v. California Resources Agency* (3d Dist. 2002) 103 Cal. App. 4th 98, 120.

⁵⁴ CEQA Guidelines, §15130(b).

⁵⁵ CEQA Guidelines § 15130(b)(5).

cumulative impacts, however, is an entirely inadequate attempt to remedy this significant contribution to cumulative air pollution.

a. On-Road Traffic Impacts

The DEIR assumes that CO will decrease due to the switch to cleaner fuels for car traffic. While the CEQA guidelines and case law acknowledge that cumulative impacts analyses do not need to be exhaustive, they must be complete. Although information can be drawn from both past and future projects, the DEIR should be able to give alternative scenarios as well. The DEIR makes the sweeping assumption that, as a society, we are moving toward cleaner fuel, stricter emission rules, and newer, more fuel efficient cars replacing current cars. If all of these rosy predictions do occur the cumulative impact will be decreased. The DEIR must also address, however, the cumulative impacts in alternative scenarios in which either these predictions do not materialize, or they do not result in decreased impacts (for instance, if increased population, traffic, and vehicle miles traveled offset the emissions controls).

The EIR also looks at the cumulative impact of growth in traffic. According to the report there is no any significant hot spot impact for the project operation because CO standards would be upheld and traffic would be decreased. There is no further explanation as to how the traffic would decrease in the area other than this simple, conclusory statement. (DEIR, 4-27). The cumulative impact analysis “must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them.”⁵⁶ Conclusory statements about cumulative impacts do not help provide adequate information on a proposed project. Rather, the DEIR should provide meaningful and reliable supporting data and evidence for its cumulative impacts analysis, including for its conclusion that traffic will decrease.⁵⁷

9.4 Operation of Proposed Project Contributes to Objectionable Odors at Nearby Sensitive Receptors

The DEIR recognizes that there are different sources of odors in the area. Some of the strongest odors originate from diesel. Due to the large amount of industrial operations in the area diesel emissions are a prevalent pollutant. It is, therefore, unclear why the DEIR would conclude: “Given the proposed Project’s distance from sensitive receptors (more than 300 feet) and the localized nature of the emissions, Project operations would not result in cumulatively considerable contributions to a significant cumulative odor impact within the Project region.”⁵⁸

Additionally, research has clearly demonstrated that diesel is a carcinogen. Although the DEIR includes some discussion of the cancer risks in the port area and even references the MATES II studies that support high cancer rates, it does not state that diesel is a carcinogen. While the Clean Air Action Plan (CAAP) hopefully will decrease the risk, there is still considerable uncertainty as to the type of reductions the CAAP will make. Nevertheless, the DEIR concludes that the SCIG project does not require mitigation for diesel “because the proposed Project would not make a cumulatively considerable contribution to an existing cumulatively significant impact.” (DEIR, 4-29.)

⁵⁶ *Mountain Lion Coalition v. Fish and Game Comm’n* (1989) 214 Cal.App.3d 1043, 1051.

⁵⁷ *Laurel Heights*, 47 Cal.3d at 398, It is up to the agency to educate itself about potential methodologies that could be used to study environmental impacts.

⁵⁸ DEIR 4-28

As with the cumulative traffic impacts above, the DEIR concludes that the cancer risk in the area will be mitigated by present and future policies that are/will be implemented in the port area to decrease diesel emissions. Unfortunately, there is no analysis of the cumulative impacts in any alternative scenarios (in the event these diesel reduction programs are not implemented or continued). In order to comply with CEQA the FEIR should include further information, rather than merely optimistic aspirations, to support its analysis.

9.5 Greenhouse Gases

Projects in the area generate a high level of GHG emissions, and the Project will contribute to these emissions. (DEIR 4-42 and 43) There is deep concern amongst community residents regarding an increase of GHG emissions. The DEIR acknowledges that the Project will significantly contribute to the cumulative emissions of GHGs. The mitigation measures, however, lack the “relevant detailed information” required by CEQA. For instance, the DEIR should provide more concrete detail regarding types of energy efficiency projects the LA Harbor Department plans.

9.6 Transportation and Circulation

The DEIR discusses at length future intersection traffic volumes. These numbers were developed based on SCAG socioeconomic projects for the years 2008, 2014 (used for 2016), 2023, and 2035. According to the DEIR, to “analyze impacts accurately it is necessary to project future Project traffic and its distribution on the road network for each analysis year. That analysis includes accounting for cargo growth at the marine terminals in the two ports, since a portion of that cargo would be conveyed to and from the Project.” (DEIR, 4-60)

In discussing the growth of the port and shipments that will come through the port, the LA Harbor Department has determined there is to be 17.1 million TEUs of intermodal rail demand, 12.7 million TEUs would be handled on-dock rail and the 4.4 million TEUs would be handled off-dock rail yards. (DEIR, 4-60) The DEIR concludes that even this predicted growth will not generate new truck trips, but rather will and decrease truck traffic on the I-710. In order to have a more complete analysis, the DEIR must include an analysis of the proposed future I-710 expansion.

Additionally, the DEIR states that the “proposed Project site is currently occupied by container and truck maintenance; grain terminal operations; storage; rail service; and auto salvage activities...none of the existing uses would remain on the footprint of the proposed railyard.” (DEIR 4-66) The DEIR states that many of the current tenants will be relocated very nearby. Therefore, these tenants combined with a large construction and goods movement project will most likely increase truck traffic and thereby impact traffic flow and patterns in the area. (DEIR, 4-68) While the DEIR states that some of the truck traffic from these tenants will shift from Pacific Coast Highway and Sepulveda Boulevard to Anaheim Street, the cumulative impacts analysis must analyze the potential cumulative increase in truck traffic all around the site, including Anaheim Street. In order to better inform the public and decision makers the DEIR should address more fully mitigation efforts and local as well as regional traffic patterns to and from the ports.

10. THE DEIR DOES NOT ADEQUATELY DISCUSS ALTERNATIVES TO THE PROPOSED PROJECT

The SCIG cannot be properly evaluated in the absence of a full analysis of the anticipated proposed expansion of the Union Pacific ICTF yard, which exists adjacent to the SCIG location. It is notable, and negligent that the Rail Traffic Controller Model (RTC) performed to estimate rail network performance (DEIR, G-2, p 4) assumed no expansion of the ICTF.

According to the preferred assumptions in the San Pedro Bay Ports Rail Study Update⁵⁹ prepared for the ports of Los Angeles and Long Beach in December 2006, rail demand would exceed capacity by 0.97 mil TEU x 2010, 0.48 mil TEU x 2015; 0.90 mil TEU x 2020; and 2.23 mil TEU x 2030 (DEIR, ES-9, Table 3a). In other words, a project smaller than the SCIG would cover the gap beyond 2030. Given revised growth projections, that shortfall may not be reached until 2035 or later.

The 2006 study underestimated the SCIG at 1.8 mil TEU new capacity (the DEIR promises 2.8 mil TEU). Assuming its projection of 1.9 mil TEU new capacity at ICTF is accurate, if both SCIG and ICTF are built, their combined capacity would exceed the 2030 projected demand by almost 2.5 mil TEU. The “demand” for on-dock rail would be correspondingly reduced, thereby undermining existing plans for new or expanded on-dock rail projects (the 2006 Rail Study Update identified 13 such projects, some of which are underway or under consideration.)

The DEIR ignores this underlying conflict by simply claiming that a need exists. Indeed there is a real risk that the SCIG is contrary to port interests in its conflict with planned on-dock projects and rail-system enhancements. The project fails to satisfy a fundamental port objective, which is identified in the DEIR (DEIR, p1-21): “The goal of the ports is to maximize on-dock rail operations within the Ports.”

Many more scenarios should be considered in the alternatives analysis. According to the 2009 cargo forecast⁶⁰, the ports are expected to reach their ENTIRE capacity in 2027 (Port of Los Angeles Public Rail Workshop presentation, October 22, 2009, slide 24. Contradicting this oft-presented cargo forecast chart, the DEIR claims without citation that the ports “have increased the overall capacity estimate to 43.2 million TEU” (DEIR, p 1-19)). In either interpretation, it is reasonably anticipated that considerable infrastructure investments will be undertaken in the next 15 years to provide additional capacity. In so doing, the port has a clear opportunity to improve on-dock rail facilities and efficiencies beyond what is assumed in the DEIR. These opportunities should be examined more fully as alternatives to the SCIG.

The lack of a more thorough alternative that would maximize on-dock rail, with investments sequenced to avoid community impacts, reflects a failure of the Port to fulfill the Mayor Villaraigosa’s promise of a “strategic plan for the Port of Los Angeles, including sustainable and green growth options.”⁶¹

⁵⁹ Parsons. 2006. San Pedro Bay Ports Rail Study Update: December 2006, available at: <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=7599>

⁶⁰ Tioga. 2009. San Pedro Bay Container Forecast Update. Report prepared for the Ports of Long Beach and Los Angeles. Prepared by the Tioga Group, Inc. and HIS Global Insight. July 2009.

⁶¹ GREEN LA, May 2007, p 24, http://www.ci.la.ca.us/mayor/villaraigosaplan/EnergyandEnvironment/LACITY_004467.htm

10.1 The DEIR gives scant consideration to two important, feasible alternatives: on-dock rail and zero emission container movement.

a. On-dock Rail

There is no logistical necessity for SCIG to be replicated, inch for inch, on-dock. The rail capacity does not all have to be located on one plot of land, but can be spread over different parts of both ports. It is the excess *capacity* represented by SCIG that needs to be analyzed in the DEIR -- but it is not.

The analysis of alternatives is willfully narrow and therefore inadequate. A flaw in The SCIG DEIR inappropriately limits consideration of alternatives to single projects that are of comparable size. Instead, a true review of alternatives would consider adding smaller capacities together to match the size—and perhaps more importantly, to match the actual need.

The entire technical analysis of on-dock rail in the DEIR is 4 pages, buried in Appendix G2. This study claims that the San Pedro Bay ports will have an on-dock capacity of 12 million TEUs in 2035, and thus the excess represented by SCIG is an additional 23%. Most of the 4 pages in Appendix G-2 are devoted to describing the results of a modeling exercise of rail traffic delay, assuming that SCIG will be built as planned. There is not a single word in this study that analyzes whether additional on-dock capacity can be found anywhere in the POLA-POLB complex. As a basis for summarily rejecting the on-dock alternative (see pages ES 14-15), this will not pass in court.

b. Zero Emission Container Movement.

During the public hearings for the Notice of Preparation for the SCIG project, the then Chair of the Harbor Commission (David Freeman) said that there would be no diesel-powered drayage of containers from the Port to the project site, that alternatives would be found by the five new commissioners all appointed by the Mayor of Los Angeles. Yet, in the DEIR, zero emission container movement technology is not even mentioned by name as an alternative. (DEIR, ES-14) The DEIR concludes that these technologies "are not yet viable as alternatives to truck-based drayage...." (DEIR, 2-51)

Under the analysis of the DEIR, the SCIG project will not be needed until 2020, if then. A legally defensible analysis would consider whether zero emission container movement technology could begin to be phased in by 2020. But that study was not done.

10.2 Off-dock alternatives should not have been dismissed without thorough analysis

The off-dock alternative "East of Alameda Street" (Port Property) should not have been dismissed without analysis. The site would impact a small marina but the amount of these impacts would be less significant than the one currently proposed. However it was not examined as an alternative.

10.3 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 the 'Alternatives Analyzed' section (DEIR, ES 4.3), 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 identifying significant negative impacts of the project as well as public objections and rational against the project received during the public

hearings. The DEIR needs to include the negative impacts, such as environmental, public health, public transportation, socio-economic, etc. and public objections when listing summaries of information or data.

10.4 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 DEIR should portray an accurate assessment of the Ports capacities, tidelands property efficiency land use, public support, potential technology solutions and viable project alternatives.

10.5 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.

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. The DEIR should provide an accurate description that also discusses the significant negative environmental, public health and socio-economic impacts etc. to the public.

10.6 Section ES.4.4.2 – Alternative Sites Inside the Ports – misrepresents numerous facts regarding Alternative Sites and Alternative Technologies.

- a. 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.
- b. 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 most of the project objectives when compared side-by-side, which the DEIR failed to do.
- c. The DEIR states that, “Construction of new land for a rail yard 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 the project alternate site to move forward.
- d. 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.

- e. 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.
- f. 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 technologies such as 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.
- g. 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, yet the ports have not taken advantage of the opportunity to demonstrate a 21st century clean technology. 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.

10.7 Section ES.4.5.1 – Approaches to Avoid Building a Near-Dock Rail yard, fails to include all public requested and discussed alternatives.

Section ES.4.5.1 – Approaches to Avoid Building a Near-Dock Rail yard, failed to include, identify and assess other public requested and discussed alternative such as:

- 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.

10.8 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.

- a. 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.

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.

- b. 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.
- c. 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.

10.9 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.

The DEIR criticizes Pier S but Pier S is a viable site and although 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 rail yard.

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.

11. CHAPTER 6: ENVIRONMENTAL JUSTICE

The Environmental Justice section of the DEIR shows that the proposed project will be situated in a predominantly low-income, minority community, while the DEIR brushes off reasonable alternatives. This fact has very serious legal and policy implications. In addition, the DEIR admits that the project will have significant impacts related to air quality, but claims, without substantiation, that these impacts "are not linked to localized health effects ...". (DEIR, 6-13) This unsubstantiated claim is not backed-up by any data, and as discussed above, is unsupported because the air emissions study is invalid.

12. CHAPTER 7: SOCIOECONOMICS AND ENVIRONMENTAL QUALITY

12.1 Permanent jobs will be lost

We are concerned that the SCIG will cost more jobs to the local economy than the project will create. The DEIR estimates that “during the construction phases of the proposed Project, approximately 1,500 jobs annually (DEIR, 7-29), both direct and secondary, could be added to the regional economy. The majority of total jobs are attributable to the construction sector of the economy (54.8 percent). About 27.7 percent of the total number of new jobs would be in the services sector, about 2.2 percent in the manufacturing sector and 9.2 percent in the retail trade sector.” (7.2.1.1 Employment and Income. 7-1) We are concerned, however, that the project, even at its peak, will not replace the jobs currently created by the local businesses. For

example, after construction of the SCIG culminates, implementation of the proposed Project will result in an increase in employment of between 660 jobs in 2016 to 1,096 jobs in 2046. (8.2.2 Indirect Growth-Inducing Impacts. 8-3). In the meantime, existing businesses at the proposed site provide more than 1,700 permanent jobs, and more during peak seasons. (See Table 1 below)

Table 1⁶²

COMPANY	EMPLOYEE COUNT	INDEPENDENT COUNT
Fast lane	125	100
Three Rivers	125	100
San Pedro Forklift	40	12
Cal Cartage	Up to 900	150
LAHGTF	47	45
Frupco (at Three Rivers)		50 expediting firm
Agricom (at Three Rivers)		25 expediting firm

Thus, even at its peak, the project will never replace the jobs that will be lost with its construction.

13. A REVISED DRAFT EIR MUST BE PREPARED AND RE-CIRCULATED

Due to the inadequacies discussed above, the SCIG DEIR cannot form the basis of a final EIR. CEQA requires preparation and recirculation of a supplemental draft "[w]hen significant new information is added to an environmental impact report" after public review and comment on the earlier draft EIR.⁶³

In order to cure defects of the DEIR identified in this letter, the Port of Los Angeles must adequately assess the proposed project's environmental impacts, and to identify effective mitigation and alternatives capable of alleviating the project's significant impacts.

We ask that you re-circulate the DEIR to adequately and accurately assess environmental, air quality, and human health impacts.

We appreciate your consideration of our comments. Please feel free to contact us if you have any questions.

⁶² Numbers used in this where obtained from directly from the companies via phone or email

⁶³ Pub. Resources Code § 21092.1.

Sincerely,

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APPENDIX A:

**Assessing the Need for the
Southern California
International Gateway**

The Bay Area Council Economic
Institute



ASSESSING THE NEED FOR THE SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY

Developed by:
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January 31, 2012

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EXECUTIVE SUMMARY

The Southern California International Gateway (SCIG) is a proposed near-dock rail facility situated adjacent to the existing Intermodal Container Transfer Facility (ICTF). The SCIG, operated by BNSF, and ICTF, operated by UPRR, are intended to supplement existing and proposed on-dock rail facilities, accommodating anticipated port growth and ultimately shifting more rail activity to near-dock facilities from off-dock locations. The SCIG is expected to be constructed between 2013 and 2015, beginning operations in 2016. Its maximum practical capacity is estimated to be 2.8 million TEUs per year.

The analysis below addresses the following questions:

- When will rail capacity be needed, according to cargo forecasts?

Given the projects currently in progress and the proposed terminal on-dock rail projects, the infrastructure inside the terminals along with the existing ICTF-capacity will be adequate to meet forecasted traffic up until 2035, the year when the ports are likely to hit their capacity limits. Assuming a faster rate of growth or higher sure of rail volume changes this result, as presented in the answer to question four below.

- Based on the cargo forecasts and assessment of existing and proposed port terminal/rail projects, when do each of the projects need to roll out in order to meet the projected forecast year to year?

Under the scenario outlined in the answer to #1, the existing timeline for each of the terminal expansion projects (described in this report) will be sufficient to accommodate the projected demand.

- What infrastructure is needed to handle cargo flows over the course of the next 25 years? At what point does all on-dock rail capacity get maxed out if all projects are built?

Rail infrastructure outside of the terminals, but within the port complex, is key to meeting demand for on-dock rail. Currently scheduled projects are adequate to meet most of the demand for on-dock rail through 2020; however, as noted in the 2006 Rail Study Update and in the SCIG EIR, unless substantial improvements are made in the West Basin of POLA and Terminal Island area, maximum practical capacity of on-dock rail cannot be attained. These projects would need to be completed (including triple-track projects that have no NOI as of yet) in order to make full use of expanded on-dock capacity slated for the 2020–2030 period.

- After full build-out and maximization of on-dock rail, existing near-dock rail, and off-dock infrastructure, what is the gap between demand and capacity according to the cargo forecast?

The gap between forecasted rail demand and the ability to meet the demand with existing/projected on-dock rail and the ICTF as currently configured depends upon the rate of forecasted growth, the assumed share of direct intermodal rail, and whether on-dock rail can achieve maximum practical capacity.

- If the share of direct intermodal rail is assumed to be 37% (due to reduced rail demand caused by Panama Canal diversion), then

* On-dock and existing ICTF capacity can accommodate direct intermodal rail until nearly 2035 under a low annual growth rate (4.3%).

* Under a higher annual growth rate (4.7% after 2020), on-dock and existing ICTF capacity can accommodate direct intermodal rail until 2030. Even if the ICTF were expanded, a higher growth rate would yield a 284,000 TEU deficit in capacity in 2035.

- If the share of direct intermodal rail is assumed to be 40%, then there will be a shortage of rail capacity by 2035, even with ICTF expansion. This gap will exist by 2030 if the ICTF is not expanded.

- If productivity-enhancing measures are not adopted that allow on-dock rail to be used to its maximum practical capacity, then, even under an expanded ICTF, rail capacity will be insufficient by 2020, with an unmet demand of 354,000 to 1.9 million TEUs in 2020, increasing to 1.5 million to 3.0 million TEUs in 2030.

• What should be the planning/operational priorities?

The 2006 Rail Study Update outlines the major obstacles in obtaining maximum capacity from on-dock rail and these obstacles are reiterated in the SCIG DEIR. Improvements in rail infrastructure between the terminals and the Alameda Corridor must be a priority, and cannot be deferred beyond the opening of the SCIG, as that might encourage shifting freight to near-dock rail that would otherwise be best served through on-dock rail. Beyond the infrastructure consideration is the constraints imposed by labor costs and work rules. On-dock rail productivity is maximized through a three shift model. Obviously the recession made this non-economical due to lack of traffic, however, as freight rebounds, terminals should be able to move towards this type of operation, which requires increasing labor productivity through new work rules. This is a jurisdictional issue (the ILWU negotiates with the PMA) outside of the scope of the Ports and railroads. However, this change should actually be the first priority, as it does not require substantial capital expenditure. Constructing additional near-dock facilities before these changes are made has the potential to shift freight to near-dock facilities that would be better served by on-dock rail facilities (from both a private and social cost perspective).

DESCRIPTION OF THE STATUS QUO

For the sake of exposition, we provide a brief description of port rail operations, though a more complete explanation can be found in the SCIG EIR itself. Currently, approximately 45% of freight moved by terminals is rail traffic. Rail traffic can be decomposed into “direct intermodal” rail (freight moved out of the region without being transloaded into a different container) and transloaded rail. The rail study update prepared by Parsons in 2006 finds that “direct intermodal” freight comprises approximately 40

On-dock facilities allow trains to be built on terminal property, thus minimizing the impact on the surrounding neighborhoods. Near-dock rail facilities are located outside of terminal facilities (though, in the case of the ICTF and SCIG, on port property) and require a short dray from terminals to the rail facility (and vice versa). In the case of the SCIG and ICTF, the dray is approximately five miles, depending on the origin/destination terminal. Finally, off-dock rail involves longer truck drays. In the case of the current BNSF operations, the rail-yards used are in Los Angeles. The Hobart facility, the BNSF facility in Los Angeles that currently handles the bulk of international freight, is located 24 miles from the San Pedro Bay ports. The Clean Air Action Plan, enacted by both ports, stresses the importance of on-dock and near-dock rail versus off-dock rail due to environmental considerations.


Parsons' 2006 rail study finds that of the 45% rail share, 40% is “direct intermodal” freight—freight that is moved out of the region without any transloading. The remaining 5% of the 45% rail share is transloaded rail freight—freight moved by truck out of the terminal and then transloaded to a domestic container before leaving the region via rail. Using 2008 data, the SCIG EIR presents the share of on-dock rail as 23.7%, near-dock at 7.4%, and off-dock at 11.1%.

Currently nine terminals at the Ports of Los Angeles and Long Beach have on-dock rail facilities (new and pending projects are described later in this document). The ICTF currently handles all near-dock rail freight, at approximately 1.2 million TEUs moved in 2005 and 833,000 TEUs move in 2010 (this assumes a standard 1.85 TEUs per container, which is the conversion rate assumed throughout this report). The off-dock facility most heavily used is the BNSF Hobart rail-yard, which handled 1.2 million TEUs of intermodal freight in 2010.

ONGOING PROJECTS INVOLVING CONTAINER TERMINALS AND ICTF

For the sake of clarity, the projects described below are those that directly involve terminals or the ICTF. Infrastructure projects that affect rail infrastructure outside of terminal or ICTF facilities are described in the next section. Additional projects are described in Appendix A.

- ICTF Reconfiguration—The Rail Simulation Study (2006) estimates the maximum practical capacity of ICTF at 1.4 million TEUs; this was at a time when the ICTF was handling 1.08 million TEUs per year. According to the ICTF-Joint Powers Authority website, the ICTF currently averages 725,000 containers per year (1.3 million TEUs); however, according to the Air Resources Board (ARB), in 2010 the ICTF handled 833,000 TEUs, down from 1.2 million TEUs in 2005. After reconfiguration, the total capacity of the ICTF would increase to a maximum of 1.5 million containers (2.8 million TEUs) by 2016 under full project completion.

- 
- Pier B On-Dock Rail Facility—This project would improve operations, expand capacity, and increase efficiency of a current on-dock rail-yard (which is currently used for rail storage and staging) and improve traffic flow and safety near Pier B. There are three phases intended to make Pier B a fully functioning on-dock rail facility. Specific projects include expanding railcar storage and staging, adding fueling and repairing tracks, realigning SR-47 bridge supports, adding tracks in both directions, and building a grade separation. The renovation will also allow the facility to serve as a place to hold trains coming off the Alameda Corridor that cannot enter terminals during certain hours. This would provide improved productivity for on-dock rail at several terminals.
 - Middle Harbor Project —This project will expand, redevelop, and update existing Piers D, E, and F at POLB. Specific projects include deepening channel waters, widening slips and wharves to accommodate larger ships, and lengthening berths. As part of this project, two terminals will be consolidated into one, and cranes will be replaced so that they may serve larger ships. This will improve traffic flow for cargo handling, link the new improved terminal to existing on-dock intermodal rail-yard facilities, and separate loading/unloading from the main track. Baseline 2005 capacity is 1,264,021 TEUs. When the terminal is at its capacity in 2025, total TEUs will be 3,320,000 annually. In 2025, about 2,523,200 TEUs would be moved to and from the terminal via truck; of that, 252,320 TEUs would be transported to and from off-dock and near-dock rail-yards by truck. About 544,480 TEUs would be transported via on-dock rail. This would increase on-dock rail from 138 trains in 2005 (assuming 25 rail cars per train) to 2,098 in 2030. Daily truck trips would increase from 6,528 in 2005 to 10,112 in 2030.

The expansion is substantial; in 2010, Pier F handled 122 trains per year. According to the EIR, by 2015 it would handle 1,092 trains per year (assuming 25 cars per train) and increase to 2,098 trains per year in 2020. The Pier F rail-yard is expected to handle 26% of the new terminal's capacity (moving 872,480 TEUs of the 3.3 million TEUs through on-dock rail). It should be noted that the EIR figures for rail capacity may be a bit low. Even assuming 25 trains per day, and a practical capacity (not maximum capacity) of 270 cars per train, yields approximately 1 million TEUs annual capacity at full operations in 2020 and roughly 835,000 TEUs per year in 2015.

- Pier S —This project will optimize efficiency and increase capacity for cargo. Specific projects include the construction of a new marine terminal with on-dock rail access at Pier S, improvements to the back channel, dredging, wharf construction, the addition of cranes, the widening and deepening of the back channel, improvements to the container yard and buildings, improved truck gates and roadwork, a new intermodal rail-yard and dual rail lead, the relocation of the oil and utility facility, and improvements to the Terminal Island Wye rail infrastructure. Noted in the SPB Rail Enhancement Report (2006) as a project slated for completion by 2010, the Pier S (POLB) project's EIR had to be modified due to operational considerations regarding ship navigation and access. Under an optimistic scenario, construction would end in 2013, but it is likely to end after that. The Pier S container terminal is assumed to handle 1.8 million TEUs at full build-out in 2020. The location and layout of Pier S means that there will be limited on-dock rail service. It is anticipated that Pier S activity will produce 549 annual on-dock trains and 1,179 annual near-dock or off-dock trains—approximately 32% of rail will be transported using on-dock rail facilities (p. ES-6 of the EIR, 2011). It should be noted that if the trains carry 280 containers (or 518 TEUs, assuming the standard 1.85 TEU/container conversion rate), there would be demand for 284,000 TEUs of on-dock rail and 611,000

TEUs moving from near-dock or off-dock rail in 2020. This would imply nearly 50% of the freight from Pier S is ultimately moving via rail (though only a limited amount by on-dock rail).

- APL —This project will expand and improve an existing container terminal. Proposed projects include adding cranes, modifying the main gates, converting container storage to refrigerated storage area, replacing a truck inspection facility, building a power shop facility and office space, extending a current wharf, developing an out-gate, and dredging. The baseline capacity between 2008 and 2009 for this terminal was 1,128,080 TEUs and the baseline is projected to be 3,206,000 TEUs at capacity in 2027. The breakdown of total TEUs for the terminal and projected mode of transportation in the base year and 2027 is given in the table below. Total TEUs for each mode increase, but the percentages of TEUs transported by near-dock and truck increase by 2027.

Mode	2008		2027		Increase in TEUs 2008 to 2027
	% of Total	TEUs	% of Total	TEUs	
On-Dock	35	394,828	32	1,025,920	631,092
Near-Dock	11	124,089	13	416,780	292,691
Truck	54	609,163	55	1,763,300	1,154,137
Total	100	1,128,080	100	3,206,000	2,077,920

The capacity of on-dock rail is expected to increase from 2,197 annual train capacity in 2012 to 2,831 in 2020 and 2,953 in 2027 at full capacity. Assuming 518 TEUs per train, this amounts to an increase in on-dock capacity of 391,000 TEUs between 2012 and 2027.

- West Basin/China Shipping—This project will expand and improve an existing container terminal. Specifically, the project involves lengthening two of the berths in the terminal, adding 10 cranes, developing 142 acres of terminal backlands, constructing new container terminal buildings and gate facilities, constructing new bridges, and dredging. The terminal capacity is expected to reach a maximum of 1,551,000 TEUs annually in 2030. Of the 2030 expected capacity, 1,015,754 TEUs (65%) will be transported by truck to off-dock destinations, local destinations, or national destinations. About 303,996 TEUs of intermodal cargo will be transported to near-dock rail-yards. The remaining cargo, 231,250 TEUs, will be transported by on-dock rail from the adjacent Yang Ming facility.
- West Basin/TraPac – This project will expand and improve an existing container terminal. Specific actions include deepening the berths, improving wharves, replacing six older cranes with five new cranes, adding new container terminal buildings, adding a new on-dock intermodal rail-yard, improving the surrounding road, and redeveloping 57 acres of terminal backlands. This will significantly increase cargo movement once completed. Construction began in 2008 and is to be completed by 2025. The maximum capacity of 2,389,000 TEUs annually is expected to be reached by 2025. Of that capacity, 70%, or 1,689,000 TEUs annually, would be moved by truck either to an off-site rail-yard, to local destinations, or to other national destinations.

The EIR assumes that the new on-dock rail-yard could handle 700,000 TEUs per year, assuming 24-hour rail operations, 350 days per year, with four trains per day at 330 containers per train (EIR, ES-16). The figure of 330 containers per train is a bit higher than the figure assumed under other models, and it should be noted that under this assumption the number of TEUs that could be handled is closer to 850,000 TEUs, though these assumptions are unlikely to be met without other operational/infrastructure changes noted in the next section.

PRACTICAL CONSIDERATIONS THAT LIMIT ON-DOCK RAIL

Practical considerations that limit on-dock rail facilities include operational constraints and infrastructure constraints.

There are two main operational considerations. First, terminals do not have rail service that operates 24 hours per day. This is primarily due to both labor rules and economic conditions (i.e., there is not enough freight to justify the added cost of train operations that span three shifts). Restructuring labor rules (including rules about what work can be done when trains are moving in the terminal) may bring the costs of operating trains on three shifts down to a level that would make it economically feasible given current and anticipated volumes.

The second operational consideration is the nature of building an on-dock train. The most efficient trains are “unit trains,” which consist of full-length trains with similarly destined cargo. The cargo does not necessarily all need to have the same ultimate destination, but it needs to be freight that is routed through the same rail hub. For example, freight might have a final destination of the upper Midwest or Northeast and a unit train could be built on-dock that sends all of this freight on a full train destined for Chicago. Full length unit trains typically consist of 29 five-bay railcars, hold approximately 280 containers (518 TEUs) and are 8000 feet long.

Another possibility is to build trains that are not full unit trains, but have substantial “blocks” with a common destination (e.g., Texas or Chicago). This train could be built on-dock and then “block swapped” elsewhere where the block destined for Chicago is merged with a block of freight from another terminal also destined for Chicago to ultimately form a unit train. This needs to happen in the region (possibly at the reconfigured Pier B facility), and the process is obviously less efficient than forming a unit train at the terminal itself. It is also important to note that “block swapping” requires a fair amount of space/track capacity; generally, this would happen at a rail yard. It is not something easily done outside of a terminal facility or railyard.

Finally, if a terminal has a small amount of freight with a particular destination, this cargo would be most efficiently moved to a near-dock or off-dock facility so it could be combined with other freight heading toward the same destination. It would take up terminal space and delay the freight delivery to keep the cargo at the terminal until there were sufficient amounts to build either a block or unit train of similarly destined freight. Thus, not all freight that comes into a terminal can easily be sent out of the region using on-dock rail.

The main infrastructure considerations include the following:

- Bottlenecks of on-dock rail will occur when freight from East POLB, West Basin, and Terminal Island yards converge on the route to the Alameda Corridor. Some of this congestion will be ameliorated with the Terminal Island Wye Track Realignment project (part of the Pier S project). The location of the SCIG, much like the ICTF, avoids this convergence (Appendix G2, SCIG Draft EIR).
- The continued existence of crossings at grade, including the Reeves crossing.
- Badger Bridge lifts that allow ships to access the Cerritos Channel.
- Lack of double-track and triple-track access in high-demand sections of the ports (again, East POLB and West Basin).

Pending projects that will address some of these infrastructure problems are presented in the San Pedro Bay Ports Rail Study Update (2006, p. ES-18), and many of these problems are currently being addressed in portions of existing terminal improvements, including Pier S and Pier B projects. Additionally, the San Pedro Bay ports received \$17 million from the US DoT for their Green Port Gateway Project which will be used for some of these improvements. Triple-tracking the Badger Bridge and the area south of the Thenard Junction, however, is not scheduled to occur until after 2015, and no notices of intent have been posted for these projects.

These infrastructure constraints mean that additional on-dock rail built on Terminal Island or at the West Basin will have limited contributions to meaningful capacity since there will be substantial bottlenecks between these facilities and the Alameda Corridor. The projected start dates, finish dates, and year at capacity for the West Basin and Pier S projects are presented below. In order to accommodate the current planned expansion of West Basin terminals and Pier S, the rail infrastructure projects mentioned above should be completed in the next five years (after most project completion, but before the terminals hit capacity).

Timetable for Selected Port Projects

Project	Projected Start	Projected Finish	Year at capacity
Pier S**	2011	2013	2020
West Basin-China Shipping	2002	2012	2030
West Basin-TraPac	2008	2025	2025

**As previously mentioned, the Pier S project is unlikely to be completed by 2013.

EVALUATION OF ON-DOCK AND NEAR-DOCK CAPACITY AND CONTAINER VOLUME FORECASTS

To evaluate the need for additional near-dock facilities requires us to examine both the demand for rail and the supply of existing and projected on-dock and near-dock rail facilities. We begin with the supply analysis, move to demand analysis, and wrap up with some conclusions based on sensitivity analyses of both supply and demand factors.

CURRENT AND PROJECTED ON-DOCK AND NEAR-DOCK RAIL CAPACITY

While off-dock rail is a possible source of long-term capacity, this would require the Hobart Yard to remain a yard that handles substantial amounts of international traffic, though the intent is to switch this yard over to domestic service if the SCIG were built. The UPRR currently has limited capacity for off-dock rail demand. Off-dock rail is also less attractive from an environmental perspective as it requires longer truck trips and would increase traffic on the I-710. The amount of on-dock rail capacity has been simulated by Parsons as part of their Rail Simulation Modeling Study (available as an appendix in the SCIG EIR). The key assumptions of their rail modeling simulation are as follows:

- Both rail lines split the freight volume 50-50 based on current market conditions.
- All existing plans for rail development at POLA and POLB come to fruition in their proposed state (summaries of these were provided earlier in this report).

- There are three rail shifts per day (which is not the status quo).
- ILWU work rules are modified to increase efficiency.

The 2006 Rail Update Study presented MPC (maximum practical capacity) as well as Intermodal Forecast (based on other constraints) for each on-dock rail facility. A consolidated table of the terminals and their corresponding MPC and Intermodal Forecast are presented in Appendix B. These figures were adjusted between the 2006 study and the 2011 Draft EIR. As discussed earlier in this document, some projects were delayed (such as the Pier S project). Revised total on-dock capacity used in the 2011 Draft EIR is presented below:

Total On-Dock Capacity Over Time: As Published in the 2011 Draft EIR						
	2008	2012	2016	2020	2030	2035
On-Dock TEUs	3,400,000	5,500,000	7,900,000	10,300,000	12,900,000	12,900,000

Currently, the ICTF handles approximately 1.3 million TEUs per year. Under expansion, it would be able to handle 2.8 million TEUs by 2016. Adding the current and future ICTF numbers to the table above yields available and projected on-dock and ICTF near-dock capacity as follows:

Total On-Dock Capacity Over Time: Inclusive of ICTF Reconfiguration						
	2008	2012	2016	2020	2030	2035
On-Dock + ICTF TEUs	4,700,000	6,800,000	10,700,000	13,100,000	15,700,000	15,700,000

While we noted earlier that there seemed to be some additional capacity that could be handled by on-dock rail, the current infrastructure constraints imply that the numbers above reflect the most optimistic capacity of on-dock and near-dock ICTF rail (including the proposed ICTF expansion). Actual on-dock capacity may be lower if the terminals are not able to alter work rules to take advantage of on-dock infrastructure capacity.

FORECASTS

There are only a few long-term forecasts of San Pedro Bay container traffic. The Mercer forecast (1998) assumed a 6% cumulative annual growth rate (CAGR) through 2020 and is sufficiently old to be of little practical use for this project. Tioga produced forecasts in 2007 and 2009. Clearly the 2009 forecast was designed to incorporate the likely impact of the U.S. economic recession and involved substantial downward revisions of the forecast. For example, the 2007 forecast projected port traffic to reach 65.1 million TEUs in 2030, versus 34.6 million TEUs in the 2009 forecast. Using data from the 2009 forecast, the EIR estimates that ports will reach infrastructure capacity in 2035, using an estimated San Pedro Bay capacity of 43.2 million TEUs and also extending the TIOGA forecast out from 2030 with an assumed annual growth rate of 4.7%.

Assuming the share of direct intermodal traffic remains at 40%, the projected demand for rail facilities would be 17.3 million TEUs between 2030 and 2035. Of this total, 12.9 million TEUs are assumed to be provided by on-dock rail and 4.4 million TEUs remain, which would presumably require near-dock rail facilities.

The Draft EIR (p. 1–23) notes that the 2010 and 2011 volumes exceeded the 2009 Tioga forecast, leading them to comment that the 2009 forecast underestimates total volumes. It should be noted, however, that the year-end volumes for 2011 were approximately 14 million TEUs (POLA December figures were unavailable at the time of

Total Forecast TEUs through San Pedro Bay Ports

	2008 Forecast	2012 Forecast	2016 Forecast	2020 Forecast	2030 Forecast	2035 Forecast
2007 Forecast	14,300,000	23,400,000	29,900,000	36,400,000	43,200,000	65,100,000** 43,200,000
2009 Forecast	14,300,000	14,300,000	17,800,000	21,800,000	34,600,000	43,200,000

Source: SCIG Draft EIR, p. 1-23.

** The forecast is 65.1 million TEUs, but port capacity is constrained to 43.2 million.

writing), lower than anticipated, and therefore there is little indication that the 2009 forecast numbers are too low.

Thus, we will focus mainly on the assumptions of the 2009 forecast and discuss the possible sources of bias in this forecast and the potential ramifications for the demand for rail service. The key assumptions made in the 2009 Tioga forecast are as follows:

No major business cycle fluctuations between 2009 and 2030.

- No major changes in U.S. tax structure.
- Constant consumer confidence.
- 2.6% average annual inflation rate.
- 5.9% average unemployment rate (settling to 5%).
- 2.3% potential GDP growth rate per annum.
- 1.7% average annual growth in trade.
- Minimal diversions, including only a 3% diversion due to the Panama Canal expansion.
- Stable SPB shares of total U.S. volumes—roughly 33% through 2015, rising to 37% in 2030 (p. 23).

These assumptions lead to CAGRs in San Pedro Bay volumes of:

- -1.7% from 2005–2010,
- 5.5% from 2010–2020,
- and 4.7% from 2020–2030 (p. 20).

No reports on forecasting error are provided in the report. Given two additional years of data, we observe some limitations with the key assumptions:

- The current economic climate in Europe could have problematic effects on the assumed level of world trade.
- The unemployment rate is declining very slowly; at 8.5% in December 2011, it has a long way to fall before hitting the steady state of 5% assumed in the forecast.
- The impact of the expansion of the Panama Canal is unknown; however, the canal opening will affect rail freight significantly more than freight destined for the region.

- SPB freight volumes were flat or slightly down between 2010 and 2011, which means the 5.5% CAGR assumed by TIOGA for the 2010–2020 period will be increasingly difficult to attain unless there is substantial growth this year.

To illustrate the potential effects of missing the 5.5% CAGR forecast for 2010–2020, the table below presents some alternative possible growth rates:

1. 5.5% from 2010–2019 and 4.7% onward, based on the TIOGA forecast CAGR.
2. A constant 4.7% CAGR.
3. A pessimistic 4.3% CAGR.

	Alternative Growth Scenarios		
	5.5%/4.7% Projections	4.7% CAGR Projections	4.3% CAGR Projections
2011	14,000,000	14,000,000	14,000,000
2012	14,770,000	14,658,000	14,602,000
2013	15,582,350	15,346,926	15,229,886
2014	16,439,379	16,068,232	15,884,771
2015	17,343,545	16,823,438	16,567,816
2016	18,297,440	17,614,140	17,280,232
2017	19,303,799	18,442,005	18,023,282
2018	20,365,508	19,308,779	18,798,283
2019	21,485,611	20,216,291	19,606,610
2020	22,495,435	21,166,457	20,449,694
2021	23,552,720	22,161,281	21,329,031
2022	24,659,698	23,202,861	22,246,179
2023	25,818,704	24,293,395	23,202,765
2024	27,032,183	25,435,185	24,200,484
2025	28,302,696	26,630,638	25,241,104
2026	29,632,922	27,882,279	26,326,472
2027	31,025,670	29,192,746	27,458,510
2028	32,483,876	30,564,805	28,639,226
2029	34,010,618	32,001,350	29,870,713
2030	35,609,118	33,505,414	31,155,154
2031	37,282,746	35,080,168	32,494,825
2032	39,035,035	36,728,936	33,892,103
2033	40,869,682	38,455,196	35,349,463
2034	42,790,557	40,262,591	36,869,490
2035	44,801,713	42,154,932	38,454,878

Only under the TIOGA 2009 CAGR assumptions will San Pedro Bay port capacity be reached by 2035. Port capacity is assumed to be 43.2 million TEUs. Originally estimated at 42.7 million TEUs in most pre-2008 reports, the expansion of Pier S allowed the projected capacity to be increased to 43.2 million TEUs. However, it should be noted that this capacity is based upon throughput of 8,000–10,000 TEUs per acre, substantially higher than the current 5,000 TEUs per acre productivity measures. Achieving 10,000 TEUs per acre relies upon both improvements in technology and alterations in current work rules which would allow full implementation of productivity-enhancing technology.

Absent an increase in automation, POLA estimates are that productivity would reach 7,500 TEUs per acre, 6.25% to 20% lower than the maximum. Taking the average of this (13.125%) and scaling the maximum TEUs down ac-

cordingly leads to a maximum San Pedro Bay port capacity of 37.6 million TEUs, implying that capacity will be reached in 2030, according to the TIOGA CAGR figures, and in 2035 under the pessimistic scenario.

COMBINING SUPPLY AND DEMAND

What can the analyses above tell us about the demand for near-dock rail facilities? We combine the on-dock/near-dock capacity numbers with the forecast TEUs above (both the TIOGA and pessimistic CAGRs; columns 1 and 3). If we retain the 40% direct intermodal share assumed in the Draft EIR, by 2035 the demand for direct intermodal rail will range from 15.4 million TEUs to 17.3 million TEUs. However, following the expansion of the Panama Canal, due to open in 2014, some diversion is expected. The 2009 TIOGA forecast assumes a 3% diversion. Diversion would affect freight moving outside of the region; thus we apply this 3% diversion factor to the demand for rail and use a 37% share of direct intermodal rail in our calculations.

Assuming full expansion of the ICTF, there would be a shortage of 284,000 TEUs under the optimistic forecast scenario and a surplus of near-dock and on-dock capacity under the pessimistic forecast scenario. Without ICTF expansion, there will be a shortage of capacity that may reach as high as 1.8 million TEUs under the optimistic forecast growth rates.

Our figures differ somewhat from those in the Draft EIR due to the following:

- The use of the actual ICTF capacity cited by the ICTF's webpage, rather than the 1.8 million TEUs used in the Draft EIR.
- The application of the CAGR to the 2011 numbers, rather than the use of the 2008 benchmark from the Tioga study.
- The assumption of a 37% share of direct intermodal rail, rather than a 40% share, based on anticipated freight diversion (particularly of intermodal freight) following the opening of the expanded Panama Canal.

Consistent with the Draft EIR we find that on-dock and existing near-dock will be reached by 2035. Under the optimistic forecast scenario, and assuming no expansion of the ICTF, capacity would be reached between 2030 and 2035.

SENSITIVITY ANALYSIS

Our finding that there may be adequate capacity of on-dock and near-dock rail is sensitive to the assumptions of the model. Below we outline two alternative results:

- Assuming a share of direct rail intermodal of 40% (rather than the 37% in our analysis above) results in a deficit in on-dock and near-dock rail capacity by 2035 under the assumption of ICTF expansion, and a capacity shortage in 2030 without ICTF expansion.
- Our analysis relies upon the 2006 Rail Study Update simulations for estimates of on-dock capacity which assume that on-dock rail facilities are used to their maximum potential within the terminal. This requires

Forecast TEU Counts and On- and Near-Dock Excess Capacity

Forecast Item	Forecast Assumptions	2015	2020	2030	2035
TEU Forecast	5.5%/4.7% CAGR Forecast	17,343,545	22,495,435	35,609,118	43,200,000
	4.3% CAGR Forecast	16,567,816	20,449,694	31,155,154	38,454,878
Forecast of Rail TEUs	5.5%/4.7% CAGR Forecast	6,417,112	8,323,311	13,175,374	15,984,000
	4.3% CAGR Forecast	6,130,092	7,566,387	11,527,407	14,228,305
On-Dock/Near-Dock Capacity	On-Dock Only	7,900,000	10,300,000	12,900,000	12,900,000
	On-Dock with existing ICTF	9,200,000	11,600,000	14,200,000	14,200,000
	On-Dock with reconfigured ICTF	10,700,000	13,100,000	15,700,000	15,700,000
Forecast between projected volumes and capacity:					
- without ICTF reconfiguration	5.5%/4.7% CAGR Forecast	2,782,888	3,276,689	1,024,626	-1,784,000
	4.3% CAGR Forecast	3,069,908	4,033,613	2,672,593	-28,305
- with ICTF reconfiguration	5.5%/4.7% CAGR Forecast	4,282,888	4,776,689	2,524,626	-284,000
	4.3% CAGR Forecast	4,569,908	5,533,613	4,172,593	1,471,695

work rules to be altered and intermodal operations at the terminals to be run three shifts a day year-round. If these productivity-enhancing measures are not implemented by the terminals, the Rail Simulation Study indicates that the on-dock rail capacity would be 18% below the projected capacity in 2020 and 23% below the projected capacity in 2030 and 2035. Under this scenario, even with an expanded ICTF, on-dock and near-dock rail capacity is insufficient by 2020, with an unmet demand of 354,000 to 1.9 million TEUs in 2020, increasing to a deficit of 1.5 million to 3 million TEUs in 2030.

CONCLUSIONS

Our analysis finds that there is considerable time before there is a need for the SCIG based on capacity constraints. In particular:

- Under a low-growth scenario of 4.3% CAGR, on-dock and existing near-dock rail will likely be adequate to handle rail demand in 2035.

There will be a small projected deficit of 28,305 TEUs; however, this is a small amount of freight relative to the total traffic and it is likely that it could be accommodated in the existing system.

- Under the high-growth scenario outlined in the 2009 TIOGA forecast, on-dock and existing near-dock capacity will not be adequate to handle forecasted demand by 2035.

The deficit will be 1.8 million TEUs. Although there are practical limitations on additional on-dock capacity (beyond that which is already planned), which suggest a need for the SCIG or reconfigured ICTF, any deficit is far in the future and much can change between now and 2030-35. In particular, forecasts can be revealed to be too high or too low, or new methods or technologies for moving freight can come into play, perhaps reducing the projected deficit.

These findings beg the question of which forecast is likely to be right. On this point, only time will tell. At the same time, the high growth forecast has already been revealed to be overly optimistic, missing its targets in 2010 and 2011. The low-growth forecast is not offered because it is more likely, but rather to make the point that growth rates need not be much lower than in the high-growth forecast to eliminate the projected deficit.

These conclusions rely on an assumption of 3% freight diversion due to the Panama Canal expansion. The 3% figure was chosen based upon the TIOGA 2009 forecast numbers and is not likely to overstate the impact of the Panama Canal.

These conclusions also rely upon the adoption of modified work rules, by terminals and by labor, that will maximize on-dock rail capacity within the ports and improve the ability of freight to move efficiently from on-dock rail facilities to the Alameda Corridor. The modification of work rules will require a transformation of how existing resources are used. As these changes will be relatively low-cost (though not without dissent from labor), their implementation is crucial for realizing the full potential of on-dock rail projects.

Freight infrastructure outside of the terminals but within the port property must continue to be a priority. While it is understandable that the ACTA postponed some projects during the recession (such as Phase 2 of the West Thenard Track Connection), these projects must be prioritized as freight volumes rebound in order to maximize productivity of on-dock rail, given the length of time involved in undertaking major capital projects.

What does our analysis imply about the necessity of the SCIG? Under a low-growth scenario, it appears that the additional capacity from the SCIG is not needed. However, if growth rates exceed the pessimistic scenario, additional capacity will be needed (even if on-dock productivity is maximized). Given the time needed to build the SCIG, unexpectedly high growth without new near-dock capacity could result in congestion. However, even if growth is unexpectedly high, the need to consider the SCIG is more than 10 years, and more likely 15 years in the future. This would be sufficient time to avoid capacity issues that might arise by 2030.

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- Los Angeles Harbor Department, "I-110/ C Street Interchange Project," NOI, 2011.
- Los Angeles Harbor Department, "John S. Gibson Blvd/I-110 Access Ramps and SR 47/I-110 Connector Improvements Project," NOI, 2011.
- Los Angeles Harbor Department, "Port of Los Angeles Channel Deepening Project," EIR, 2000.
- Los Angeles Harbor Department, "Southern California International Gateway (SCIG)," DEIS/DEIR, 2011.
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- Port of Long Beach, "Pier S Marine Terminal and Back Channel Improvements," DEIR, 2011.
- Port of Los Angeles and Port of Long Beach, "Rail Study Update," prepared by Parsons, 2006.
- Port of Los Angeles and Port of Long Beach, "San Pedro Bay Container Forecast Update," prepared by The Tioga Group, Inc. and IHS Global Insight, 2009.

APPENDIX A: ADDITIONAL PORT INFRASTRUCTURE PROJECTS

1. Port of Los Angeles Channel Deepening Project

The Port of Los Angeles Channel Deepening Project has been ongoing for many years. Deepening in the outer harbor of the port was completed in 2000. Also in 2000, the port was authorized to deepen the Main Channel and make other modifications to allow deeper draft container vessels to access the container terminals along the Main Channel. This construction began in 2002, but the project produced more dredged material than planned for. Construction was halted and additional plans for dredged materials had to be approved. After a five-year period, the final stage of the deepening project began in July 2010 and is expected to be completed in 2013. Some of the dredged materials will contribute to other projects described in this report, including the Berths 136-147 (TraPac) Container Terminal Project and Berths 97-109 (China Shipping) Container Terminal Project. The remaining dredged materials will expand the Eelgrass Habitat Area and be disposed in a designated ocean area. Once completed, the deepening project will have an impact on the flow of cargo, since larger ships will be accommodated. Estimates are not available on the impact on goods movement from its current state to the completed state.

2. Eagle Rock Aggregate Terminal Project (POLB)

This project involves the construction of a sand, gravel, and granite receiving, storage, and distribution terminal. Specific actions include dredging, berth improvements, installation of a conveyer and distribution system and truck scales, and construction of an office building. The site is currently vacant; once built, the new terminal will have a capacity of 3 million tons of aggregate (sand, gravel, and granite) per year. The product would be transported to and from the terminal by truck, with an estimated 125,000 trucks per year. Most trucks will travel to destinations within a 30-mile radius. The EIR for this project is not available.

3. I-710 Corridor Project (POLB)

This project proposes expanding and improving an 18-mile portion of I-710, which originates at the port and runs north and south, for purposes of improving safety, improving capacity for goods movement and increased population, and addressing current design flaws. The EIR is not available. This will accommodate increased goods movement by trucks; a specific estimate is not available.

4. Gerald Desmond Bridge Replacement (POLB)

This project involves updating the bridge connecting Terminal Island to I-710 to Long Beach in order to address safety concerns, expand capacity of the bridge, and allow larger boats to pass under the bridge. The bridge currently accommodates about 15% of all port-related container traffic. In the baseline year, 2005, daily truck trips reached 15,200. In 2030, there will be 59,730 daily truck trips (assuming the project is completed).

5. Pier G Modernization (POLB)

This project will update and modernize the terminal, constructing more efficient/environmentally friendly truck gates, while relying on the use of materials from dredging. Most construction on this project is complete.

6. John S. Gibson Blvd/I-110 Access Ramps and SR-47/I-110 Connector Improvement Project (POLA)

This project involves widening the lanes of the SR-47/I-110 connector, extending I-110, improving the intersection, improving the drainage system, widening minor streets, and adding sound walls. This will perhaps cause minor changes to truck movement.

7. I-110/C Street Interchange Project (POLA)

This project improves a key truck interchange and will perhaps cause minor changes to truck movements.

8. Schuyler Heim Bridge Replacement Project/ SR-47 Port Access Expressway (AC)

This project will improve safety, increase mobility of traffic, decrease local congestion, and provide an emergency route from Terminal Island to I-405. Specific actions include a bridge replacement and the creation of a grade-separated expressway. This will allow for increases in truck traffic and provide an alternative route for near-dock railyards. Specific estimates on daily truck trips once the project is completed are not available.

9. Alameda Corridor East Project

This project will improve safety and mobility and accommodate increased traffic flow in the San Gabriel Valley, along a 35-mile stretch of rail lines. The project includes multiple construction projects to improve safety at crossings, such as constructing grade separations that eliminate 22 grade crossings, and will decrease the time spent at rail crossings. Many of these projects have already been completed. Specific estimates on how this will affect rail capacity are not available.

Below is a brief table of projects not expected to directly impact containerized freight.

Project	Entity	Description
TTI Grain Export Terminal Project	POLB	Installation of a grain transloading facility on 10 acres of vacant land. This would expand transfer for grains using existing rail and infrastructure. This would accommodate same imports, but increase export of grain (vessel frequency expected to stay constant).
Sulex Demolition Plan	POLB	Demolishing a sulfur facility (a byproduct of oil refineries) at Pier G. This could potentially decrease exports, but this does not change on-dock or near-dock capacity.
Mitsubishi Cement Facility Modification	POLB	Includes environmental pollution control for NOX, additional storage capacity for cement/cement products, improvements to ship unloading equipment. Would not change ship loading or truck loading rates.
San Pedro Waterfront Project, Wilmington Waterfront Project	POLA	Similar projects. Aesthetic improvements on harbor, cruise terminals, more recreational open space and commercial space, improve access to harbor and create pedestrian passages. Does not affect goods movement.
West Channel/Cabrillo Marina Phase II Development Project	POLA	Redevelop 48 acres of land and 37 acres of water. Construct new public boat launch facility. Does not affect goods movement.
Pacific L.A. Marine Terminal LLC Crude Oil Terminal	POLA	Construction and operation of a new terminal used for crude oil and partially refined crude oil. Pipeline infrastructure for transportation of the oil would also be developed. Perhaps minor changes in truck flow.
USS Iowa Project	POLA	Permanent docking of the USS Iowa at the POLA. Would include visitor facilities. Does not affect goods movement.
ILWU Local 13 Dispatch Hall Project	POLA	Building a new labor dispatch hall for laborers to support cargo growth and customer needs at terminals and facilities at POLA. Does not affect goods movement.
City Dock No. 1 Marine Research Center Project	POLA	Provide space for marine research (labs, office, classroom, public amenities); replace SCMI facilities with new research center. Does not affect goods movement.
Al Larson Boat Shop Improvement Project	POLA	Replace existing boat shop, dredging, space for maintenance and repair of boats, new wharves, new travel-lift boat hoist, improve storm water drainage, and mitigate sediment/soil contamination. Does not affect goods movement.

APPENDIX B: ON-DOCK RAIL PROJECTIONS FROM 2006 RAIL STUDY UPDATE

	2005		2010		2015		2020		2030	
	MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast	MPC	IM Forecast
POLB Pier J	377,023	320,000	437,364	440,000	1,471,822	910,000	1,879,404	1,270,000	1,879,404	1,480,000
Pier G	119,415	120,000	372,943	370,000	474,003	470,000	605,265	610,000	695,265	610,000
Pier F/MHB	187,157	180,000	217,102	210,000	1,181,278	770,000	1,508,401	1,000,000	1,508,401	1,160,000
Pier A	258,086	200,000	433,929	370,000	707,729	640,000	1,641,446	950,000	1,641,446	1,110,000
Pier S	0		274,091	230,000	410,842	360,000	524,613	400,000	524,613	470,000
Pier T	571,526	460,000	662,970	660,000	990,495	990,000	1,264,786	1,260,000	1,264,786	1,260,000
POLA Pier 300	614,022	510,000	712,265	580,000	986,580	870,000	1,259,786	1,260,000	1,259,786	1,260,000
TICTF	613,645	610,000	711,829	710,000	1,054,441	1,050,000	1,346,440	1,350,000	1,346,440	1,350,000
Pier 400	747,602	690,000	867,219	870,000	1,738,662	1,450,000	2,642,847	2,080,000	2,642,847	2,640,000
WB West	262,207	260,000	321,954	320,000	504,224	500,000	893,079	890,000	893,079	890,000
WB East			394,247	310,000	452,225	450,000	700,546	670,000	700,546	700,000
SPB Total	3,750,683	3,350,000	5,405,913	5,070,000	9,972,301	8,460,000	14,266,613	11,740,000	14,356,613	12,930,000

Source: Rail Study Update, 2006.

IM Forecast - Projected demand for on-dock rail based on forecasted demand.

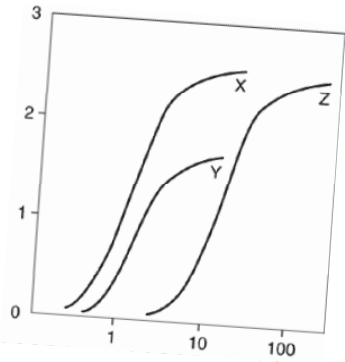
MPC - Maximum practical capacity.

APPENDIX B:

Comment Letter on Draft Environmental Impact Report (DEIR) for the Southern International gateway (SCIG) Project

Clark & Associates





January 30, 2012

East Yard Communities for Environmental Justice
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Subject: Comment Letter on Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project

Dear Mr. Logan:

At the request of East Yard Communities for Environmental Justice (EYC-EJ), Clark and Associates (Clark) has reviewed materials related to the above referenced project, including the Draft Environmental Impact Report (DEIR) prepared for the Port of Los Angeles (POLA) by the Los Angeles Harbor Department (LAHD). The applicant is proposing to “provide *an additional* (emphasis added) near-dock intermodal rail facility serving the San Pedro Bay Port marine terminals that would meet current and anticipated containerized cargo demands, provide shippers with comparable intermodal options, incorporate advanced environmental controls, and help convert existing and future truck transport into rail transport, thereby providing air quality and transportation benefits.”¹ The proposed Project requires POLA to acquire or lease non-LAHD properties by the project proponent BNSF and certain lease terminations and business relocations on LAHD properties.²

¹ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-3-ES-4.

² POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-2.



The proposed Project would occupy 96 acres of LAHD property and approximately 57 acres of non-LAHD property, for a combined total of 153 acres. The proposed Project site is located near the Wilmington community and the City of Carson to the west, the City of Carson to the north, and the City of Long Beach to the east, in a primarily industrial area bounded generally by Sepulveda Boulevard to the north, Pacific Coast Highway (PCH) to the south, the Dominguez Channel to the west, and the Terminal Island Freeway to the east. According to the DEIR, the general area is characterized by heavy industry, goods handling facilities and port-related commercial uses consisting of warehousing operations, trucking, cargo operations, transloading, container and truck maintenance, servicing and storage, and rail service.

The DEIR prepared for the project states that there are unavoidable significant impacts from the emissions associated with the project. The Air Quality analysis concludes that both the project and its alternatives would have significant unavoidable impacts³. Construction of both the proposed Project and the Reduced Project Alternative would result in emissions of criteria air pollutants that would exceed South Coast Air Quality Management District's (SCAQMD's) significance thresholds and air pollutant concentrations that exceed local, state and national ambient air quality standards. Mitigation measures will not reduce those emissions below the thresholds, and they will remain significant and unavoidable.

Operation of the proposed Project and alternatives would cause exceedances of one or more of the SCAQMD ambient thresholds for NO₂, PM₁₀, and PM_{2.5}, and the National Ambient Air Quality Standard (NAAQS) for NO₂.⁴ Mitigation measures applied to the proposed Project

³ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-20.

⁴ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-20.



and the Reduced Project Alternative will not reduce the impacts below the thresholds, and no mitigation can be applied to the No Project Alternative.⁵ Accordingly, impacts after mitigation will remain significant and unavoidable. The proponent concludes that the No Project Alternative would not be consistent with regional and local air quality plans and policies, which would constitute a significant impact that cannot be mitigated.

The DEIR notes that “The proposed Project and the Reduced Project Alternative would result in disproportionate effects on minority and low-income populations as a result of significant unavoidable impacts related to Aesthetics, Cultural Resources, and Noise. Significant impacts related to air quality, biology, greenhouse gases, land use, public services, and water resources would either be reduced through mitigation, or would not fall on human populations, or would not fall disproportionately on minority and low-income populations.

The No Project Alternative would not have new, significant effects with respect to minority and low-income population”⁶ These conclusions are premature and based upon a flawed analysis of the potential health risks impacts for the communities adjacent to the proposed project.

Documents reviewed by Clark for this analysis include:

1. POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011
2. SCAQMD. 1993. CEQA Air Quality Handbook

⁵ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-20.

⁶ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. ES-25-ES-26.



Clark’s review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

DEIR Analysis


The DEIR was issued prematurely without considering the serious flaws in the Proponent’s analysis of the project, and these flaws are replicated in the DEIR. The flaws include:

- 1. The DEIR Fails To Meet The Standard For Environmental Impact Reports
- 2. The DEIR Fails to Adequately Consider the Traffic Impacts and Resulting Air Quality Impacts on the Communities Immediately Adjacent to The Proposed Project;
- 3. The DEIR’s Health Risk Assessment is Flawed and Fails to Accurately Calculate the Potential Health Risks on the Residents in Nearby Communities

I. CEQA LEGAL STANDARD FOR ENVIRONMENTAL IMPACT REPORTS

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (EIR) (except in certain limited circumstances). (See, e.g., Pub. Res. Code § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant



environmental effects of a project. (14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564) The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“Berkeley Jets”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810). “The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account.” (*Communities for a Better Environment v. City of Richmond* (Cal. Crt Appeal Case No. A125618, 2010 Cal. Lexis (April 28, 2010).)

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (Guidelines §15002(a)(2)) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub.Res.Code § 21081; Guidelines § 15092(b)(2)(A) & (B).)




When reviewing an EIR, the courts use an “abuse of discretion” standard -- if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence. (Guidelines § 21168.5.) Substantial evidence in this context means —enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. (Guidelines, § 15384(a).)

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 391 409, fn. 12 (1988)) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

“A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722]; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946).

If an environmental impact report does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and the EIR is inadequate as a matter of law. (*RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1201; *Bakersfield Citizens for Local Control v. City of Bakersfield*



(2004) 124 Cal.App.4th 1184, 1197-1198; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118.)

Finally, when new information or analysis is required to make the EIR adequate, CEQA Guidelines Section 15088.5 sets the standard for requiring recirculation. New information added to an EIR is significant when “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” The Guidelines also require recirculation when the EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.

II The DEIR Fails to Adequately Consider the Traffic Impacts and Resulting Air Quality Impacts on the Communities Immediately Adjacent to The Proposed Project.

The traffic impact analysis and air quality analysis performed in the DEIR fails to adequately analyze the local impacts of the project. The traffic studies utilized in the DEIR for the “baseline condition” for the SCIG were completed in 2008 and supplemented in 2009. The baseline traffic estimates are confusing and appear to overestimate the actual traffic conditions at the site. Since the baseline condition is being used to determine the air quality and health impacts for the DEIR it is critical to have a clear and representative count of traffic conditions at the SCIG site.



According to the DEIR⁷, the proposed Project site is currently occupied by container and truck maintenance; servicing; storage; rail service; and auto salvage activities. The existing site has four access points: Pacific Coast Highway ramps and three driveways accessing Sepulveda Boulevard, a driveway west of Intermodal Way, a driveway south of the ICTF driveway, and a driveway at Middle Road. Trip generation by the existing uses was determined by collecting traffic counts during the AM (6:00 – 9:00 AM) MD (1:00– 4:00 PM) and PM (4:00 – 6:00 PM) periods in August 2008.⁸


The models used to estimate traffic impacts are less than reliable. According to a 2009 Memo from Iteris Inc to POLA, “the empirical data from the January 2009 and February 2009 counts at ICTF indicate that Quicktrip is overestimating chassis trips associated with intermodal facilities, which supports the higher chassis reuse shown in the BNSF and UPRR estimates for their intermodal facility projects (see Table 3)”

In addition, the DEIR assumes that 95% of truck traffic (current and future) will be going only to the new SCIG facility rather than the Hobart yard. This assumption forces a regional air quality issue (the movement of large numbers of trucks) onto a small geographic area. The impact is to shift the burden of known toxic air contaminants emitted from one area of the Los Angeles Air Basin onto another. This shift flies in the fundamental requirement of CEQA to “identify ways that environmental damage can be avoided or significantly reduced.” (Guidelines §15002(a)(2)).

There is no legally binding agreement that would prevent the use of both the Hobart yard and the SCIG. Without such an agreement, the DEIR assumptions on the impacts from the project become specious. Given the

⁷ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. 3.10-25

⁸ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. 3.10-25



unfair burden being placed on the communities immediately adjacent to the proposed project, the proponent should re-evaluate the impacts from traffic on the local communities and prepare a new EIR that clearly quantifies impacts from current and future conditions at the site.

III The DEIR's Health Risk Assessment (HRA) Is Flawed And Fails To Accurately Calculate The Potential Health Risks On The Students and Residents In Nearby Communities

The DEIR's health risk assessment is flawed and fails to accurately calculate the potential health risks to students attending local schools and to children growing up in the nearby communities when it fails to account for the differences in childhood exposure.

The primary chemical of concern, diesel particulate matter (DPM) is the risk driver of the analysis. In 1998 the State of California Air Resources Board (ARB) identified particulate matter from diesel-fueled engines as a toxic air contaminant.⁹ SCAQMD's MATES-II and MATES-III (for Multiple Air Toxics Exposure Study) showed that average cancer risk in the South Coast Air Basin (Basin) ranged from 1,100 in a million to 1,750 in a million, with an average regional risk of about 1,400 in a million. DPM accounted for more than 70 percent of the cancer risk.

In its 2005 comments on the Notice of Preparation of a Draft Environmental Impact Report for the Southern California International Gateway, SCAQMD noted that the location of the project is in a non-attainment area, adjacent to an already-impacted residential community and in close proximity to several schools. SCAQMD later stated that based on its sampling data, the average elemental carbon at the Hudson Elementary School was 59 percent higher than any other study site evaluated in the

⁹ Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant. ARB and OEHHA. April 22, 1998 as cited in SCAQMD, 2003. Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis



Long Beach and Wilmington areas. The SCAQMD cautioned that the EIR should thoroughly consider the effects on these sensitive receptors.

In the HRA for the DEIR presented in Appendix C.3, the analysis of “Student impacts” is based upon a student exposures of 6 hours per day, 180 days per year for 6 years (*emphasis added*).¹⁰ In the immediate vicinity of the proposed project, there are primary and secondary schools which local residents attend school. In addition to the Elizabeth Hudson Elementary School, schools within ½ mile of the proposed project include the Garfield Child Development Center (preschool), St. Lucy Catholic School (pre-K through 8th grade), William Logan Stephens Junior High School (Grades 6 through 8), and Cabrillo High School (Grades 9 through 12). The exposure analysis used in the HRA, assuming only 6 years of exposure, clearly underestimates the potential impacts to students in the area. The HRA must be recalculated assuming that students attend school in the area from pre-Kindergarten through high school and resubmitted for analysis.

In addition, it is apparent that the analysis does not include factors that take into account the sensitivity of children to chemicals. Consistent with guidance from the United States Environmental Protection Agency (U.S. EPA) and California Environmental Protection Agency’s Office of Environmental and Human Health Assessment (OEHHA), incorporating a weighting cancer risk by a factor of 10 for exposure that occur from the third trimester of pregnancy to 2 years of age, and by a factor of 3 for exposure that occur from 2 years through 15 years of age is recommended.¹¹ The analysis presented by the proponents in the HRA does not appear to incorporate the weighting factors recommended by

¹⁰ POLA. 2011. Southern California International Gateway Project: Draft Environmental Impact Report. Prepared by Environmental Management Division, Los Angeles Harbor Department. September, 2011. C.3-33

¹¹ BAAQMD. 2011. Recommended Methods for Screening and Modeling Local Risks and Hazards. Bay Area Air Quality Management District. May, 2011



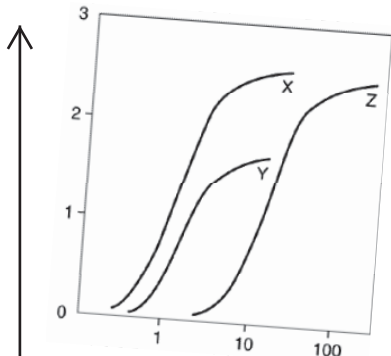
OEHHA. The analysis should be performed again utilizing the appropriate weighting factors and resubmitted for review.

Conclusion

The proponents must re-analyze the impacts in a new EIR that accurately estimates the impacts. This concludes my comments.

Sincerely,

James Clark, Ph.D.



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling
Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995
M.S., Environmental Health Science, University of California, 1993
B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known



outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure



assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.



Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.


Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.



Case: Tanya Drummond V. E.I. Dupont De Nemours and Company, Meadowbrook Corporation, Mattheissen & Hegler Zinc Company Inc, Nuzum Trucking Company, T.L. Diamond & Company, Inc., and Joseph Paushel, Circuit Court of Harrison County, West Virginia. Civil Action Number 04-C-296-2.

Client: Cochran, Cherry, Givens, Smith, Lane & Taylor, P.C., Dothan, Alabama


Dr. Clark performed a comprehensive exposure assessment of a plaintiff exposed to toxic metals from a former zinc smelting facility. The site has undergone a CERCLA mandated removal action/remediation for the presence of the toxic metals. Intensive modeling results (from physical and numerical models) were used to determine a daily dose of metals in the plaintiff over a life time of exposure along with a causal analysis to determine the contribution of the toxic metals to the renal carcinomas the plaintiff died from.

Case Result: Settlement in favor of plaintiff.

Case: City of Stockton v. BNSF Railway Co., et al. Eastern District of California, Case No. 2:05-CV-02087

Dr. Clark offered opinions regarding the potential health risks from exposure to chemicals present in and emanating from the soil and into the air at a site formerly operated by the defendant using the regulatory guidance framework from USEPA and DTSC. The evaluation was designed to establish cleanup goals based upon the current and future land uses of the Site. A second objective was to evaluate whether current conditions at the Site put patrons and staff of the Children's Museum at an elevated potential health risk from exposure to chemicals present in and emanating from the soil and into the air at the Site.

Case Result: Judgment in favor of plaintiff.



Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Lori Lynn Moss and Rand Moss, et al. V. Venoco, Inc. et al. Superior Court of the State of California, County of Los Angeles, Central Civil West. Case Number BC 297083

Client: Baron & Budd, PC. Dallas, TX.

Dr. Clark performed a comprehensive exposure assessment of plaintiffs (former students at a school adjacent to the plant) to dioxin-like compounds from a large urban electrical utility generator and from multiple oil and gas production facilities adjacent to an active school. Modeling of emissions has confirmed that emissions from the facilities have impacted the school, resulting in significant exposure to carcinogens and neurotoxins. Intensive modeling results (from physical and numerical models) were used to determine a daily dose of contaminants from multiple sites over decades of exposure.

Case Result: Under Appeal.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247



Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

Case: RFI et al., V. City of Santa Clarita, Superior Court of the State of California, County of Los Angeles


Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark provided testimony regarding the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Immanent and Substantial Endangerment Order. Dr. Clark provided depositions and trial testimony on the extent of contamination in the subsurface and groundwater, the migration of contaminants offsite, and cost estimates for remediating the contamination.

Case Result: Under Appeal.

Case: Costco Wholesale Corporation, etc, V. San Francisco Bay Area Rapid Transit District, etc., et. al., Superior Court of the State of California For the County of San Mateo

Dr. Clark evaluated analytical laboratory results to determine whether remediation efforts by the plaintiff were necessary based on the proposed site land use. Deposition testimony



was offered on the composition of petroleum hydrocarbons in the subsurface at the site, clean-up standards, and the necessity of remediation.

Case Result: Settlement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a



comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California


Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom’s Environment Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also



included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.



Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California


Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure



concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom’s Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of MtBE, and is suspected to be the primary cause of MtBE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport,



toxicology, and remediation of MTBE. The results of the evaluation have been used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.



Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia


Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of



metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
California Redevelopment Association (CRA)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

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APPENDIX C:

Health Impact Studies



APPENDIX C: Health Impact Studies

Appendix C-1: Respiratory and Children's Health Study

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1 **Comment Letter 134: Green LA Coalition**

2 This comment letter is identical to Comment Letter 116. Please see the responses to
3 Comment Letter 116.

4

5

Coalition For A Safe Environment

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February 1, 2012

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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 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.

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.

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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 handing 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.

135-2

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.**

135-3

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.

135-3

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.

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.

135-4

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.

135-4

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.**

135-5

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:

135-6

- 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.**

135-7

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.

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.**

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.

135-7

135-8

The Port can continue dragging its feet and test other technologies at its leisure. But the public supports moving forward.

135-8 **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.

135-9 **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.

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.

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.

135-9

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.**

135-10

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.**

135-11

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.

135-11

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.

135-12

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.

135-13

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

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.

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.

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.

135-13

135-14

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.

135-14

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.**

135-15

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.**

135-16

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.

135-16

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.

135-17

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.

135-18

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.

135-18

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.

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.

135-19

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.

135-20

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.

135-20 **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.**

135-21 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.**

135-22 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.**

135-23 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.**

135-24 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



- 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

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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.**

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 BNDF Facility at the end of the day.

135-25

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.**

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

135-26



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

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.

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:

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Environment	Day 7:00am – 5:00pm	Night 5:00pm-7:00am	Night Sleep Time 9:00pm – 7:00am
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135-27	↑	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.

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.

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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

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.

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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.

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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 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.

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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.**

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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.

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.

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.

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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.

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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.

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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.

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.**

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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.

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.

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

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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:

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- 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.

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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.**

135-38

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.**

135-39

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.**

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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.

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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.**

135-42

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.

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.

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.

135-42

135-42



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.

135-43



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.

135-43

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.

135-44

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.

135-44

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.

NOI-3

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.

135-45

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.

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

135-45

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

135-46

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

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.



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.

135-46

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.

135-47

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.

135-47

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.

135-48

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.

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

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.

135-48





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.

135-48

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.

135-49

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

135-49



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.

135-49

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.

135-50

- 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.



135-50

- 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.

135-51

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.

135-51

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 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.

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

135-51

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.

135-51

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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.

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.

135-52

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.

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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.

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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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with low frequency components, a better assessment of health effects would be to use C-weighting.” See Appendix N-1, N-2.

135-52

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.

135-53

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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.

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

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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.

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Residence Indoor	35dBA	35dBA	
Residence Indoor			30dBA

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.

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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.

NOI-12

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.

135-53

135-54



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.

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135-54

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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. See Appendix N-3.

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135-54

Environmental Justice Community Noise Standards

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	7:00am – 5:00pm	5:00pm-7:00am	9:00pm – 7:00am
Outdoor	50dBA	40dBA	
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Residence Indoor Sleep Time			30dBA
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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.

135-54

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.

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135-55

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135-55

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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.

135-56

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.

135-57

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.

135-58

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

135-59

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.

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.

135-59

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

135-59

135-60

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

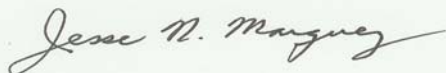
The DEIR fails to disclose that the City and Port do not comply with the City General Plan Policy that is quoted and Transportation Element. It is the City Policy to support Port Freight Transportation needs first over EJ Community transportation needs or address negative Port transportation community 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

135-60

135-61

From: Patrick Kennedy (ico.pkennedy@attglobal.net)
To: jnmarquez@prodigy.net;
Date: Mon, January 16, 2012 3:52:15 PM
Cc:
Subject: LBUSD Board Votes to Oppose Rail Yard Tuesday

The Long Beach Unified School Board will be voting on a motion to oppose the SCIG rail yard on Tuesday January 17th at 5 PM. The Board meets at the LBUSD Central Offices at 1515 Hughes Way.

Come show your support for this action by the school board

Summary of Resolution of the LBUSD Board of Education Opposing Certification of the SCIG Environmental Impact Report

Key Points:

- 135-62 | 1. Project will adversely affect the Districts students and staff at Webster, Garfield, Muir, Stephens, Hudson, Cabrillo, Reid and Bethune Schools.
- 135-63 | 2. EIR fails to adequately disclose significant project impacts because it is based on an illusory baseline and does not use established cancer risk factors that account for the greater sensitivity of students to toxic air contaminants.
- 135-64 | 3. Project does not adequately address or mitigate noise, traffic, air quality and human health risk impact to schools.
- 135-65 | 4. Project does not adequately evaluate reasonable alternatives to the proposed project.
- 135-66 | 5. Project does not adequately and accurately assess the cumulative impacts of the SCIG project.

1 Comment Letter 135: Coalition for a Safe Environment

2 This comment letter was resubmitted as part of the RDEIR. Please see the responses to
3 comments R148-1 through R148-61.

4 The commenter attached the six additional documents below, totaling approximately 398
5 pages. These documents do not specifically address sections of the DEIR or its adequacy.
6 Therefore, no responses are provided. Copies of the commenter's attachments are
7 included in the electronic versions (CD and POLA website) of the Final EIR. The
8 commenter's attachments are:

- 9 1. Evaluation of the Advanced Maritime Emissions Control Systems (AMECS), 11/19/08
- 10 2. Evaluation of the Advanced Locomotive Emissions Controls Systems (ALECS) 2007
- 11 3. January 27, 2012 Human Impact Partners letter to Jesse M. Marquez
- 12 4. List of references on noise
- 13 5. "Guidelines for Community Noise", Edited by Berglund, Lindvall, and Schwela
- 14 6. Guideline Values for community noise in specific environments

15



Elizabeth Warren, Executive Director
 Berth 77, P 7-A, Ports O' Call
 San Pedro, CA 90731
 www.FuturePorts.org

February 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:

FuturePorts appreciates the opportunity to provide the following comments in 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 DEIR, which was developed by an independent third-party, determined:

- SCIG would result in a reduction of local cancer risk. The Port of Los Angeles (Port) set a standard that no new project could have a risk score higher than 10. SCIG scored a negative 161, which is 17 times cleaner than the Port's standard.
- 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. BNSF has also committed to only allow trucks meeting the Port's Clean Air Action Plan (CAAP) goal of 2007 or newer trucks to transport cargo between the marine

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Nancy Pfeffer
Network Public Affairs

Catherine H. Reheis-Boyd
Western States Petroleum Association

Clay Sandidge
Sandidge Consulting

Dick Wittkop
Moffatt & Nichol

PARTNERING ORGANIZATIONS

Bay Planning Coalition

Coalition for America's
 Gateways & Trade Corridors

County of San Bernardino Economic
 Development Agency

Foreign Trade Association

Inland Empire Economic Partnership

Long Beach Area Chamber of Commerce

Los Angeles Area Chamber of Commerce

Los Angeles County Business Federation

Los Angeles 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



terminals and the facility. By 2026, 90 percent of the truck fleet will be LNG or equivalent emissions vehicles. Trucks will be required to travel on designated industrial routes to avoid residential areas and will be tracked with GPS to ensure adherence.

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 12 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 136: FuturePorts**

2 **Response to Comment 136-1**

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

Wilmington Boat Owners Association

Berth 203 #9, Wilmington, CA 90744 (310) 549-8111



January 28, 2012

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

Subject: Comments Southern California International Gateway Draft EIR

Dear Mr. Cannon,

We have reviewed the SCIG Draft EIR and support the proposed project. We agree that the project will provide many benefits including a significant reduction in truck traffic on the I-710, reduction in air emissions, and creation of local construction and operational jobs. We also concur with the findings in the Rail Simulation study in Appendix G2, that demand will exceed on-dock rail capacity and an additional off-dock rail facility will be needed in order to transport 40% of the total forecasted San Pedro Bay ports TEU throughput by rail.

137-1

As expressed by other Wilmington organizations we are concerned that some of our Far East Wilmington businesses will be displaced. However, our community has a good relationship with BNSF and they have been a good neighbor in our community. We trust BNSF will work with the Port to ensure that the rail yard plans do not compromise the operations of Fast Lane Transportation, Cal Cartage and our other businesses.

Chapter 4 Cumulative Analysis

4.2.10.4 Cumulative Impact TRANS-2

According to the analysis of streets and intersections the project will contribute cumulatively to impacts on Anaheim St, especially at the 9th St/I-103 on/off ramps. The DEIR considers port growth, large projects in surrounding communities, and widening of Anaheim St from four to six lanes between Farragut St and the Dominguez Channel, the Wilmington ATSAC/ATCS Project, and the SR 47 Terminal Island Expressway (which is on hold indefinitely). Tables 4-7 through 4-14 indicate the LOS on Anaheim St between Alameda and Santa Fe continues to worsen even with these traffic mitigation measures whether the SCIG project is built or not.

137-2

Please evaluate what further measures could be taken to avoid this, such as improving the 103 Fwy on/off ramps, or constructing a southbound on-ramp to the SR 47 Terminal Island Expressway on Anaheim St.

TRANS-5 and 4.2.9.4 Cumulative Impact NOI-3

The analysis has determined project operations would not cause a significant increase in rail activity and/or delays in regional rail traffic. However, port growth will substantially increase train moves daily for intermodal and rail support activity. Cumulatively, all trains will have an impact at local at-grade crossings in regard to traffic delays at crossings and train horn warnings on approach to the crossings.

137-3

Wilmington Boat Owners Association

Berth 203 #9, Wilmington, CA 90744 (310) 549-8111

In a perfect world all trains would cause minimal delays with minimal or no horn warnings at all at-grade crossings.

Please review the San Pedro Bay Ports Rail Enhancement Program in conjunction with the new Terminal Island Land Use Plan and on- and off-dock rail yards to see how this could be accomplished on Terminal Island and within four miles of the ports' boundaries. Measures may include improving switching efficiencies along rail lines, grade separations, accelerating projects and implementing new technologies to reduce or eliminate the need to use train horns at crossings.

We thank you for the opportunity to comment on the SCIG DEIR and look forward to your response.

Sincerely,
Donna Ethington
Wilmington Boat Owners Association

137-3



1 **Comment Letter 137: Wilmington Boat Owners Association**

2 **Response to Comment 137-1**

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 137-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 137-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14

15



February 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: 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 provide the following comments in support of the 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

138-1



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.

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.

The Alameda Corridor is currently utilized by an average of 40 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 138: James Hankla**

2 **Response to Comment 138-1**

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



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

February 2, 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 February 1, 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

139-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2005091116
Project Title Southern California International Gateway (SCIG)
Lead Agency Los Angeles, Port of

Type EIR Draft EIR
Description Note: Extended Per Lead

The proposed Project requires acquisition or lease of non-LAHD properties by the project proponent BNSF and certain lease terminations and business relocations on LAHD properties (described in detail in Section 2.4.2.1). Of the existing businesses within the proposed Project site, only three (a portion of CA Cartage, Fast-Lane Transportation, and the Alameda Corridor Transportation Authority (ACTA) maintenance yard) would be relocated to nearby properties as part of the proposed Project. All other remaining businesses within the proposed Project site on LAHD properties would have their leases non-renewed/terminated and all but two of those on non-LAHD properties would be removed upon acquisition of the properties by BNSF. The displaced businesses for which no relocation sites were identified as part of the proposed Project of 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.

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 Aesthetic/Visual; 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; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Date Received 09/23/2011

Start of Review 09/26/2011

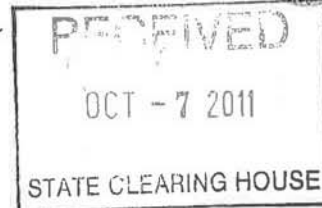
End of Review 02/01/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

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

clear
12/22/11
2/6/12



October 3, 2011

Ms. Lisa Ochsner

City of Los Angeles Harbor Department

425 South Palos Verdes Street
San Pedro, CA 90731

Re: SCH#2005011116; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Southern California International Gateway Project;" located in the San Pedro/South Bay area; Los Angeles County, California

Dear Ms Ochsner:

The Native American Heritage Commission (NAHC), 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). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties 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 Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the USGS coordinates identified. However, the absence of archaeological resources does not preclude their existence.

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. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests 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. 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 Section 2183.2 that requires documentation, data recovery of cultural resources.

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.'

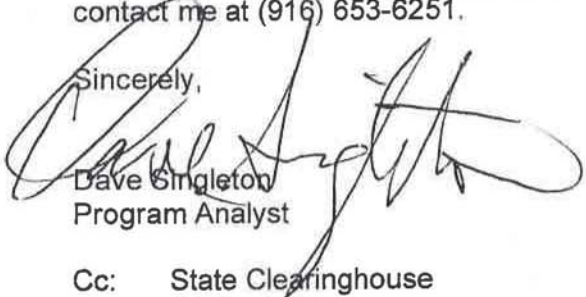
Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National 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 accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any 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.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", written over the typed name and extending upwards into the "Sincerely," line.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

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



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December 12, 2011

IGR/CEQA No. 110946AL-DEIR
 Southern California International Gateway (SCIG)
 Vic. LA-01 / 8.56
 SCH # 2005091116

Ms. Lisa Ochsner
 City of Los Angeles
 Harbor Department
 425 South Palos Verdes Street
 San Pedro, CA 90731



Dear Ms. Ochsner:

Thank you for including the California Department of Transportation (Department) in the environmental review process for the above referenced project. The proposed Project involves constructing and operating an intermodal rail yard that would transfer containerized cargo between trucks and railcars. The proposed Project area is currently occupied by businesses, some port-related, under existing leases of various kinds with both the LAHD and other property owners. The proposed Project would result in the termination of these leases and in some tenants relocating to nearby sites. Other non-LAHD land would require property acquisition by BNSF and the removal of existing businesses. For the purposes of this EIR, it is assumed that construction of the proposed Project would occur from 2013 to 2015 and that BNSF would operate SCIG under a new 30-year lease with LAHD starting in 2016 and ending in 2046.

The Department concurs with the report that this project potentially will ease traffic conditions on the I-710 freeway, which is the primary roadway facility that services current Hobart Yard traffic, it is estimated that the project will reduce over 1.3 million truck trips per year between the SCIG project site and the NSF Hobart Yard. This is due to the fact that the trips will occur to SCIG rather than to Hobart Yard, thus eliminating the trips on I-710.

The analysis report states that, "*The interrelation among the intermodal facilities related to the San Pedro Bay Ports results in the distribution of a set amount of loaded container trips to intermodal facilities. While the total number of off-dock intermodal loaded container trips is fixed in the analysis, the proposed Project would operate with fewer drayage trucks per intermodal lift as compared to the existing Hobart Rail yard facility*". Therefore, the proposed project will ease traffic conditions on I-710 only if these reduced trips will not be replaced by trips generated by future port expansion.

The Department concurs with this project on the basis that "*the total number of off-dock intermodal loaded container trips is fixed*", thus, it is assumed that no additional future trips to be generated by intermodal trips or any other type of trips. Please include the Department in the environmental review process when future container trips are changed.

As part of the traffic mitigations on the State facility, the port proposed reconstruction of site entrance from Pacific Coast Highway (SR-1). The Department concurs with this finding and is looking forward to working with the applicant and consultants. The proposed improvement of this access 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. 110946AL.

Sincerely,



DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

1 **Comment Letter 139: State of California, Governor's Office of**
2 **Planning and Research, State Clearinghouse and Planning**
3 **Unit**

4 **Response to Comment 139-1**

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10
11



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

February 3, 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 enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on February 1, 2012. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2005091116) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

140-1



Air Resources Board



Mary D. Nichols, Chairman

1001 I Street • P.O. Box 2815

Sacramento, California 95812 • www.arb.ca.gov

Matthew Rodriguez

Secretary for

Environmental Protection

Edmund G. Brown Jr.

Governor

February 1, 2012

Chris Cannon

Director of Environmental Management

Port of Los Angeles

425 South Palos Verdes Street

San Pedro, California 90731

Chris
Dear Mr. Cannon:

The California Air Resources Board (ARB) staff is providing comments regarding the draft Environmental Impact Report (EIR) for the proposed Southern California International Gateway Project (SCIG or the Project), a new near-dock railyard to be built and operated by BNSF Railway (BNSF). Since the Port of Los Angeles (Port) owns and would lease the property to BNSF, the Port is in a unique position to ensure that this railyard sets a new benchmark for environmental leadership, while meeting the need for additional capacity to move international containers by rail.

Increasing rail capacity should ideally be achieved through the expansion of on-dock rail at the ports, which maximizes the efficiency of the freight system and minimizes regional emissions and localized health impacts. To the extent that there are space limitations at the Southern California ports, we recognize the regional air quality and climate benefits of near-dock railyards such as the SCIG facility that can reduce the length of truck trips between the ports and railheads.

Whether on-dock or near-dock rail, siting a new freight hub in a community already highly impacted by diesel pollution carries a responsibility to build and operate a state-of-the-art facility with emissions as close to zero as technologically possible. The proposed SCIG Project includes a number of features that meet this standard, including the electric cargo cranes, the site design to nearly eliminate yard hostlers, and the roadway infrastructure with designated truck routes to direct trucks further away from local residents. This concept needs to be extended to include emerging zero-emission technology for the trucks and locomotives that will serve the facility as well.

ARB staff believes that technology capable of zero-emissions will be available for additional applications in the early years of Project operation. The final project conditions need to support development of this technology and provide for its use to better protect the health of nearby residents from the harmful effects of fine particle pollution (including diesel particulate matter (PM)), ensure the emission reductions required to attain air quality standards for all pollutants, and reduce greenhouse gases.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

Mr. Chris Cannon
February 1, 2012
Page 2

Background

We summarize our understanding of the proposed Project, the existing conditions, and the air quality impacts in the draft EIR to establish the context for our recommendations.

The proposed SCIG railyard is located in Long Beach, a four-mile truck trip from the Ports of Los Angeles and Long Beach. BNSF would divert all port-related containers from the existing BNSF Hobart railyard in downtown Los Angeles, a 24-mile truck trip from the ports, to the new near-dock facility. The SCIG would displace existing trucking operations at the Project site; those operations would relocate immediately south or nearby. BNSF would begin SCIG construction in 2013, initiate operations in 2016, and reach full scale operations by 2023. At capacity, SCIG would handle up to 1.5 million container lifts, two million truck trips, and 2,880 train trips annually.

Immediately north of the Project site is the existing Union Pacific Railroad (UP) Intermodal Container Transfer Facility (ICTF), an intermodal railyard. UP plans to double the capacity of the ICTF railyard this decade. If both the SCIG facility and ICTF expansion are built, they would represent the largest intermodal railyard container complex in the U.S. with a combined annual container lift capacity of three million.

There are a number of schools and residences in close proximity to, and downwind of, the Project site. For example, the Hudson Elementary School and Cabrillo High School are located across the street, about 500 feet from the site boundary.

The draft EIR presents several analyses of the Project's potential air quality impacts at both a regional and local level. The document identifies a regional air quality and climate benefit, largely attributable to the shorter truck trips between the ports and the SCIG facility, as compared to the BNSF Hobart railyard. The draft EIR also assesses the maximum individual cancer risk (risk) to the adjacent neighborhood from Project emissions. Both of the risk estimates that we discuss here reflect SCIG emissions at full capacity and the benefits of adopted ARB and federal regulations that are cutting diesel emissions over time from all sources. If forecasted emissions from the SCIG facility are considered in isolation, the risk is estimated at 48 chances in a million. If emissions from the SCIG facility are compared to the forecasted emissions from existing tenant operations at the site (the No Project alternative), the net increase in the estimated risk is 17 chances in a million.

ARB staff concludes that whatever legal or technical comparison is used, the proposed SCIG facility would increase the health risk in the immediate area and the Project should utilize all existing and emerging zero-emission technology.

Mr. Chris Cannon
February 1, 2012
Page 3

Recommendations

ARB staff recommends the following additional actions to support the development, demonstration, and deployment of zero-emission technology to reduce regional emissions and the localized health risk from the proposed SCIG facility. ARB will be an active partner in this effort.

Trucks: The draft EIR shows that the majority of the localized cancer risk for the proposed SCIG facility is attributable to diesel drayage trucks. The project condition that the Port is considering to require phase-in of natural gas drayage trucks would reduce the diesel PM over time, but not eliminate the truck emissions that also contribute to fine PM and nitrogen dioxide pollution. Zero-emission trucks are on the cusp of commercialization and the needs of a near-dock railyard are an ideal match for the capabilities of the technology. We believe that use of zero-emission truck technology is feasible in the early years of Project operation, consistent with the California Environmental Quality Act definition:

"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.
(California Code of Regulations, title 14, section 15364)

ARB staff recommends that the Port and BNSF provide co-funding, facility access, and operational support for a one year demonstration of zero-emission truck technology at a comparable on-dock or near-dock railyard serving the Port of Los Angeles and/or the Port of Long Beach prior to 2015. We would like to participate in this demonstration and have access to the data collected.

We also recommend that in coordination with the agency Technical Working Group for the Clean Air Action Plan, the Port accelerate the first periodic review of new truck technologies from 2023 to 2015. This process should also include consultation with BNSF and the public. The review should focus on truck technology capable of zero emissions in service between the ports and near-dock railyards and specifically assess:

- The technical and operational capability of these trucks, including reliability and durability, for a near-dock duty cycle.
- The incremental cost to purchase and operate these trucks, given liquefied natural gas vehicles as a baseline technology, as well as the estimated per-load cost for a fleet of zero-emission trucks in near-dock service.
- The production capacity to meet the needed volumes for the SCIG (and ICTF) railyards.

Mr. Chris Cannon
February 1, 2012
Page 4

- Actions needed to facilitate the deployment of zero-emission truck technology in this service.
- The most expeditious schedule to phase in the use of trucks capable of zero-emission operation for near-dock railyard service.

The results of this review, including the analysis and conclusions of the agency partners in the Technical Working Group, should be documented in a draft report available for public review and comment.

Finally, ARB staff recommends that the Port commit to bring the report described above to the Los Angeles Board of Harbor Commissioners at a public meeting in 2015 and seek a determination of the most expeditious schedule for BNSF to phase in requirements for trucks capable of zero-emission operation. The intent should be to achieve widespread use at the SCIG facility by 2020 and to reflect the schedule in the lease agreement with BNSF.

Locomotives: We continue to support the locomotive strategy in the 2010 Clean Air Action Plan, consistent with ARB's 2009 recommendation for the San Pedro Bay Ports to accelerate the turnover of cleaner Tier 4 line-haul locomotives serving port properties as expeditiously as possible following their introduction in 2015, with the goal of 95 percent Tier 4 line haul locomotives serving the ports by 2020¹. The Project conditions should identify this goal and require the minimum performance standard for locomotive emissions described in Clean Air Action Plan Measure RL-3².

Since 2009, technology developers have begun to explore concepts for locomotives that offer promise of even cleaner technology that could achieve zero-emission operation for limited distances, lower fuel use and cost, and readily integrate into the railroads' national fleet. To support this concept, we further recommend that the Port and BNSF commit to providing co-funding, facility access, and operational support for the development and demonstration of interstate line-haul locomotive technology with zero-emission capability by 2017. This would include, but is not limited to, a hybrid-electric locomotive with all electric capability.

ARB staff also recommends a project condition to ensure that BNSF uses switch locomotives meeting Tier 4 emissions levels at SCIG, starting in 2016. This would clarify and strengthen the current ultra-low emitting switch locomotives provision.

¹ Air Resources Board, "Recommendations to Implement Further Locomotive and Railyard Emission Reductions," September 9, 2009. (Source: <http://www.arb.ca.gov/railyard/led/drrftrec090909.pdf>)

² Emissions equivalent to at least 50% Tier 4 line-haul locomotives and 40% Tier 3 line-haul locomotives on port properties by 2023.

Mr. Chris Cannon
February 1, 2012
Page 5

Closing

ARB staff appreciates the opportunity to comment on the draft EIR. We stand ready to work with the Port and BNSF, as well as the South Coast Air Quality Management District and the U.S. Environmental Protection Agency to make the SCIG Project a true state-of-the-art facility that serves the region's cargo and air quality needs, while protecting the health of its neighbors.

If you have questions, please call me at (916) 322-4204 or contact Ms. Cynthia Marvin, Assistant Chief, Stationary Source Division at (916) 322-7236 or cmarvin@arb.ca.gov.

Sincerely,


Richard W. Corey
Deputy Executive Officer

cc: See next page.

Mr. Chris Cannon
February 1, 2012
Page 6

cc: Elizabeth Adams
Deputy Director
U.S. EPA Region 9 – Air Division
75 Hawthorne Street
San Francisco, California 94105

Mary Nan Doran
Associate General Counsel
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

David Seep
Director of Environmental Operations
BNSF Railway Company
2500 Lou Menk Drive, OOB-2
Fort Worth, Texas 76131

Barry Wallerstein, D. Env.
Executive Officer
South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, California 91765-4178

Cynthia Marvin
Assistant Chief
Stationary Source Division

State Clearinghouse #2005091116

1 **Comment Letter 140: State of California, Governor's Office of**
2 **Planning and Research, State Clearinghouse and Planning**
3 **Unit**

4 **Response to Comment 140-1**

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 is general and does not reference any specific
8 section of the DEIR or RDEIR, therefore no further response is required. (Public
9 Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

10

11

Congress of the United States
Washington, DC 20515



February 2, 2012

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

Dear Dr. Knatz,

As a long-time resident of San Pedro and now as a Member of Congress, I understand the importance of the Port of Los Angeles to our local and national economy and the importance of the proposed Southern California International Gateway (SCIG) project.

141-1 | With a project of this magnitude, there are bound to be challenges and hurdles that should be overcome. One of these hurdles concerns how best to handle companies that will be displaced as a result of the project. That's why I was pleased to learn that Commissioner Cindy Miscikowski recently met with the President of Fast Lane Transportation, Pat Wilson. I was also delighted to hear that a relocation and contingency plan had been discussed.

I applaud your efforts and those of the Port to do everything it can to help Fast Lane and the other companies affected by SCIG. I am hopeful that the advantages associated with Fast Lane's current location would be similar to those at the company's new location.

By successfully working with Fast Lane and the other businesses through the implementation of the SCIG project, you will demonstrate yet again, that the Port of Los Angeles knows how to keep and create 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 141: Hon. Janice Hahn, U.S. House of**
2 **Representatives**

3 **Response to Comment 141-1**

4 This comment refers to a chapter or section of the DEIR that was recirculated. No
5 response is necessary per CEQA Guidelines §15088.5(f)(2).

6



Wilmington Neighborhood Council

544 N. Avalon Boulevard, Suite 103 ~ Wilmington, California 90744 ~ (310) 522-2013

www.wilmingtonneighborhoodcouncil.com

February 2, 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 DEIR

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 Wilmington because its membership represents the makeup of the community. While the greatest number of representatives of the WNC is associated with residents and resident organizations, the WNC has seats specifically dedicated for the representatives from business', religious organizations, non-profits, recreational facilities, *and* the Port of Los Angeles.

Since its inception, the WNC has taken positions on and supported or opposed dozens of projects, developments, and initiatives. In November of 2005, the WNC previously provided written comment on the Southern California Intermodal Gateway (SCIG) project. We would like to update and amend our previous comments and concerns.

The WNC supports the SCIG project because of the resulting regional improvements in air quality and traffic. However, these regional improvements should not occur as the result of local negative impacts. While traffic impacts identified in our letter were thoroughly evaluated in the SCIG DEIR, 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 relocated businesses. Also, the consequences for trucks 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. In addition, there was no response to the request to provide 24-hour telephone access to address resident concerns.

While the WNC expressed its concerns for the impact on local businesses resulting from dislocation, it does not appear that our concerns have been satisfactorily addressed. The sites for two of the businesses which have been identified for the relocation are inadequate. The site identified of California Cartage Company is far too small (72% reduction) to relocate its existing facility which would then be bifurcated. According to the DEIR, the traffic count at their existing facility is 357,000 truck round trips per year. Since the remaining portion of its existing site will be severed from the relocation site, apparently, additional truck round trips would be

142-1

142-2

142-3

142-4



generated in order to travel between the bifurcated sites. It is not known how many additional truck trips this will generate through the community.

142-4

The relocation site for Fast Lane Transportation, Inc. is also inadequate due to the fact that it substitutes a site with superior access and an efficient layout and location with a significantly smaller, awkwardly shaped, multiple parcel sites that have inferior access largely unsuitable for container storage or repair. The result of an inadequate relocation for Fast Lane is particularly troubling due to the fact that any containers currently stored at Fast Lane that could not be transferred to the relocation site, could end up in other container storage facilities in Wilmington that are a source of conflict with residential neighborhoods.

142-5

Additionally, the DEIR does not appear to take into consideration the Port of Long Beach Pier B On-Deck Rail Support Project. As proposed, the tracks and sidings will run along the southern boundary of their relocation site which would significantly reduce the size of the site. This issue will need to be further evaluated in the Cumulative Analysis section of the EIR.

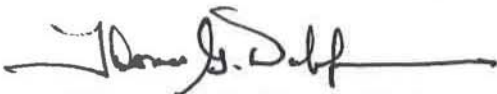
142-6

Also, access to the relocation sites *and* access to the businesses proximate to the SCIG project *not* subject to relocation is dubious. Although not described in the DEIR, it appears access to the California Cartage relocation site would be from Pacific Coast Hwy. With as many as 357,000 annual truck round trips redirected to an inadequate service access road, the conflict with other businesses and the community would be overwhelming. This definitely needs to be evaluated.

142-7

Other 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 evaluated and addressed. 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,



Thomas G. Dahlgren, Chair
Wilmington Neighborhood Council

Cc: Joe Buscaino, City Councilman - 15th District, City of Los Angeles
Antonio Villaraigosa, Mayor, City of Los Angeles

1 **Comment Letter 142: Wilmington Neighborhood Council**

2 **Response to Comment 142-1**

3 This comment refers to a chapter or section of the DEIR that was recirculated. No
4 response is necessary per CEQA Guidelines §15088.5(f)(2).

5 **Response to Comment 142-2**

6 This comment refers to a chapter or section of the DEIR that was recirculated. No
7 response is necessary per CEQA Guidelines §15088.5(f)(2).

8 **Response to Comment 142-3**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 142-4**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 142-5**

15 This comment refers to a chapter or section of the DEIR that was recirculated. No
16 response is necessary per CEQA Guidelines §15088.5(f)(2).

17 **Response to Comment 142-6**

18 This comment refers to a chapter or section of the DEIR that was recirculated. No
19 response is necessary per CEQA Guidelines §15088.5(f)(2).

20 **Response to Comment 142-7**

21 This comment refers to a chapter or section of the DEIR that was recirculated. No
22 response is necessary per CEQA Guidelines §15088.5(f)(2).

23



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

February 14, 2012

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

Dear Mr. Cannon:

Draft Environmental Impact Report
Southern California International Gateway (SCIG) Project

143-1 The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Southern California International Gateway (SCIG) Project. The SCAQMD staff appreciates the additional time that the Port of Los Angeles has provided to review modeling files for the Proposed SCIG Project. As you are aware, the SCAQMD staff received the final set of modeling files on January 31, 2012. Due to the delay in transmitting files, the Lead Agency granted the SCAQMD staff two weeks (two weeks after the February 1, 2012 close of comments for the DEIR) to submit comments on the air dispersion modeling files. Air dispersion modeling for the proposed project was extensive and the 42 gigabytes of data provided to AQMD staff included 226 model input files, thousands of model output files, and 46 databases. The two week extension was not a sufficient amount of time to allow for a full review of the modeling files due to the complexity of the air dispersion modeling, the extent of the data, and the lack of documentation.

143-2 The SCAQMD staff requested to review the air dispersion modeling data to review the actual calculations and modeling used to support the significance determinations. The data that was sent to our agency was missing key pieces of information such as activity data to verify and/or recreate emissions calculations, pollutant concentrations, and verify air dispersion modeling results. In addition, emission rates could not be verified as emission rates in the modeling files were unitized (e.g., set to 1 gram per second per source) to allow the output files to be easily scaled up or down. It appears that the data that would identify how much the unitized emission factors were scaled up or down was not included in the data sent to the SCAQMD.

Figure 1 below presents a simplified flow chart describing the steps that are followed to convert emission factors into predicted pollutant concentrations using a dispersion model like AERMOD. As can be seen in the figure, critical data was not provided to AQMD staff or to the public. This data is necessary to confirm the validity of the results of the dispersion modeling analysis. A

specific example illustrating how the missing data precludes the ability to validate the results of the analysis is below.

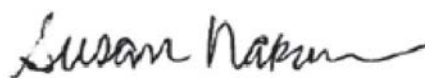
143-2 In the 'LHIDLE' (line haul locomotive idling) modeling input file, several point sources are located along the San Pedro Branch line north-northeast of the project site. These sources extend alongside Stephens Middle School and reach the southern end of the Windward Village Mobile Home Park. The 'unitary' emission rates for each of these sources varies from 2 grams per second up to 5 grams per second. The derivation of these emission rates is not presented in the Draft EIR or in the files provided separately to AQMD staff. The calculations that convert the source strength/pollutant concentration ratio to actual predicted concentrations are also not provided. Further, because the activity data (i.e., hours of idling per day) for locomotives idling on this section of the San Pedro Branch line is also not provided, AQMD staff cannot re-create the emission rates used in the modeling files. Without knowing the activity data for all of the thousands of sources in the analysis, it is impossible to determine if the modeled pollutant concentrations correspond to values presented in the Draft EIR.

143-3 Although emissions calculations used to conduct to air dispersion modeling could not be completely reviewed, the location of emission sources was available. There appears to be a disconnect between the text of the DEIR and the location of locomotives that were modeled for the proposed project. The DEIR shows (Figure 2) locomotive emissions along the San Pedro Branch Line would occur south of Stephens Middle School. In the modeling files (Figure 3) the locomotive emissions along the San Pedro Branch Line extend well north of Stephens Middle School near the residential community of West Long Beach. If the proposed project will result in locomotives operating on the northern portion of the San Pedro Branch Line, that should be appropriately reflected in the DEIR, such as in Figure 3.

143-4 Without the missing data and calculations, AQMD staff cannot verify criteria pollutant modeling and health risk assessment results in the DEIR. This type of data is regularly provided by all other lead agencies in our jurisdiction when requested, and has been provided by the Port of Los Angeles for other projects, including the APL Terminal project currently in its Draft EIR comment period. AQMD staff therefore requests that the full analysis be provided to the public with sufficient time to review prior to the lead agency approving the project.

143-5 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.

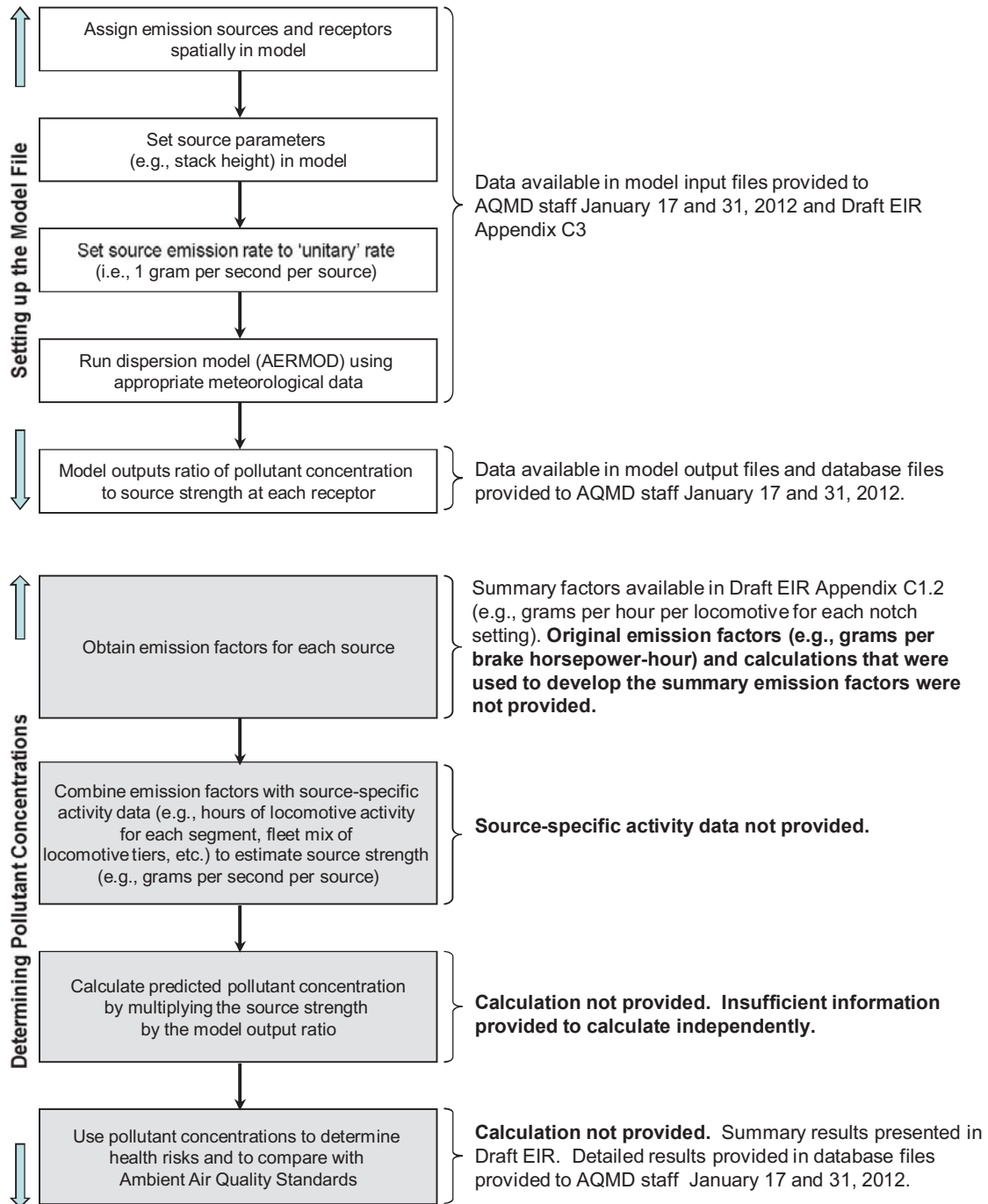
Sincerely,



Susan Nakamura
Planning Manager

Attachments

Figure 1
Simplified Air Quality Dispersion Modeling Process Flowchart



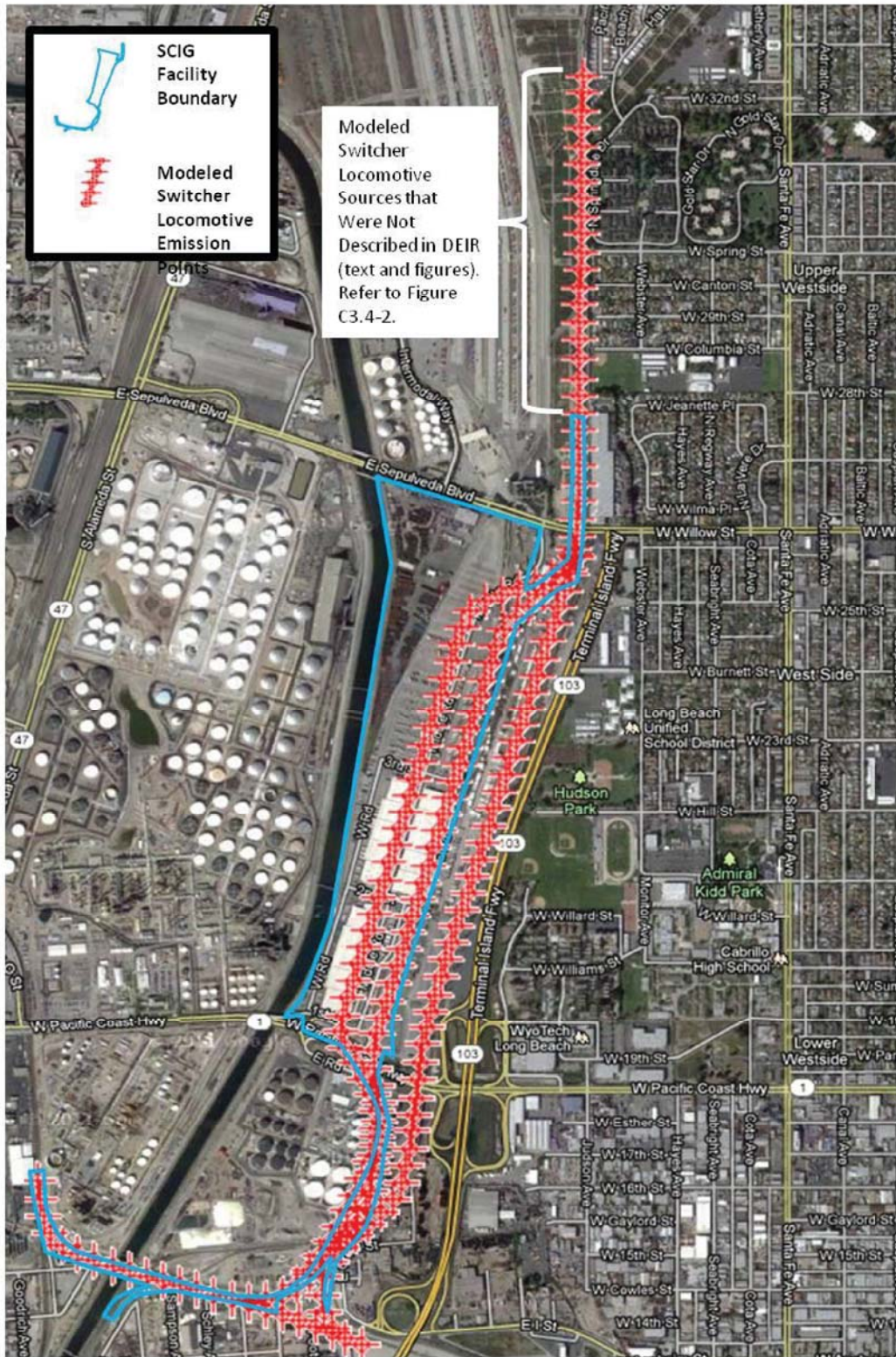
Note: Shading indicates information not provided that is critical to calculating pollutant concentrations

Figure 2
Figure C3.4-2 from DEIR
(Legend Shows Only Switcher Locomotive Idling)



Figure 3

Location of Switcher Locomotives in Modeling Analysis



1 **Comment Letter 143: South Coast Air Quality Management District**

2 **Response to Comment 143-1**

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 143-2**

9 This comment refers to a chapter or section of the DEIR that was recirculated. No
10 response is necessary per CEQA Guidelines §15088.5(f)(2).

11 **Response to Comment 143-3**

12 This comment refers to a chapter or section of the DEIR that was recirculated. No
13 response is necessary per CEQA Guidelines §15088.5(f)(2).

14 **Response to Comment 143-4**

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 143-5**

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)).

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