




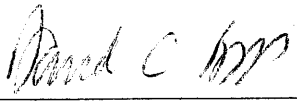
City of Carson

Report to Mayor and City Council

January 17, 2012
New Business Discussion

SUBJECT: CONSIDERATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED BNSF SOUTHERN CALIFORNIA INTERNATIONAL GATEWAY PROJECT


Submitted by Clifford W. Graves
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Approved by David C. Biggs
City Manager

I. SUMMARY

The Los Angeles Harbor Department (LAHD) has prepared a draft Environmental Impact Report (DEIR) for the proposed Southern California International Gateway (SCIG) project (Exhibit No. 1). As a responsible agency, the city of Carson will utilize environmental analyses and documentation prepared by the lead agency in its decision-making process. Staff is currently reviewing the draft EIR and consulting with the city of Long Beach and other stakeholders. Staff will provide the city's formal response to the Port of Los Angeles by the February 1, 2012, review deadline. Comments received from the City Council tonight will be incorporated into the city's formal response.

II. RECOMMENDATION

TAKE the following actions:

1. PROVIDE comments on the draft EIR for the Southern California International Gateway for inclusion in the city's formal response.
2. RECEIVE and FILE this report.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

The LAHD adopted a Rail Policy to encourage the increased use of rail and provide for on-dock and near-dock rail facilities for movement of both existing and future containerized cargo. Following the adoption of the Rail Policy, the Port of Los Angeles selected BNSF Railway (BNSF) for the development and operation of the SCIG Project.

The SCIG Project is a proposed near-dock intermodal rail facility. The proposed SCIG Project would be primarily located on state of California owned property administered by LAHD in the city of Los Angeles, with portions of the project located in the cities of Carson and Long Beach. The Carson property located at 2222-2226 E. Sepulveda Boulevard is 19.6 acres in size and currently owned by

23

Watson Land Company. The SCIG Project is consistent with the LAHD Rail Policy in that it will provide for the planning, design, construction and operation of a near-dock rail facility to help increase necessary intermodal capacity for movement of cargo between truck and rail operations.

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 and 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 to the south, the Dominguez Channel to the west, and the Terminal Island Freeway to the east. 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 proposed project involves constructing and operating an intermodal railyard 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 have some tenants relocating to nearby sites. Other non-LAHD land would require property acquisition by BNSF and the removal of existing businesses. It is projected 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 Environmental Commission considered the SCIG DEIR on December 7, 2011, and January 4, 2012. Information was received from the Port of LA, BNSF and a community group known as Communities for a Better Environment. The Environmental Commission expressed concern that the project may have a negative impact on the surrounding communities and requested that staff evaluate the draft resolution from Communities for a Better Environment and include relevant information in the city's response to the DEIR (Exhibit No. 2).

A response to the SCIG DEIR will be transmitted by the February 1, 2012 deadline. Staff is reviewing the project and cumulative impacts of the SCIG development on the Dominguez neighborhood, Alameda Street and Sepulveda Boulevard due to increased truck and rail traffic. Staff will be meeting with the city of Long Beach to share information and determine any common concerns or observations.

At this time, it is expected that BNSF will not submit for any discretionary review from the city of Carson for the intermodal container facility even though Carson Municipal Code Section 9141.1 stipulates that a conditional use permit is required for such use. BNSF has stated that the rail-related use is exempt from local

control due to a federal preemption. Staff will be evaluating this position especially in light of the nearby Intermodal Container Transfer Facility that did obtain a conditional use permit from Carson.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. SCIG EIR - Executive Summary - Section ES.3 - Proposed Project. (pgs. 4-7)
2. Document submitted by Communities for a Better Environment. (pgs. 8-10)

Prepared by: Max Castillo, Assistant Planner

TO:Rev102511

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development	Public Services

Action taken by City Council

Date _____ Action _____

Executive Summary

ES.1 Introduction

Since 1970, containerized shipping through U.S. West Coast ports has increased twentyfold, largely due to the enormous increase in the U.S. trade with Pacific Rim nations. As a result, major West Coast ports, particularly the ports of Los Angeles, Long Beach, Oakland, Seattle, and Tacoma, have constantly needed to optimize and expand their facilities to accommodate those increases. As discussed in Section 1.1.3 of this document, the volumes of cargo are expected to continue to grow. Optimizing its ability to efficiently accommodate this anticipated growth while managing the impacts related to that growth has become one of the highest planning priorities of the Los Angeles Harbor Department (LAHD; also referred to as the "Port of Los Angeles" or "Port"). The proposed Project, the Southern California International Gateway Project or SCIG, represents a project intended to meet the goals and objectives of federal, state, and local planning processes related to goods movement. This Draft Environmental Impact Report (EIR) evaluates the environmental impacts of the construction and operation of the proposed Project and a reasonable range of alternatives, and has been prepared in conformance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] 21000 *et seq.*), and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 1500 *et seq.*).

The LAHD is the CEQA lead agency for the EIR. The Burlington Northern Santa Fe Railroad Company (BNSF) is the project applicant for the SCIG project.

ES.2 Purpose of this Draft EIR

This Draft EIR will be used to inform decision-makers and the public about the potential significant environmental effects of the proposed Project, ways to mitigate those effects, and reasonable alternatives to the proposed Project. According to Section 15121(a) of the CEQA Guidelines (CCR, Title 14, Division 6, Chapter 3), the purpose of an EIR is to serve as an informational document that:

...will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

Section 1.3 describes the agencies that are expected to use this document, including the CEQA lead, responsible, and trustee agencies CEQA. Section 1.4 describes the scope and content required of the Draft EIR, and Section 1.5 describes the key principles guiding the preparation of this document.

ES.2.1 Introduction

LAHD operates the Port under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 650 *et seq.*) and the Coastal Act (PRC Div 20 §30700 *et seq.*). According to the Tidelands Trust, Port-related activities should be water dependent and should give highest priority to navigation, shipping, and necessary support and access facilities to accommodate the demands of foreign and domestic waterborne commerce. The Coastal Act identifies the ports of California, including the Port of Los Angeles and its facilities, as a primary economic and coastal resource of the state and an essential element of the national maritime industry for the promotion of commerce, navigation, fisheries, recreation, and harbor operations (PRC §30701).

The actions under consideration by the LAHD involve physical changes to the environment that would have a potentially significant impact, as determined in the Initial Study of the Project (see Appendix A) and indicated by comments provided by responsible and trustee agencies and the public in response to the Notice of Preparation (NOP). Accordingly, an EIR pursuant to CEQA (PRC 21000 *et seq.*) is required. This Draft EIR evaluates the direct, indirect, and cumulative impacts of the proposed Project in accordance with the provisions set forth in the CEQA Guidelines.

The primary intended use of this Draft EIR by LAHD is to inform agencies considering permit applications and other actions required to construct, lease, and operate the proposed Project and to inform the public of the potential environmental consequences of the proposed Project and alternatives analyzed in the EIR, mitigation measures that would reduce significant adverse environmental effects, and alternatives analyzed in the EIR. A Final EIR, including the Draft EIR and any revisions, comments and recommendations received on the Draft EIR, and responses to those comments (CEQA Guidelines §15132) is intended to be used to support permit applications, construction contracts, the lease, and other actions required to implement the proposed Project and to adopt mitigation measures that, where possible, could reduce or eliminate significant environmental impacts.

Federal, state, regional, and local agencies that have jurisdiction over some part of the proposed Project or a resource area affected by the proposed Project are expected to use the EIR as part of their approval or permit processes.

ES.2.2 Project Purpose

The proposed Project would help to meet the demand for efficient rail transport as contemplated by the LAHD's Intermodal Rail Policy, adopted in Resolution 6297 on August 11, 2004, which calls for on-dock and near-dock intermodal facilities for shippers, carriers, terminal operators, and Class I Railroads. In addition, in a Resolution adopted February 9, 2005 (LAHD, Resolution 6339), the LAHD found that there would be a strategic benefit to having competitively balanced, near-dock intermodal container transfer facilities, ensuring access for both of the Class I Railroads that serve the Ports. Through a public process involving solicitation of expressions of interest, the Port selected BNSF to propose a near-dock rail intermodal facility.

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.

The following specific objectives of the proposed Project would accomplish the primary objective and fundamental purpose:

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, and
 - 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.
2. Reduce truck miles traveled associated with moving containerized cargo by providing a near-dock intermodal facility that would:
 - a) Increase use of the Alameda Corridor for the efficient and environmentally sound transportation of cargo between the San Pedro Bay Ports and destinations both inland and out of the region, and
 - b) Maximize the direct transfer of cargo from port to rail with minimal surface transportation, congestion and delay.
3. Provide shippers carriers, and terminal operators with comparable options for Class 1 railroad near dock intermodal rail facilities.
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.
5. Provide infrastructure improvements consistent with the California Goods Movement Action Plan.

ES.2.3 Baseline

CEQA Guidelines (§15125(a)) state that “an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published...from both a local and regional perspective”. The NOP was released in September 2005. Therefore, the baseline conditions for the proposed Project are, in general, the operational activities that occurred, and conditions as they existed, in 2005.

ES.3 Proposed Project

ES.3.1 Overview

The proposed Project would be located approximately four miles north of the ports of Los Angeles and Long Beach (Ports) (Figure ES-1), on land owned primarily by the LAHD within the City of Los Angeles but also on adjacent private property in the cities of Los Angeles, Carson, and Long Beach. 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



1 north, Pacific Coast Highway (PCH) to the south, the Dominguez Channel to the west,
2 and the Terminal Island Freeway to the east (Figure ES-1). The general area is
3 characterized by heavy industry, goods handling facilities and port-related commercial
4 uses consisting of warehousing operations, trucking, cargo operations, transloading,
5 container and truck maintenance, servicing and storage, and rail service.

6 The proposed Project (Figure ES-2, Table ES-1; see Section 2.4 for details) involves
7 constructing and operating an intermodal railyard that would transfer containerized cargo
8 between trucks and railcars. The proposed Project area is currently occupied by businesses,
9 some port-related, under existing leases of various kinds with both the LAHD and other
10 property owners. The proposed Project would result in the termination of these leases and
11 in some tenants relocating to nearby sites. Other non-LAHD land would require property
12 acquisition by BNSF and the removal of existing businesses. For the purposes of this EIR
13 it is assumed that construction of the proposed Project would occur from 2013 to 2015 and
14 that BNSF would operate SCIG under a new 30-year lease with LAHD starting in 2016 and
15 ending in 2046.

16 Major elements of the proposed Project evaluated in this EIR include:

- 17 • Property acquisition, relocation and/or tenancy termination of existing businesses,
18 and the offering of new leases and licenses by LAHD and SCE to some of the
19 existing site occupants;
- 20 • Demolition of existing structures and construction of some replacement tenant
21 facilities on nearby sites;
- 22 • Constructing lead rail tracks to connect to existing rail lines including the Alameda
23 Corridor, enhancing rail access by widening the Dominguez Channel rail bridge,
24 reconstructing the Sepulveda Boulevard rail bridge and the PCH overpass, and
25 constructing roadway improvements including a truck underpass at Sepulveda
26 Boulevard; and
- 27 • Construction and operation of an intermodal railyard consisting of loading and
28 storage tracks for trains, electric-powered rail-mounted cranes incorporating
29 regenerative braking technology, container loading and storage areas, locomotive
30 service area, administrative and maintenance facilities, lighting, paved roadways, and
31 a truck gate complex.

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City of Carson

Resolution No. _____ January 4, 2012

A resolution of the City Council of the City of Carson to oppose the BNSF Railway Southern California International Gateway (SCIG) proposed intermodal railyard, and to establish a taskforce to identify alternative locations, healthier, safer and less polluting alternative green technologies to the aforementioned proposed project.

WHEREAS, BNSF Railway has applied to the Port of Los Angeles for a permit to construct and operate the BNSF Southern California International Gateway (SCIG) near-dock intermodal railyard on approximately 96 acres of Los Angeles Housing Department (LAHD) Property and approximately 57 acres of adjacent non-LAHD Property for a total 153 acres; and

WHEREAS, the proposed SCIG project would be primarily located on the State of California owned property administered by Los Angeles Harbor Department in the City of Los Angeles, however, portions of the project would also be located on private properties located in the Cities of Carson and Long Beach which are not owned by the Port of Los Angeles which would have to be purchased or eminent domained; and

WHEREAS, the BNSF SCIG proposal estimates to process up to 1.5 million truck trips each year by 2016 and two million truck trips by 2023; and the California Air Resources Board (CARB) has assumed that BNSF SCIG would have similar levels of drayage truck air pollution emissions as the Union Pacific Intermodal Container Transfer Facility (ICTF), UP ICTF and BNSF SCIG combined then would have railyard diesel PM emissions of about 5 tons per year in 2016; and

WHEREAS, the City Council for the City of Carson believes that the proximity of the BNSF Railroad SCIG Project and truck routes to residences, parks and schools in the City of Carson is an incompatible land-use and could negatively impact the quality of life of all residents and children in Carson; and

WHEREAS, the City of Carson is committed to promoting the protection of human health, Carson residents health and the environment as a priority, that all of its residents receive equal protection under the law; enjoy a healthy environment; safe community and give opportunities for constituent input into governmental decision-making; and

WHEREAS, the City Council for the City of Carson aims to minimize adverse health effects, truck traffic congestion, green house gas global warming impacts and maximize benefits for local residents; and

WHEREAS, asthma rates among Carson children are among the highest in the state, asthma is linked in part to poor air quality, and the proposed BSNF SCIG railyard will increase air pollution in Carson and surrounding areas by 2 million more diesel truck trips per year at capacity; and

WHEREAS, there are significant community problems associated with the proposed BNSF SCIG project such as land use, increased noise, diesel and NOx emissions, truck traffic congestion, public safety risks and other negative health impacts; and

WHEREAS, if the proposed project is approved, a long-term lease, approximately 50 years, will be granted to operate the BNSF SCIG railyard; and

WHEREAS, current cargo forecasts expect an 8 year delay to reach previously estimated cargo levels for 2011 which offsets the urgency of building the SCIG project off-port property to meet future capacity needs and allows time to select a safer on-port property alternative location; and

WHEREAS, the Port of Los Angeles chose not to have a public hearing in the City of Carson and therefore did not allow for adequate public notification and comment in Carson, knowing that Carson residents and city would also be negatively impacted by the BNSF SCIG Project;

NOW, THEREFORE, be it resolved that the City Council of the City of Carson is opposed to the proposed BNSF Railway Southern California International Gateway (SCIG) project because of these concerns, and want to establish a stakeholder group comprised of City of Carson local residents and organizational leaders. By establishing a stakeholder group, we will be able to explore all opportunities to focus on real green jobs, a healthy community, safer community, zero emissions freight transportation systems, eliminating truck traffic congestion and compatible land-use.

1. The City Council of the City of Carson hereby requests that the Port of Los Angeles Board of Harbor Commissioners not approve the proposed BNSF Southern California International Gateway project and not certify the deficient Draft Environmental Impact Report.
2. The City of Carson requests that the Environmental Impact Report include a comprehensive Health Impact Assessment (HIA) to determine all negative public health, public safety, community and social-economic impacts.
3. Recognizing the significant community impacts from incompatible land-use, environmental impacts, and socio-economic impacts the City of Carson shall develop a taskforce comprised of a majority of local Carson residents, organizational leaders, and Port staff that will identify strategies and recommendations for alternative site locations, zero emission transportation technologies, maximum pollution control technologies and appropriate mitigation to the proposed BNSF SCIG project.
4. The City of Carson will invite Port of Los Angeles staff to participate in this taskforce.
5. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.