



CITY OF COMMERCE

Joe Aguilar
Mayor

Lilia R. Leon
Mayor Pro Tem

Tina Baca Del Rio
Councilmember

Ivan Altamirano
Councilmember

Denise M. Robles
Councilmember

May 7, 2013

Los Angeles City Council
Office of the City Clerk
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

RE: **Comments of the City of Commerce on the Southern California International Gateway Project.**

Dear Councilmembers:

The City of Commerce has reviewed the Draft Environmental Impact Report (EIR), the Re-circulated Draft EIR, and the Final EIR that was prepared for the Southern California International Gateway (SCIG) project. The City recognizes that the Los Angeles Harbor Department is the Lead Agency for CEQA purposes, and understands both the Harbor Department's and Port of Los Angeles' responsibility in preparing an environmental document that fully assists their decision makers in the deliberative process. However, the great majority of our comments on the Draft EIR and the recirculated Draft EIR were never fully addressed. Chief among our concerns was related to the potential growth inducing impacts of the project's ultimate operations on the local Hobart Yard. In addition, we were requesting information concerning any additional expansion plans for this rail yard that would be needed to accommodate the increased rail and container traffic.

Commerce views the Port of Los Angeles and any on dock or near dock facilities as being inextricably linked to us by virtue of our location in the overall goods movement of the region.

As we stated in our previous letters, this project is of particular interest to the City of Commerce because Commerce is home to four regional rail yards including 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. The City continues to be concerned that any physical and operational changes to the BNSF's Port facilities would have a direct impact on these local BNSF rail yards. The Lead Agency, in its environmental studies, is silent on the potential environmental effects of the SCIG project on these local rail facilities. The only reference to a potential

expansion of the Hobart rail yard is buried in Appendix G4 (Intermodal Rail Analysis). A sentence in the appendix states the following

"It is assumed that the BNSF will ultimately improve [the] Hobart yard to accommodate the projected demand for transload and domestic cargo, as driven by the regional economy."

It is this very expansion referenced in this statement that is of paramount concern to the City. Even with the evidence provided in our previous comment letters, the Lead Agency continues to assert that, *"The City of Commerce is not in the Study Area."* As stated in a previous comment letter, the Lead Agency's reliance on the unpublished case, *City of Riverside v. City of Los Angeles* (4th App. Distr., Div. 3, Case No. G043651) 2011 WL 3527504 is flawed for the following reasons:

1. The City of Commerce is significantly closer to the Port area (24 miles) than is the City of Riverside;
2. Commerce is identified throughout the EIR as the home of the BNSF Hobart Yard; and,
3. The BNSF Hobart Yard, which is mentioned at several places in the EIR, and in particular, is identified as requiring facilities and operations improvements if the proposed project is not approved (for example in the No Project Alternative scenario).

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 states has reached capacity, handles a pproximately 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 five residential neighborhoods (the Northwest, Ayers, and Bandini-Rosini) are located adjacent to the BNSF Hobart rail yard. The City of Commerce requested the Lead Agency 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. In response to our concerns, the Lead Agency continued to assert that the air quality and noise impacts from any additional trains related to the SCIG's operation will be offset by a corresponding decrease in truck traffic. Nevertheless, when the City requested the supporting analysis; the Lead Agency stated that such an analysis is not needed since Commerce and the Hobart Yard are not included within the study area.

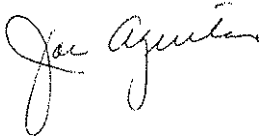
CEQA case law makes clear that lead agencies may not disregard their duty to analyze and disclose significant off-site impacts and to consider feasible mitigation to address those impacts. (*City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341; see also, *City of 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 stated above, Commerce believes that impacts on the City have been inadequately considered and analyzed. The City of Commerce continues to emphasize that the Lead Agency disclose the project's impacts on the City associated with any expanded rail operations at the BNSF Hobart rail yard. The project's potential growth-inducing impacts as they relate to Commerce also must be addressed.

In summary, the Lead Agency provided inadequate responses to our comments on both the Draft EIR and the Re-circulated Draft EIR. More significantly, the Lead Agency has completely failed to be forthcoming

as to any expansion plans for the Hobart rail yard or BNSF rail facilities in Commerce. Attached are previous comment letters from both the original DEIR and RDEIR.

Thank you for your consideration in this matter of urgent importance to the City of Commerce and the City wishes to fully reserve its right to continue with its request for adequate responses on the Draft EIR and the Recirculated Draft EIR (outlined in the attached letters) so that we may fully understand the potential impacts (or lack of impacts) associated with the proposed project's implementation. In addition, the City of Commerce would further request to be notified concerning any subsequent actions concerning any appeal(s) or other related actions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Aguilar".

Joe Aguilar
Mayor

Attachments