

## Section 6

**Environmental Justice**1  
23 **6.1 Introduction**

4 CEQA does not require an evaluation of Environmental Justice. Environmental justice  
5 issues are being analyzed in this EIR, however, in order to address the LAHD's goal as  
6 lead agency under CEQA to integrate environmental justice into the development,  
7 adoption, implementation, and enforcement of environmental laws, regulations,  
8 programs, and policies.

9 **6.2 Environmental Setting**

10 The proposed Project, which is entirely funded by BNSF Railway Company, is bounded  
11 generally by Sepulveda Boulevard to the north, Pacific Coast Highway to the south, the  
12 Dominguez Channel to the west, and the Terminal Island Freeway to the east. For this  
13 assessment, the area of potential effect was determined in accordance with Council on  
14 Environment Quality's (CEQ) guidance for identifying the "affected community," which  
15 requires consideration of the nature of likely project impacts and identification of a  
16 corresponding unit of geographic analysis. Therefore, the area of potential project effect  
17 for purposes of environmental justice corresponds roughly to the areas of effect  
18 associated with the specific environmental issues analyzed in the EIR, particularly the  
19 area modeled in the air quality dispersion and health risk analysis.

20 CEQ environmental justice guidance defines "minority persons" as "individuals who are  
21 members of the following population groups: American Indian or Alaskan Native; Asian  
22 or Pacific Islander; Black (not of Hispanic origin; or Hispanic" (CEQ, 1997). Hispanic or  
23 Latino refers to an ethnicity whereas American Indian, Alaskan Native, Asian, Pacific  
24 Islander, and Black/African-American (as well as White or European-American) refer to  
25 racial categories; thus, for Census purposes, individuals classify themselves into racial  
26 categories as well as ethnic categories, where ethnic categories include Hispanic/Latino  
27 and non-Hispanic/Latino. The 2010 U.S. Census allowed individuals to choose more than  
28 one race. For this analysis, consistent with guidance from CEQ (1997) as well as USEPA  
29 (1998; 1999), "minority" refers to people who are Hispanic/Latino of any race, as well as  
30 those who are non-Hispanic/Latin of a race other than White or European-American.

31 The same CEQ environmental justice guidance (CEQ, 1997) suggests low-income  
32 populations be identified using the national poverty thresholds from the U.S. Census  
33 Bureau. Guidance from the USEPA (1998; 1999) suggests, however, that using other  
34 regional low-income definitions may be appropriate in some cases. Due to the higher cost  
35 of living in southern California compared to the nation as a whole, a higher threshold is  
36 appropriate for the identification of low-income populations. For the purposes of this  
37 analysis, low-income people are those with a household income of 1.25 times the national

1 Census poverty threshold. The 1.25 ratio is based on application of a methodology  
 2 developed by the National Academy of Sciences (Citro and Michael, 1995) and utilized  
 3 in the TraPac EIR/EIS (LAHD, 2007), which incorporates detailed data about fair market  
 4 rents, over the period 1999-2007 for Los Angeles County from the U.S. Department of  
 5 Housing and Urban Development (USHUD, 2007).

6 To establish context for this environmental justice analysis, race and ethnicity (i.e.,  
 7 minority) and income characteristics of the population residing in the vicinity of the  
 8 proposed Project were reviewed. Table 6-1 presents population, minority, and low-  
 9 income status from the 2010 U.S. Census, 2006-2010 U.S. Census American Community  
 10 Survey (ACS) and the Los Angeles City Planning Department for Wilmington-Harbor  
 11 City, the City of Carson, the City of Long Beach, the City of Los Angeles, Los Angeles  
 12 County, and California. The table also presents similar data for other cities in the general  
 13 vicinity (5 miles) of the proposed Project.

14 **Table 6-1. Minority and Low-Income Populations.**

Place	Total Population	Percent Minority Population	Percent Low-Income Population*
California	37,253,956	59.9	18.6
Los Angeles County	9,818,605	72.2	21.4
City of Los Angeles	3,792,621	71.3	26.1
City of Carson	91,714	92.3	13.2
City of Long Beach	462,257	70.6	25.2
Wilmington-Harbor City**	75,215	87.1	32
Nearby Cities			
City of Compton	96,455	99.2	32.2
City of Lakewood	80,048	59.1	6.8
City of Lomita	20,256	56.6	11.9
City of Rancho Palo Verdes	41,643	44.0	4.9
City of Signal Hill	11,016	69.7	11.6
City of Torrance	145,438	57.7	8.4
City of West Carson	21,699	78.6	9.3

15 \*Denotes that percentage is a result of being divided against ACS 5-Year Total  
 16 Population

17 \*\* 2000 data  
 18

1 Table 6-1 shows that Wilmington-Harbor City (as the neighborhood is defined by the Los  
2 Angeles Planning Department) and Carson have proportions of total minorities of 87.1  
3 and 92.3 percent, respectively. These neighborhoods constitute a “minority population  
4 concentration” under CEQ guidance because the guidance indicates such a concentration  
5 exists if the percent minority exceeds 50 percent. The City of Long Beach also has a total  
6 minority proportion of over 50 percent, with a proportion of 70.6 percent. No areas  
7 displayed in Table 6-1 exhibit a proportion of people with low income over 50 percent,  
8 although the proportion of those with low income is higher in Wilmington-Harbor City  
9 than it is in the City of Los Angeles or the whole of Los Angeles County.

10 Figure 6-1 shows the distribution of percentages of minority residents in Census block  
11 groups near (within 1 mile) the proposed Project, and Figure 6-2 shows the distribution of  
12 percentages of low-income residents in the same area. (Figures 6-1 and 6-2 show block  
13 groups within the area modeled in the air quality dispersion and health risk analysis,  
14 which represents an outer boundary over which significant and unavoidable impacts may  
15 conceivably occur; however, note that the effects analysis does not, in fact, find  
16 significant and unavoidable impacts over the entire area of analysis, as described in  
17 Section 3.2). Pockets of substantially higher proportions of low-income individuals and  
18 minorities can be seen through this presentation. Table 6-2 presents data for the 41 block  
19 groups within the 1-mile buffer shown in Figures 6-1 and 6-2.

Figure 6-1. Percent Minority Population within 1-mile Buffer of Project Boundary.

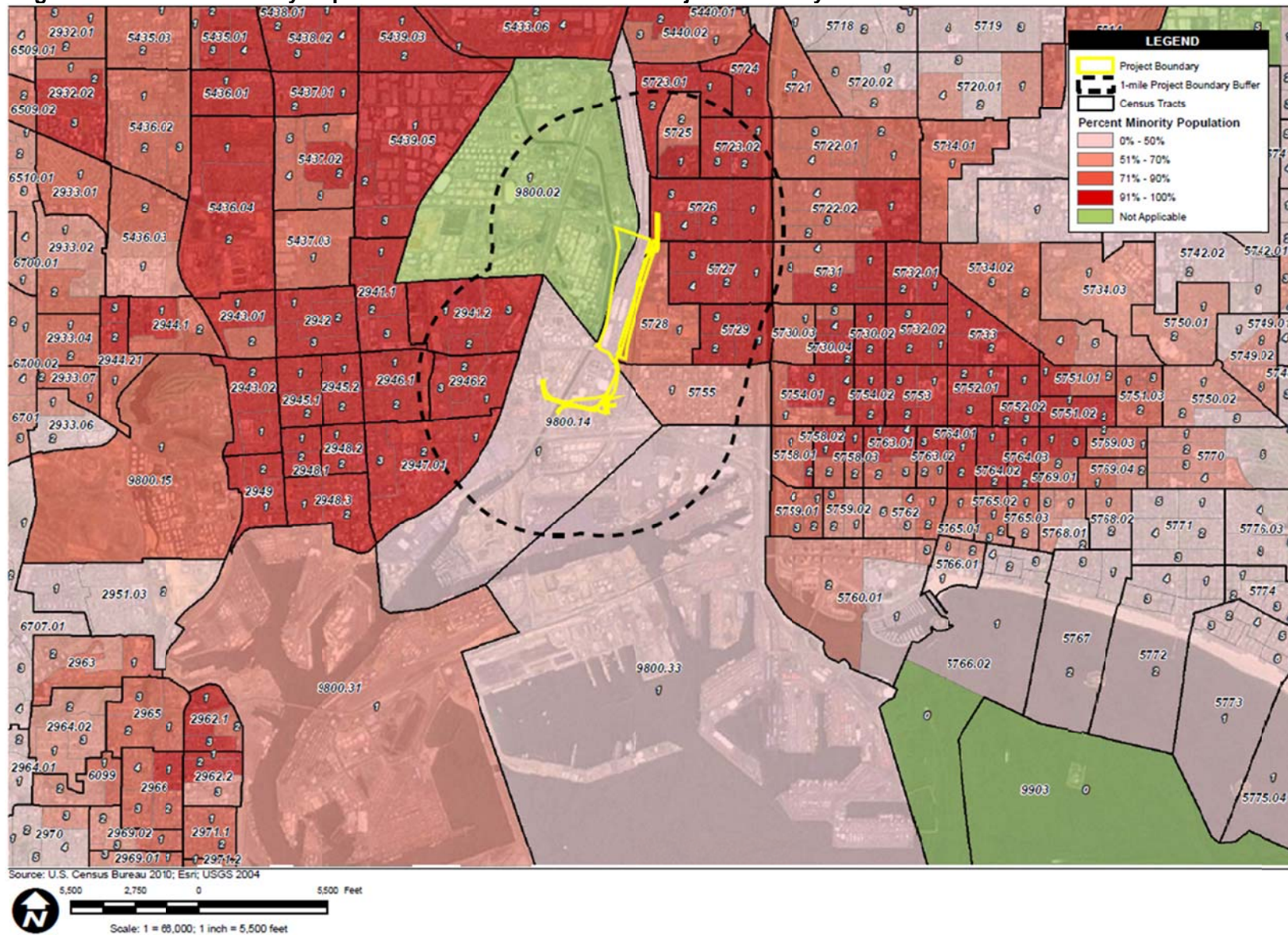
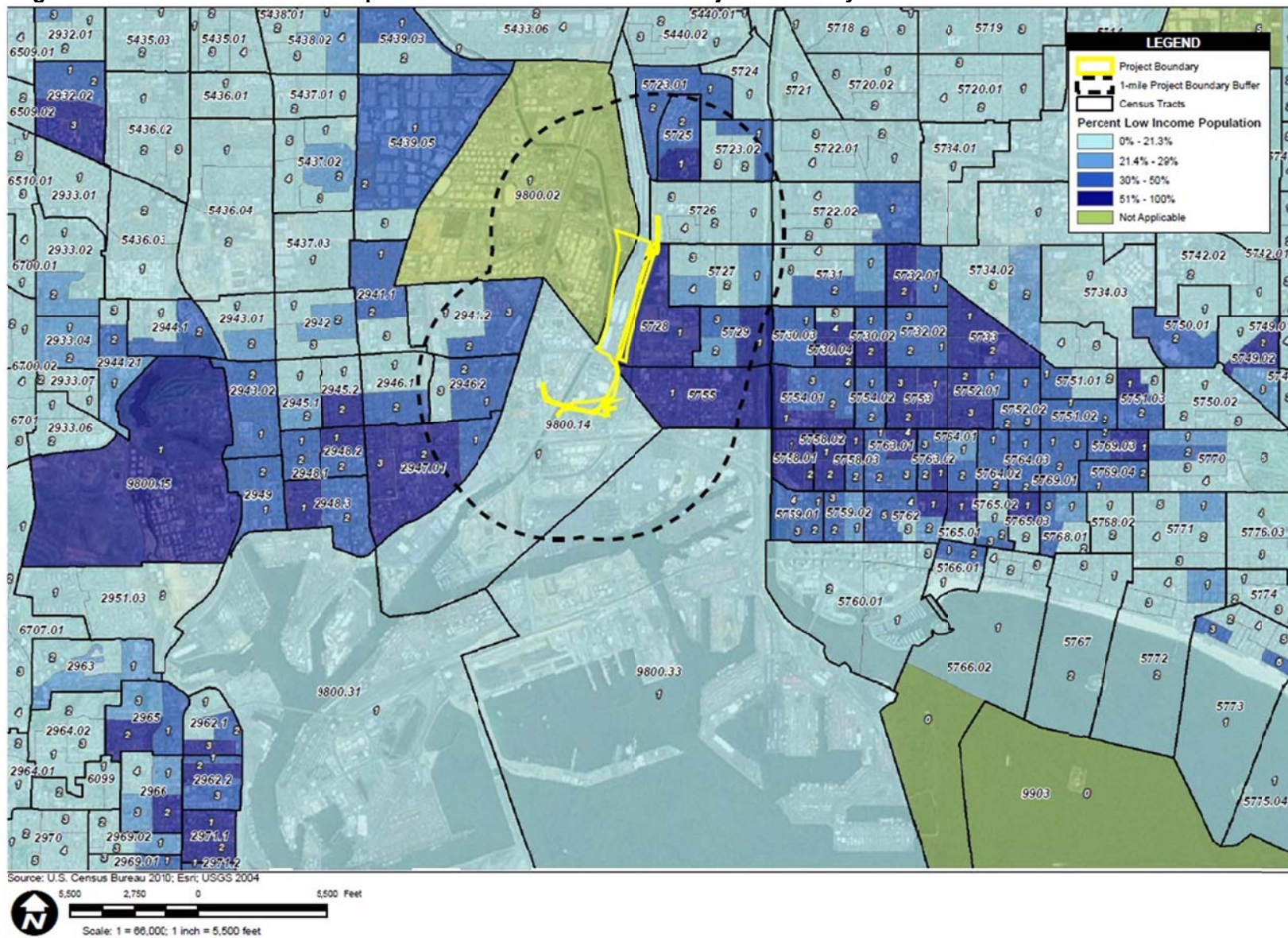


Figure 6-2. Percent Low Income Population within 1 mile Buffer of Project Boundary.



**Table 6-2. Minority and Low-Income Characteristics in the Vicinity of the Proposed Project Site by Block Group.**

Census Block Group	Total Population	Proportion Minority Population	Proportion Low-Income Population
2941201	628	97.9%	8.1%
2941202	1,178	98.5%	44.1%
2941203	564	99.6%	35.2%
2946101	1,175	93.0%	20.7%
2946102	2,890	97.0%	40.3%
2946201	1,744	98.7%	37.9%
2946202	1,649	98.6%	37.2%
2946203	826	97.9%	2.1%
2947011	661	97.4%	42.3%
2947012	974	96.0%	56.4%
5722014	1,807	82.3%	5.9%
5722022	621	79.1%	11.4%
5722023	883	81.1%	0.0%
5722024	1,404	80.3%	7.8%
5723011	1,966	96.2%	33.9%
5723012	1,867	95.5%	43.3%
5723021	903	95.7%	39.5%
5723022	789	96.5%	18.7%
5723023	1,791	96.5%	15.2%
5724001	1,152	94.9%	5.3%
5725001	1,639	92.3%	52.1%
5725002	1,726	85.7%	41.2%
5726001	1,454	96.4%	18.7%
5726002	1,712	96.4%	17.7%
5726003	1,459	94.4%	14.5%
5726004	745	94.5%	0.8%
5727001	1,089	94.8%	25.0%
5727002	1,115	96.3%	2.3%
5727003	1,475	97.2%	12.4%
5727004	1,820	96.5%	23.4%
5728001	839	74.7%	81.7%
5729001	1,743	97.4%	51.0%
5729002	2,316	97.7%	22.7%
5729003	1,191	96.3%	30.6%
5730031	1,802	81.3%	36.5%
5731003	1,314	85.9%	20.9%
5731004	740	82.8%	4.9%
5755001	76	69.7%	100.0%
9800021	0	0.0%	0.0%
9800141	239	23.4%	16.7%
9800331	61	42.6%	0.0%

\*Denotes that percentage is a result of being divided against ACS 5-Year Total Population.

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## 6.3 Environmental Justice Policies and Programs

The following sections describe federal, state, and local policies and programs pertaining to environmental justice-related issues.

### 6.3.1 Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

In 1994, in response to growing concern that minority and/or low-income populations bear a disproportionate amount of adverse health and environmental effects, President Clinton issued Executive Order 12898 on Environmental Justice, formally focusing federal agency attention on these issues. The Executive Order contains a general directive that states that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

As indicated in Section 6.1, the proposed Project is not subject to Executive Order 12898. However, the guidance of Executive Order 12898 has been followed for this analysis because this Executive Order is considered the basis of most federal, state, and local environmental justice initiatives.

### 6.3.2 California Government Code Sections 65041-65049; Public Resources Code Sections 71110-71116

Environmental justice is defined by California state law as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” California Government Code Section 65040.12(e).

The California Public Resources Code Section 71110 states that the mission of the California Environmental Protection Agency (Cal/EPA) includes ensuring that it conducts any activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

As part of its mission, Cal/EPA was required to develop a model environmental justice mission statement for its boards, departments, and offices. Cal/EPA was tasked to develop a Working Group on Environmental Justice to assist it in identifying any policy gaps or obstacles impeding the achievement of environmental justice. An advisory committee including representatives of numerous state agencies was established to assist the Working Group pursuant to the development of the Cal/EPA intra-agency strategy for addressing environmental justice. The California Public Resources Code Sections 71110-71116 charges the Cal/EPA with the following responsibilities:

1. Conduct programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures,

- 1 and income levels, including minority populations and low-income populations of the  
2 State.
- 3 2. Promote enforcement of all health and environmental statutes within Cal/EPA's  
4 jurisdiction in a manner that ensures the fair treatment of people of all races, cultures,  
5 and income levels, including minority populations and low-income populations of the  
6 State.
- 7 3. Ensure greater public participation in the agency's development, adoption, and  
8 implementation of environmental regulations and policies.
- 9 4. Improve research and data collection for programs within the agency relating to the  
10 health and environment of minority populations and low-income populations of the  
11 state.
- 12 5. Coordinate efforts and share information with the USEPA.
- 13 6. Identify differential patterns of consumption of natural resources among people of  
14 different socioeconomic classifications for programs within the agency.
- 15 7. Consult with and review any information received from the IWG pursuant to  
16 developing an agency-wide strategy for Cal/EPA.
- 17 8. Develop a model environmental justice mission statement for Cal/EPA's boards,  
18 departments, and offices.
- 19 9. Consult with, review, and evaluate any information received from the IWG pursuant to  
20 the development of its model environmental justice mission statement.
- 21 10. Develop an agency-wide strategy to identify and address any gaps in existing  
22 programs, policies, or activities that may impede the achievement of environmental  
23 justice.

24 California Government Code Sections 65040-65040.12 identify the Governor's Office of  
25 Planning and Research (OPR) as the comprehensive state agency responsible for long-  
26 range planning and development. Among its responsibilities, the OPR is tasked with  
27 serving as the coordinating agency in state government for environmental justice issues.  
28 Specifically, the OPR is required to consult with the Cal/EPA, state Resources Agency,  
29 the Working Group on Environmental Justice, and other state agencies, as appropriate,  
30 and share information with the CEQ, USEPA, and other federal agencies as appropriate  
31 to ensure consistency.

32 Cal/EPA released its final Intra-Agency Environmental Justice Strategy in August 2004.  
33 The document sets for the agency's broad vision for integrating environmental justice  
34 into the programs, policies, and activities of its departments. It contains a series of goals,  
35 including the integration of environmental justice into the development, adoptions,  
36 implementation, and enforcement of environmental laws, regulations, and policies. This  
37 project, however, is not subject to California Government Code Sections 65041-65049 or  
38 Public Resources Code Sections 71110-71116.

### 39 **6.3.3 South Coast Air Quality Management District: 40 Environmental Justice Program**

41 In 1997, the South Coast Air Quality Management District (SCAQMD) adopted a set of  
42 guiding principles on environmental justice, addressing the rights of area citizens to clean  
43 air, the expectation of government safeguards for public health, and access to scientific  
44 findings concerning public health. Subsequent follow-up plans and initiatives led to the  
45 SCAQMD Board's approval in 2005 of an Environmental Justice Workplan (SCAQMD,



1 2005). SCAQMD intends to update this workplan as needed to reflect ongoing and new  
2 initiatives.

3 SCAQMD’s environmental justice program is intended to, “ensure that everyone has the  
4 right to equal protection from air pollution and fair access to the decision making process  
5 that works to improve the quality of air within their communities.” Environmental justice  
6 is defined by SCAQMD as, “...equitable environmental policymaking and enforcement  
7 to protect the health of all residents, regardless of age, culture, ethnicity, gender, race,  
8 socioeconomic status, or geographic location, from the health effects of air pollution.”

### 9 **6.3.4 City of Los Angeles General Plan**

10 The City of Los Angeles General Plan has adopted environmental justice policies as  
11 outlined in the Framework Element and the Transportation Element. These policies are  
12 summarized below. The Framework Element is a “strategy for long-term growth which  
13 sets a citywide context to guide the update of the community plan and citywide  
14 elements.”

15 The Framework Element includes a policy to, “assure the fair treatment of people of all  
16 races, cultures, incomes, and education levels with respect to the development,  
17 implementation and enforcement of environmental laws, regulations and policies,  
18 including affirmative efforts to inform and involve environmental groups, especially  
19 environmental justice groups, in early planning stages through notification and two-way  
20 communication.”

21 The Transportation Element includes a policy to, “assure the fair and equitable treatment  
22 of people of all races, cultures, incomes, and education levels with respect to the  
23 development and implementation of citywide transportation policies and programs,  
24 including affirmative efforts to inform and involve environmental groups, especially  
25 environmental justice groups, in the planning and monitoring process through notification  
26 and two-way communication.”

27 The City of Los Angeles also has committed to a Compact for Environmental Justice,  
28 which was adopted by the City’s Environmental Affairs Department as the city’s  
29 foundation for a sustainable urban environment. Statements relevant to the proposed  
30 project include the following:

- 31 • All people in Los Angeles are entitled to equal access to public open space and  
32 recreation, clean water, and uncontaminated neighborhoods.
- 33 • All planning and regulatory processes must involve residents and community  
34 representatives in decision making from start to finish.

## 35 **6.4 Assessment**

### 36 **6.4.1 Methodology**

37 The following methodology and assessment addresses the potential for the proposed  
38 Project to cause disproportionately high and adverse human health and environmental  
39 effects on low-income and minority populations. Although, as described above, federal  
40 Executive Order 12898 (CEQ, 1997) does not apply to the proposed Project, this analysis  
41 is consistent with that executive order. In addition, although the California Environmental

1 Quality Act (CEQA) does not require analysis of environmental justice effects, this EIR  
2 includes an environmental justice analysis for the proposed Project.

3 The methodology for conducting the impact analysis for environmental justice included  
4 reviewing impact conclusions for each of the resources in Sections 3.1 through 3.12, as  
5 well as the cumulative analysis in Chapter 4. If the EIR identified significant impacts or a  
6 cumulatively considerable contribution to a cumulatively significant impact, or otherwise  
7 identified impacts considered to be high and adverse after mitigation, an evaluation was  
8 conducted to determine if those impacts would result in disproportionately high and  
9 adverse effects on minority populations or low-income populations.

10 The City of Los Angeles CEQA Thresholds Guide (City of Los Angeles, 2006) does not  
11 identify significance thresholds for environmental justice or for disproportionately high  
12 and adverse effects on minority and low-income populations. In the absence of local  
13 thresholds, federal guidance provided by CEQ has been utilized as the basis for  
14 determining whether the proposed Project would result in environmental justice effects.  
15 The CEQ guidance identifies three factors to be considered to the extent practicable when  
16 determining whether environmental effects are disproportionately high and adverse  
17 (CEQ, 1997):

- 18 • Whether there is or would be an impact on the natural or physical environment that  
19 significantly (as the term is employed by NEPA) and adversely affects a minority  
20 population, low-income population, or Indian tribe. Such effects may include  
21 ecological, cultural, human health, economic, or social impacts on minority  
22 communities, low-income communities, or Indian tribes when those impacts are  
23 interrelated to impacts on the natural or physical environment;
- 24 • Whether the environmental effects are significant (as the term is employed by NEPA)  
25 and are or may be having an adverse impact on minority populations, low-income  
26 populations, or Indian tribes that appreciably exceeds or is likely to appreciably  
27 exceed those on the general population or other appropriate comparison group; and
- 28 • Whether the environmental effects occur or would occur in a minority population,  
29 low-income population or Indian tribe affected by cumulative or multiple adverse  
30 exposures from environmental hazards.

31 Findings for project-level impacts and the contribution of the proposed Project to  
32 cumulative impacts were reviewed to determine which impacts were significant, or  
33 represented cumulatively considerable contributions to cumulatively significant impacts,  
34 and would therefore require environmental justice analysis.

35 For impacts that were less than significant and also less than cumulatively considerable,  
36 or classified as “No Impact” (and therefore also not cumulatively considerable), further  
37 evaluation of the potential for disproportionately high and adverse effects on minority and  
38 low-income populations was not needed because impacts that would not be significant  
39 would not have the potential to result in such disproportionate effects.

40 Findings of significant impacts or cumulatively considerable contributions to  
41 cumulatively significant impacts were reviewed to determine whether those impacts  
42 could cause substantial effects on *human populations* (i.e., the public), as opposed to  
43 primarily affecting the natural or physical environment and/or resulting in limited public  
44 exposure. Significant impacts that would *not* be associated with substantial effects on  
45 human populations would not result in disproportionately high and adverse effects on  
46 minority and low-income populations. However, for disclosure purposes, these significant

1 impacts are summarized in order to facilitate public involvement and review by  
2 potentially affected minority and low-income populations in the vicinity of the project.

- 3 • For findings of significant impacts under CEQA that would affect the public,  
4 mitigation measures were considered to determine whether adverse effects would still  
5 be significant after mitigation measures are implemented. If the impact would be less  
6 than significant after mitigation – or, in the case of a cumulative contribution, if the  
7 contribution would be less than cumulatively considerable after mitigation – then the  
8 impact was documented for disclosure purposes, but detailed analysis to determine if  
9 the impact or contribution would occur disproportionately on low-income and/or  
10 minority populations was not done.
- 11 • If the impact would be significant and unavoidable – or the contribution to  
12 cumulative impacts would be cumulatively considerable and unavoidable – then the  
13 impact was further evaluated to determine whether it would result in  
14 disproportionately high and adverse human health or environmental effects on  
15 minority and low-income populations. If the specific location of the impact was  
16 identified, the population demographics of the affected area were estimated using  
17 data from the 2010 Census. In cases where the boundaries of the impacted area were  
18 not known, conclusions were drawn based on available information. In cases where  
19 data limitations did not allow a full evaluation, this fact was identified.
- 20 • In cases where the minority and low-income characteristics of populations in the  
21 impacted area could be estimated, the impact area characteristics were compared to  
22 data for the general population (i.e., Los Angeles County). If the minority population  
23 in the adversely affected area is greater than 50 percent or if either the minority  
24 percentage or the low-income percentage of the population in the adversely affected  
25 area is meaningfully greater than that of the general population, disproportionate  
26 effects on minority or low-income populations could occur (“meaningfully greater” is  
27 not defined in CEQ or USEPA guidance; for this analysis, “meaningfully greater” is  
28 interpreted to mean simply “greater,” which provides for a conservative analysis). In  
29 addition, disproportionate effects could also occur in cases where impacts are  
30 predominantly borne by minority or low-income populations.
- 31 • Proposed Project benefits were also considered to determine whether adverse effects  
32 would still be appreciably more severe or of greater magnitude after these other  
33 elements are considered. In addition, if significant unavoidable impacts or  
34 contributions to cumulatively significant impacts were determined to be  
35 disproportionate, the identified mitigation measures were reviewed to determine  
36 whether they would be effective in avoiding or reducing the impacts on minority and  
37 low-income populations. If necessary, additional mitigations were considered.

38 Section 6.4.2 addresses the analysis of environmental justice for the proposed Project,  
39 then the No Project Alternative, followed by the Reduced Project Alternative.

## 40 **6.4.2 Proposed Project**

### 41 **6.4.2.1 Evaluation of Disproportionately High and Adverse Effects** 42 **on Minority and Low-Income Populations**

43 The proposed Project’s individual impacts are described for each resource in Chapter 3,  
44 and contributions to cumulative impacts in Chapter 4. The proposed Project would have  
45 significant impacts related to aesthetics (AES-1), air quality (AQ-1, AQ-2, AQ-4, AQ-7),

1 cultural resources (CR-2), land use (LU-4), and noise (NOI-6) that would remain  
2 significant after mitigation. With these unavoidable impacts, the Proposed Project would  
3 have new, significant effects with respect to minority and low-income populations. Those  
4 impacts would fall disproportionately on minority and low-income populations because  
5 the census block groups adjacent to the point of impact (the eastern edge of the Project  
6 site) constitute minority populations, and some (i.e., all or parts of census tracts 5727,  
7 5728, 5729, and 5755) constitute low-income populations. Those impacts are  
8 summarized below.

9 **AES-1:** In general, the proposed project would not cause an unfavorable and additional  
10 contrast with features associated with the aesthetic image of the areas seen from the key  
11 public viewing positions. However, the construction of a new Sepulveda Boulevard  
12 railroad bridge would result in a substantial change in the visual environment as seen  
13 from one key view. This change results in a significant impact. In addition, the visual  
14 effects of past, present and reasonably foreseeable projects were determined to represent  
15 a significant cumulative impact.

16 As described in Section 3.4, **MM CR-2** and **MM CR-3** would ensure that historic  
17 elements of the existing railroad bridge would be documented, salvaged, and maintained  
18 to the greatest extent feasible, which would reduce visual impacts. However, demolition  
19 of the existing bridge cannot be avoided, and the impact after mitigation is considered  
20 significant and unavoidable. Accordingly, **Impact AES-1** would constitute a  
21 disproportionately high and adverse effect on minority or low income populations.

22 **AQ-1:** Construction of proposed Project would generate emissions that exceed  
23 SCAQMD significance thresholds for VOC, CO, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> representing a  
24 significant impact. In addition these emissions combined with emissions from other  
25 concurrent construction projects in the area would also represent a cumulatively  
26 considerable contribution to a significant cumulative impact.

27 Mitigation measures **MM AQ-1** through **MM AQ-6** would apply controls to construction  
28 equipment and practices and would be implemented during construction of the proposed  
29 project. However, even after mitigation the construction emissions from the proposed  
30 Project would still be above the significance thresholds and the impact after mitigation is  
31 considered significant and unavoidable. Because the area surrounding the proposed  
32 Project site is predominantly minority and low-income, **Impact AQ-1** would constitute a  
33 disproportionately high and adverse effect on minority and low-income populations.

34 **AQ-2:** Construction of proposed Project would generate off-site ambient pollutant  
35 concentrations that exceed SCAQMD significance thresholds for 1-hour and annual NO<sub>2</sub>,  
36 24-hour and annual PM<sub>10</sub>, and 24-hour PM<sub>2.5</sub> representing a significant impact. In  
37 addition Project construction activities combined with other concurrent construction  
38 projects in the area would also represent a cumulatively considerable contribution to a  
39 significant cumulative impact for ambient pollutant concentrations.

40 Mitigation measures **MM AQ-1** through **MM AQ-3** would apply controls to construction  
41 equipment emissions and other practices that would reduce off-site ambient pollutant  
42 concentrations from construction activities. However, even after mitigation these  
43 concentrations would still be above the significance thresholds for 1-hour and annual  
44 NO<sub>2</sub> and annual PM<sub>10</sub>. Because the area surrounding the proposed Project site is  
45 predominantly minority and low-income, **Impact AQ-2** would constitute a  
46 disproportionately high and adverse effect on minority and low-income populations.

1           **AQ-4:** Operation of the proposed Project would generate local, off-site ambient pollutant  
2 concentrations that exceed SCAQMD significance thresholds for 1-hour and annual NO<sub>2</sub>,  
3 24-hour and annual PM<sub>10</sub>, and 24-hour PM<sub>2.5</sub> representing a significant impact. In  
4 addition, Project operations combined with other past, present and reasonably foreseeable  
5 future projects in the area would also represent a cumulatively considerable contribution  
6 to a significant cumulative impact for ambient pollutant concentrations.

7           Mitigation measure **MM AQ-7** would require regular sweeping on the SCIG site to  
8 reduce emissions of PM<sub>10</sub> and PM<sub>2.5</sub> from road dust, and mitigation measure **MM AQ-8**  
9 would require the use of low diesel PM emission trucks. The proposed Project already  
10 incorporates a number of pollution reduction technologies and operational practices as  
11 features of the Project, as described in Table 3.2-27. A number of other mitigation  
12 measures for the operational pollutant concentrations were considered but determined to  
13 be infeasible as described in section 3.2.4.3. Furthermore, mitigation measure **MM AQ-**  
14 **9** would require the Project applicant to participate in a zero-emissions technology  
15 demonstration program to evaluate the feasibility of potential future zero-emissions  
16 technologies. However, despite these project environmental features and mitigation  
17 measures the operational pollutant concentrations after mitigation would still be above  
18 the significance thresholds for 1-hour and annual NO<sub>2</sub>, 24-hour and annual PM<sub>10</sub>, and 24-  
19 hour PM<sub>2.5</sub>. Because the area surrounding the proposed Project site is predominantly  
20 minority and low-income, **Impact AQ-4** would constitute a disproportionately high and  
21 adverse effect on minority and low-income populations.

22           **AQ-7:** Construction and operation of the proposed Project would expose receptors to  
23 significant levels of toxic air contaminants resulting in increased cancer risk above the  
24 significance threshold for residential, occupational, sensitive, student and recreational  
25 receptors. In addition Project construction and operational activities combined with other  
26 concurrent projects in the area would also represent a cumulatively considerable  
27 contribution to a significant cumulative health risk impact.

28           Mitigation measures MM AQ-1 through MM AQ-3 would reduce emissions from  
29 construction equipment and other construction practices. Mitigation measure MM AQ-8  
30 would require the proposed Project to use low diesel PM emissions trucks. As described  
31 above and in Table 3.2-27, the proposed Project already incorporates a number of other  
32 pollution reduction technologies and operational practices as features of the Project.  
33 Evaluation of the environmental features of the Project, and application of the mitigation  
34 measures result in cancer risk increments that are determined to be less than significant.  
35 However, considering the cancer risk from TAC emissions in the Port region, the Project  
36 is determined to make a cumulatively considerable contribution to the significant health  
37 risk impact to the predominantly minority and low-income population in the Port region.  
38 Therefore **Impact AQ-7** would constitute a disproportionately high and adverse effect on  
39 minority and low-income populations.

40           **CR-2:** Construction of the proposed Project has an extremely low potential to disturb  
41 unknown archaeological ethnographic cultural resources, and impacts on archaeological  
42 and ethnographic cultural resources would be less than significant under CEQA.  
43 However, the proposed Project would demolish and replace a historical resource, the  
44 Sepulveda Boulevard Bridge. In replacing the bridge, the Project would eliminate the  
45 historic materials and integrity of the bridge. Therefore, the proposed Project would result  
46 in a significant impact because it would cause a substantial adverse change in the  
47 significance of an historical resource.

1 As described in Section 3.4, **MM CR-2** and **MM CR-3** will include preparing archival  
2 documentation, sensitivity in the new bridge design, salvage of historical features for use  
3 in the new bridge, and interpretation of the historical resource. However, demolition of  
4 the existing bridge cannot be avoided, and the impact after mitigation is considered  
5 significant and unavoidable. Accordingly, **Impact CR-2** would constitute a  
6 disproportionate high and adverse effect on minority or low income populations.

7 **LU-4:** The proposed Project would cause significant air quality and noise impacts.  
8 Therefore, secondary impacts on land use related to these two resource areas would be  
9 considered significant. In addition the past, present and reasonably foreseeable future  
10 projects in the area have led to a significant cumulative secondary impact to surrounding  
11 land uses. The proposed Project makes a cumulatively considerable contribution to this  
12 significant cumulative impact.

13 Mitigation measures **MM AQ-1** through **MM AQ-9** and **MM NOI-1** through **MM NOI-**  
14 **3** would reduce the secondary impacts from air quality and noise respectively on  
15 surrounding land uses. However secondary land use impacts would remain significant  
16 and unavoidable related to air quality and noise, and therefore **Impact LU-4** would  
17 constitute a disproportionate high and adverse effect on minority or low income  
18 populations.

19 **NOI-6:** The proposed Project would result in construction and operational noise that  
20 would exceed City of Long Beach guidelines. Construction would produce an increase in  
21 noise of more than 5 dBA at several sensitive receptors, and could result in nighttime  
22 sleep disturbance. Daytime operation would increase noise by more than 3 dBA for two  
23 sensitive receptors; nighttime operation would increase noise by more than 3 dBA for  
24 three sensitive receptors.

25 Mitigation measures **MM-NOI-1** through **MM NOI-3** include constructing sound walls  
26 and imposing construction controls, and they would reduce construction and daytime  
27 operation impacts to less than significant. However **Impact NOI-6**, noise from nighttime  
28 operations would remain significant and unavoidable after mitigation, which would  
29 constitute a disproportionate high and adverse effect on minority or low income  
30 populations.

#### 31 **6.4.2.2 Summary of Impacts that Would Not Cause** 32 **Disproportionately High and Adverse Effects on Minority** 33 **and Low-Income Populations**

34 The proposed Project would also have impacts that would not cause disproportionately  
35 high and adverse effects on minority and low-income populations, either (1) because the  
36 unmitigated proposed Project would not result in significant project impacts or make a  
37 cumulatively considerable contribution to cumulatively significant impacts; (2) mitigation  
38 measures applied to the proposed Project would reduce impacts to less than significant  
39 and cumulative contributions to less than cumulatively considerable; and/or (3) because  
40 the significant impact or cumulatively considerable contribution would not affect human  
41 populations or would not have a disproportionately high and adverse effect on minority  
42 and low-income populations based on comparison of the affected population to the  
43 general population.

44 The EIR concluded that the proposed Project would result in significant project-level or  
45 cumulative impacts related to aesthetics (AES-1), air quality (AQ-1, AQ-2, AQ-3, AQ-4,  
46 AQ-7), biology (BIO-1a), cultural resources (CR-1, CR-2, CR-3), greenhouse gases

1 (GHG-1), land use (LU-4), noise (NOI-6), public services (PS-6), and water resources  
2 (WR-1a). With the exception of AES-1, AQ-1, AQ-2, AQ-4, AQ-7, CR-2, LU-4, and  
3 NOI-6, considered above, those impacts would either be reduced through mitigation, or  
4 would not fall on human populations, or would not fall disproportionately on minority  
5 and low-income populations.

6 In the case of AQ-3 the mass emissions impacts from the Project operations were  
7 determined to be less than significant, but make a cumulatively considerable contribution  
8 to a significant cumulative impact with regards to CO emissions. However, these CO  
9 emissions are predominantly from the operations of displaced businesses, and because the  
10 future locations of these displaced businesses are unknown this cumulative impact is not  
11 considered to fall disproportionately on minority and low-income populations.

12 BIO-1a and WR-1a are not impacts that would fall on human populations and are  
13 therefore not considered to be environmental justice issues in this EIR.

14 GHG-1 would not target a specific group or area, but is instead a statewide and global  
15 issue; accordingly, it is not considered to be an environmental justice issue in this EIR.

16 PS-6 would not target a specific group or area, but is instead a region-wide issue related  
17 to solid waste capacity at area landfills. Accordingly, it is not considered to be an  
18 environmental justice issue in this EIR.

### 19 **6.4.3 Alternative 1: No Project Alternative**

20 The No Project Alternative's individual impacts are described for each resource in  
21 Chapter 5. Under this alternative, implementation of the proposed Project would not  
22 occur and the current conditions would remain, except that site activity levels are  
23 assumed to increase by 10 percent by 2016 compared to baseline conditions. In addition,  
24 truck traffic between the Ports and the Hobart railyard in east Los Angeles would  
25 increase somewhat in response to increased cargo growth and increased capacity at  
26 Hobart.

27 The minor increase in site activity, either compared to the baseline or in the context of  
28 regional growth, would not result in significant impacts. The increase in truck traffic on  
29 regional highways would contribute to a future increase in congestion. That congestion  
30 would affect everyone in the region but may fall disproportionately on minority and low-  
31 income populations residing along the I-710 corridor between the port region and  
32 downtown Los Angeles. However, it is important to note that under the proposed Project  
33 and Reduced Project Alternative, at least some of the truck traffic removed from regional  
34 freeways north of the Project site would be quickly backfilled by natural growth in other  
35 traffic, so that the difference in freeway congestion between the No Project Alternative  
36 and the other alternatives would be small. The air quality impacts noted in Chapter 5 for  
37 the No Project Alternative, wherein concentrations of NO<sub>2</sub> and PM<sub>10</sub> are expected to  
38 exceed significance thresholds and receptors would be exposed to TACs resulting in  
39 significant increases in cancer risk, may fall disproportionately on minority and low-  
40 income populations living along the I-710 corridor. Accordingly, this alternative would  
41 have new, adverse effects with respect to minority and low-income populations.

### 42 **6.4.4 Alternative 2: Reduced Project**

43 In this alternative, the near-dock railyard described in the proposed Project would be  
44 constructed on the site, but its activity level would be limited to 1.85 million TEU by

1 lease conditions. All physical features of the project would be the same as the proposed  
2 Project, including the disposition of existing businesses, the container handling systems  
3 and the off-site improvements to roads and trackage (Section 2.4.2). The construction  
4 methods and schedule would be the same as the proposed Project (Section 2.4.3).

5 The resource analyses in Chapter 3, and the summary of alternatives and impacts in  
6 Chapter 5, provide detailed and summary information (respectively) comparing the  
7 effects of this alternative with other alternatives and the proposed Project.

8 This alternative would result in the same impacts as the proposed Project, except that in  
9 some cases the magnitude of the impacts would be less because of the lower activity  
10 levels. Disproportionately high and adverse impacts on minority and low-income  
11 populations would occur for the resource areas enumerated in Section 6.4.2.1. Therefore,  
12 Alternative 2 would have new, adverse effects with respect to minority and low-income  
13 populations.

## 14 **6.5 Public Involvement and Outreach Efforts**

### 15 **6.5.1 LAHD as Lead Agency**

16 The LAHD conducted a number of public meetings related to the SCIG EIR to inform  
17 and engage the public on the environmental analysis of the Project. The meetings  
18 included two public meetings after release of the DEIR to provide an overview of the  
19 Project and to solicit public comment on the Project. The first meeting at the Silverado  
20 Park Community Center in Long Beach occurred on November 10, 2011, and the second  
21 meeting at the Wilmington Senior Center in Wilmington occurred on November 16,  
22 2011. The Silverado Park Community Center meeting generated a total of 118 verbal  
23 and written comments, and the Wilmington Senior Center meeting generated a total of  
24 211 verbal and written comments. Combined these two meetings generated 329  
25 comments.

26 In addition to these public meetings, the LAHD has continued to engage the public in  
27 outreach about the Project and its environmental analysis. Additional meetings in which  
28 the LAHD has participated include:

- 29 • Assemblymember Bonnie Lowenthal District Office
- 30 • City of Carson Planning
- 31 • Port Community Advisory Committee – September 20, 2011
- 32 • Councilman James Johnson, City of Long Beach – October 11, 2011
- 33 • Congresswoman Janice Hahn District Office – November 8, 2011
- 34 • Villages of Cabrillo – November 9, 2011
- 35 • Los Angeles City Councilman Krekorian, Council District 2 – November 21, 2011
- 36 • East Yard Communities – January 9, 2012
- 37 • Long Beach Unified School District – January 25, 2012
- 38 • Los Angeles City Councilman Busciano, Council District 15 – August 15, 2012



## 6.5.2 BNSF Outreach

Since the Project was first announced, BNSF Railway has conducted outreach in local communities and throughout Los Angeles County in order to provide information and address community concerns with respect to the proposed Project.

In addition to the Project scoping meetings held by the LAHD (Section 1.4) in Wilmington and West Long Beach, BNSF conducted community outreach in the form of directly knocking on more than 1,176 doors in West Long Beach and having conversations with members of 420 households. Residents overwhelmingly communicated that the top issues they felt needed to be addressed were 1) the need for more jobs, 2) improved public safety, and 3) concerns with noise from truck traffic and congestion on the Terminal Island freeway. As a result of the community walk, BNSF committed to the project features described in Section 2.4.1 (jobs program, clean trucks requirement, dedicated truck routes).

Additional BNSF outreach activities include:

- Developed a project website that provides information about the proposed Project, contact information, toll-free hotline, and opportunity to sign up for project updates.
- Produced and distributed thousands of brochures and fact sheets about the proposed Project in English and Spanish.
- Participated in local events and festivals, including the Long Beach Green Port Fest, where brochures and fact sheets were distributed.
- Met with residents, community leaders, local organizations, and stakeholders in the cities of Los Angeles (including Wilmington, San Pedro and Harbor City), Long Beach, Carson, Commerce, South Gate, Maywood, Huntington Park, Cudahy, Bell Gardens, El Monte, Lynwood, Downey, and Artesia.
- Met with representatives of the Long Beach Unified School District and various environmental groups such as Communities for a Better Environment (CBE), Natural Resources Defense Council (NRDC), and Sierra Club.
- Hosted multiple events to showcase new technologies, including those planned for the proposed Project.
- Met with key media, including the editorial boards for the Los Angeles Times, Long Beach Press-Telegram and Daily Breeze who published editorials and articles about the proposed Project.