HONORABLE MAYOR AND CITY COUNCIL
March 20, 2018
Harbor Department Appeal Hearing

Appeal of the Certification of the
ENVIRONMENTAL IMPACT REPORT
FOR THE PIER B ON-DOCK RAIL SUPPORT FACILITY PROJECT

ATTACHMENT 6
Appeal of Phillips Steel Company
Received February 5, 2018

ATTACHMENT 6

LAW OFFICES
GREENBERG, WHITCOMBE, TAKEUCHI, GIBSON & GRAYVER, LLP

RICHARD C. GREENBERG
JOHN D. WHITCOMBE‡
DERRICK K. TAKEUCHI
MICHAEL J. GIBSON
LEONARD GRAYVER
SAMANTHA F. LAMBERG
MICHAEL J. WEINBERGER
JOEL L. BENAVIDES
MICHAEL E. ADLER
SHENNE J. HAHN

21515 HAWTHORNE BOULEVARD, SUITE 450
TORRANCE, CALIFORNIA 90503-6531
(310) 540-2000
FAX (310) 540-6609 • (310) 316-0505
E-MAIL: GWTLLP@GWTLLP.COM

JEFFREY L. PARKER*

*OF COUNSEL

‡Also Member of District of Columbia Bar

SENDERS E-MAIL
SLAMBERG@GWTLLP.COM

February 5, 2018

OUR FILE
JDW/3260

VIA E-MAIL ONLY
cityclerk@longbeach.gov

Monique De La Garza, CMC
City Clerk
City of Long Beach0
333 West Ocean Boulevard
Long Beach, California 90802

Re: CEQA Appeal by Phillips Steel Company
Port of Long Beach – Board of Harbor Commissioners
Certification of Final Environmental Impact Report
for the Pier B On-Dock Rail Support Facility Project – SCH#2009081079
and approval of the 12th Street Alternative
Board of Harbor Commissioners Hearing Date: January 22, 2018

Dear Ms. De La Garza:

This firm represents Phillips Steel Company ("Phillips"), which operates a Long Beach steel business that serves hundreds of customers in the Port, downtown Long Beach, and the greater Southland, and employs about 65 people. Phillips' headquarters are at 1368 W. Anaheim Street, Long Beach, and it has two additional locations slightly further west on Anaheim Street. Phillips will be directly, and severely, impacted by the Pier B On-Dock Rail Support Facility Project – 12th Street Alternative (the "Project").

In accordance with Long Beach Municipal Code section 21.21.507 and the State Public Resources Code, Phillips hereby formally appeals the January 22, 2018 approval by the Long Beach Board of Harbor Commissioners (the "Board") of the Project. This appeal specifically includes an appeal of any

and all Project approvals, as well as certification of the Final Environmental Impact Report ("Final EIR") for the Project. This notice of appeal is provided by e-mail only. This morning, Pablo Rubio, CMC, confirmed that hand delivery is not required and that e-mail only is sufficient to satisfy City requirements for delivery of this appeal notice.

The proposed Project as described in the Draft and Final EIR and related documents involves a massive expansion and reconfiguration of the existing Pier B On-Dock Rail Support Facility to allow materially more cargo to be handled by on-dock rail within the Project footprint. The 12th Street Project is the most aggressive alternative, and will require the broadest acquisition and relocation of Westside businesses. It adds over 30 tracks to an existing 12 and allows for up to 10,000 foot trains. The Project will be as close as 500 feet to Phillips' main location, as well as the MSC. The Project also contemplates closure of primary traffic arteries directly serving Long Beach, the Port, and Phillips, including but not limited to Fashion Avenue, 9th Street, and the Shoemaker Bridge to and from downtown Long Beach. Closure of these arteries, the related negative traffic impact on Anaheim Street, and use of Harbor Avenue as a primary construction artery will severely obstruct access to Phillips' business, and decimate the value of its properties and the related goodwill of this 100-year old Long Beach business. Phillips' employees and customers will be put at health risk, by among other things, NO_2 pollution which is significant and cannot be mitigated by the Port's own admission.

The California Environmental Quality Act ("CEQA", Public Resources Code § 21000 *et seq.*) provides that the certification of an EIR by a nonelected decision-making body of a lead agency, such as the Board, may be appealed to the agency's elected decision-making body, here, the Long Beach City Council. (Pub. Res. Code § 21151(c).) At the public hearing on January 22, 2018, Daryl Phillips appeared before the Board and objected to the Project approvals, including certification of the Final EIR for the Project.

This appeal is made within the ten (10) business-day appeal period referenced in the Long Beach Municipal Code section 21.21.507 B., and confirmed by Mr. Rubio. Phillips' appeal relies on the Draft and Final EIR, written and oral comments submitted by Phillips and others on the Draft and Final EIR, and responses by the Port and the Board, all of which are incorporated herein by this reference. Please find attached copies of the written comments (with Port responses) submitted by Phillips to the Board on March 3, 2017 (Exhibit A), as well as (i) the comments submitted by Superior Electrical Advertising ("Superior") on February 28, 2017 (Exhibit B), which Phillips incorporated by reference in the Phillips' comments, (ii) the comments submitted by the California Department of Transportation ("CADOT") (Exhibit C), and (iii) Mr. Phillips' letter to Long Beach Harbor Commissioner Bonnie Lowenthal dated January 19, 2018 (Exhibit D). The Board should be in possession of the tape recordings and/or a transcript of the January 22, 2018 hearing.

The grounds for this appeal are that the Board did not proceed in the manner required by law, abused its discretion, and violated CEQA by failing to comply with its requirements. More specifically, the Board certified an EIR insufficient in scope, for a Project not adequately described, and not based on substantial evidence. Despite the written and oral comments of Phillips, Superior, and numerous other Westside businesses, the Final EIR, as certified, failed to adequately address the potential impacts of the Project on the Westside and its businesses, employees and residents. Phillips and Superior, who collectively employ over 200 people in indoor / outdoor facilities, are not called out in the Draft or Final EIR other than by way of the Port's responses to their comments. The EIR did not adequately address the significant negative environmental impact on those businesses posed by the 12th Street alternative. Furthermore, despite the fact that these businesses will be immediately adjacent to this mammoth project and its large rail system, the Final EIR contemplates no plan for acquisition, relocation or just compensation for these businesses.

Phillips' grounds for appeal also include:

1. The EIR failed to adequately analyze the traffic impacts on Phillips' business. The CADOT comment recommended only the 9th Street alternative because it had the least impacts on "traffic flow and public safety". The Port's response to Phillips' comments finally acknowledged traffic impacts and predicted only 3-minute delays "subject to traffic conditions". The projected 3-minute delay makes no sense when the Shoemaker Bridge is being closed and other major arteries are either being eliminated or overburdened with congestion. Furthermore, "subject to traffic conditions" is inherently vague, and far from a scientific or even evidence-based response to Phillips' comment.

2. Phillips' access to emergency services, including the closest major hospital, will suffer a severe negative impact which has not been adequately addressed. The response to Phillips' comments hedges the question. To say emergency responders are located "near", and "on all sides", is not supported by adequate evidence. As one example, there has been insufficient study of traffic delays to Long Beach Memorial Medical Center from the Westside. Is this also a 3-minute delay "subject to traffic conditions", like an overcrowded Anaheim Street and I-710? Minutes, which remain unknown and inadequately studied, make a material difference to the safety of Phillips' customers, employees and the public in an emergency.

3. Rather than submitting a revised Draft EIR and allowing an adequate notice and comment period, the Port has moved straight to a Final EIR. The Final EIR is difficult to follow, and contains over 50 "revised" and "updated" figures and tables, along with assorted "refinements" and "corrections". This coupled with short notice of the hearing on the Final EIR has severely prejudiced the ability of Phillips and other negatively impacted local businesses to effectively respond to the Final EIR, including obtaining their own experts and traffic analyses to rebut the Port's estimated 3-minute delay "subject to traffic conditions".

According to CEQA and California law, an EIR and findings must be based on an adequately described project and sufficient evidence. The EIR took a blind eye to the impact on businesses adjacent to this giant rail system, including Phillips and Superior. There is no plan to relocate them, compensate them, or adequately mitigate the Project's severe environmental impact on their employees and customers. The Board's certification of the Final EIR and related Project approval should be reversed for this reason.

Notwithstanding this appeal, which must be made to preserve its legal rights, Phillips remains committed to working with the Port to arrive at a solution in lieu of proceeding to litigation. Phillips is willing, and eager, to meet with representatives of the Port to discuss appropriate compensation, relocation and other mitigation. We sincerely hope that the Long Beach City Council will accept Phillips' offer to cooperate to mitigate the severe harm to its business posed by the Project, and encourage the Port and its representatives to do so as well.

Please do not hesitate to contact this firm or Daryl Phillips if we can be of any further assistance in resolving this matter, or regarding this appeal. Mr. Phillips can be reached at 1368 W. Anaheim Street, Long Beach, CA, 90813, or by telephone at (562) 435-7571.

Respectfully submitted,

Samantha F. Lamberg
for the firm

SFL/mh

Cc: Pablo Rubio, City Clerk Analyst
Via e-mail at pablo.rubio@longbeach.gov

Attachments

1 **11.2.3.28 Phillips Steel Company (PSC)**

LAW OFFICES

GREENBERG, WHITCOMBE, TAKEUCHI, GIBSON & GRAYVER, LLP

2 515 HAWTHORNE BOULEVARD, SUITE 430
TORRANCE, CALIFORNIA 90503-6501
(310) 540-2000
FAX (310) 540-6609 • (310) 316-0305
E-MAIL GWTLLP@GWTLLP.COM

RICHARD C. GREENBERG
JOHN D. WHITCOMBE‡
DERRICK K. TAKEUCHI
MICHAEL J. GIBSON
LEONARD GRAYVER
SAMANTHA F. LAMBERG
MICHAEL J. WEINBERGER
JOEL L. BENAVIDES
DIMITRY LENSKY

MICHAEL F. ADLER*
JEFFREY L. PARKER*

*OF COUNSEL

‡ Also Member of District of Columbia Bar

SENDER'S E-MAIL
BLAMBERG@GWTLLP.COM

March 3, 2017

OUR FILE
JDW.3260

VIA E-MAIL AND HAND DELIVERY

Ms. Heather Tomley
Director of Environmental Planning
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, California 90815
Email: heather.tomley@polb.com

Re: Pier B On-Dock Rail Support Facility Project
Draft Environmental Impact Report ("Draft EIR") – SCH#2009081079
Comment and Opposition by Phillips Steel Company

Dear Ms. Tomley:

This firm represents Phillips Steel Company ("Phillips") a family-owned business started in Long Beach over 100 years ago. Phillips strongly opposes the Pier B On-Dock Rail Support Facility Project (the "Pier B Rail Project" or the "Project"). As currently proposed, the Project will have a direct and devastating impact on Phillips' business and its employees, and will likely require the closure of Phillips' business at its longtime location. Nevertheless, the Draft EIR has no meaningful discussion of the adverse environmental impacts or a plan for relocation as they relate to Phillips. PSC-1

I. Introduction

The Draft EIR fails to comply with the requirements of CEQA. Given the inevitable regional and acute local impacts of this massive Project, it is especially important that the Draft EIR contain the necessary analysis and description to enable decision makers, impacted businesses, residents and employees, and the public to understand the Project's environmental impacts. But here, the Draft EIR PSC-2

2

Exhibit "A"

does not even correctly describe the Project,[1] much less accurately identify the significant adverse impacts that would result from implementation of the Project. Instead, the Draft EIR effectively disguises the true impacts of the Project by omitting crucial information about what the Project will actually do and how the rail system will operate, underestimating many negative environmental impacts and ignoring others altogether. As a result, there can be no meaningful public review of the Project based on the Draft EIR.

PSC-2 (Cont'd)

Phillips submits that the Project, as proposed, cannot and will not withstand scrutiny under CEQA. At the very least, CEQA requires the Port of Long Beach (the "Port") to prepare and circulate a revised and much more detailed and comprehensive Draft EIR to permit a complete understanding of the environmental issues at stake in connection with this huge Project.

2. Background on Phillips' Business

Phillips Steel Company is a leading full service metal supply company to the Southland. It was founded in Long Beach in 1915, and has continuously operated in and contributed to the City since that time. Although it serves all of greater Los Angeles, its primary customers are at the Port and in downtown Long Beach. Phillips' corporate offices are located at 1368 West Anaheim Street, where it also distributes and processes steel and operates a retail store. The Phillips family has owned that location since 1930. Phillips leases and uses an outdoor storage area across 12th Street as well. Phillips also has a second fabrication facility across the street at 1545 West Anaheim Street, which backs into 1540 West 14th Street.[2] It owns a third building at 1600 West Anaheim Street. The company employs 65 employees at these locations. All facilities have yard and parking areas. The processing and fabrication areas are indoor / outdoor because of the nature of the business. Thus, Phillips' employees are directly exposed to outdoor air quality and noise on a daily basis.

PSC-3

Phillips' current headquarters are ideally suited to both its business and its customers at the Port and in downtown Long Beach. Phillips' delivery trucks use Fashion Avenue to shoot straight down to Pico and the Port without having to access the 710 Freeway, which often stacks up heading south. At present, Phillips' average time to travel to customers at the Port is approximately 10 - 12 minutes. Phillips' trucks get to downtown Long Beach by taking the Shoemaker ramp across to Shoreline Drive. This allows them to avoid both the freeway and travel through the narrow residential streets in Long Beach, as would be required by using the crossings at Anaheim or PCH. Phillips' average time to downtown locations is currently about 5 - 7 minutes. Similarly, retail and business customers have easy access to Phillips' store from the Port and downtown Long Beach by traveling those routes in reverse.

[1] The very first illustration, Figure ES-1, which purports to be the Project Vicinity Map, is mislabeled. For instance, the wrong street is identified as Anaheim Street (a core project boundary). 14th Street, which is also labeled as 11th Street, is incorrectly labeled as well. See Exhibit 1 attached.
[2] Attached as Exhibit 2 are satellite photographs of these two locations provided by GoogleMaps.

1

LAW OFFICES
GREENBERG, WHITCOMBE, TAKEUCHI, GIBSON & GRAYVER, LLP

Ms. Heather Tomley
March 3, 2017
Page 3

3. Other Opposition

We understand that numerous other Westside businesses, including those associated with the WestPAC, are adamantly opposed to the Pier B Rail Project, as well as Long Beach homeowners both on the west side and on the east side of the Long Beach Freeway. Residents, employees and businesses on the Westside will suffer the most direct impacts, as the Project adds 36 tracks to the existing 12 to service trains as long as 10,000 feet. The massive scope of that rail system as it relates to the Westside can be seen in Exhibit 3, attached.[3] The related air and noise pollution and traffic impacts on adjacent businesses will be not just "significant," but enormous. We understand that counsel for Superior Electrical has filed a more technical challenge to the draft EIR. We have read, and join, that opposition. Rather than repeat those comments, we are particularizing the impact to Phillips and the other businesses located on the block bordered by Harbor Avenue and Fashion Avenue to the west and east, and Anaheim Street and 12th Street, to the north and south. PSC-4

4. Westside Businesses and Local Impacts, Including on the MSC

In the Draft EIR, the Port touts the significant advantages of the Project to the Port and its business. That states the obvious. The Draft EIR also acknowledges that numerous businesses in the direct pathway of the 36 new tracks will have to be condemned and/or relocated. What it does not acknowledge, much less detail, are the numerous small and large Long Beach businesses and hundreds of employees and Long Beach citizens on the Westside that will be devastated by the Project as described. One has to simply drive up and down the local streets with a copy of the plans to imagine what will result from operating and living next to a 48-track rail system both during construction and after it is completed. Long time businesses and substantial employers like Phillips and Superior Electrical will ultimately be forced out of business at their current locations, as their existing commerce pathways are eliminated. PSC-5

Until that happens, their employees and customers (and particularly their yard employees) will be subject to air pollution that the Port acknowledges is significant and cannot be mitigated, with resulting health hazards like cancer and lung disease. The Draft EIR identifies no mitigation, relocation or compensation plans for these established businesses, and with all the business closures occasioned by the Project, query where these businesses would go without a tremendous loss of goodwill and related damages.[4] PSC-6

[3] The second page of this Exhibit 3 shows the very close proximity of the many tracks to the Multi-Service Center for the Homeless, as well as to the Phillips and Superior Electrical sites (see hand printed annotations).

[4] Businesses in the path of the Project have already lost significant value because of the mere possibility of this development and the less than thoughtful manner in which it is proceeding. We understand that the Port has pegged its offered compensation to properties within the Project footprint based on those depressed values, rather than the fair value as if the Project were not occurring. To the extent relocation, condemnation, and compensation issues become a reality, it is importa to note that Westside businesses are entitled to fair, full-value compensation for their properties, and the related goodwill, pre-Project, as well as their relocation costs. It should be noted that, to the extent permissible, the Port's attempt to shortchange Westside businesses will be introduced at condemnation and other proceedings.

1

LAW OFFICES
GREENBERG, WHITCOMBE, TAKEUCHI, GIBSON & GRAYVER, LLP

Ms. Heather Tomley
March 3, 2017
Page 4

As the Draft EIR admits, another more "sensitive"[5] population will be directly impacted by the Project: Long Beach homeless, low income families, and employees at the Multi-Service Center (the "MSC").[6] The MSC is on the same block as Phillips' headquarters. The MSC is designed to provide one-stop access to resources for individuals and families experiencing homelessness in Long Beach, and serves as the centralized point of entry for homeless services city-wide. As the Draft EIR also admits, the MSC "has day use that includes the presence of children playing outside." Draft EIR, p. 3.8-5.

As proposed, the tracks at the northern boundary of the Project will be a mere 350 feet away from the MSC. Nevertheless, the Draft EIR identifies no plan for its relocation, and incredulously claims the MSC will not be adversely impacted by the Project. This claim standing alone shatters the credibility of the Draft EIR. As just one example, how could children playing outside the MSC not suffer from air pollution impacts, which even the Draft EIR admits are significant, and cannot be mitigated, as 36 railroad tracks are constructed just beyond their doorstep? Once the tracks are operational and trains and train whistles blare on a constant daily basis, how could these children not be subject to significant adverse noise impacts? How can the MSC, its employees, and the populace it serves not be adversely impacted by having the shortest and most direct route to downtown Long Beach removed entirely? PSC-7

5. More Detail on Negative Traffic and Safety Impacts

The Draft EIR contemplates an assortment of street and ramp closures, some permanent. As they relate to the Westside near Phillips, the existing at-grade 9th Street railroad grade crossing would be closed, and the Shoemaker ramps removed. Areas needed for new rail tracks would require the closures of portions of 9th, 10th, 11th, and 12th streets, and Edison, Jackson, Santa Fe, Canal, Caspian, Harbor and Fashion avenues between Anaheim Street and Pier B Street. Draft EIR, p. ES-5 (Exhibit 4). Exhibit 5 shows how these street closures will directly impact Phillips. The red lines indicate street closures in line with the above description. The blue lines indicate Phillips' current direct path of travel to the Port and to downtown Long Beach. The red circle shows the location of the Shoemaker ramp and crossing, which would be removed. PSC-8

The Draft EIR does not provide enough detail to inform Phillips and other local businesses what travel routes will be available or how existing routes will be adversely impacted. The closures of these streets and the Shoemaker ramps are estimated to double Phillips' travel times to downtown Long Beach and to the Port, at the very least. Traffic which previously travelled on 9th Street toward the PSC-9

[5] The MSC "was also evaluated as a sensitive receptor in the study and is categorized as a child care facility because it is visited by a high number of children and health-sensitive adults, and it is located approximately 350 feet north of the Project site boundary." Draft EIR, p. 3.2-14.

[6] "The MSC is located approximately 350 feet from the current Pier B Rail Yard. The proposed Project will extend rail operations closer to the MSC.... The analyses presented in [the Draft EIR]...demonstrate that adverse impacts would not be expected from operation of the proposed Project. However, potential effects on the MSC could remain *an area of controversy* as the proposed Project moves forward." Draft EIR, p. ES-30 (emphasis added). What does this even mean?

1

LAW OFFICES
GREENBERG, WHITCOMBE, TAKEUCHI, GIBSON & GRAYVER, LLP

Ms. Heather Tomley
March 3, 2017
Page 5

Shoemaker ramps and downtown Long Beach will now be packed onto Anaheim and PCH. No meaningful traffic study has been provided which analyzes this impact. However, it defies logic to suggest the impact will not be significantly adverse. The same will be true for travel times for police and emergency services to and from the Westside. In the event of a large scale emergency relating to the trains, other Port activities, or the large-scale industrial operations of Westside businesses, emergency services will no longer have direct access across the Shoemaker ramp to the Port or other Westside businesses. Emergency vehicles traveling back in the other direction to hospitals will be similarly delayed. PSC-9 (Cont'd) PSC-10

6. Conclusion

The Draft EIR does not provide adequate project features or mitigation measures to minimize the severe impacts to surrounding businesses and operations, including Phillips and the MSC. Due to the significant noise, vibration, and transportation/circulation impacts, Phillips will not be able to successfully operate. Phillips' employees, and children, homeless people, low income families, and employees at the MSC, will be subject to hazardous air quality and much higher risks of cancer and lung disease. The Port's unsupported conclusion that its proposed uses are not incompatible with existing and future land use in the Project area is both false and disingenuous. The Draft EIR fails to satisfy CEQA, and the Project puts the surrounding community materially at risk. PSC-11

For these reasons and those identified in the Superior comment, Phillips is opposed to the Project and believes that the Project should be rejected, or, at the very least, a revised Draft EIR with additional analysis and mitigation should be required and circulated.

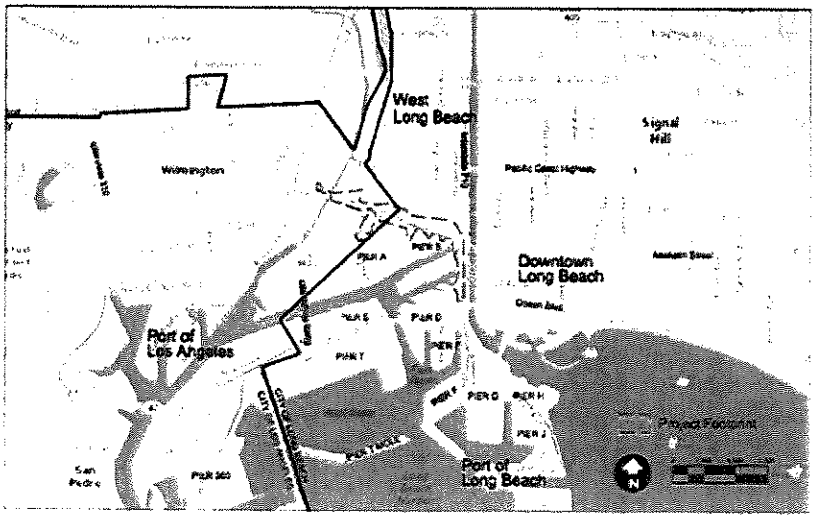
Respectfully submitted,

John D. Whitcombe
for the firm

JDW:sfl

cc: Mayor Robert Garcia, City of Long Beach (via e-mail)
Mark Taylor, Chief of Staff to Mayor Garcia, City of Long Beach (via e-mail)
City Manager Patrick West, City of Long Beach (via e-mail)
Jeannine Pearce, Councilmember, City of Long Beach (via e-mail)
Christian Kropff, Chief of Staff to Councilmember Pearce, City of Long Beach (via e-mail)
Lena Gonzalez, First District Councilwoman, City of Long Beach (via e-mail)
Cory Allen, Chief of Staff to Councilwoman Gonzalez, City of Long Beach (via e-mail)
Chief of Police Robert Luna (via e-mail)
Fire Chief Michael DuRee (via e-mail)

1



Source: Parsons
Figure ES-1
Project Vicinity Map

A broad range of build alternatives was considered; many were eliminated from further consideration because they failed to meet some or all of the Project's objectives or screening criteria. Those alternatives are listed below and discussed further in Section 1.9 of this EIR.

- Locate Additional Rail Yard Capacity on an Existing POLB marine terminal;
- Locate Additional Rail Yard Capacity on a Non-Marine Terminal Site within the Jurisdiction of the POLB;
- Inland Rail Yard;
- Reconfigured Rail Yard with Additional Pinwheel Ladder Storage Tracks; and
- Reconfigured Rail Yard with Additional Storage Tracks and Reconfigured Mead Yard.

12th Street Alternative (Proposed Project)

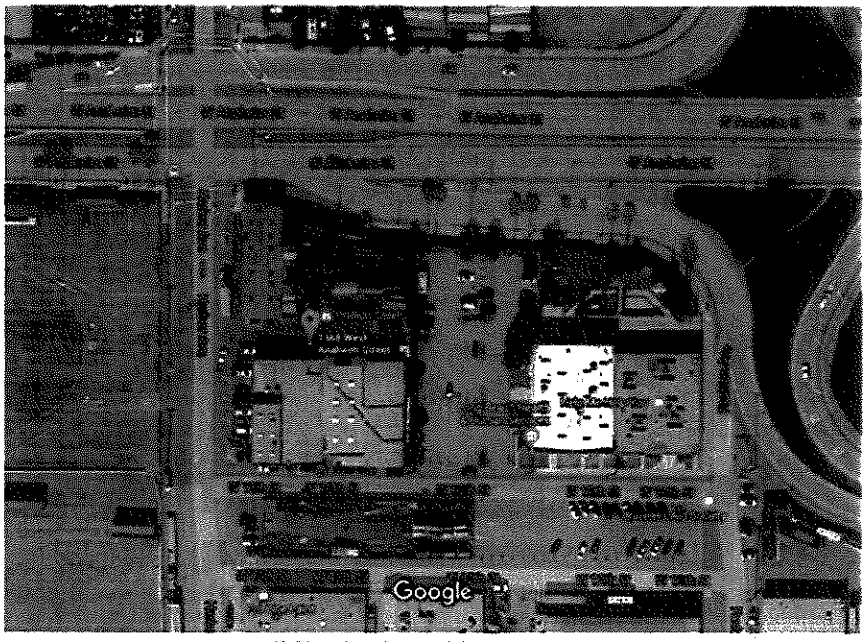
The proposed Project would be constructed in three phases over an estimated seven years and has an estimated opening year of 2025. Components of the proposed Project would include:

- Adding 31 yard tracks and five arrival/departure tracks, thereby expanding the yard from an existing 12 tracks (2 main line tracks, 10 yard tracks, and no arrival/departure tracks) to a total of 48 tracks (2 main tracks, 41 yard tracks, and five arrival/departure tracks).

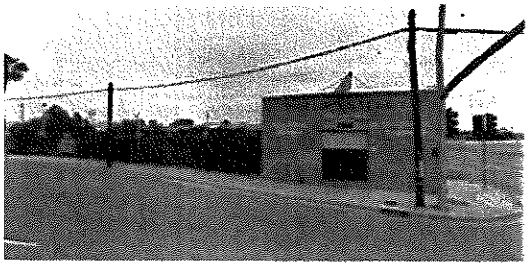
EXHIBIT 1

1368 W Anaheim St - Google Maps Page 1 of 2

Go gle Maps 1368 W Anaheim St



Imagery ©2017 DigitalGlobe, Sanborn, U.S. Geological Survey, Map data ©2017 Google 50 ft



1368 W Anaheim St
Long Beach, CA 90813

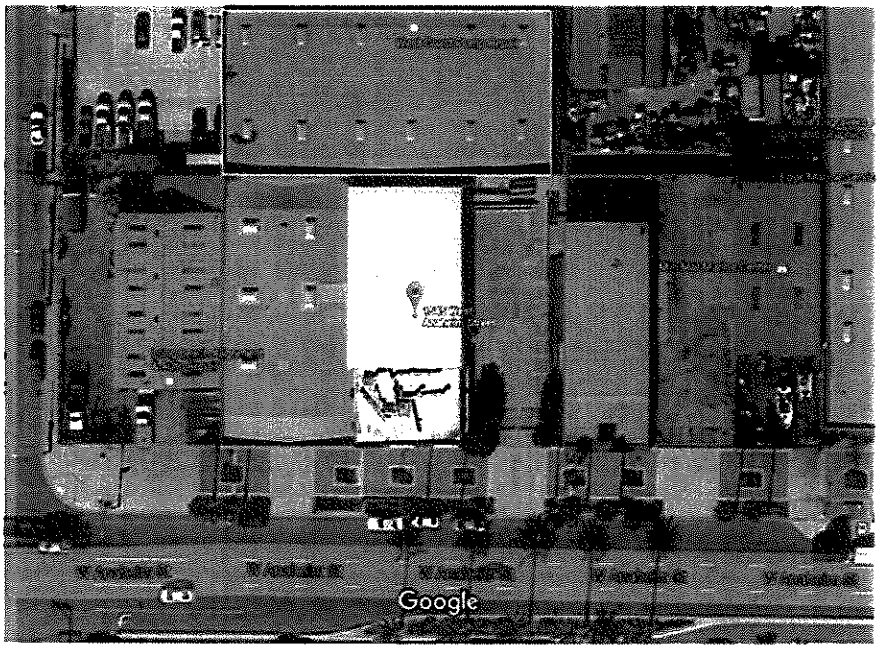
EXHIBIT 2

https://www.google.com/maps/place/1368+W+Anaheim+St,+Long+Beach,+CA+90813/@... 2/24/2017

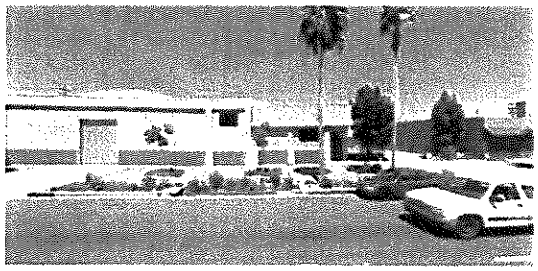
1

1545 W Anaheim St - Google Maps Page 1 of 2

Go gle Maps 1545 W Anaheim St



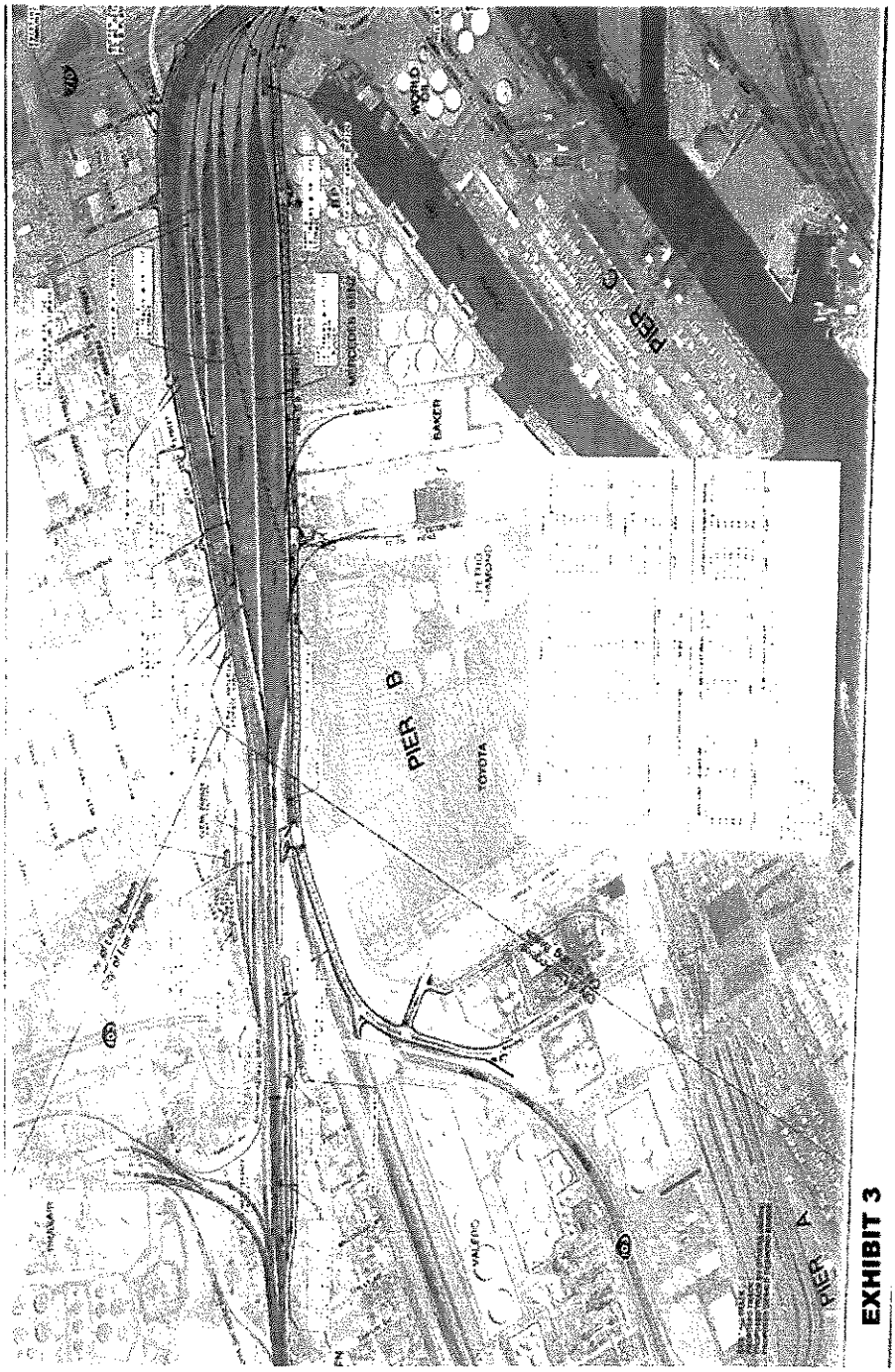
Map data ©2017 Google 20 ft



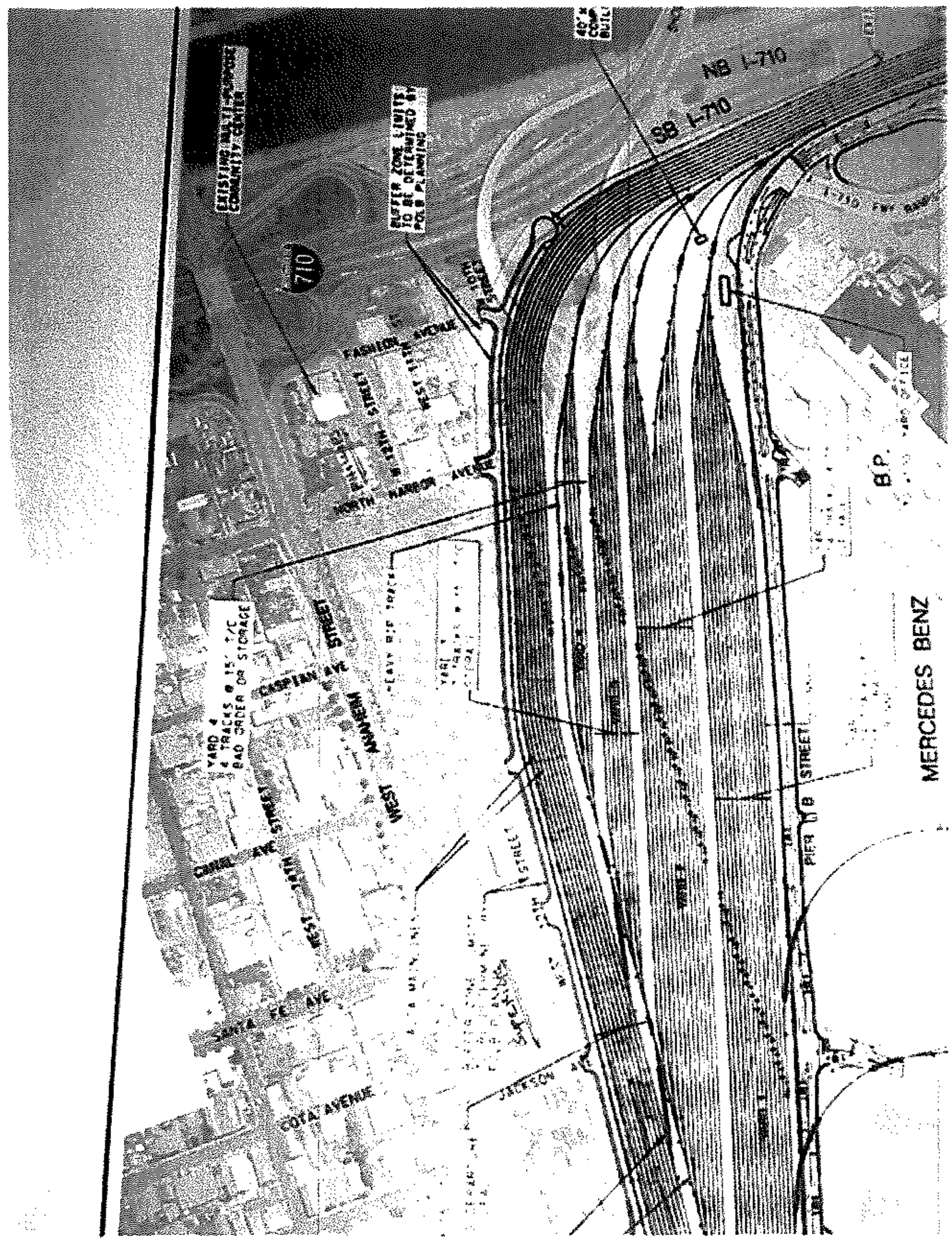
1545 W Anaheim St
Long Beach, CA 90813

https://www.google.com/maps/place/1545+W+Anaheim+St,+Long+Beach,+CA+90813/@... 2/24/2017

1



1

1 

- Providing for up to 10,000-foot long receiving/departure tracks.
- Widening the existing rail bridge over Dominguez Channel to accommodate one additional track; and
- Constructing an area for locomotive refueling within the yard.

Realignments and closures of some roadways would be required. Pier B Street would be realigned to the south, its geometrics would be improved, and two lanes of traffic in each direction would be provided.

- The realignment of Pier B Street would require the reconstruction of two intersections, at Anaheim Way and Edison Avenue.
- The existing at-grade 9th Street railroad grade crossing would be closed and the Shoemaker ramps removed.
- Pico Avenue would be realigned to the west beginning at the I-710 ramps south to approximately Pier D Street, allowing space for four additional tracks between Pico Avenue and the I-710 freeway.
- Areas needed for new rail tracks would require the closure of portions of 9th, 10th, 11th and 12th streets and Edison, Jackson, Santa Fe, Canal, Caspian, Harbor, and Fashion avenues between Anaheim Street and Pier B Street, in the COLB.
- Portions of Farragut, Foote, Cushing, Macdonough, and Schley avenues would be closed in the vicinity of existing railroad right-of-way (ROW) in the COLA.

The reconfigured Pier B On-Dock Rail Support Facility would:

- Be used to receive/depart and stage inbound and outbound intermodal trains.
- Include storage tracks for empty rail cars required to support on-dock intermodal operations.
- Provide rail car storage and classification facilities.
- Provide an assembly area for departing trains.
- Provide an area where inspection and departure brake tests would be performed.
- Include staging tracks for non-intermodal cars bound to and from non-container terminals.
- Provide trackage for rail car repair activities.

The proposed Project would support the following rail operations:

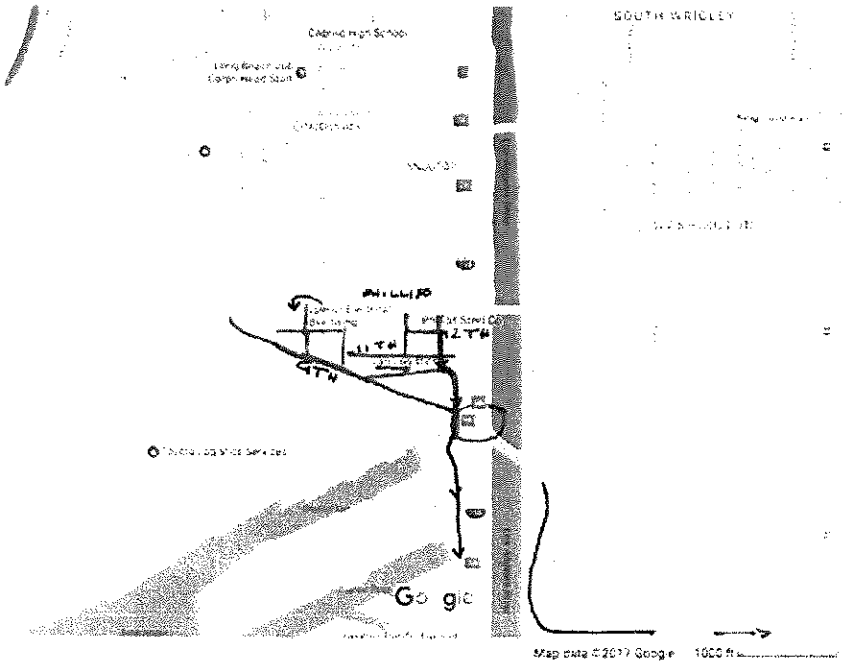
- Up to four Pacific Harbor Line (PHL) locomotives operating onsite each day in 2015 and up to eight in 2035.
- Approximately five tanker truck locomotive refueling vehicles, loaded with fuel offsite, would service onsite locomotives.
- Approximately five rail and rail car repair vehicles would be operating within the on-dock support facility.

EXHIBIT 4

1

Google Maps

Page 1 of 1



https://www.google.com/maps/@33.7815542,-118.2080143,15z

EXHIBIT 5
2/24/2017

1

Google Maps Page 1 of 1

Go gle Maps

Imagery ©2017 DigitalGlobe, Sanborn, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2017 Google 1000 ft

https://www.google.com/maps/@33.7819109,-118.2081688,2911m/data=!3m1!1e3 2/24/2017

1

Responses to Phillips Steel Company

Response to Comment PSC-1: The Port of Long Beach thanks you for your review of the Draft EIR and your comments concerning your client's business. The three Phillips Steel Company locations along Anaheim Street are located outside of the Project footprint for the 12th Street Alternative (proposed Project) as well as for the other alternatives. Based on the information presented in the Draft EIR and its supporting analysis, the Port does not believe any of these three sites would be directly impacted by the proposed Project nor would relocation be necessary.

Response to Comment PSC-2: The Draft EIR has been prepared in accordance with applicable CEQA statutes and guidelines, and evaluates the required environmental resources. The Project location and site are accurately described and depicted in Chapter 1 of the Draft EIR. However, as the comment notes, certain streets were inadvertently mislabeled in general vicinity maps depicted in Figures ES-1 and 1.7-2. These labeling errors have been corrected in the Final EIR. The more detailed maps showing the footprint of the proposed Project did not include these errors (e.g., Draft EIR Figure 1.8-1 on page 1-27).

The comment generally states that critical information regarding what the proposed Project would do and how the rail system would operate were omitted; however, the comment does not identify what information was omitted. Chapter 1 of the Draft EIR included a thorough discussion of the proposed Project operation and provided an extensive background on rail operations within the Port so that readers would understand the technical aspects of the operation. The existing operations were extensively described, and the proposed changes to the existing rail yard were described in text, on diagrams, and in comparison charts. Impacts of the proposed Project were evaluated using generally accepted standard methodology and criteria to identify those impacts that were considered significant. While the comment states that environmental impacts were understated or ignored, the comment does not specifically identify any such impacts. Therefore, it is not possible to respond further. The Draft EIR is adequate; therefore, revision and recirculation of the Draft EIR are not required as the commenter requests.

Response to Comment PSC-3: Access from Phillips Steel Company to downtown Long Beach would continue to be available via Anaheim Street to I-710 to West Shoreline Drive; an alternate route would be via Anaheim Street over the Los Angeles River and south on Magnolia Avenue. The alternate route may result in an increase in travel time subject to traffic conditions.

Access from the Phillips Steel Company to the POLB would also continue to be available via Anaheim Street and I-710. The comment indicates that Phillips' average time to customers at the Port is approximately 10 to 12 minutes (non-freeway); it would be expected that use of the I-710 route would require a similar or possibly shorter amount of time after the Shoemaker ramps have been removed, subject to traffic conditions.

A change in route is not a significant impact in and of itself. These are public roads, not private roads, and being able to utilize the shortest route between two places is not something that is guaranteed.

Please see Master Response – Street Closures, Access to Downtown Long Beach, and Public Services Access.

Response to Comment PSC-4: The Port recognizes the concerns of other entities in the Westside business community; responses to those concerns are included in this document in response to the comment letters from other Westside businesses. Access to business locations and from those locations to customers would not be impaired, and would likely be improved, given elimination of the at-grade rail crossing at 9th Street and the ability to handle long trains within the improved rail yard configuration. The comment includes generalized observations about air, noise, and traffic impacts based on the proximity of certain businesses and operations, such as the MSC, to the proposed Project. The comment does not identify any specific issue with or error in the analysis in the Draft EIR. Because of the general nature of the comment, it is not possible to provide a meaningful response to the comment. The responses to the Superior Electrical comment letter referenced in this comment are set forth below at SEA-1 to SEA-21. The commenter's opinions regarding the impacts are noted and will be provided to the decision-makers.

Response to Comment PSC-5: This comment concerns potential property condemnations and relocations that could affect area businesses. As explained in response to Comment PSC-1, the commenter's client's properties are outside of the Project footprint. Please see Master Response – Property Acquisition, Compensation, and Relocation.

Response to Comment PSC-6: The comment states that employees and customers of nearby businesses would be subject to air pollution that the Port acknowledges is significant and cannot be mitigated, with resulting health hazards like cancer and heart disease. The Port would implement mitigation measures but, even with application of available mitigation measures, certain air quality impacts would remain significant and unavoidable.

With regard to the potential health effects of the proposed Project from toxic air contaminants, please see Section 3.2 of the Draft EIR, particularly pages 3.2-53 through 3.2-63. Draft EIR Table 3.2-24 shows that all modeled receptors in the Project area would have less than significant cancer and non-cancer health impacts during construction and operation of the mitigated proposed Project. Impacts from criteria pollutant concentrations associated with the proposed Project are described on pages 3.2-40 through 3.2-45 for the construction period, and pages 3.2-49 through 3.2-52 for the operational period. The mitigated proposed Project would produce significant NO_2 concentrations in certain areas near the Project site during both the construction and operational periods. The impacts of the proposed Project with its refined boundary, as described in Section 10.1 of the Final EIR, are presented in response to Comment AQMD-5 with no change in the Draft EIR's significance findings. The geographical extent of significant NO_2 impacts during the operational period of the proposed Project with the refined boundary is shown in Figures 2.2-1 through 2.2-5 in response to Comment AQMD-5. A discussion of the types of health effects that may be associated with NO_X and NO_2 exposure is provided on pages 3.2-48 and 3.2-49.

The predicted air quality impacts specific to the Phillips Steel Company's business locations were extracted from the Draft EIR analysis, and are summarized here. The closest receptor points to this business that were evaluated by the dispersion model for the Draft EIR are located directly on the 1368 W. Anaheim Street location, and at the southwest and southeast corners of the 1545 W. Anaheim Street location.

Table 11.2-12 shows the highest modeled criteria pollutant and health risk impacts at 1368 W. Anaheim Street associated with the mitigated proposed Project. The table shows that the peak state and federal 1-hour NO_2 concentrations would exceed the thresholds during Project construction. All other criteria pollutant and health risk impacts during construction and

operation would be less than the thresholds at this location. The peak state and federal 1-hour NO_2 impacts of 349 $\mu g/m^3$ and 262 $\mu g/m^3$, respectively, would occur during Phase 3 of construction. Emissions from Project construction would contribute only about 26 and 33 percent, respectively, to these impacts; the background concentration would contribute the remaining 74 and 67 percent.

TABLE 11.2-12
MODELED AIR POLLUTANT IMPACTS NEAR PHILLIPS STEEL - 1368 W. ANAHEIM STREET (MITIGATED PROPOSED PROJECT)

Description		Modeled Impact [1]	Significance Threshold	Significant?
Criteria Pollutants during Construction [2]				
NO_2	1-Hour (state)	349	339	Yes
	1-Hour (federal)	262	188	Yes
	Annual	55.3	57.0	No
CO	1-Hour	4,204	23,000	No
	8-Hour	3,339	10,000	No
PM_{10}	24-Hour	2.6	10.4	No
	Annual	0.2	1.0	No
$PM_{2.5}$	24-Hour	1.0	10.4	No
Criteria Pollutants during Operation [3]				
NO_2	1-Hour (state)	269	339	No
	1-Hour (federal)	185	188	No
	Annual	53.8	57.0	No
CO	1-Hour	3,995	23,000	No
	8-Hour	3,165	10,000	No
PM_{10}	24-Hour	<0 [5]	2.5	No
	Annual	<0	1.0	No
$PM_{2.5}$	24-Hour	<0	2.5	No
Health Risks (Construction + Operation) [4]				
Individual Cancer Risk		1.7 × 10-6	10×10^{-6}	No
Chronic Hazard Index		0.007	1.0	No
8-Hour Chronic Hazard Index		0.02	1.0	No
Acute Hazard Index		0.1	1.0	No

Notes:
[1] NO_2 and CO impacts are the modeled project increment plus observed background. All other impacts are the modeled project increment.
[2] The highest impacts from all three phases of construction are shown.
[3] The highest impacts from all three operational analysis years (2020, 2025, 2035) are shown.
[4] Health risk values reflect occupational exposure assumptions and include emissions from both construction and operation.
[5] A PM_{10} or $PM_{2.5}$ impact <0 means the concentration would decrease relative to the CEQA baseline (existing) conditions.

Table 11.2-13 shows the highest modeled criteria pollutant and health risk impacts at 1545 W. Anaheim Street associated with the mitigated proposed Project. The table shows that the peak federal 1-hour NO_2 concentration would exceed the threshold during Project construction. All other criteria pollutant and health risk impacts during construction and operation would be less than the thresholds at this location. The peak federal 1-hour NO_2 impact of 247 $\mu g/m^3$ would occur during Phase 3 of construction. Emissions from Project construction would contribute only about 29 percent to this impact; the background concentration would contribute the remaining 71 percent.

TABLE 11.2-13
MODELED AIR POLLUTANT IMPACTS NEAR PHILLIPS STEEL – 1545 W. ANAHEIM STREET (MITIGATED PROPOSED PROJECT)

Description		Modeled Impact [1]	Significance Threshold	Significant?
Criteria Pollutants during Construction [2]				
NO_2	1-Hour (state)	333	339	No
	1-Hour (federal)	247	188	Yes
	Annual	54.5	57.0	No
CO	1-Hour	4,138	23,000	No
	8-Hour	3,265	10,000	No
PM_{10}	24-Hour	1.4	10.4	No
	Annual	0.1	1.0	No
$PM_{2.5}$	24-Hour	0.6	10.4	No
Criteria Pollutants during Operation [3]				
NO_2	1-Hour (state)	273	339	No
	1-Hour (federal)	188	188	No
	Annual	53.8	57.0	No
CO	1-Hour	3,997	23,000	No
	8-Hour	3,166	10,000	No
PM_{10}	24-Hour	0.06	2.5	No
	Annual	0.002	1.0	No
$PM_{2.5}$	24-Hour	0.03	2.5	No
Health Risks (Construction + Operation) [4]				
Individual Cancer Risk		1.7 × 10-6	10×10^{-6}	No
Chronic Hazard Index		0.004	1.0	No
8-Hour Chronic Hazard Index		0.01	1.0	No
Acute Hazard Index		0.07	1.0	No

Notes:
1 NO_2 and CO impacts are the modeled project increment plus observed background. All other impacts are the modeled project increment.
2 The highest impacts from all three phases of construction are shown.
3 The highest impacts from all three operational analysis years (2020, 2025, 2035) are shown.
4 Health risk values reflect occupational exposure assumptions and include emissions from both construction and operation.

Moreover, these peak 1-hour predicted air pollutant concentrations are conservative and would occur very infrequently, if at all, because the analysis assumes all construction equipment would operate simultaneously during worst-case meteorological conditions (i.e., low wind speed, optimum wind direction, and very stable atmosphere), concurrent with the highest observed background concentration measured at the Superblock monitoring station over a 3-year period. Most of the 1-hour NO_2 concentrations during Project construction would be much lower than the peak values, as evidenced by the much lower annual average NO_2 concentration, which is an average of all 1-hour concentrations during the worst-case year.

Furthermore, the proposed Project may produce operational criteria pollutant and health impacts that are less than the values presented in the Draft and Final EIR by replacing many future drayage truck trips from the terminal served by the Pier B Rail Yard with rail transport. The potential air quality benefit associated with fewer drayage truck trips was not quantified in this EIR (although the impact of the additional rail transport *was* quantified). Please see response to Comment GSR-2 for a more thorough discussion of this potential air quality benefit. Because the proposed Project is still in preliminary planning stages and has not been approved, the Draft EIR does not include a relocation plan or a compensation plan for businesses. It would be premature to have prepared such plans at this juncture. This was addressed in Section 3.6.4 of the Draft EIR. Please see Master Response – Property Acquisition, Compensation, and Relocation.

With regard to the comment's reference to its Footnote 4 concerning possible decreases in property values related to this proposed Project, the Port has not made any offers to purchase property in the Pier B Rail Yard area. The Port fully understands the procedures and requirements described in Section 3.6.4 of the Draft EIR. As discussed in Section 3.6.4.1, if the proposed Project is approved, once all required prerequisites are completed, the Port would attempt to enter into voluntary sales by entering into purchase and sale transactions to acquire private properties at fair market value. However, this process cannot occur until the Final EIR has been certified and the proposed Project approved by the BHC. In addition, the Port would have to complete all required property acquisition steps before this could occur.

Response to Comment PSC-7: The first paragraph of the comment repeats information contained in the Draft EIR regarding the MSC and its relationship to the proposed Project. The MSC facility is not within the proposed Project footprint, and is approximately 1,200 feet from the existing Pier B Rail Yard. The EIR analysis, including the air quality analysis, took this distance into account in assessing the impacts. The MSC site was specifically identified as the closest sensitive receptor location.

The proposed Project boundary would be approximately 475 feet from the MSC. The nearest train track within the proposed Project site would be a mainline track, located approximately 570 feet from the MSC.

The predicted air quality impacts specific to the MSC's location were extracted from the Draft EIR and Final EIR analyses, and are summarized here. The dispersion model evaluated receptor points directly on the MSC.

Table 11.2-14 shows the highest modeled criteria pollutant and health risk impacts at the MSC associated with the mitigated proposed Project. The table shows that the peak state and federal 1-hour NO_2 concentrations would exceed the thresholds during Project construction. All other criteria pollutant and health risk impacts during construction and operation would be less than the thresholds at this location. The peak state and federal 1-hour NO_2 impacts of 354

µg/m^3 and 261 µg/m^3, respectively, would occur during Phase 3 of construction. Emissions from Project construction would contribute only about 27 and 33 percent, respectively, to these impacts; the background concentration would contribute the remaining 73 and 67 percent.

TABLE 11.2-14
MODELED AIR POLLUTANT IMPACTS NEAR THE MULTI-SERVICE CENTER (MITIGATED PROPOSED PROJECT)

Description		Modeled Impact [1]	Significance Threshold	Significant?
Criteria Pollutants during Construction [2]				
NO_2	1-Hour (state)	354	339	Yes
	1-Hour (federal)	261	188	Yes
	Annual	54.9	57.0	No
CO	1-Hour	4,191	23,000	No
	8-Hour	3,322	10,000	No
PM_{10}	24-Hour	2.5	10.4	No
	Annual	0.2	1.0	No
$PM_{2.5}$	24-Hour	0.9	10.4	No
Criteria Pollutants during Operation [3]				
NO_2	1-Hour (state)	269	339	No
	1-Hour (federal)	184	188	No
	Annual	53.6	57.0	No
CO	1-Hour	3,984	23,000	No
	8-Hour	3,160	10,000	No
PM_{10}	24-Hour	0.1	2.5	No
	Annual	0.02	1.0	No
$PM_{2.5}$	24-Hour	0.01	2.5	No
Health Risks (Construction + Operation) [4]				
Individual Cancer Risk, Occupational		1.3 × 10-6	10×10^{-6}	No
Individual Cancer Risk, Child Care		1.3 × 10-6	10×10^{-6}	No
Chronic Hazard Index		0.002	1.0	No
8-Hour Chronic Hazard Index		0.007	1.0	No
Acute Hazard Index		0.1	1.0	No

Notes:
1 NO_2 and CO impacts are the modeled project increment plus observed background. All other impacts are the modeled project increment.
2 The highest impacts from all three phases of construction are shown.
3 The highest impacts from all three operational analysis years (2020, 2025, 2035) are shown.
4 Health risk values reflect occupational exposure assumptions and include emissions from both construction and operation.
5 The Multi-Service Center was modeled in the HRA with occupational and child care exposure assumptions. Occupational exposure assumptions are 250 days/year, 8 hours/day, for 25 years. Child care exposure assumptions are 250 days/year, 8 hours/day, for 6 years (child age 0-5). Age sensitivity factors of x10 were applied for child age 0<2, and x3 for age 2-5.

These predicted peak 1-hour concentrations during construction are conservative and would occur very infrequently, if at all, because the analysis assumes all construction equipment would operate simultaneously during worst-case meteorological conditions (i.e., low wind speed, optimum wind direction, and very stable atmosphere), concurrent with the highest observed background concentration measured at the Superblock monitoring station over a 3-year period. Most of the 1-hour NO_2 concentrations during Project construction would be much lower than the peak values, as evidenced by the much lower annual average NO_2 concentration, which is an average of all 1-hour concentrations during the worst-case year.

Furthermore, the proposed Project may produce operational criteria pollutant and health impacts that are less than the values presented in the Draft and Final EIR by replacing many future drayage truck trips from terminals served by the Pier B Rail Yard with rail transport. The potential air quality benefit associated with fewer drayage truck trips was not quantified in this EIR (although the impact of the additional rail transport *was* quantified). Please see response to Comment GSR-2 for a more thorough discussion of this potential air quality benefit. The replacement of truck trips with rail transport would be particularly beneficial to the MSC given its close proximity to the I-710 freeway. The MSC was also evaluated as a sensitive receptor in the noise assessment in the EIR (Table 3.8-9), which indicates that the predicted noise levels associated with operation of the proposed Project are below the limits established by the Long Beach Municipal Code, posing no significant impacts. The comment does not provide any information suggesting that there was an error in how these assessments were completed. The Draft EIR and its technical studies were prepared pursuant to recommended protocols. The MSC includes an outdoor area (i.e., picnic benches, shade structure in a grassy area) at the rear of the building; this outdoor area is adjacent to the off-ramp of I-710. The MSC provides services for the homeless, including outreach, intake and assessment, referrals to shelters, and other social service programs. The MSC is not a residential facility; it is open from 8:30 a.m. to 4:00 p.m. and no one lives there. Services at the center include showers, laundry, mail, medical clinic, employment assistance, case management, and shelter and housing placement assistance (*City of Long Beach 2013 – 2021 Housing Element*, prepared by Long Beach Development Services, adopted January 7, 2014; COLB, 2014).

The entire Long Beach Harbor District is located within the Industrial District (Port-Related Industrial [IP]), as classified by the COLB. The IP zone is characterized predominantly by maritime industry and marine resources (COLB Municipal Code, Title 21, Chapter 21.33.02 [D]) and is identified in the Port Master Plan as used predominantly for Port-related and ancillary Port uses and facilities. As part of the Naval Station Long Beach Disposal and Reuse planning process, a portion of land at the former Naval Station was proposed to be transferred to the COLB for subsequent use as a multi-service homeless service center as a result of the military base closure process (Site 6-A, FEIS/FEIR, Naval Station Long Beach Disposal and Reuse [POLB, 1998]). However, to accommodate Port development on Terminal Island, the Port moved the location of the non-residential homeless service center from the former Naval Station Long Beach by purchasing an alternative location in the North Harbor (Port Planning District 1) where the MSC is currently located. The Port also committed $700,000 in funding to renovate the property for homeless services. This alternative location in the North Harbor, within the IP zone, allowed the service center to better serve its clients by centrally locating the facility near public transportation services. Port Planning District 1 was originally only permitted for port-related uses; in 1997, the Port amended its Port Master Plan to include non-Port uses for a 3-acre homeless service center as a permitted use. The MSC is an allowable use within the COLB IP zone and operates under a Conditional Use Permit (CUP9612-17

Homeless Processing Center – Alpha Project). Therefore, when the MSC was moved to its current location in the North Harbor, it was known that it would be located in an industrial area.

The distance from the MSC to downtown Long Beach is the same via West Anaheim Street to Long Beach Boulevard as it is using 12th Street/Harbor Avenue/11th Street/Canal Avenue/9th Street/Shoreline Drive; both routes are 2.3 miles. Using Anaheim Street would add 1 minute to the travel time compared to the 9th Street route, subject to traffic conditions. If the proposed Project or one of its alternatives is approved, the 9th Street route would be eliminated due to road closures associated with the proposed Project and all other build alternatives.

Response to Comment PSC-8: The comment and the accompanying Exhibit 5 depict street and ramp closures that would occur as a result of the proposed Project. While the travel routes from Phillips Steel Company to the Port, as shown in Exhibit 5, would no longer be available if the proposed Project is approved due to permanent road closures, access to the Port from Anaheim Street would continue to be available via I-710 on the east and on the west via Anaheim Street to Farragut Avenue and Anaheim Way to Pier B Street. Depending on the time of day, travel times using I-710 would be expected to increase by approximately 2 minutes, subject to traffic conditions. These alternate routes are not depicted in Exhibit 5. Please see Master Response – Street Closures, Access to Downtown Long Beach, and Public Services Access.

Response to Comment PSC-9: While the travel routes from Phillips Steel Company and other businesses on the Westside to the Port would no longer be available due to permanent road closures, access to the Port from alternate routes using I-710 would not be expected to double travel times. The Traffic Impact Analysis Report, provided in Appendix B of the Draft EIR, found that traffic impacts would not be considered significant. Alternate routes would add less than 0.5 mile to the travel distance from Anaheim Street to the Port and could result in an increase of approximately 3 minutes to travel time. Based on roadway capacity and LOS that would result, the impact to traffic would not be considered significant. Please see Master Response – Street Closures, Access to Downtown Long Beach, and Public Services Access.

Response to Comment PSC-10: The comment contends that travel times for police and emergency services to and from the Westside would be similarly affected, that direct access across the Shoemaker ramp to the Port would be lost, and that emergency vehicles traveling back to hospitals would be similarly delayed. Emergency responders are located near the Pier B Rail Yard, on all sides and include the JCCC at 1249 Pier F Avenue supported by City and federal partner agencies to provide quick and uniform response to emergencies at the Port (see Figure 3.7-1 of the Draft EIR). Hospitals located in Long Beach, Wilmington, and San Pedro would continue to be accessible from the Port via the Seaside Freeway and I-710. Please see Master Response – Street Closures, Access to Downtown Long Beach, and Public Services Access.

Response to Comment PSC-11: The comment summarizes the earlier comments in the letter, which are responded to above.

Phillips Steel Company's opposition to the proposed Project is noted. The comment is hereby part of the Final EIR; therefore, it is before the decision-makers for their consideration prior to taking any action on the proposed Project.

1 **11.2.3.32 Superior Electrical Advertising (SEA)**

Lisa Kollab

Akerman LLP
38th Floor
725 South Figueroa Street
Los Angeles, CA 90017-5458
Tel: 213.688.9500
Fax: 213.627.6342

Dir: 213.533.5947
Dir Fax: 213.599.2665
lisa.kollab@akerman.com

February 28, 2017

VIA E-MAIL AND HAND DELIVERY

Heather Tomley
Director of Environmental Planning
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, California 90815
Email: heather.tomley@polb.com

Re: Pier B On-Dock Rail Support Facility Project Draft Environmental Impact Report – Comment Letter from Superior Electrical Advertising Inc.

Dear Ms. Tomley:

This firm represents Superior Electrical Advertising Inc. ("Superior"), a long time City of Long Beach business located at 1700 W Anaheim St, Long Beach 90813 (the "Superior Site"). Superior has operated in the City of Long Beach for over 45 years, and at the Superior Site since 1972. Superior employs 135+ people, and about one third are Long Beach residents. Many employees are second and third generation family employees. It manufactures signage for high profile clients such as McDonald's, Starbucks, Disney, CVS, Universal Studios etc. This letter is written on behalf of Superior in response to the Port of Long Beach's Pier B On-Dock Rail Support Facility Project Draft Environmental Impact Report SCH# 2009081079 ("DEIR"). — SEA-1

RECEIVED FEB 2 8 2017

2

➢ SUPERIOR ELECTRICAL HAS SIGNIFICANT CONCERNS WITH THE PROJECT AND ADEQUACY OF THE DEIR.

The Superior Site is located directly adjacent to the proposed Pier B On-Dock Rail Support Facility Project (the "Project") and will experience significant negative impacts should the Project move forward. Such negative impacts will be so extreme that Superior will not be able to continue its operations at the site and will be forced to relocate. SEA-1 (Cont'd)

The DEIR fails to adequately analyze the impacts of the proposed Project on surrounding properties, including the Superior Site. Moreover, the DEIR does not provide adequate project features or mitigation measures to minimize the severe impacts to surrounding businesses and operations, including Superior, nor does it propose a relocation or compensation plan to address those impacts. Moreover, the number of feasible relocation sites for impacted businesses is extremely limited and the details of potential business relocation are not adequately discussed. Although the Superior Site is not listed as one of the properties that the Port of Long Beach intends to purchase or acquire by eminent domain, as a result of the proposed Project, my client would be unable to operate at the site due to the significant noise, vibration, air quality and transportation/circulation impacts. SEA-2 SEA-3 SEA-4 SEA-5 SEA-6

➢ THE PROJECT DESCRIPTION IS INADEQUATE.

The project description is inadequate and fails to provide sufficient detail to fully analyze impacts on neighboring projects such as the Superior Site. An adequate EIR must be "prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 CalApp4th 20, 26. The project description must provide enough information so that the decision-makers and the public can understand the full scope of the Project. 70 CalApp4th at 28. Here, this has not occurred. First, the project description fails to define the exact location of the Project. CEQA requires a project description to provide the "precise location and boundaries of the proposed project...on a detailed map, preferably topographic." 14 Cal Code Regs § 15124(a). Here, the maps contained in the DEIR do not provide sufficient detail for neighboring properties to fully understand the relationship of the Project to their properties. Without a detailed site plan, it is impossible to fully analyze impacts to neighboring properties, specifically relating to traffic, noise and air quality. Moreover, from the maps contained in the DEIR, it is unclear whether 12th Street will still be accessible and whether cars will be able to access it from Jackson Avenue and Santa Fe Avenue. In SEA-7

RECEIVED FEB 2 8 2017

1

addition, the first map included in the DEIR – Figure ES-1 – is inaccurate and mislabeled. What is actually Anaheim Street is labeled as 14th Street, and what is actually 7th Street is labeled as Anaheim Street. This is a significant defect in the DEIR.

SEA-7 (Cont'd)

Second, the project description does not provide sufficient detail about the proposed operations. What exactly will be occurring at the rail yard? The general descriptions provided in the project description are inadequate. Will there be assembly, disassembly, coupling and uncoupling, refueling, maintenance, etc.? The project description does not provide sufficient detail to make the proposed operations clear. For example, the project description states that "repairing tracks on dedicated tracks" is proposed. Which tracks would those be? What would the tracks adjacent to the businesses on Anaheim be used for?

SEA-8

Third, the project description must be consistent throughout the document. Here, in the impact analysis sections, there are references to operations that are not specifically addressed in the project description and it is unclear whether all of the operational characteristics are considered in each impact area analysis. Without a full and stable description of the proposed operations in the project description, all impact analyses are potentially flawed. *County of Inyo v. City of Los Angeles* (1977) 71 CalApp3rd 185, 197. An unstable and inconsistent project description may also indicate that the DEIR is trying minimize the project's impacts by not discussing reasonably foreseeable aspects of the project (e.g., the noise associated with screeching wheels and brakes, train whistles, constant coupling and uncoupling of rail cars, etc.). *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 CalApp 4th 645, 655); *City of Santee v. County of San Diego* (1989) 214 CalApp3rd 1438, 1450.

SEA-9

Finally, the project description misleads readers as to the impacts of the Project on adjacent properties by stating that "proposed Project would potentially affect 94 properties (parcels) within the Project area. Thirty-six (36) of these are privately owned." (DEIR p. 1-31). However, it fails to mention the properties adjacent to the Project that will be affected by the Project. Without a detailed, stable and consistent project description, the DEIR's impact analysis is inadequate.

SEA-10

- AIR QUALITY ANALYSIS FAILS TO INCLUDE ADEQUATE MITIGATION.

In addition, the DEIR fails to include adequate mitigation of significant impacts, specifically relating to air quality. For example, despite concluding that the NOx emissions produced by the Project operations could have negative effects on public health, it is unclear whether

SEA-11

RECEIVED FEB 28 2017

1

all potential mitigation measures have truly been analyzed and required. The construction and operation of the Project will subject employees of nearby businesses, many of whom work outdoors or in semi-open buildings, to significant health risks, such as cancer and lung disease. While these risks are mentioned in the DEIR, the mitigation measures proposed are inadequate -- the Project only incorporates general regulations and CAAP measures. However, no concrete measures are proposed to mitigate risks to neighboring properties.

SEA-11 (Cont'd)

- TRANSPORTATION IMPACTS ARE NOT FULLY ANALYZED.

As a result of the Project, access to both the port and downtown Long Beach by local businesses will be significantly impacted. One of the prime reasons for this impact is the "removal of the ramps to the Shoemaker Bridge," which connects the area to downtown Long Beach. However, the Project's relationship to Shoemaker Bridge is unclear. Will there be any direct access from the area into downtown Long Beach with the 12th Street project? If not, there will be impacts to traffic as well as public services, such as fire and police, which will no longer be able to access the area directly from the downtown area, likely leading to increased wait times for service, putting the safety of Superior's workers in danger. In addition, how will the businesses in the area access the Port? Many businesses rely on quick access to the port and downtown Long Beach, and the Project will lead to increased travel times for the local businesses. Access impacts have not been adequately addressed.

SEA-12

- THE PROJECT INTRODUCES A LAND USE THAT IS INCOMPATIBLE WITH EXISTING LAND USES.

Despite the claim in the land use impact analysis, the Project would be *incompatible* with the existing land uses in the area. The DEIR fails to discuss the Project's impacts or incompatibility with existing land uses. In fact, the impact determination section fails to even mention the existing businesses in the area and instead focuses only on the Project's proximity to the MSC. Without a detailed discussion of the surrounding businesses, the analysis and impact determination is inadequate. Just because the uses surrounding the Project are industrial does not mean that they will not experience significant negative impacts.

SEA-13

In addition, the Project would essentially cut off Superior's access to its southern and *primary* entrance on 12th Street, where it daily loads/unload trucks and enter and exit all our trucks and employees. This impact is not even mentioned in the DEIR.

SEA-14

RECEIVED FEB 28 2017

1

Ms. Tomley
February 28, 2017
Page 5

- **WITHOUT A DETAILED SITE PLAN, RIGHT OF WAY MAPPING OR CONFIRMATION OF WHAT PRIVATE SITES WILL BE ACQUIRED, THE PROJECT'S IMPACTS AND DETERMINATION ON EXISTING BUSINESSES IS UNKNOWN AND NOT PROPERLY ANALYZED.**

The land use section of the DEIR only addresses the impacts to the properties that are within the footprint of the Project, not those which are directly adjacent to the Project which would be negatively impacted by the Project. The City/Port does not appear to have plan to acquire properties or relocate such properties, nor has it proposed any mitigation to reduce impacts to Noise. If the Project moves forward as proposed, mitigation should include acquisition of properties immediately adjacent to Project and relocation payments to any tenants in such properties. SEA-15 SEA-16

- **THE NOISE ANALYSIS IS FLAWED.**

The conclusions in the noise analysis seem both unreasonable and questionable. Specifically, the noise level predictions seem very low. Moreover, without an adequate description of the proposed rail operations, noise estimates are unreliable. For example, the conclusions that the predicted noise levels for the Project will be below the baseline ambient noise levels in the area seems unlikely that with the constant coupling and coupling, refueling and movement of trains that the noise would not be above the ambient noise in the area. Using existing rail yard operations which would only represent a small portion of the Project to predict Project operations without describing how it was calculated is insufficient. For example, has a multiplier been used? What methodology was used to predict the Project's noise impacts? Much more detail is necessary in the body of the DEIR to justify the DEIR's conclusions. The reasoning supporting the determination of insignificance must be disclosed. *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 CalApp4th 362,393. SEA-17

Even with the existing trains several blocks away, when a train whistles, the sound is so intense that employees feel like the whistle is being sounded within the Superior building. With the Project, that number would be increased exponentially. Train whistles are not even mentioned in the DEIR. Similarly the vibration impacts on the Project are not adequately measured. Despite acknowledging that the Project may cause vibration impacts, and states that historic buildings (of which the Superior building is potentially classified), no mitigation measures are proposed to address the vibration impacts. Although the DEIR makes brief references to liquefaction and notes that the liquefaction potential at the Project site is high, the DEIR proposes no project features or mitigation measures to address potential liquefaction impacts on neighboring properties. In fact, the vibration analysis fails SEA-18 SEA-19 SEA-20

(41027389.1)

RECEIVED FEB 2 8 2017

1

to even discuss liquefaction. The vibration, along with liquefaction could cause severe damage to the foundation of Superior's building, which was constructed in 1943. **SEA-20 (Cont'd)**

For the aforementioned reasons, Superior is opposed to the Project and believes that additional analysis and mitigation is required. **SEA-21**

Sincerely,

Lisa Kolieb
Akerman LLP

Cc: Mayor Robert Garcia, City of Long Beach (via e-mail)
Mark Taylor, Chief of Staff to Mayor Garcia, City of Long Beach (via e-mail)
Jeannine Pearce, Councilmember, City of Long Beach (via e-mail)
Christian Kropff, Chief of Staff to Councilmember Pearce, City of Long Beach (via e-mail)
Lena Gonzalez, First District Councilwoman, City of Long Beach (via e-mail)
Cory Allen, Chief of Staff to Councilwoman Gonzalez, City of Long Beach (via e-mail)
Jim Sterk, Chief Executive Officer, Superior Electrical Adv., Inc. (via e-mail)
Stan Janocha, Chief Operations Officer, Superior Electrical Adv., Inc. (via e-mail)
Patti Skoglund, President, Superior Electrical Adv., Inc. (via e-mail)
Doug Tokeshi, Sr. Vice President, Superior Electrical Adv., Inc. (via e-mail)

RECEIVED FEB 28 2017

{41027389;1}

1

Responses to Superior Electrical Advertising

Response to Comment SEA-1: The Port of Long Beach thanks you for your review of the Draft EIR, the information concerning your business, your employees, and your long-term tenure in the harbor area.

The comment contends that the adverse effects of the proposed Project are so substantial as to cause Superior Electrical to relocate. The proposed Project is intended to upgrade existing rail operations on Pier B, improving the efficiency of its operations and decreasing dwell times while minimizing adverse effects. Superior Electrical's facilities are currently located approximately 500 feet from the existing Pier B Rail Yard. If the proposed Project is approved and built, Superior Electrical's facilities still would be separated from the Pier B Rail Yard operations by a portion of 12th Street, a limited parking area, the new Pier B Rail Yard's perimeter road, a new perimeter fence, and the Pier B Rail Yard access road. It is estimated that the separation between the business and the yard operations would be approximately 125 feet.

The proposed Project would not cause the Superior Electrical facility to close or relocate. It would not be necessary to acquire the property at 1700 W. Anaheim Street for any of the alternatives. Superior Electrical's access to 12th Street along its southern property boundary would continue to be available. Superior Electrical's access gate to Jackson Avenue, leading to Anaheim Street, would not be affected. No changes to Superior Electrical's perimeter along Santa Fe Avenue would be required.

It is important to remember that this portion of the Port is zoned as a General Industrial (IG) district. According to the City's zoning code, this district is "where a wide range of industries that may not be desirable in other districts may locate. The emphasis is on traditionally heavy industrial and manufacturing uses." The uses permitted within this district can reasonably expect to generate, and be subject to, higher noise and vibration levels than properties elsewhere in the City.

Thus, the Pier B Rail Yard is an existing use in an appropriately zoned area. From a land use standpoint, it is important to note that the proposed Project is consistent with the PMP and with the COLA General Plan's Wilmington-Harbor City Community Plan goals and objectives. Moreover, the nature of the proposed Project is such that it cannot be moved to a different location.

The Draft EIR has analyzed the potential environmental impacts of the proposed Project and generally determined these to be non-significant; only air quality and global climate change impacts were determined to be significantly adverse.

To the extent specific issues are raised in the commenter's later comments, those issues will be addressed later.

Response to Comment SEA-2: The comment claims that the Draft EIR fails to adequately analyze the impacts of the proposed Project on surrounding properties. The four areas of environmental concern identified in the comment (i.e., noise, vibration, air quality, and transportation/circulation) have all been thoroughly evaluated in the Draft EIR. Of these four areas of environmental concern, only air quality impacts have been determined to be significant. Neither the analysis presented in the Draft EIR nor the information provided by Superior Electrical have demonstrated how increased levels of air pollutants would render it unable to operate at its current location.

From a land use perspective, operation of a rail yard is consistent with the industrial land use designation. The Pier B Rail Yard currently operates in its existing location with surrounding businesses; continued rail yard operations would not result in negative effects that would cause businesses to shut down.

Response to Comment SEA-3: The comment indicates that the Draft EIR does not provide adequate project features or mitigation measures to minimize the severe impacts to supporting businesses and operations. The proposed Project was evaluated in the Draft EIR, and this evaluation found that impacts would be less than significant except for air pollutant emissions for which feasible mitigation measures are currently not available for some pollutants.

Response to Comment SEA-4: If the proposed Project or one of its alternatives is approved, there is no need for the Port to acquire the property on which Superior Electrical conducts its operation because the property is outside the Project footprint. Moreover, an EIR is not the appropriate document to evaluate or propose a compensation plan or a relocation plan. Please see Master Response – Property Acquisition, Compensation, and Relocation.

Response to Comment SEA-5: The preparation of relocation plans is premature at this point in time because the EIR has not been certified and the BHC has not determined whether they wish to proceed with the proposed Project or one of the alternatives, including the No Project Alternative. The details regarding relocation are not within the scope of the CEQA analysis, and would be addressed in accordance with all applicable regulations at the appropriate time. Please see Master Response – Property Acquisition, Compensation, and Relocation.

Response to Comment SEA-6: The comment states that Superior Electrical would be unable to operate at the site due to the significant noise, vibration, air quality, and transportation/ circulation impacts that would result from the proposed Project.

Continued operation at the Superior Electrical site would not be prevented by construction or operation of the proposed Project. The Draft EIR did not identify any significant impacts to noise, vibration, or transportation/circulation. Mitigation measures for air quality impacts have been identified to reduce emissions to the extent possible.

Noise. As discussed in Section 3.8.2 of the Draft EIR, noise generated by the proposed Project and its alternatives would not exceed COLB ambient noise limits for the nearest sensitive receptors. Superior Electrical is located in an industrial land use area and subject to the allowable noise level for industrial land uses, which is 65 dBA any time. However, as allowed by the Long Beach Municipal Code and as described in the Draft EIR on page 3.8-13), if the existing ambient noise level already exceeds this noise limit, the LBMC permits the allowable level to be increased in 5 dB increments (until the ambient level is encompassed). The nearest sensitive receptor to the Project is the MSC, which is north of the proposed Project boundaries. At that location, ambient noise was measured at 64 dBA (see Table 3.8-11). The Superior Electric property is several blocks distant, but assuming that ambient noise at the Superior Electric location would be equivalent to that at the MSC (i.e., 64 dBA), a significant impact would nonetheless not result, because the projected Project plus ambient noise level from yard noise, at the Superior Electric site, would also be 64 dBA (see Table 3.8-11), which is less than the allowable 65 dBA, at any time, for an industrial use. Moreover, taking into account the attenuation produced by the intervening distance, the resultant noise level would likely be even lower than as estimated in the above discussion.

Vibration. As discussed on page 3.8-27 of the Draft EIR under the NOISE-8 impact evaluation, a vibration impact would occur when the distances from the centerline of tracks to

the point where exceedances of the 80 vibration decibels (VdB) Category 2 (residential) and 83 VdB Category 3 (institutional) limits would be 50 and 25 feet, respectively. The distance from the centerline of the nearest tracks to the edge of the Superior Electrical property is approximately 94 feet (12th Street Alternative). Therefore, because this property is nearly 70 feet from the source of vibration, its resultant vibration level would be considerably below the FTA acceptability limit of 83 VdB. For this reason, operation of the expanded rail yard under the 12th Street Alternative would not result in operational groundborne vibration that would exceed the FTA acceptability limit. Similarly, for the 10th Street Alternative, the distance from the centerline of tracks to the Superior Electrical property would be approximately 104 feet; groundborne vibration would not exceed the FTA acceptability limit. Train activity would be infrequent events, and would not be expected to interfere with conducting business within the harbor industrial zone.

Air Quality. With regard to the air quality impacts of the proposed Project's air emissions on Superior Electrical, predicted impacts specific to this location were extracted from the Draft EIR analysis and are summarized here. The closest receptor points to Superior Electrical that were evaluated by the dispersion model for the EIR are located on the Superior Electrical site. Table 11.2-16 shows the highest modeled criteria pollutant and health risk impacts at Superior Electrical associated with the mitigated proposed Project. The table shows that the peak state 1-hour NO_2 concentration would exceed the threshold during Project construction, and the peak federal 1-hour NO_2 concentration would exceed the threshold during both Project construction and operation. All other criteria pollutant and health risk impacts during construction and operation would be less than the thresholds at this location.

The peak state and federal 1-hour NO_2 impacts of 343 $\mu g/m^3$ and 248 $\mu g/m^3$, respectively, during construction would occur during Phase 3. Emissions from Project construction would contribute only about 24 and 29 percent to the state and federal impacts, respectively; the background concentration would contribute the remaining 76 and 71 percent. The peak federal 1-hour NO_2 impact of 196 $\mu g/m^3$ during operation would occur in the 2020 analysis year; the impact would gradually decrease to 191 $\mu g/m^3$ by 2035. Emissions from Project operation would contribute only about 10 percent to the 2020 impact; the background concentration would contribute the remaining 90 percent. The geographical extent of significant NO_2 concentrations during the operational period of the proposed Project with the refined boundary (as described in Section 10.1 of the Final EIR) is shown in Figures 11.2-1 through 11.2-5 in response to Comment AQMD-5. A discussion of the types of health effects that may be associated with NO_X and NO_2 exposure is provided on pages 3.2-48 and 3.2-49 of the Draft EIR.

The predicted 1-hour NO_2 concentrations in Table 11.2-16 are conservative and would occur very infrequently, if at all, because they assume worst-case meteorological conditions (i.e., low wind speed, optimum wind direction, and very stable atmosphere) concurrent with the highest observed background concentration measured at the Superblock monitoring station over a 3-year period. The construction concentrations further assume all construction equipment would operate simultaneously during these worst-case conditions. Most of the 1-hour NO_2 concentrations during Project construction and operation would be much lower than the peak values, as evidenced by the much lower annual average NO_2 concentrations, which are averages of all 1-hour concentrations during the worst-case year.

TABLE 11.2-16
MODELED AIR POLLUTANT IMPACTS NEAR SUPERIOR ELECTRICAL ADVERTISING (MITIGATED PROPOSED PROJECT)

Description		Modeled Impact [1]	Significance Threshold	Significant?
Criteria Pollutants during Construction [2]				
NO_2	1-Hour (state)	343	339	Yes
	1-Hour (federal)	248	188	Yes
	Annual	55.3	57.0	No
CO	1-Hour	4,160	23,000	No
	8-Hour	3,277	10,000	No
PM_{10}	24-Hour	1.5	10.4	No
	Annual	0.1	1.0	No
$PM_{2.5}$	24-Hour	0.6	10.4	No
Criteria Pollutants during Operation [3]				
NO_2	1-Hour (state)	281	339	No
	1-Hour (federal)	196	188	Yes
	Annual	55.0	57.0	No
CO	1-Hour	3,994	23,000	No
	8-Hour	3,167	10,000	No
PM_{10}	24-Hour	0.04	2.5	No
	Annual	0.0002	1.0	No
$PM_{2.5}$	24-Hour	0.04	2.5	No
Health Risks (Construction + Operation) [4]				
Individual Cancer Risk		2.5 × 10-6	10×10^{-6}	No
Chronic Hazard Index		0.005	1.0	No
8-Hour Chronic Hazard Index		0.01	1.0	No
Acute Hazard Index		0.08	1.0	No

Notes:
1 NO_2 and CO impacts are the modeled project increment plus observed background. All other impacts are the modeled project increment.
2 The highest impacts from all three phases of construction are shown.
3 The highest impacts from all three operational analysis years (2020, 2025, 2035) are shown.
4 Health risk values reflect occupational exposure assumptions and include emissions from both construction and operation.

Furthermore, the proposed Project could produce operational criteria pollutant and health impacts that are less than the values presented in the EIR and Table 11.2-16 by replacing many future drayage truck trips from the terminal served by the Pier B Rail Yard with rail transport. The potential air quality benefit associated with fewer drayage truck trips was conservatively not quantified in this EIR (although the impact of the additional rail transport *was* quantified). Please see response to Comment GSR-2 for a more thorough discussion of this potential air quality benefit.

With regard to air quality mitigation, please see response to Comment SEA-11.

Transportation/Circulation. Access to the local street network via Jackson Avenue would be maintained, thereby permitting deliveries of raw materials and transport of finished products from the site as at present. As mentioned in response to Comment SEA-1, acquisition of the property at 1700 W. Anaheim Street would not be required for any of the alternatives. Superior Electrical's access onto 12th Street along its southern property boundary and on its other three sides of the property would continue to be available. Superior Electrical's access gate to Jackson Avenue, leading to Anaheim Street, would not be affected. No changes to Superior Electrical's perimeter along Santa Fe Avenue would be required. 12th Street would be left in place to allow continued ingress and egress. A proposed perimeter road around the rail yard would be constructed south of 12th Street connecting to Jackson and Santa Fe avenues. On-street parking would continue to be available along the south side of 12th Street. Access to the Superior Electrical property would not change. For these reasons, the physical changes associated with the proposed Project would not be incompatible to continued business activities at Superior Electrical. The proposed perimeter road to be provided would be a benefit to the flow of traffic. Please also see Master Response – Street Closures, Access to Downtown Long Beach, and Public Services Access.

Response to Comment SEA-7: The comment claims that the Project description is inadequate and, specifically, that it does not identify the exact location of the proposed Project.

The comment identifies a mislabeling of two streets on Figure ES-1 and finds this to be a "significant defect" in the Draft EIR. One of the purposes of releasing the Draft EIR for public review is to identify errors and deficiencies so that the Final EIR is sufficiently accurate and complete to fully inform the decision-makers. Because the Project location is accurately depicted in other figures in the document and described within Chapter 1, the mislabeling of Figure ES-1 is not a "significant defect." Figure ES-1 and Figure 1.7-2 have been revised in the Final EIR.

Regarding the remainder of the comment, it must be noted that a project description need not supply details beyond those needed for evaluation and review of the environmental impacts of a project (CEQA Guideline 15124). Moreover, it need not include information not specified in CEQA Guideline 15124. Regarding location, the EIR complies completely with the Guideline by including both the regional map and the more detailed map. (see Figures 1.7-1 and 1.8-1). The Port disagrees with the commenter regarding the level of detail on these maps. These detailed maps are augmented by detailed textual descriptions of the location (pages 1-18 and 1-24).

The comment does not identify any omission of the Project description information specified in CEQA Guideline 15124. Thedescription of the proposed Project is more than adequate.

With regard to accessibility to 12th Street:

- Under the original proposed Project (12th Street Alternative), 10th Street Alternative, and 9th Street Alternative, 12th Street would continue to be accessible from Jackson and Santa Fe avenues.
- Under the 12th Street Alternative, as refined, a new perimeter road (open to the public) for the rail yard would connect Jackson and Santa Fe avenues. Superior Electrical's access to 12th Street would be maintained. 12th Street would connect to Santa Fe Avenue; however, 12th Street would no longer connect to Jackson Avenue.

- Under the 10th Street Alternative, as refined, the northern side of 12th Street would be accessible from Jackson and Santa Fe avenues. The perimeter road would displace a portion of the south side of 12th Street.
- Under the 9th Street Alternative, there would be no changes to 12th Street; Jackson and Santa Fe avenues would terminate at 9th Street.

Response to Comment SEA-8: The commenter contends that the level of detail about proposed Project operations in the Project Description is insufficient. CEQA Guideline 15124 requires only a "general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals, if any, and supporting public service facilities." The description in the Draft EIR more than met this requirement. The proposed Project is intended to enhance an existing facility and existing operations, so it reasonably focuses on how the existing facilities and operations would be enhanced and how that would improve throughput and reduce dwell time. In other words, the proposed Project is not the Pier B rail operations, per se, but consists of the changes in Pier B rail operations.

The 58-page Project description describes Pier B rail facilities and operations in sufficient detail to support the environmental impact analysis. Section 1.3.3 discusses the use of the various tracks in the rail yard and states "several of the yard tracks are dedicated to either automobile rail car storage or for other activity ..." (page 1-9). Section 1.8.2 includes a detailed description of the Project elements, which correspond to features shown on Figure 1.8-1. Operations of those elements are described in detail on pages 1-39 and 1-40. The relevant operations are described again, in detail, within the various environmental assessments in Chapter 3.

The commenter asks about the occurrence of various rail yard activities, including assembly, disassembly, coupling and uncoupling, refueling, and maintenance. The proposed Project would result in a reconfigured Pier B on-dock rail support facility that will include, but is not limited to, the following rail activities and capabilities (see page ES-5):

- Receive, depart, and stage inbound and outbound intermodal trains
- Rail car storage and classification facilities
- A departing train assembly area
- An inspection and departure brake test performance area
- Staging tracks for non-intermodal cars traveling to and from non-container terminals
- Approximately five tanker truck locomotive refueling vehicles (loaded with fuel offsite) to service onsite locomotives (see Figure 1.8-1 on page 1-27)
- Approximately five rail and rail car repair vehicles operating within the facility
- Passenger van support vehicles to pick up and drop off train crews within the facility
- Vehicle operations, including vehicles arriving and departing for refueling operations, rail and rail car repair, and daily rail yard administrative staff individual passenger vehicles, and locomotive operation personnel vehicles

The commenter states that the Project description identifies proposed "repairing tracks on dedicated tracks," and requests identification of said dedicated tracks. It is presumed that the commenter intended to inquire about repairing rail cars on dedicated tracks. Trackage for rail car repair activities are located within the existing rail yard, but currently do not provide sufficient space for repairing cars, to allow other tracks to remain clear. As such, the Draft EIR identifies, on page 1-39 of the Introduction and Project Description, Lines 35-37, "Repairing

cars on dedicated tracks within the Pier B Rail Yard allows the tracks to remain clear for incoming and outgoing cargo." The proposed Project would include one track that would provide a track line predominantly designed for repair of cars on an as-needed basis. This track would be located approximately 125 feet from Superior Electrical Advertising's back entrance on 12th Street. As repairing loaded rail cars is more difficult and generally avoided, most rail car repair activities occur at locations offsite, in the on-dock rail yards at the marine terminals, once the cars have been unloaded. Within the proposed Pier B On-Dock Rail Support Facility, if rail car repair must occur, repair could feasibly take place upon track(s) located adjacent to aisle ways that allow equipment vehicles to assist the rail car repair activities. The arrival and departure tracks for trains entering and leaving the Pier B Rail Yard, functioning as the primary ingress and egress, would be located near (i.e., northernmost proposed Project boundary) Anaheim Street (Figure 1.8-1, page 1-27).

If the BHC ultimately approves the proposed Project or one if its alternatives, Engineering design prior to construction would determine the final use of future rail tracks, dedicated or otherwise. Other onsite rail activities, as described above and in the EIR, would take place on tracks located within the boundaries of the proposed Pier B Rail Yard.

Response to Comment SEA-9: The comment states that more Project details are provided in the various impact analyses than in Chapter 1 (Project Description). The comment does not provide any examples of this. However, as pointed out in response to Comment SEA-8, CEQA Guideline 15124 requires only a "general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals, if any and supporting public service facilities." The Project description is consistent throughout the Draft EIR in that its basic characteristics are the same, with variations only pertaining to the size of the footprint, operational capacity, and alterations to the local street network. Each of these variables is consistently evaluated across all impact factors. To the extent that certain details require analysis for certain associated impacts (e.g., locomotives for purposes of air quality analysis or internal rail yard operations for purposes of noise analysis), those factors and descriptors are evaluated across the range of alternatives in those specific analyses.

The purpose of describing a project is to allow a proper assessment of its environmental impacts. The fact that additional descriptions may be provided in the context of explaining an impact is by no means a violation of CEQA. To the contrary, it is totally appropriate to describe Project operations in the context of a particular impact analysis.

Response to Comment SEA-10: The comment contends that the Project description misleads readers in the way it describes 94 properties on page 1-31 of the Draft EIR. The commenter quotes the section out of context and attempts to suggest that the Draft EIR was suggesting that only the 94 properties within the Project footprint would be affected by the proposed Project. That is not what the Draft EIR states. The partially quoted language comes from a description of construction impacts, and it is specifically under the heading "Potential Property Acquisition." Read in context, the language is clearly describing the properties that might be affected by acquisition. It never suggested that these properties were the limit of the environmental impacts of the proposed Project. The Project description is not misleading.

Response to Comment SEA-11: The comment contends that the Draft EIR should include additional mitigation measures. The comment references the need for additional measures to address operational NO_X emissions. The comment does not identify any such additional measures, but it appears to assume that additional feasible mitigation measures for NO_X are available but are not being included. As explained in the Draft EIR on page 3.2-47, there are

no additional feasible mitigation measures available at this time. For example, in responses to Comments CARB-7 and CARB-8, the Port explained why certain suggested additional measures were not feasible. It is possible that new measures would be developed over time. For this reason, the Port has imposed a Special Condition in Section 6.3.2, which imposes a mandatory technology review every 5 years. Please also see Master Response – Electrification of Alameda Corridor and Zero Emission Locomotives.

Response to Comment SEA-12: The Shoemaker Bridge (West Shoreline Drive) is located at the southern end of I-710, and is bisected by the Los Angeles River. Shoreline Drive and West Anaheim Street provide direct access from the proposed Project area to Downtown Long Beach and would continue to do so. Without the ramps, the Shoemaker Bridge (West Shoreline Drive) would continue to be accessible via I-710 south from the east, which will provide access to Downtown Long Beach.

The comment indicates that it is unclear what the proposed Project's relationship is with the Shoemaker Bridge. The Shoemaker ramps include: (1) an on-ramp to southbound Shoemaker Bridge at 9th Street in the North Harbor District that provides access to downtown Long Beach; and (2) an off-ramp from northbound Shoemaker Bridge at 10th Street, which feeds into 9th Street in the North Harbor District. The proposed Project (12th Street Alternative) would remove the Shoemaker Ramps on the westerly end of the Shoemaker Bridge. Under the 10th Street Alternative the ramps would be reconfigured to maintain a connection between Anaheim Street and Downtown Long Beach via Harbor Avenue. In the 9th Street Alternative and No Project Alternative, the Shoemaker Ramps would remain unchanged.

In April 2016, the COLB issued a NOP for a separate project to replace the Shoemaker Bridge (West Shoreline Drive). The Shoemaker Bridge Replacement Project is an Early Action Project of the Interstate I-710 Corridor Improvement Project. Three alternatives are being evaluated as part of the Shoemaker Bridge Replacement Project. In addition to the No Build Alternative (Alternative 1), Alternatives 2 and 3 will replace the existing Shoemaker Bridge over the Los Angeles River with a new bridge located just south of the existing bridge. Both Alternatives will include the evaluation of design options for a roundabout or a "Y" intersection at the easterly end of the bridge. The primary difference between Alternative 2 and 3 is that Alternative 2 provides for the re-purposing of the existing bridge for non-motorized transportation and recreational use and Alternative 3 includes removal of the existing bridge.

While emergency response times are not environmental concerns, as explained in the Draft EIR, the proposed Project would improve emergency response in some locations by eliminating the at-grade crossing at Pier B/9th Street (page 3.7-10). The traffic analysis contained in Chapter 3.5 of the Draft EIR took into account the roadway modifications of the proposed Project, including elimination of the Shoemaker Bridge ramps, and concluded that the rerouted traffic would not cause any significant traffic impacts (depending on traffic conditions, travel time could increase by up to 4 minutes by not using the 9th Street ramps to access West Shoreline Drive). The roadways at issue are publicly owned. The comment relating to increased travel time relates to convenience and does not give rise to a CEQA issue. The driving public does not have any vested right in being able to utilize the shortest route between two locations. The street network in place with the proposed Project would maintain access to all destinations in either the downtown area or port vicinity. Substantial inconvenience due to additional driving time is not expected. Please see Master Response – Street Closures, Access to Downtown Long Beach, and Public Services Access.

Response to Comment SEA-13: The commenter contends that the proposed Project introduces a land use that is incompatible with existing land use. The proposed Project is intended to upgrade existing rail operations on Pier B, improving the efficiency of its operations and decreasing dwell times while minimizing adverse environmental effects. Thus, the proposed Project is an existing use in an appropriately zoned area. The Project is consistent with the Port Master Plan and with the COLA General Plan's Wilmington-Harbor City Community Plan goals and objectives. The nature of the Project is such that it cannot be moved to a more appropriate location (see Draft EIR Section 1.9.1). The EIR has presented the potential environmental impacts of the Project, and, after considerable analysis, determined these to be less than significant; the only exception being air quality impacts which were determined to be significantly adverse.

None of the impacts evaluated in the Draft EIR were determined to be of sufficient significance that they would be inconsistent with similar effects currently being experienced by adjacent properties and businesses. The entire area surrounding the Project area is classified as the IG (General Industrial) district by the COLB (Municipal Code; Section 21.33.020). This zoning designation applies to all properties in the area bounded by the Harbor District to the south, Pacific Coast Highway to the north, the COLA to the west, and the vicinity of the Los Angeles River to the east. Within the IG district, "a wide range of industries may locate, such industries that may not be desirable in other districts. The emphasis is on traditionally heavy industrial and manufacturing uses. The IG district is intended to promote an industrial sanctuary where land is preserved for industry and manufacturing and where existing industries are protected from non-industrial users that may object to the operating characteristics of industry." It is, therefore, presumed that by locating a business within the IG district, such business is cognizant and accepting of the similar uses, operations, conditions and circumstances associated with general industrial operations, those being potentially adjacent, nearby, or otherwise occurring within the district.

The Port understands that the Superior Electrical Advertising is a manufacturing business that operates within industrial land use and General Industrial (IG) zoning. Please see response to Comment SEA-1 for physical features that would be constructed between Superior Electrical's 12th Street perimeter and the Pier B Rail Yard as part of the proposed Project or alternatives. Surrounding businesses are also industrial in nature. Based on the environmental analyses for the proposed Project, these industrial land uses would not experience significant negative impacts associated with land use compatibility.

Response to Comment SEA-14: The comment claims that the proposed Project would cut off access to Superior Electrical's primary entrance on 12th Street. This is not the case; accessibility to 12th Street would be maintained from the Superior Electrical property's driveway onto 12th Street. On-street parallel parking would be provided along the perimeter road. A rail yard fence would separate the perimeter road from an interior rail yard access road.

Response to Comment SEA-15: The comment claims that the land use impact analysis in the Draft EIR only addresses properties within the footprint of the proposed Project. This is not the case, as explained in response to Comment SEA-11 and other prior comments. The Draft EIR identifies the specific properties within its footprint that would be displaced by the proposed Project if it were approved and implemented. However, the environmental analysis in the Draft EIR studies the impacts of the proposed Project and its alternatives on the entire

area, including the properties closest to the footprint of the proposed Project (see Figures 3.6-5 through 3.6-7).

As stated in Section 3.6.4.1, the proposed Project is in the planning process. No final construction plans, ROW mapping, or decisions regarding possible acquisitions of any privately held interests in properties have been made. The Port has identified properties that might be subject to acquisition. However, no commitment to acquire any property interest can be made without compliance with a series of procedural steps called for under the California Eminent Domain Law (California Code of Civil Procedure Secs. 1230.010 *et seq.)* and applicable relocation statutes and resolutions (CCR Secs. 6000 *et seq.),* among other requirements.

Proposed land uses that would be near Superior Electrical are all industrial in nature. Based on preliminary engineering design, the proposed rail yard south of Superior Electrical would include roadway improvements (i.e., a perimeter road) to connect Jackson and Santa Fe avenues; rail yard perimeter fencing; and an interior access road. Neighboring properties and businesses adjacent to the Project footprint are within the IP (Port Industrial) land use district, as established by the COLB. As such, these land uses would not be incompatible with each other because both Superior Electrical and the railyard are industrial land uses. The proposed Project is still in the planning stage, and no decisions have been made.

Response to Comment SEA-16: As explained above, the proposed Project would not significantly impact the environment at Superior Electrical. The comment suggests that the Port should implement mitigation to include acquisition of properties immediately adjacent to the proposed Project. Given that the proposed Project would not have a significant impact on the commenter's business, the suggested mitigation is not appropriate. In addition, the suggested mitigation is legally infeasible. It would be improper for the Port to commit to acquiring property without first having gone through all of the legally required steps. Furthermore, California law only permits acquisition through eminent domain of property that is actually necessary for a public project.

The comment also suggests that mitigation should be required for noise impacts. The Draft EIR found that changes in ambient noise levels, including at receptor location M1 near Superior Electrical, would be less than significant; for this reason, mitigation is not required.

Response to Comment SEA-17: The comment characterizes the results of the noise impact analysis as "unreasonable and questionable" and states that "noise levels for the Project will be below the baseline ambient noise levels … seems unlikely," but does not note any specific flaws in the noise analysis, giving rise to those comments. The commenter states that "noise level predictions seem very low." These perceptions, because they are not informed by technically based information, can only be responded to by reference to the technical noise analysis presented in Section 3.8 of the Draft EIR.

The commenter further states that "without an adequate description of the proposed rail operations, noise estimates are unreliable." The commenter does not reference any particular project description information in the EIR that it considers to be inadequate and, therefore, a direct response to that assertion cannot be provided. The Draft EIR presents detailed descriptions of how the existing and improved rail yard would operate and how those operations would vary among the alternatives under consideration (see Draft EIR Sections 1.3.3 and 1.8).

The commenter asks, "what methodology was used to predict the Project's noise impacts?" The operational noise analysis was conducted pursuant to established FRA and FTA guidelines and procedures. Operational noise was projected for each of the proposed Project alternatives, by taking the results of existing ambient readings in the yard and expanding them to reflect the proportional increased level of operations associated with each of the Project alternatives. In capturing the in-yard existing in-yard baseline noise, the various activities occurring within the yard (e.g., trains moving on tracks, coupling and de-coupling, locomotive engine noise, safety-related horn soundings, and other typical yard sounds) were also captured on the noise meters used to measure ambient noise.

The reasoning for the finding of less than significant noise impacts is based on technical analysis, founded on actual field noise measurements, following generally accepted prediction methodology as established by the two federal agencies (FRA and FTA) having authority over that subject.

Response to Comment SEA-18: As a point of clarification, the warning devices on modern locomotives such as those discussed in the Draft EIR are referred to as horns rather than whistles. As such, the term horn is use for all discussion of such devices. The comment states incorrectly that the number of train horns would "be increased exponentially" with the proposed Project. That is not the case. The use of train horns would increase in proportion to the increase in the number of trains leaving Pier B, as train horns are a safety feature. The comment claims that train whistles are not even addressed in the Draft EIR; train horns are discussed in Sections 3.8.1.3, 3.8.1.5, and 3.8.2.2. Finally, the comment is focused on noise effects at an existing industrial building within the COLB, which is not a noise-sensitive receptor for the purposes of CEQA analysis. Both the proposed Project and the Superior Electrical Advertising building are contained within the General Industrial (IG) district, which is considered the City's "industrial sanctuary" district. According to the City's zoning code, this district is "where a wide range of industries that may not be desirable in other districts may locate. The emphasis is on traditionally heavy industrial and manufacturing uses." The uses permitted within this district can reasonably expect to generate, and to be subject to, higher noise levels than properties elsewhere in the city.

Response to Comment SEA-19: The comment claims that the potential vibration impacts of the proposed Project are not adequately analyzed. Potential ground-borne vibration impacts from proposed Project construction and operation are discussed under Impact NOISE-2 (Draft EIR pages 3.8-21 through 3.8-23) and Impact NOISE-8 (Draft EIR pages 3.8-27 and 3.8-28), respectively. The analysis was conducted following FRA and FTA guidelines and procedures. The analysis of construction-generated vibration indicates that building damage could potentially occur at distances of 26 feet or less from construction activity (with the highest vibration-generating construction equipment used); the Superior Electrical Advertising building would be approximately 85 feet from the nearest railroad track (under the 12th Street Alternative, as refined). That is the nearest construction activity (under the 12th Street Alternative, as refined).

The analysis of operational ground-borne vibration levels focuses on human annoyance, in accordance with FTA criteria (see Draft EIR Table 3.8-2). Three categories of land use are identified for consideration of such impacts. None of those categories include industrial uses; therefore, human annoyance vibration impact criteria, as per FTA guidance, do not apply.

Response to Comment SEA-20: The proposed Project site is in an area mapped by the State of California as a potential earthquake liquefaction zone (California Division of Mines

and Geology, 1999, Seismic Hazard Zones). The Draft EIR accordingly addresses the potential for earthquake-induced liquefaction, as well as other seismic hazards, in Draft EIR Section 3.1.2.3 (page 3.1-10).

Energy released during an earthquake is orders of magnitude greater than the energy released by train and construction vibrations. Earthquake shaking is attenuated over several miles from the rupturing fault, while train or construction vibrations is attenuated within a few feet of the source. Thus, the intensity of shaking during an earthquake is very similar from one end of Long Beach to the other end. However, the train or construction vibration will be much more intense at the source than 25 to 150 feet away.

The estimates for vibration due to train passages, as discussed in NOISE-8 on pages 3.8-27 and 3.8-33 of the Draft EIR, are approximately 83 VdB at a distance of 25 feet from the track centerline. For comparison, one can convert into VdB the earthquake spectral response curves for the Operating Level Earthquake and Design Earthquakes at frequencies of 10 and 33 hertz (Hz) (Port of Long Beach Wharf Design Criteria, 2012). These values are expected to bracket the probable frequencies of soil resonance, train vibration, and construction vibration, as shown in Table 11.2-117 below. Clearly, within 25 feet of the train or vibration source, the vibration levels are already substantially lower than the vibrations expected under the buildings during an earthquake.

TABLE 11.2-17
COMPARISON OF EARTHQUAKE AND PROJECT-RELATED GROUND-SHAKING INTENSITIES

Vibration Source	Approximate Velocity Level (VdB)		
	Earthquake Intensity		Peak Particle Velocity
	@ 10 Hz	@ 33 Hz	
Operating Level Earthquake	112	102	NA
Design Earthquakes	121	109	NA
Train @ 25 feet	NA	NA	83
Vibratory Compactor/Roller @ 25 feet	NA	NA	94

NA not applicable

Source: Port of Long Beach, Port of Long Beach Wharf Design Criteria, Version 3.0, February 29, 2012.

Liquefaction and vibration-induced settlements generally require strong shear waves to pass through deeper soils. Earthquake vibrations generally include large components of compression and shear waves because the shaking source is deep within the bedrock and transmitted to the soils through the bedrock movements. Studies have shown that trains and most construction vibration sources generate primarily surface waves (mainly Rayleigh waves), while only a small portion of the energy is transmitted as compression and shear waves that move through the soil mass. Evaluations by Seed and Carter (1988) show multiple lines of evidence from field observations, laboratory testing, and theoretical analysis that, when railroad tracks are laid on level ground, train vibrations are insufficient to cause liquefaction in loose sand deposits that are known to be liquefiable in earthquakes. A freight locomotive will cause the highest vibration levels associated with a freight train, and there will be approximately 100 cycles associated with the locomotives of a freight train at a given location (Seed, H.B. and D.P. Carter, *Liquefaction Potential of Sand Deposits under Low*

Levels of Excitation, Earthquake Engineering Research Center, University of California, Berkeley, August 1988). The remaining freight cars will produce many more cycles but at a lower energy level. The increases in pore pressure that cause liquefaction and settlement due to vibrations require many more cycles at low stresses than the number of cycles required at high stresses (Seed and Carter, 1988). Once a train has passed by, the pore pressures will dissipate and the soil deposit will repeat the process again when the next train passes. Because the weight, length, and speed of freight trains tends to be similar when averaged over time, the first few trains that operate at a location will cause most of the potential impacts, such as liquefaction and settlement. Once the soils have densified, their resistance to further liquefaction and settlement has increased, but the stresses applied with each train passage does not change significantly. Because freight trains have been operating at Pier B since the 1950s, it is estimated that 100,000 or more trains have already traveled through this corridor. The potential impacts of these trains will have occurred decades ago, and the potential for liquefaction and settlement caused by train vibrations is now very low under normal loadings. The addition of 10 trains per day will not change the magnitude of the stress levels to which these soils are subjected. Only a substantially higher peak stress, such as an earthquake, would change this condition. For this reason, no mitigation is necessary to address potential liquefaction.

Response to Comment SEA-21: Superior Electrical's opposition to the proposed Project is noted for the record and is hereby part of the Final EIR; therefore, it is before the decision-makers for their consideration prior to taking an action on the proposed Project.

1 **11.2.3.3 California Department of Transportation (CADOT)**

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-6536
FAX (213) 897-1337
www.dot.ca.gov

Serious drought.
Help save water.

February 14, 2017

Ms. Heather Tomley
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, CA 90802

RE: Pier B On-Dock Rail Support Facility
SCH#2009081079
GTS#07-LA-2016-00393ME-MND

Dear Ms. Tomley:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project involves the expansion of the Pier B railyard located in the North and Northeast Harbor Planning Districts. The On-Dock Rail Support Facility Project (Project) would enhance rail operations and the capacity and efficiency of rail facilities at the existing Pier B Rail Yard. Based on the information received in the Mitigated Negative Declaration we have the following comments: CADOT-1

The project presents three alternatives: a 12th Street Alternative, 10th Street Alternative and 9th Street Alternative.

- The 12th Street Alternative requires Shoemaker Bridge ramps at I-710 be removed.
- The 10th Street Alternative requires Shoemaker Bridge ramps at I-710 be reconfigured to maintain a connection between Anaheim Street and downtown via Harbor Avenue.
- The 9th Street Alternative maintains Shoemaker Bridge ramps as a connection between Anaheim Street and downtown via the North Harbor. CADOT-2

We recommend the "9th Street Alternative" because it has the least impacts on traffic flow and public safety in the vicinity compared to the "12th Street" and "10th Street" Alternatives.

In the spirit of mutual cooperation, Caltrans staff is available to work with your planners and traffic engineers for this project, if needed. If you have any questions regarding these comments, please contact project coordinator Ms. Miya Edmonson, at (213) 897-6536 and refer to GTS# LA-2016-00393ME.

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

2 RECEIVED FEB 22 2017

Responses to California Department of Transportation

Response to Comment CADOT-1: Thank you for your comment. The comment summarizes the overall Project proposed for the Pier B On-Dock Rail Support Facility. However, this comment also indicates that comments are based on "the information received in the Mitigated Negative Declaration." To clarify, the document prepared for the proposed Project is a Draft EIR and not a Mitigated Negative Declaration.

Response to Comment CADOT-2: The comment summarizes the 12th Street, 10th Street, and 9th Street alternatives presented in the Draft EIR as they each relate to the Shoemaker Bridge ramps. Caltrans recommends the 9th Street Alternative because, in its opinion, "it has the least impacts on traffic flows and public safety in the vicinity compared to the 12th Street and 10th Street Alternatives." It should be noted that, as is shown in Tables 3.5-13, 3.5-15, and 3.5-17 of Draft EIR Section 3.5 (Ground Transportation), significant impacts were not identified for any of the three build alternatives at the 18 street intersections, 2 I-710 freeway segments, and 4 Pacific Coast Highway segments analyzed, as compared with the CEQA baseline. As to public safety, the 12th Street, 10th Street, and 9th Street alternatives would result in removal of the at-grade rail crossing at 9th Street and Pico Avenue; this public safety improvement would be the same for each alternative.

Your recommendation is noted and is hereby made part of the Final EIR; therefore, it is before the decision makers for their consideration prior to taking any action on the proposed Project.

Phillips Steel
Experience the Strength
Since 1915

Bonnie Lowenthal
Harbor Commissioner
Port of Long Beach
Bonnielow@aol.com

January 19, 2018

Re: Pier B On-Dock Rail Support Facility Project
Hearing on Final Environmental Impact Report

Dear Ms. Lowenthal:

I very much appreciate the willingness of the Port of Long Beach and its Harbor Commissioners to listen to the concerns of local businesses more recently and over the years. In particular, I value your support, and openness to discussing worries that I have about the drastic impact of the proposed Pier B On-Dock Rail Support Facility Project on Phillips Steel Company.

As you know, I can't attend the public hearing on January 22, 2018 as I am traveling at that time. Our counsel filed a formal opposition to the Project on March 3, 2017. We continue to have grave concerns about the impact of the Project. Thank you so much for agreeing to share those concerns on Monday.

Our main location is on 1368 West Anaheim. We have a second fabrication facility and another building just west of that on Anaheim. I understand the Port is likely to approve the 12th Street alternative. The 12th Street alternative requires closure of our primary access to the Port, as well as the Shoemaker Bridge, which is our main access to downtown Long Beach. All traffic, including emergency vehicles, will be re-routed to Anaheim, PCH and the 710.

The response to our earlier comments acknowledges traffic impacts and predicts only 3-minute delays "subject to traffic conditions". The projected 3-minute delay makes no sense when the Shoemaker Bridge is being closed and other major arteries are either being eliminated or overburdened with congestion. Furthermore, "subject to traffic conditions" is inherently vague and far from a scientific or even evidence-based response.

Here are our continuing major concerns:

- That 12th Street alternative adds over 30 rail lines. While we are not in the "project footprint", those rails and the related construction, noise, and pollution, will be right in our backyard. The value of our properties will be decimated.

- The only major arteries that will be left open are PCH and Anaheim, and they will be congested. Our access to emergency services will be materially harmed. The response to our comments hedges the question. To say emergency responders are located "near" and "on all sides" is vague and provides no comfort. The safety of our employees will be compromised by the Project's traffic impact.

- Traffic congestion will limit access to our properties by our customers and vendors. People and businesses at the Port and downtown Long Beach will be most impacted. Limited access to our properties and longer travel times will drive away customers. The profitability of our business and the value of our buildings will both be compromised. The California Department of Transportation echoes our concerns about the traffic impacts in its comments. The DOT recommends the 9th Street alternative if any Project moves forward. That alternative would keep the Shoemaker Bridge in place, preserving our existing access to our downtown Long Beach customers, as well as to the hospital and other emergency services.

- Not only are we exceedingly concerned about the pollution impacts on our business, workers, and clientele, we are also concerned about environmental protestors blocking access to our properties due to their environmental impact concerns. This will further limit access to our properties by our customers, employees, and emergency responders.

- Last but not least, rather than submitting a revised Draft EIR, the Port has moved straight to a Final EIR. The Final EIR is difficult to follow and contains over 50 "revised" and "updated" figures and tables, along with assorted "refinements" and "corrections". This has impaired the ability of Phillips Steel Company and other impacted local businesses to mount an effective opposition.

Phillips Steel Company remains opposed to the Project and believes it should be rejected. At the very least a revised Draft EIR with additional analysis and mitigation should be required and circulated or the alternative that environmentally impacts our business and community the least and protects the Shoemaker Bridge should be favored over the 12th Street alternative.

I really appreciate your continued support. Thank you again for voicing our concerns at the public hearing.

Sincerely,

Daryl Phillips
President, Phillips Steel Company

ESTABLISHED 1915

1368 West Anaheim Street • Long Beach, CA 90813-2779 • (562) 435-7571 • Fax (562) 437-1072 Website: www.phillipssteel.com • E-Mail: psco@phillipssteel.com

Source: Parsons.

Figure ES-1
Project Vicinity Map

A broad range of build alternatives was considered; many were eliminated from further consideration because they failed to meet some or all of the Project's objectives or screening criteria. Those alternatives are listed below and discussed further in Section 1.9 of this EIR:

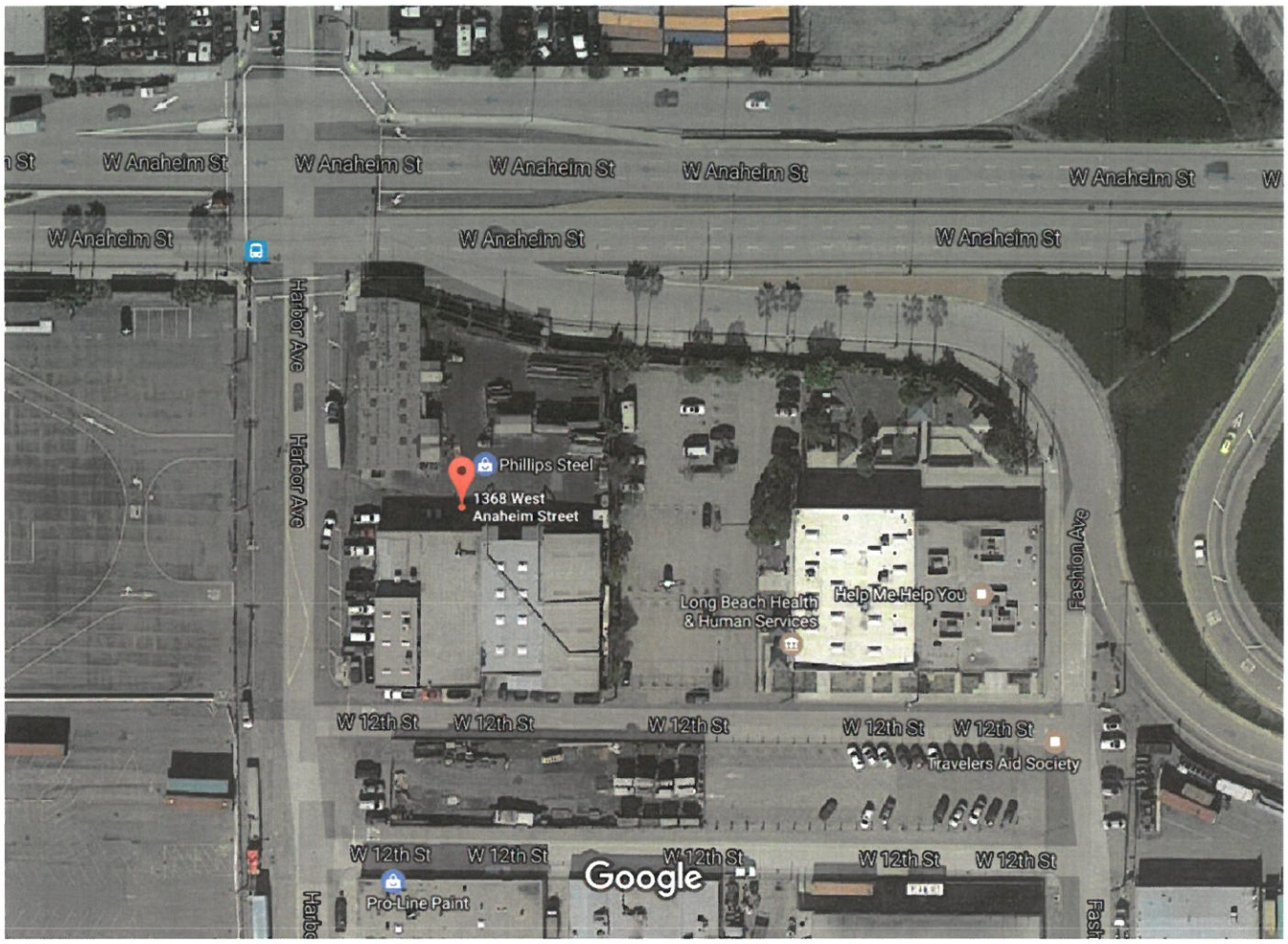
- Locate Additional Rail Yard Capacity on an Existing POLB marine terminal;
- Locate Additional Rail Yard Capacity on a Non-Marine Terminal Site within the Jurisdiction of the POLB;
- Inland Rail Yard;
- Reconfigured Rail Yard with Additional Pinwheel Ladder Storage Tracks; and
- Reconfigured Rail Yard with Additional Storage Tracks and Reconfigured Mead Yard.

12th Street Alternative (Proposed Project)

The proposed Project would be constructed in three phases over an estimated seven years and has an estimated opening year of 2025. Components of the proposed Project would include:

- Adding 31 yard tracks and five arrival/departure tracks, thereby expanding the yard from an existing 12 tracks (2 main line tracks, 10 yard tracks, and no arrival/departure tracks) to a total of 48 tracks (2 main tracks, 41 yard tracks, and five arrival/departure tracks);

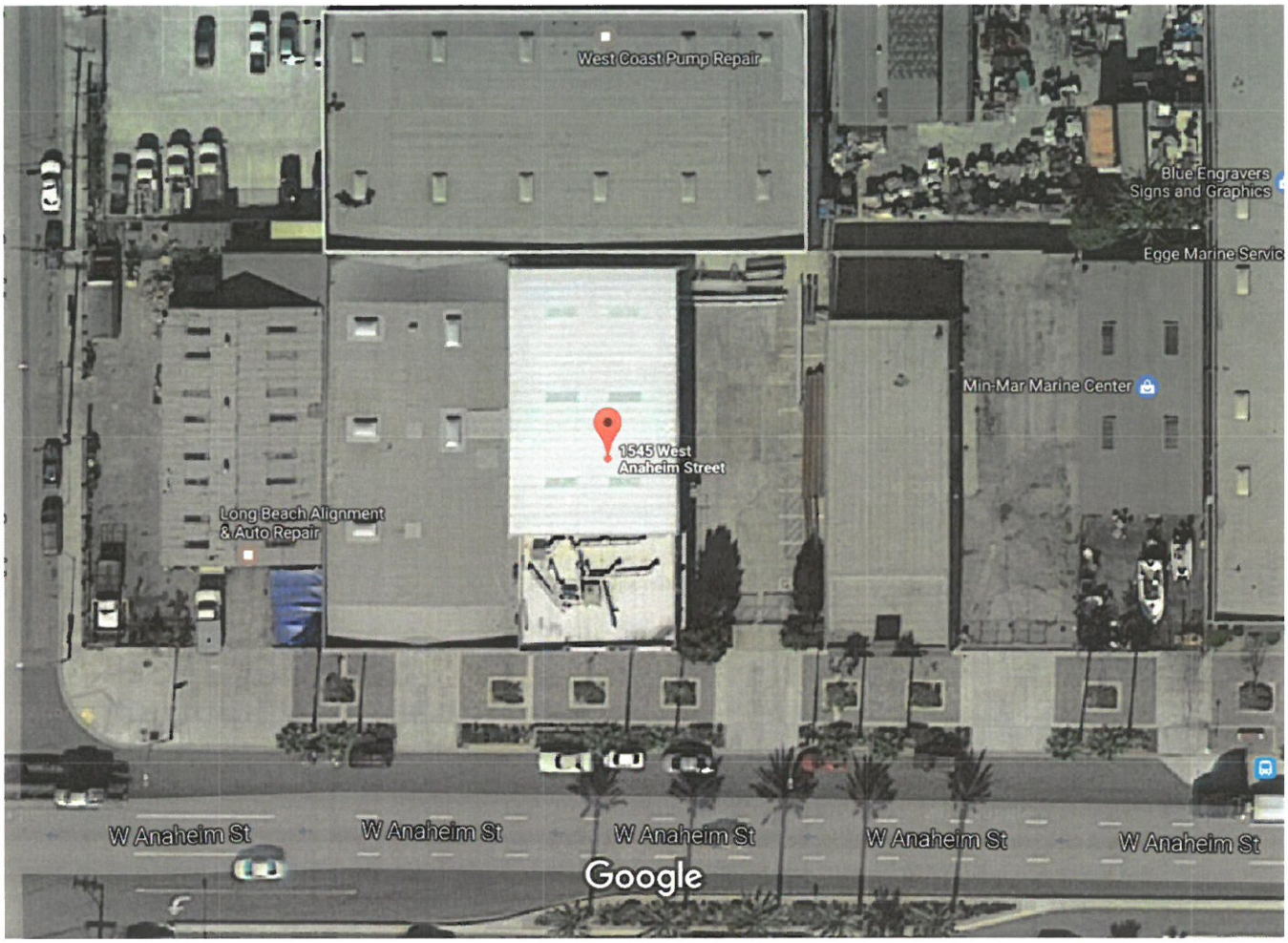
Google Maps 1368 W Anaheim St



Imagery ©2017 DigitalGlobe, Sanborn, U.S. Geological Survey, Map data ©2017 Google 50 ft

1368 W Anaheim St
Long Beach, CA 90813

Google Maps 1545 W Anaheim St



Map data ©2017 Google 20 ft

1545 W Anaheim St
Long Beach, CA 90813

YARD 1		
Track	Clr. Length	# of Cars
Yard 1 - S-01	2,698'	8
Yard 1 - S-02	2,831'	9
Yard 1 - S-03	2,964'	9
Yard 1 - S-04	3,097'	10
Yard 1 - S-05	3,237'	10
Yard 1 - S-06	3,171'	10
Yard 1 - S-07	3,505'	11
Yard 1 - S-08	3,753'	12
Yard 1 - S-09	3,536'	11
Yard 1 - S-10	3,537'	11
Yard 1 - S-11	3,278'	10
Yard 1 - S-12	3,138'	10
Yard 1 - S-13	3,242'	10
Total	42,187'	131

YARD 2		
Track	Clr. Length	# of Cars
Yard 2 - S-14	3,101'	10
Yard 2 - S-15	3,103'	10
Yard 2 - S-16	2,845'	9
Yard 2 - S-17	2,837'	9
Yard 2 - S-18	2,569'	8
Yard 2 - S-19	2,571'	8
Yard 2 - S-20	2,303'	7
Yard 2 - S-21	2,305'	7
Yard 2 - S-22	2,260'	7
Yard 2 - S-23	2,260'	7
Yard 2 - S-24	2,374'	7
Yard 2 - S-25	2,375'	7
Yard 2 - S-26	2,108'	6
Yard 2 - S-27	2,109'	6
Total	35,110'	108

YARD 3		
Track	Clr. Length	# of Cars
Yard 3 - S-28	1,929'	6
Yard 3 - S-29	1,930'	6
Yard 3 - S-30	1,663'	5
Yard 3 - S-31	1,665'	5
Yard 3 - S-32	1,406'	4
Yard 3 - S-33	1,266'	4
Yard 3 - S-34	1,370'	4
Total	11,229'	34

YARD 4		
Track	Clr. Length	# of Cars
Yard 4 - S-35	1,239'	4
Yard 4 - S-36	1,241'	4
Yard 4 - S-37	973'	3
Yard 4 - S-38	975'	3
Total	4,428'	14

Grand Total Yard Storage	Clr. Length	# of Cars
	92,954'	287

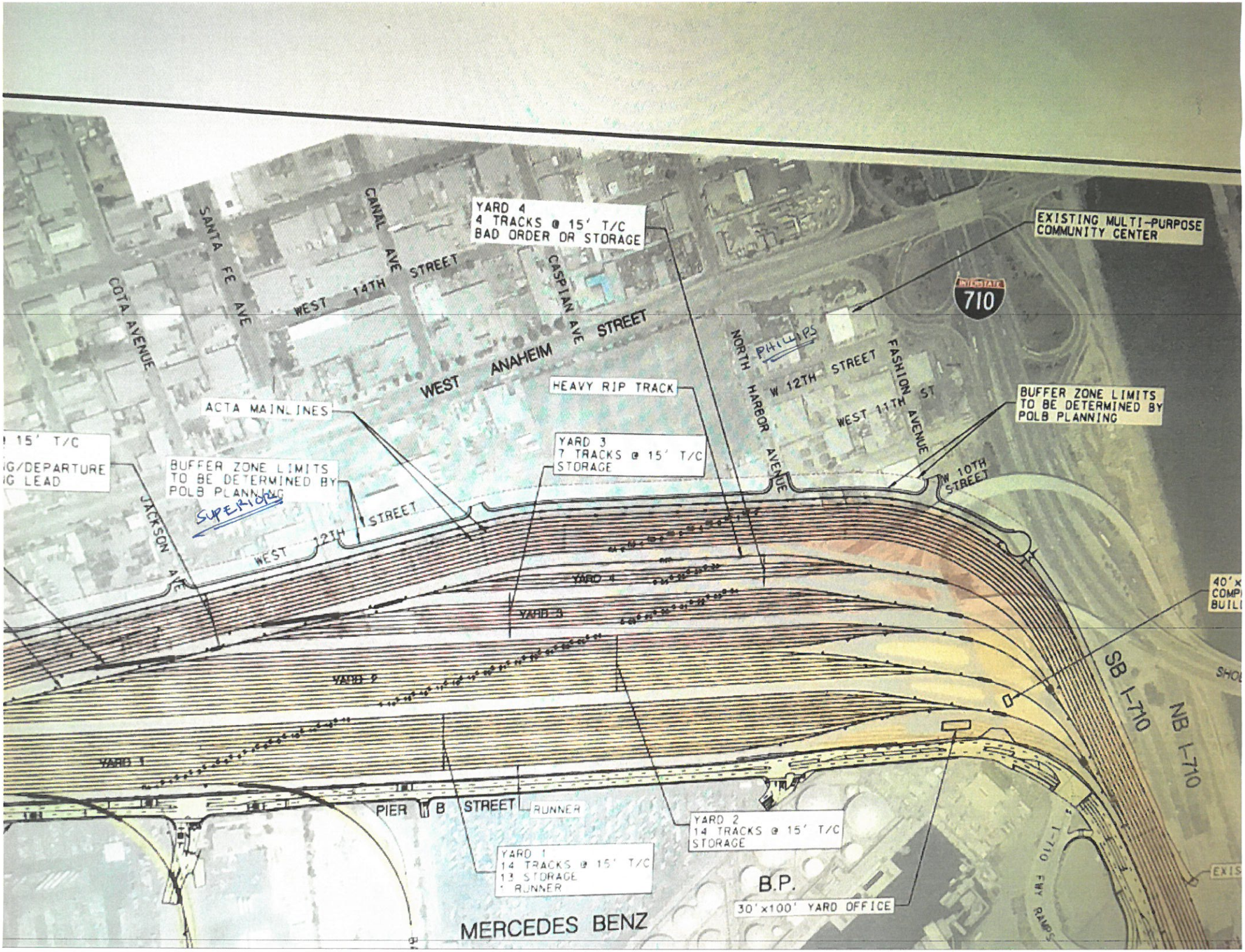
RECEIVING / DEPARTURE		
Track	Clr. Length	# of Cars
R&D 1	10,232'	33
R&D 2	10,186'	33
R&D 3	10,338'	32
R&D 4	10,639'	33
R&D 5	10,657'	33
Total	52,052'	160

LOCOMOTIVE STORAGE - SOUTH		
Track	Clr. Length	# of Locos
South ER-1	524'	6
South ER-2	524'	6
South ER-3	481'	6
South ER-4	481'	6
Total	2,010'	24

LOCOMOTIVE STORAGE - NORTH		
Track	Clr. Length	# of Locos
North - ER-5	400'	5
North - ER-6	400'	5
North - ER-7	400'	5
North - ER-8	400'	5
North - ER-9	400'	5
North - ER-10	400'	5
Total	2,400'	30

NON-STORAGE TRACKS		
Track	Clr. Length	# of Cars
Yard 4 - RIP	1,201'	3

NOTE:
Length of Car is assumed to be 309
Number of cars for R&D tracks have been adjusted to include 5 - 75 ft locomotives
Number of Cars for R&D 1
= [10232' - 5 x 75] / 309
= [10232' - 375] / 309
= 985.1/309
= 31 Cars


YARD 4
4 TRACKS @ 15' T/C
BAD ORDER OR STORAGE
EXISTING MULTI-PURPOSE
COMMUNITY CENTER
SANTA FE AVE
CANAL AVE
WEST 14TH STREET
CASPIAN AVE
COTA AVENUE
WEST ANAHEIM STREET
710
NORTH HARBOR AVENUE
W 12TH STREET
FASHION ST
WEST 11TH ST
HEAVY RIP TRACK
ACTA MAINLINES
BUFFER ZONE LIMITS
TO BE DETERMINED BY
POLB PLANNING
YARD 3
7 TRACKS @ 15' T/C
STORAGE
BUFFER ZONE LIMITS
TO BE DETERMINED BY
POLB PLANNING
SUPERIOR
JACKSON AVE
WEST 12TH STREET
W 10TH STREET
YARD 4
YARD 3
YARD 2
YARD 1
SB I-710
NB I-710
PIER B STREET
RUNNER
YARD 2
14 TRACKS @ 15' T/C
STORAGE
YARD 1
14 TRACKS @ 15' T/C
13 STORAGE
1 RUNNER
B.P.
30'x100' YARD OFFICE
MERCEDES BENZ

- Providing for up to 10,000-foot long receiving/departure tracks;
- Widening the existing rail bridge over Dominguez Channel to accommodate one additional track; and
- Constructing an area for locomotive refueling within the yard.

Realignments and closures of some roadways would be required. Pier B Street would be realigned to the south, its geometrics would be improved, and two lanes of traffic in each direction would be provided.

- The realignment of Pier B Street would require the reconstruction of two intersections, at Anaheim Way and Edison Avenue.
- The existing at-grade 9th Street railroad grade crossing would be closed and the Shoemaker ramps removed.
- Pico Avenue would be realigned to the west beginning at the I-710 ramps south to approximately Pier D Street, allowing space for four additional tracks between Pico Avenue and the I-710 freeway.
- Areas needed for new rail tracks would require the closure of portions of 9th, 10th, 11th, and 12th streets and Edison, Jackson, Santa Fe, Canal, Caspian, Harbor, and Fashion avenues between Anaheim Street and Pier B Street, in the COLB.
- Portions of Farragut, Foote, Cushing, Macdonough, and Schley avenues would be closed in the vicinity of existing railroad right-of-way (ROW) in the COLA.

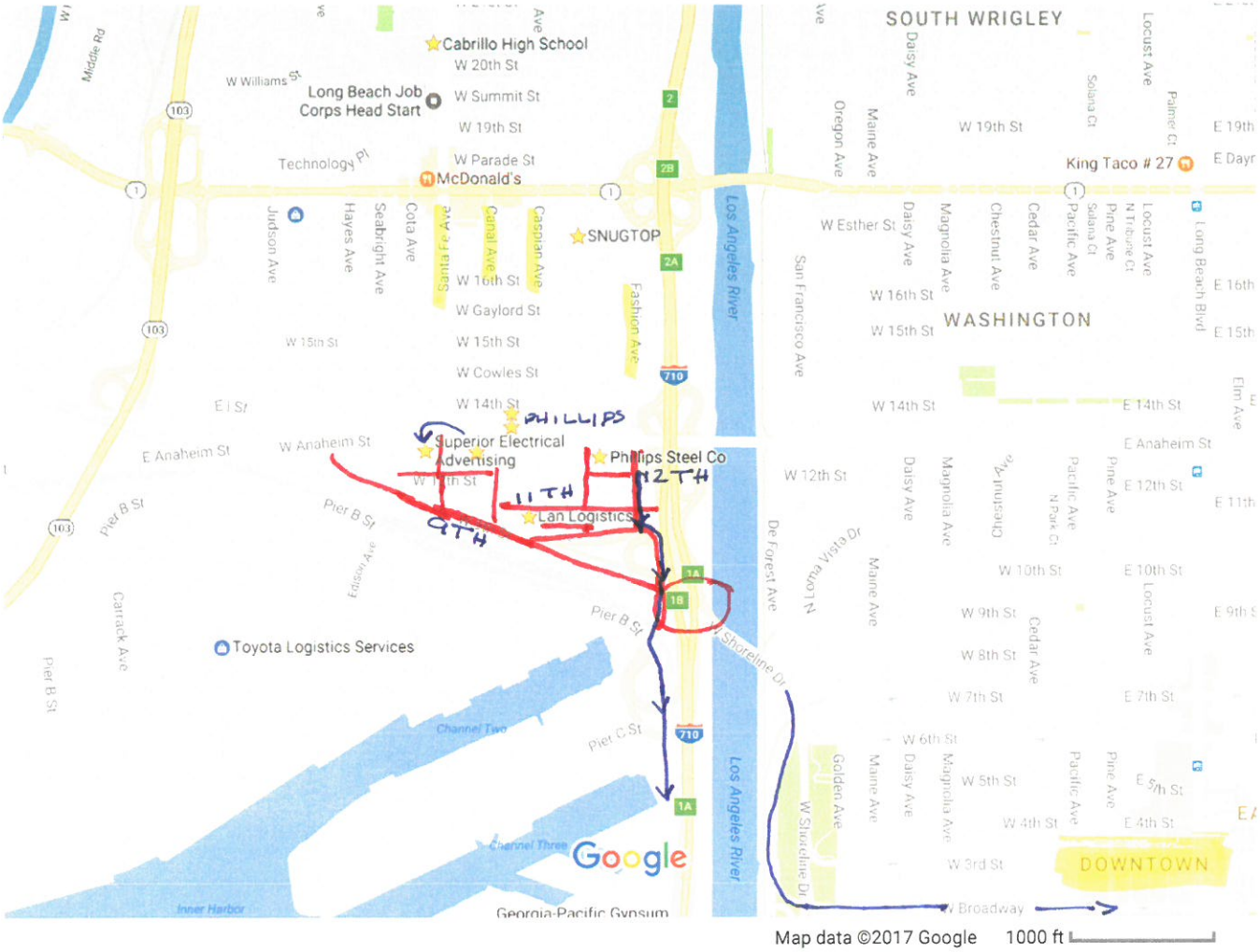
The reconfigured Pier B On-Dock Rail Support Facility would:

- Be used to receive/depart and stage inbound and outbound intermodal trains.
- Include storage tracks for empty rail cars required to support on-dock intermodal operations.
- Provide rail car storage and classification facilities.
- Provide an assembly area for departing trains.
- Provide an area where inspection and departure brake tests would be performed.
- Include staging tracks for non-intermodal cars bound to and from non-container terminals.
- Provide trackage for rail car repair activities.

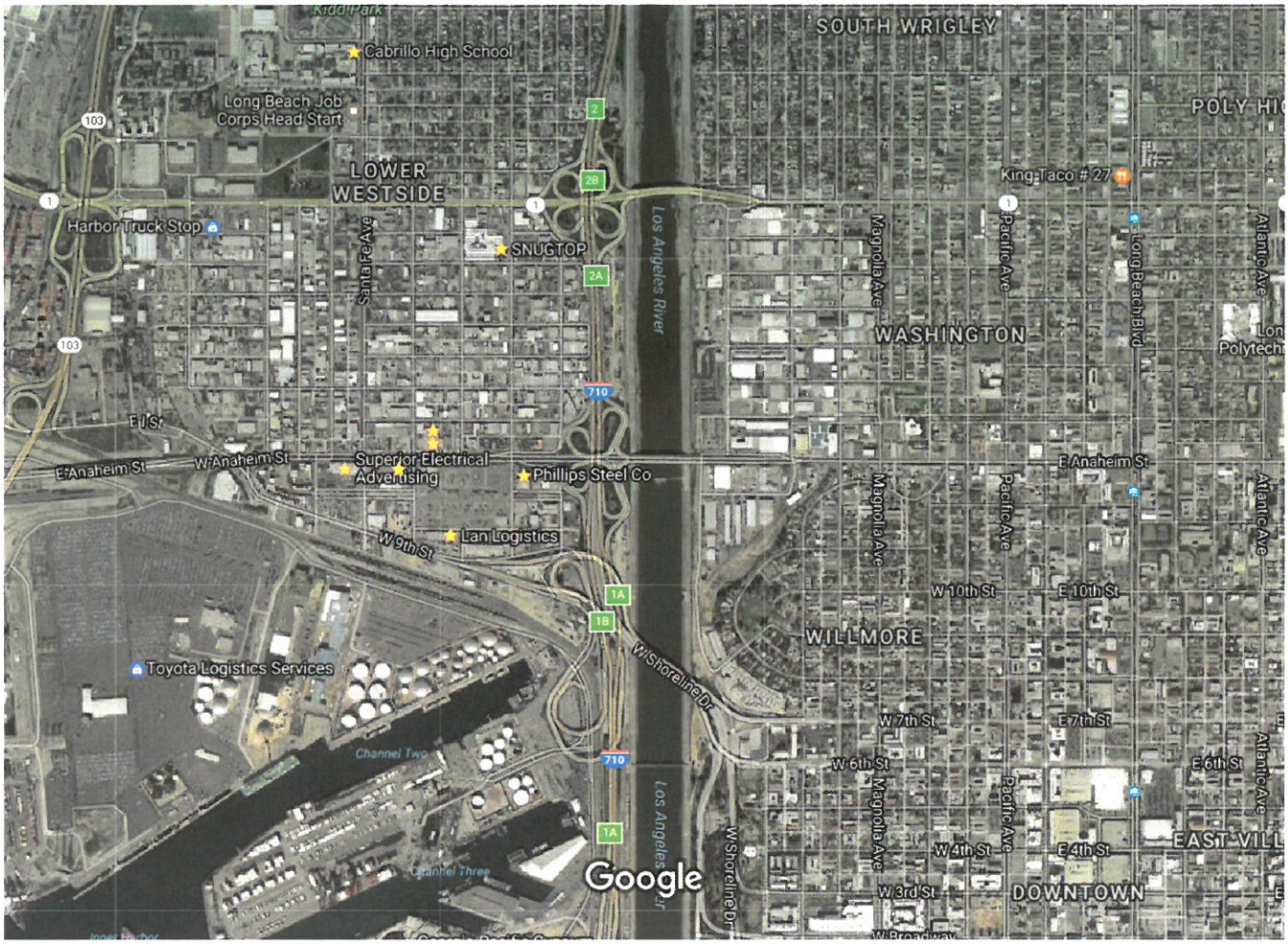
The proposed Project would support the following rail operations:

- Up to four Pacific Harbor Line (PHL) locomotives operating onsite each day in 2015 and up to eight in 2035.
- Approximately five tanker truck locomotive refueling vehicles, loaded with fuel offsite, would service onsite locomotives.
- Approximately five rail and rail car repair vehicles would be operating within the on-dock support facility.

Google Maps


Cabrillo High School
W 20th St
W Williams St
Long Beach Job Corps Head Start
W Summit St
W 19th St
Technology Pl
W Parade St
McDonald's
SNUGTOP
W 16th St
W Gaylord St
W 15th St
W Cowles St
W 14th St
PHILLIPS
Superior Electrical Advertising
Phillips Steel Co
11TH
12TH
10TH
Lan Logistics
Toyota Logistics Services
Pier B St
Pier C St
Channel Two
Channel Three
Inner Harbor
Georgia-Pacific Gypsum
Google
Los Angeles River
SOUTH WRIGLEY
WASHINGTON
DOWNTOWN
King Taco # 27
W Esther St
W 12th St
W 10th St
W 9th St
W 8th St
W 7th St
W 6th St
W 5th St
W 4th St
W 3rd St
E 19th
E 16th
E 15th
E 14th St
E 12th St
E 11th
E 10th St
E 9th St
E 7th St
E 5th St
E 4th St
E Anaheim St
W Anaheim St
Map data ©2017 Google
1000 ft

Google Maps



Imagery ©2017 DigitalGlobe, Sanborn, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2017 Google 1000 ft