



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Revised Notice of Preparation (NOP) of a Project Level Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Los Angeles (Union Station) to Anaheim (Anaheim Regional Transportation Intermodal Center [ARTIC]) Project Section of the California High-Speed Rail (HSR) System, primarily along the Los Angeles - San Diego – San Luis Obispo (LOSSAN) Rail Corridor, as well as Freight Accommodation Project Components in Colton and Lenwood to Allow Future Cumulative Passenger and Freight Traffic Volumes (Proposed Project) (SCH No.: 2007031067)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The California High-Speed Rail Authority (CHSRA) is the CEQA Lead Agency for the Proposed Project, which involves a 30-mile, state-of-the-art, electric high-speed rail; a new intermodal railyard at the former CalPortland Cement site in the cities of Colton and Grand Terrace; and a new freight train staging track facility in the City of Barstow and unincorporated areas of San Bernardino County.

South Coast AQMD is the regulatory agency responsible for improving air quality and meeting federal Clean Air Act requirements within the four counties of Los Angeles, Orange, Riverside, and San Bernardino, including the Coachella Valley, and is home to more than 17 million people – just under half the population of the entire state of California. The region fails to attain federal air quality standards for ozone and fine particulate matter and suffers from the highest ozone levels in the country. In addition to meeting federal air quality standards, South Coast AQMD has the responsibility to ensure general conformity under the Clean Air Act. With these roles, South Coast AQMD has a unique role and expertise in air quality and air quality related health impacts.

We have serious concerns about environmental process and the potential air quality and health impacts from the proposed Burlington Northern Santa Fe (BNSF) Colton Intermodal Railyard that is more than 40 miles away from the LOSSAN rail corridor. CHSRA is tiering off the 2005 Final Program EIR/EIS for the Proposed California High-Speed Rail System (2005 Program EIR/EIS) that did not contemplate the freight component of the Proposed Project (CEQA Guideline Sections 15152 and 15153). The Proposed Project has been revised from a 30-mile state-of-the-art, electric high-speed rail project from Los Angeles to Anaheim, to a Proposed Project that now also includes a new intermodal railyard for a private Class 1 Railroad, BNSF, in the cities of Colton and Grand Terrace, as well as a new freight train staging track facility in Lenwood. On average, the proposed BNSF Colton Intermodal Railyard will result in 10 diesel trains per day. On the surface, that number may not seem significant. However, it represents an

estimated 40 diesel line-haul locomotives, multiple diesel switcher locomotives, and an estimated 4,000 diesel truck trips per day. Far more concerning is the fact that this new railyard is nearly double the acreage of the BNSF San Bernardino railyard, an existing railyard less than five miles away which has and continues to be a significant source of emissions, including NOx and diesel particulate matter, and a concern for the residents in the surrounding AB 617 community¹. This is an already environmentally burdened community that gets another diesel freight facility while coastal communities in Los Angeles and Orange counties get a new all electric passenger train route to connect population centers with professional job centers.

Diesel particulate matter has long been recognized as a highly carcinogenic air toxic. The California Office of Environmental and Human Health Assessment (OEHHA) determined in 1998 that diesel exhaust is a carcinogen and has a multitude of non-cancer health effects such as respiratory ailments that can aggravate asthma². According to OEHHA, diesel exhaust particles pose the highest cancer risk of any toxic air contaminant evaluated by their agency^{3,4}. Researchers of human exposure studies found that diesel particulate matter has adverse effects on vascular function⁵, and is strongly linked with ischemic heart disease mortality and cardiorespiratory disease^{6,7,8}. According to United States Environmental Protection Agency (U.S., EPA), there is substantial evidence supported by decades of research that exposures to particulate matter from diesel exhaust are strongly linked with cancer⁹. In 2014, the International Agency for Research on Cancer (IARC), which is part of the World Health Organization, classified diesel exhaust as a carcinogen because of substantial evidence that it increases risks of mortality from lung cancer and bladder cancer and presents serious public health concerns^{10,11,12,13}. There is substantial evidence that diesel particulate emissions are significantly

¹ South Coast AQMD. September 2019. Assembly Bill 617 Community Air Initiatives. Final Community Emissions Reduction Plan, San Bernardino, Muscoy. Accessed at: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/carb-submittal/final-cerp.pdf>.

² OEHHA. April 22, 1998. Accessed at: <https://oehha.ca.gov/media/downloads/air/document/diesel20exhaust.pdf>.

³ OEHHA. Accessed at: <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>.

⁴ OEHHA. 2011. PDF page 483. Accessed at: <https://oehha.ca.gov/media/downloads/cnr/appendixb.pdf>.

⁵ Mills, N. L., M. R. Miller, A. J. Lucking, J. Beveridge, L. Flint, A. J. Boere, P. H. Fokkens, N. A. Boon, T. Sandstrom, A. Blomberg, R. Duffin, K. Donaldson, P. W. Hadoke, F. R. Cassee and D. E. Newby (2011).

⁶ Ostro, B., M. Lipsett, P. Reynolds, D. Goldberg, A. Hertz, C. Garcia, K. D. Henderson and L. Bernstein (2010). "Long-term exposure to constituents of fine particulate air pollution and mortality: results from the California Teachers Study." *Environ Health Perspect* 118(3): 363-369.

⁷ Lipsett, M. J., B. D. Ostro, P. Reynolds, D. Goldberg, A. Hertz, M. Jerrett, D. F. Smith, C. Garcia, E. T. Chang and L. Bernstein (2011). "Long-term exposure to air pollution and cardiorespiratory disease in the California teachers study cohort." *Am J Respir Crit Care Med* 184(7): 828-835.

⁸ Ostro, B., J. Hu, D. Goldberg, P. Reynolds, A. Hertz, L. Bernstein and M. J. Kleeman (2015). "Associations of mortality with long-term exposures to fine and ultrafine particles, species and sources: results from the California Teachers Study Cohort." *Environ Health Perspect* 123(6): 549-556.

⁹ U.S. EPA. December 2009. Integrated Science Assessment for Particulate Matter (Final Report). Washington, DC U.S. Environmental Protection Agency. EPA/600/R-08/139F.

¹⁰ Oxford Academic. Journal of the National Cancer Institute. June 6, 2012. Accessed at: <https://academic.oup.com/jnci/article/104/11/869/2567720>.

¹¹ IARC. 2014. Volume 105. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans: Diesel and Gasoline Engine Exhausts and Some Nitroarenes. Accessed at: <https://publications.iarc.fr/Book-And-Report-Series/Iarc-Monographs-On-The-Identification-Of-Carcinogenic-Hazards-To-Humans/Diesel-And-Gasoline-Engine-Exhausts-And-Some-Nitroarenes-2013>.

higher in and around railyards¹⁴. South Coast AQMD's Multiple Air Toxics Study IV (MATES IV) found that concentrations of black carbon – particles that are the building blocks of diesel particulate matter – around the BNSF San Bernardino Railyard were nearly 2 to 3 times higher than background levels from other MATES IV monitoring locations¹⁵. Researchers have also found that children are at the highest risk of permanent damage from diesel particulate matter exposure with a strong link between asthma emergency room visits for children within five miles of railyards, especially children living in low-income minority communities¹⁶.

The proposed BNSF Colton Intermodal Railyard will heavily impact environmental justice communities that are already greatly burdened with air quality impacts. Pursuant to OEHHA's CalEnviroScreen 3.0 tool, the communities in closest proximity, which are located immediately to the northeast and the east of the proposed BNSF Colton Intermodal Railyard, are in the top 95th percentile in the state for disadvantaged communities¹⁷. An average of 81% of the population adjacent to the proposed BNSF Colton Intermodal Railyard are living below the poverty level, and the surrounding community consists of an average of 75% Hispanic residents¹⁸. The proposed BNSF Colton Intermodal Railyard will further exacerbate this community's burden due to the significant levels of diesel particulate matter the railyard will generate.

The proposed BNSF Colton Intermodal Railyard will result in an average 10 diesel trains per day along the BNSF mainline tracks through the cities of Colton, Grand Terrace, and San Bernardino and the community of Lytle Creek between the former CalPortland Cement site where the proposed BNSF Colton Intermodal Railyard is located to the edge of the South Coast AQMD's jurisdiction. According to CalEnviroScreen 3.0 tool, the communities adjacent to this portion of the BNSF mainline tracks are above the 85th percentile in the state for disadvantaged communities with an average of 69% of the population living below the poverty level and an average of 77% of Hispanic and African American residents¹⁹.

South Coast AQMD staff understands that CHSRA staff conducted six community open houses in the cities of Montebello, Anaheim, Buena Park, Santa Fe Springs, Commerce, and Downtown

¹² IARC. June 12, 2012. IARC: Diesel Engine Exhaust Carcinogenic. Accessed at: https://www.iarc.fr/wp-content/uploads/2018/07/pr213_E.pdf.

¹³ Oxford Academic. Journal of the National Cancer Institute. June 6, 2012. Accessed at: <https://academic.oup.com/jnci/article/104/11/855/2567717>.

¹⁴ U.S. EPA. February 2014. Accessed at: <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100IVT3.PDF?Dockey=P100IVT3.PDF>.

¹⁵ South Coast AQMD. May 2015. *Multiple Air Toxics Exposure Study in the South Coast Air Basin*. Accessed at: <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf>.

¹⁶ Preventative Medicine Reports. Volume 13, March 2019. *Association of Major California Freight Railyards with Asthma-Related pediatric Emergency Department Hospital Visits*. Accessed at:

<https://www.sciencedirect.com/science/article/pii/S2211335518302626?via%3Dihub>.

¹⁷ *Ibid.*

¹⁸ Using ArcGIS and CalEnviroScreen 3.0 tool, staff determined the racial demographics and poverty rate percentile of the community immediately surrounding the proposed BNSF Colton Intermodal Railyard.

¹⁹ Using ArcGIS and CalEnviroScreen 3.0 tool, staff determined the racial demographics and poverty rate percentile of the community living adjacent to the BNSF mainline tracks between the proposed BNSF Colton Intermodal Railyard to the edge of the South Coast AQMD's jurisdiction.

Los Angeles between September 8, 2018 and October 23, 2018 before CHSRA's Board of Directors considered the selection of the state's preferred alternative, which did not envision the BNSF Colton Intermodal Railyard²⁰. CHSRA did not hold similar community open houses in the cities of Colton and Grand Terrace where the proposed BNSF Colton Intermodal Railyard will be located or along the BNSF mainline tracks from Colton to the edge of the South Coast AQMD's jurisdiction. Therefore, those communities that will be greatly impacted by the new intermodal railyard and along the BNSF mainline tracks did not have an opportunity to comment or inform CHSRA's Board of Directors about their concerns before CHSRA included the BNSF freight portions as necessary components in the High-Speed Rail project.

In addition to developing a Proposed Project that will minimize air quality and public health impacts, South Coast AQMD staff has five main comments on the analysis that CHSRA should include and disclose in the Draft EIR/EIS. A summary of these comments is provided as follows with additional details provided in the attachment.

1. Project Design Features: CHSRA and BNSF must be proactive when siting the proposed BNSF Colton Intermodal Railyard as this is new freight railyard, within an existing environmental justice community already burdened with significant existing air quality impacts. The Proposed Project should be sited in a way that creates a buffer between residences and sources of emissions. In addition, it must be designed to minimize or eliminate diesel fuel and must use the lowest emitting locomotives (Tier 4 or better), zero-emission or near-zero emission on-road trucks, and electric yard equipment in addition to the zero-emission cargo handling equipment. It must also be designed to create space for zero-emission charging and fueling infrastructure to support meeting California's air quality and climate goals and actions as outlined in Governor Newsom's Executive Order N-79-20²¹. This must be the starting point for the environmental impact analysis. The Draft EIR/EIS must then evaluate any significant air quality and health risk impacts from the properly designed Proposed Project and mitigate all significant impacts using all feasible mitigation measures (CEQA Guidelines Sections 15126.2 and 15126.4).
2. CEQA Project Description: The Revised NOP states that the proposed BNSF Colton Intermodal Railyard is a necessary component to the High-Speed Rail project. However, in 2018, when CHSRA's Board of Directors selected the state's preferred alternative for the EIR/EIS, the proposed BNSF Colton Intermodal Railyard was not envisioned. The 2005 Program EIR/EIS also did not contemplate the BNSF freight component of the Proposed Project. Therefore, the Proposed Project as currently envisioned in the Revised NOP has a different and much broader scope. The Draft EIR/EIS should provide substantial evidence to support CHSRA and BNSF's claim that the BNSF freight portions are needed and provide information on the BNSF's freight network and operational activities in Southern California, including the BNSF Hobart railyard and BNSF San

²⁰ California High-Speed Rail Authority. November 15, 2018. Monthly Meeting Agenda. Accessed at: https://hsr.ca.gov/docs/brdmeetings/2018/brdmtg_111518_Item3_and_6_Consider_Concurring_Staff_Recommendations_State_PREFERRED_Alternative_for_LA_Anaheim.pdf.

²¹ Executive Order N-79-20. September 23, 2020. Accessed at: <https://www.gov.ca.gov/2020/09/23/governor-newsom-announces-california-will-phase-out-gasoline-powered-cars-drastically-reduce-demand-for-fossil-fuel-in-californias-fight-against-climate-change/>.

Bernardino railyard, such as an explanation of freight train activity, rail movement, rail activities, and freight service capacity as substantial evidence to support the need for the BNSF freight portions of the Proposed Project.

3. CEQA Baseline: The Draft EIR/EIS should identify the appropriate baseline to analyze the air quality and health risk impacts to ensure that the true impacts from the proposed BNSF Colton railyard will be disclosed and is not misleading or uninformative or obscured. Since the High-Speed Rail portion of the Proposed Project has a planning horizon potentially until 2040, the Draft EIR/EIS should also compare the emissions with the High-Speed Rail portion to the emissions without the High-Speed Rail portion in the same interim analysis years and use the comparison to determine the level of significance for the air quality impacts.
4. CEQA Air Quality Impact Analysis: The Draft EIR/EIS must analyze all of the short- and long-term air quality and health risk impacts associated with the construction, operation, overlapping construction and operation of, and any growth in operational capacity on the BNSF's network in Southern California that is associated with or could result from the proposed BNSF Colton Intermodal Railyard independently from the impact analysis for the High-Speed Rail portion, in the event that the High-Speed Rail portion is delayed or never materializes due to a lack of funding or any other reasons. Cancer and non-cancer health effects to the communities should also be analyzed. The Revised NOP states that the proposed BNSF Colton Intermodal Railyard is required to accommodate an average of 10 diesel trains per day. However, South Coast AQMD's CEQA significance thresholds are based on the peak day emissions, not average day. Furthermore, the Proposed Project should include an enforceable mechanism to ensure that the activity at the proposed BNSF Colton Intermodal Railyard does not exceed what is analyzed in the EIR/EIS, and that activity does not increase at the BNSF Hobart railyard. The geographic scope of communities for the analysis should encompass not only the communities adjacent to the proposed BNSF Colton Intermodal Railyard but also those along the mainline tracks.
5. General Conformity: In addition to the proposed Los Angeles to Anaheim Project Section, the Palmdale to Los Angeles Project Section and the Burbank to Los Angeles Project Section are located within South Coast AQMD's jurisdiction. Each of the three Project Sections will need to demonstrate that it meets general conformity requirements. A determination of general conformity compliance should consider all three Project Sections. The general conformity review should be integrated as much as possible with the CEQA review (CEQA Guidelines Sections 15006(i) and (g), 15080, and 15124(d)(1)(c)). South Coast AQMD staff looks forward to continuing the discussions with CHSRA staff on the ways to demonstrate general conformity for all three Project Sections collectively and ways to fully mitigate criteria pollutant emissions to net zero, as was done in the San Joaquin Valley.

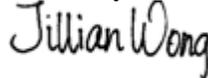
In the June 4 and September 3, 2020 joint letters, South Coast AQMD, Southern California Association of Governments (SCAG), and San Bernardino County Transportation Authority (SBCTA) raised concerns about the air quality impacts from the BNSF freight portion of the

Proposed Project, particularly the proposed BNSF Colton Intermodal Railyard. The agencies requested that CHSRA engage in early and open communication and transparency by establishing an information sharing process between the agencies and interested stakeholders to provide more information on the Proposed Project, the need to implement all feasible mitigation measures, and general conformity requirements. The June 4, 2020 and the September 3, 2020 joint letters are incorporated by reference in Exhibits A and B, respectively.

Given the magnitude of air quality and health risk impacts and the communities that will be impacted, CHSRA should ensure the public has a meaningful opportunity to review the Draft EIR/EIS and consider extending the public review and comment period for the Draft EIR/EIS at least 45 days for a total of 90 days to provide sufficient time for public review.

South Coast AQMD staff is available to work with CHSRA to address any air quality questions that may arise from this comment letter. Please feel free to call me at (909) 396-3176 if you have questions or wish to discuss our comments.

Sincerely,



Jillian Wong, Ph.D.
Planning and Rules Manager
Planning, Rule Development & Area Sources

Attachment
LAC200825-06
Control Number

Enclosures:

Exhibit A: Joint letter from South Coast AQMD, SCAG, and SBCTA to CHSRA (Mr. Brian Kelly) dated June 4, 2020
Exhibit B: Joint letter from South Coast AQMD, SCAG, and SBCTA to CHSRA (Mr. Brian Kelly) dated September 3, 2020

ATTACHMENT

South Coast AQMD staff appreciates the opportunity to comment on the above-mentioned document. Please send a copy of the Draft EIR/EIS upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR/EIS submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

South Coast AQMD Staff's Understanding of Project Background and Project Description

The California High-Speed Rail Project's Los Angeles to Anaheim Project Section (Proposed Project) has two portions: a high-speed rail portion and a freight portion that includes a new BNSF Colton Intermodal Railyard and a new freight train staging track facility in Lenwood. The California High-Speed Rail Authority (CHSRA) is the Lead Agency for the Proposed Project that triggers environmental review under both CEQA and NEPA.

In 2005, CHSRA evaluated various rail corridor alternatives for the Proposed Project in the 2005 Program EIR/EIS for the statewide High-Speed Train System. Of the various rail corridor alternatives evaluated, CHSRA selected the existing Los Angeles - San Diego - San Luis Obispo (LOSSAN) rail corridor as the preferred corridor for further environmental analysis.

In March 2007, CHSRA initiated the preparation of the environmental analysis and released a Notice of Preparation (NOP) for the Proposed Project, but the Proposed Project did not include the proposed BNSF Colton Intermodal Railyard and Lenwood freight train staging track facility. Subsequently, between 2009 and 2016, CHSRA conducted design analyses on the alignments and station alternatives along the LOSSAN rail corridor.

In November 2018, CHSRA's Board of Directors selected the state's preferred alternative for the Proposed Project as a single build alternative to be analyzed in the EIR/EIS²². The preferred alternative includes new and upgraded tracks, maintenance facilities, grade separations, and ancillary support facilities for the high-speed rail portion. At the time of considering the selection of the state preferred alternative, the BNSF Colton Intermodal Railyard and Lenwood freight train staging track facility were not envisioned²³.

The 30-mile High-Speed Rail portion of the Proposed Project will be a state-of-the-art, electrically powered, high-speed, steel-wheel-on-steel-rail technology which runs through a narrow and constrained urban environment, with other existing rail operators in the area,

²² California High-Speed Rail Authority. November 15, 2018. Monthly Meeting Agenda. Accessed at: https://hsr.ca.gov/docs/brdmeetings/2018/brdmtg_111518_Item3_and_6_Consider_Concurring_Staff_Recommended_State_Preferred_Alternative_for_LA_Anaheim.pdf.

²³ California High-Speed Rail Authority. November 2018. Staff Report: State's Preferred Alternative. Accessed at: https://hsr.ca.gov/docs/brdmeetings/2018/brdmtg_111518_Item3_and_6_Detailed_Staff_Report_for_the_LA-Anaheim_Project_Section.pdf.

including trains operated by the National Railroad Passenger Corporation (Amtrak), Metrolink (governed by the Southern California Regional Rail Authority), the Union Pacific Railroad, and BNSF Railway. The High-Speed Rail portion of the Proposed Project will connect Los Angeles Union Station to the Anaheim Regional Transportation Intermodal Center (ARTIC) in the City of Anaheim.

The proposed BNSF Colton Intermodal Railyard has been identified as a necessary project component outside the LOSSAN rail corridor to make up for the lost trackage for BNSF, since some existing BNSF trackage would be used for the High-Speed Rail portion, and to make up for the reduction in throughput from the BNSF Hobart railyard. The BNSF Colton Intermodal Railyard will accommodate an average of 10 freight trains per day and is located at the former CalPortland Cement site in the cities of Colton and Grand Terrace.

The Lenwood freight train staging track facility has also been identified as a necessary project component outside the LOSSAN rail corridor to allow freight trains to be staged to permit adequate service windows for routine maintenance in the corridor. The Lenwood freight train staging track facility is located in the City of Barstow and unincorporated areas of San Bernardino County.

South Coast AQMD Staff's Concerns

- The proposed BNSF Colton Intermodal Railyard will result in an average of 10 freight trains per day, which can represent nearly 4,000 truck trips per day. While CHSRA and BNSF have committed to using all-electric cargo handling equipment, a significant portion of sources will use diesel fuels. Based on the emission inventories from railyards, locomotives and on-road trucks are responsible for 75 percent of diesel particulate matter emissions²⁴.

Diesel particulate matter is a carcinogen and is linked to respiratory health effects such as asthma. Based on health risk assessments prepared by the California Air Resources Board (CARB) on railyards in the state, locomotives and on-road trucks are responsible for nearly 70% of cancer risk for intermodal railyards.

- CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*²⁵ recommends limitations on the siting of sensitive receptors within one mile of a railyard. There are 17,500 residents, six schools, and five healthcare facilities within one mile of the proposed BNSF Colton Intermodal Railyard. The surrounding community also encompasses census tracts with populations that have much higher proportions of Hispanic and/or African American residents than the South Coast AQMD as a whole, and a much higher poverty rate (Table 1)²⁶.

²⁴ South Coast AQMD. Governing Board Meeting. October 4, 2019. Update on Facility Based Mobile Source Measures. Accessed at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2019/2019-oct4-030.pdf>.

²⁵ CARB. April 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. Accessed at: <http://www.arb.ca.gov/ch/handbook.pdf>.

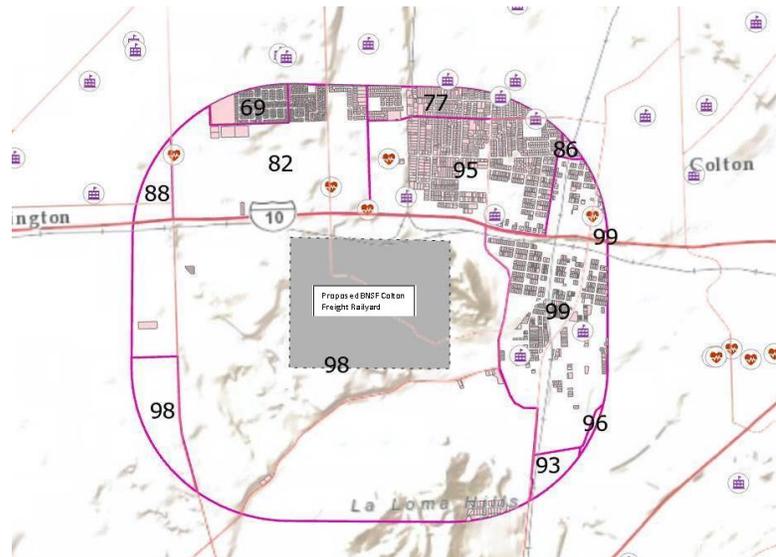
²⁶ Prepared by South Coast AQMD staff on September 11 and 23, 2020 using ArcGIS and CalEnviroScreen 3.0 tool.

Table 1 – Demographic and Poverty Rate of Community Surrounding the Proposed BNSF Colton Intermodal Railyard

Census Tract	Hispanic Population (%)	African American Population (%)	White Population (%)	Population below Poverty Level* (%)	CalEnviroScreen 3.0 Score
6071012500	87.7	3.3	6.7	93	95-100% (highest scores)
6071003611	76.2	10.9	6.2	67	65-70%
6071003609	74.4	9.2	12.7	65	85-90%
6071006601	83.1	1.9	12.8	91	95-100% (highest scores)
6071007000	87	3.9	6.7	91	95-100% (highest scores)
6071006700	88.5	1.8	7.7	92	85-90%
6071007107	52.6	19.7	21.6	94	90-95%
6071006603	80.2	4.7	11.4	56	75-80%
6071004003	83.6	2	12.4	76	95-100% (highest scores)
6071003612	68	11.8	12.4	86	80-85%
6071004004	71	3.3	20.6	79	95-100% (highest scores)
6071007108	45.7	25.9	18.2	79	95-100% (highest scores)
South Coast AQMD	47	7	30	N/A	N/A

NOTE: *Based on CalEnviroScreen 3.0 tool, the indicator is the percentage of population living below two times the federal poverty level.

- Pursuant to the OEHHA’s CalEnviroScreen 3.0 tool, the surrounding community that is located immediately to the northeast and the east of the proposed BNSF Colton Intermodal Railyard is in the top 95th percentile in the state for disadvantaged communities²⁷.



²⁷ Prepared by South Coast AQMD staff on September 11, 2020 using ArcGIS and CalEnviroScreen 3.0 tool.

- The proposed BNSF Colton Intermodal Railyard will result in an average 10 diesel trains per day along the BNSF mainline tracks in cities of Colton, Grand Terrace, and San Bernardino and the community of Lytle Creek between the former CalPortland Cement site where the proposed BNSF Colton Intermodal Railyard is located to the edge of the South Coast AQMD's jurisdiction. According to CalEnviroScreen 3.0 tool, the communities adjacent to this portion of the BNSF mainline tracks consist of an average of 69% of the population living below the poverty level and an average of 77% Hispanic and African American residents²⁸.
- The proposed BNSF Colton Intermodal Railyard is nearly double the acreage of the BNSF San Bernardino railyard, an existing railyard which has and continues to be a significant source of diesel particulate matter and a concern for the residents in the surrounding AB 617 community. Based on the public health assessment prepared by Loma Linda University's School of Public Health and Center for Community Action and Environmental Justice on the health outcomes of residents near the BNSF San Bernardino railyard²⁹, there is a significant association with increasing proximity to the railyard and adverse respiratory health outcomes, particularly among children. In a subsequent health study, researchers found that children are at the highest risk of permanent damage to their respiratory systems, because their lungs are still under development, with a strong link between asthma emergency room visits for children in within five miles of railyards, especially low-income minority communities³⁰. The proposed BNSF Colton Intermodal Railyard is located on the former CalPortland Cement site that is less than five miles south of the BNSF San Bernardino railyard. The residents in the surrounding community will face an even greater exposure to air pollution and bear an even greater disproportionate burden of increasing health risks and respiratory ailments.

South Coast AQMD Staff's CEQA and General Conformity Comments for the Draft EIR/EIS

1. Project Design Features:

CHSRA and BNSF must be proactive when siting the proposed BNSF Colton Intermodal Railyard as this is new freight railyard, within an existing environmental justice community already heavily burdened with air quality impacts. The Proposed Project must be designed to minimize or eliminate the use of diesel fuel and must use the lowest emitting locomotives (Tier 4 or better), zero-emission or near-zero emission on-road trucks, and electric yard equipment in addition to the zero-emission cargo handling equipment. The Proposed Project

²⁸ Using ArcGIS and CalEnviroScreen 3.0 tool, staff determined the racial demographics and poverty rate percentile of the community living adjacent to the BNSF mainline between the proposed BNSF Colton Intermodal Railyard to the edge of the South Coast AQMD's jurisdiction.

²⁹ Dr. Sam Soret and Dr. Susanne Montgomery. Loma Linda University School of Public Health and School of Behavioral Health. *Project ENRRICH: A Public Health Assessment of Residential Proximity to a Goods Movement Railyard*. Accessed at: http://www.aqmd.gov/docs/default-source/clean-air-plans/clean-communities-plan/enrich_final_report_29may2014.pdf.

³⁰ Preventative Medicine Reports. Volume 13, March 2019. *Association of Major California Freight Railyards with Asthma-Related pediatric Emergency Department Hospital Visits*. Accessed at: <https://www.sciencedirect.com/science/article/pii/S2211335518302626?via%3Dihub>.

must also be designed to create space for zero-emission charging and fueling infrastructure to support meeting California's air quality and climate goals and actions as outlined in Governor Newsom's Executive Order N-79-20³¹. This must be the starting point for the Proposed Project and the environmental impact analysis. The Draft EIR/EIS must then evaluate any significant air quality and health risk impacts from the properly designed proposed project and mitigate significant impacts using all feasible mitigation measures to achieve direct emissions reductions (CEQA Guidelines Sections 15126.2 and 15126.4).

The state's cap-and-trade revenue is a key funding source for the High-Speed Rail project³². The cap-and-trade program is a key element of California's strategy to reducing greenhouse gas emissions and complements other measures to ensure that California cost-effectively meets its goals for greenhouse gas emissions reductions³³. Since the proposed BNSF freight portions of the Proposed Project are necessary project components, it is imperative that the Proposed Project as a whole, including the freight portions, must be designed to have the same greenhouse gas emissions reductions commitment that the state's cap-and-trade program is intended to achieve. This is another reason for the proposed BNSF Colton Intermodal Railyard to commit to eliminating the use of diesel fuel in all aspects of operation, and must use the lowest emitting locomotives (Tier 4 or better), zero-emission or near-zero emission on-road trucks, and electric yard equipment in addition to the zero-emission cargo handling equipment.

2. CEQA Project Description:

The Revised NOP states that the proposed BNSF freight portions of the Proposed Project are necessary project components. South Coast AQMD staff's understanding is that the proposed BNSF Colton Railyard is intended to make up for lost trackage for BNSF because some BNSF trackage would be used for the High-Speed Rail portion resulting in a reduction in throughput from the Hobart railyard. However, based on a review of CHSRA's November 2018 staff report, South Coast AQMD staff found that BNSF can run freight trains on the electrified tracks and may not likely lose freight trackage. The state preferred alternative that was selected for the Proposed Project is a blended operational approach which consolidates passenger service on high-speed rail tracks, removes passenger service from freight tracks, and allows freight trains to use high-speed rail tracks³⁴. The Proposed Project will be built and operated within and adjacent to an existing freight and passenger rail corridor, creating a corridor that is primarily four mainline tracks from Los Angeles to Fullerton and two mainline tracks from Fullerton Junction to Anaheim. New and upgraded tracks for high-speed rail trains would be shared with passenger rail currently operating in the LOSSAN rail corridor. Freight rail would operate primarily on the non-electrified tracks, though the

³¹ Executive Order N-79-20. September 23, 2020. Accessed at: <https://www.gov.ca.gov/2020/09/23/governor-newsom-announces-california-will-phase-out-gasoline-powered-cars-dramatically-reduce-demand-for-fossil-fuel-in-californias-fight-against-climate-change/>.

³² The California Legislative Analyst's Office. June 4, 2020. Accessed at: <https://lao.ca.gov/Publications/Report/4252>.

³³ CARB. Cap-and-Trade Program. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/cap-and-trade-program>.

³⁴ California High-Speed Rail Authority. November 2018. Accessed at: https://hsr.ca.gov/docs/brdmeetings/2018/brdmtg_111518_Item3_and_6_Detailed_Staff_Report_for_the_LA-Anaheim_Project_Section.pdf.

electrified tracks could accommodate freight traffic if necessary³⁵. Therefore, the Draft EIR/EIS should provide a discussion of BNSF's current system capacity and how the use of the High-Speed Rail's tracks are insufficient to replace the lost freight trackage. Absent project conditions limiting the usage of the tracks by BNSF at Hobart and at the proposed Colton Intermodal Railyard, the Draft EIR/EIS should analyze the maximum potential usage by BNSF of the electrified and non-electrified tracks by both railyards, as well as other growth-inducing impacts.

South Coast AQMD staff understands that at the time of considering the selection of the state preferred alternative for the Proposed Project, the BNSF Colton Intermodal Railyard and Lenwood freight train staging track facility were not envisioned. The Proposed Project that the CHSRA's Board of Directors envisioned would use the state-of-the-art, electrically powered, high-speed, steel-wheel-on-steel-rail technology and would not result in long-term operational emissions from criteria pollutants and greenhouse gases³⁶. Given that the Proposed Project as currently envisioned in the Revised NOP has a different, much broader scope, and greater air quality and health risk impacts from the BNSF freight portions, it is possible that a different project design and alignment alternative could emerge such as one that would meet the goals and accomplish the objectives of the High-Speed Rail system without the need for a new intermodal railyard to be built within an existing community already heavily burdened with air quality impacts.

South Coast AQMD staff also understands that the proposed BNSF Colton Intermodal Railyard would be operational as early as year 2026 while the High-Speed Rail portion of the Proposed Project would not operate potentially until year 2040. The proposed BNSF Colton Intermodal Railyard will likely increase the total capacity of BNSF's freight network in the short-term before the High-Speed Rail portion of the Proposed Project is built, and this short-term increase in the BNSF's freight network capacity could be prolonged if construction of the High-Speed Rail portion of the Proposed Project is delayed or never materializes due to a lack of funding or any other reasons. There may also be a net long-term increase in BNSF's freight network capacity. By shifting the average of 10 trains per day to the proposed BNSF Colton Intermodal Railyard from the Hobart Railyard, this creates a void of an average of 10 trains per day and its corresponding 900,000 lifts, which is more than half the current lifts at the Hobart railyard in year 2017. Absent project conditions limiting the number of lifts at Hobart Railyard, it is reasonably foreseeable that this would allow for an increase in activity at the Hobart railyard to fill this void. Therefore, the Draft EIR/EIS should also discuss and explain the rail movement, rail activities, and freight service capacity on BNSF's freight network, including, but not limited to, the BNSF Hobart railyard and San Bernardino railyard in Southern California as substantial evidence to support the need for the BNSF freight rail portions of the Proposed Project and to provide the public a better understanding of the Proposed Project as a whole. The information on the BNSF's freight network is also germane to analyzing the air quality and health risk impacts from the capacity increases and

³⁵ *Ibid.* PDF page 21.

³⁶ California High-Speed Rail Authority. November 15, 2018. Monthly Meeting Agenda. Accessed at: https://hsr.ca.gov/docs/brdmeetings/2018/brdmtg_111518_Item3_and_6_Consider_Concurring_Staff_Recommended_State_PREFERRED_Alternative_for_LA_Anaheim.pdf.

anticipated growth in freight service between year 2026 and year 2040 and beyond. If no freight capacity increase is envisioned, a discussion of how the freight capacity will be capped and enforced to ensure no future freight capacity increases beyond what is analyzed in the Draft EIR/EIS should be included. In addition, the Draft EIR/EIS should also describe the existing capacity of each of BNSF's regional railyards and analyze the local on and off-site changes, including changes to transportation patterns and resulting air quality impacts, expected to occur at the Hobart and San Bernardino railyards as a result of the proposed BNSF Colton Intermodal Railyard.

3. CEQA Baseline:

As stated above, the proposed BNSF Colton Intermodal Railyard would be operational as early as year 2026 while the High-Speed Rail portion of the Proposed Project would not operate potentially until year 2040. Because of the gap in the timing, the Draft EIR/EIS should identify the appropriate baseline to analyze the air quality and health risk impacts from the BNSF portions separate from that for the High-Speed Rail portion of the Proposed Project to ensure that the Draft EIR/EIS adequately discloses the true impacts from the new freight railyard and is not misleading or uninformative.

Under CEQA, baseline conditions exist at the time of the environmental review is initiated or as they exist at the time the NOP is published, if there is a published NOP. Notwithstanding this general rule, the use of future baseline is proper in some cases, when supported by substantial evidence in the record. Consideration of future conditions in determining whether a project's impacts may be significant is consistent with CEQA's rules regarding baseline, especially when the project has a long-term implementation schedule such as the Proposed Project. "[N]othing in CEQA law precludes an agency ... from considering both types of baseline—existing and future conditions—in its primary analysis of the project's significant adverse effects." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 454.). "Even when a project is intended and expected to improve conditions in the long term—20 or 30 years after an EIR is prepared—decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. ... [¶] ... The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal." (*Id.*)

Since the High-Speed Rail portion of the Proposed Project has a long planning horizon until 2040, the Draft EIR/EIS should use an appropriate baseline to analyze the air quality impacts from the High-Speed Rail portion of the Proposed Project and disclose *actual* emission increases. The baseline should not improperly credit the Proposed Project with emission reductions that will occur independent of the Proposed Project due to adopted federal and state rules and regulations, and clean vehicle and fuel technologies, since these rules, regulations, and technologies are expected to improve air quality over time, even in the absence of the Proposed Project. For example, CARB's current regulation for trucks and buses will provide significant near-term and long-term reductions in NOx emissions from

trucks and buses, at 98 tons per day for 2023³⁷. The purpose of CEQA is to disclose environmental impacts from the Proposed Project to the public and decision makers to provide the public and decision makers with the actual changes to the environment from the activities involved in the Proposed Project. Therefore, South Coast AQMD staff recommends that the Draft EIR/EIS compare the emissions with the Proposed Project to the emissions without the Proposed Project in the same interim analysis years and use the comparison to determine the level of significance for the Proposed Project's air quality impacts.

The proposed BNSF Colton Intermodal Railyard is located at the former CalPortland Cement site in the cities of Colton and Grand Terrace. At the time of release of the Revised NOP, the CalPortland Cement facility is not in operation and the site is not developed. Pursuant to South Coast AQMD's Multiple Air Toxics Study IV (MATES IV), ambient monitoring shows that hexavalent chromium concentrations for the CalPortland site are at background levels³⁸. Therefore, the baseline that the Draft EIR/EIS should use to analyze health risks from toxic air contaminants, including, but not limited to, hexavalent chromium, must not be misleading or uninformative.

4. CEQA Air Quality Impact Analysis:

The BNSF Colton Intermodal Railyard and Lenwood freight train staging track facility portions of the Proposed Project are obtaining environmental clearance under the guise of the High-Speed Rail project. According to an article published in the Los Angeles Times on September 8, 2020³⁹, the statewide High-Speed Rail project, including the Los Angeles to Anaheim Project Section, is facing financial challenges. In the same Los Angeles Times article, it appears that the current commitment from Governor Newsom is to build the Central Valley portion of the High-Speed Rail project. Therefore, there is a lack of State commitment and funding to build the High-Speed Rail portion of the Proposed Project from Los Angeles to Anaheim. The Draft EIR/EIS must analyze all of the short- and long-term air quality and health risk impacts associated with the construction, operation, overlapping construction and operation of, and any growth that is associated with the proposed BNSF Colton Intermodal Railyard independently from the impacts analysis for the High-Speed Rail portion, in the event that the rail portion is delayed or never materializes due to a lack of funding.

³⁷ California Air Resources Board. July 14, 2017. Trucks and Bus Regulation: On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Accessed at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>, and <https://www.arb.ca.gov/msprog/onrdiesel/documents/truckrulehealth.pdf>.

³⁸ South Coast AQMD. May 2015. *Multiple Air Toxics Exposure Study in the South Coast Air Basin*. Accessed at: <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf>.

³⁹ Los Angeles Times. September 8, 2020. Accessed at: https://www.latimes.com/california/story/2020-09-08/newsom-bullet-train-faces-financial-crunch?utm_source=sfmc_100035609&utm_medium=email&utm_campaign=News+Alert%3a+California%27s+sc+aled-back+high-speed+rail+plan+faced+doubts+amid+financial+crunch+-+00000&utm_term=https%3a%2f%2fwww.latimes.com%2fcalifornia%2fstory%2f2020-09-08%2fnewsom-bullet-train-faces-financial-crunch&utm_id=13440&sfmc_id=1279798.

Interim Analysis Years

The Draft EIR/EIS should include interim analysis years for the air quality analysis between year 2026 and year 2040 that correspond to the milestones in the Proposed Project's implementation. For example, the BNSF freight portions of the Proposed Project are expected to start operations in year 2026 and be fully operational in year 2030. The High-Speed Rail portion of the Proposed Project would potentially open in year 2040 if there is sufficient funding. Therefore, South Coast AQMD staff recommends that CHSRA include interim years for the air quality analysis, corresponding to milestone years for the Proposed Project (i.e., year 2026, year 2030, and year 2040) to ensure the peak daily emissions are identified and adequately disclosed in the Draft EIR/EIS. (*See, City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465). The interim analysis years will also demonstrate progress in emission reductions over time from implementing the Proposed Project's design features and air quality mitigation measures.

Air Quality Impact Scenarios

The Revised NOP states that two project alternatives will be analyzed – the HSR Project Alternative and the No Project Alternative. In order to fully disclose the true magnitude of air quality impacts from each of the Proposed Project components, the Draft EIR/EIS should also analyze a third foreseeable scenario (referred to as the “BNSF Only Project Alternative”) where the proposed BNSF Colton Intermodal Railyard and Lenwood freight train staging track facility are allowed to proceed with construction and operation while the High-Speed Rail portion does not materialize. Staff's comments on the impact analysis are detailed below:

- a. HSR Project Alternative: The Draft EIR/EIS should analyze the construction and operation of all components of the Proposed Project. For periods when there are overlapping construction and operational components (i.e. operation of the proposed BNSF Colton Intermodal Railyard and Lenwood freight train staging track facility with construction of High-Speed Rail portion), the emissions from each component should be combined and compared to South Coast AQMD's operational thresholds to determine significance.
- b. BNSF Only Project Alternative: The Draft EIR/EIS should independently analyze construction and operation of the proposed BNSF Colton Intermodal Facility and Lenwood freight train staging track facility. This analysis is needed in the likely, foreseeable event that the High-Speed Rail portion of the Proposed Project never materializes, and the BNSF freight portions are allowed to proceed. The Draft EIR/EIS should analyze and fully disclose the regional and localized air quality impacts and health risks from all construction and operational aspects of the freight railyard portion, including the proposed BNSF Colton Intermodal Railyard and any reasonably foreseeable BNSF freight railyards such as the Hobart railyard and San Bernardino railyard that may be directly or indirectly affected by the BNSF freight portions of the Proposed Project and any growth-inducing impacts from the BNSF freight portions (CEQA Guideline Sections 15126.2). The proposed BNSF Colton

Intermodal Railyard is intended to make up for the reduction in throughput from the Hobart railyard, and the Hobart railyard will continue to attract heavy-duty, diesel-fueled on-road trucks, independently from the proposed BNSF Colton Intermodal Railyard. Additionally, since the Proposed Project includes components within both the South Coast AQMD and Mojave Desert AQMD's jurisdictions, it is important to ensure that the emissions are compared to the applicable CEQA significance thresholds to determine significance.

The Draft EIR/EIS should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities (e.g., the BNSF freight portions of the Proposed Project are operational after year 2026 while the High-Speed Rail portion of the Proposed Project is under construction until year 2040) should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance in the Draft EIR/EIS.

The Proposed Project generates diesel emissions from long-term construction and attracts diesel-fueled vehicular trips, especially heavy-duty, diesel-fueled on-road trucks, it is recommended the Draft EIR/EIS include a mobile source health risk assessment⁴⁰ and analyze the health effects⁴¹ from operation of the proposed BNSF Colton Intermodal Railyard. The health risk assessment and health effects analysis should encompass communities surrounding the mainline tracks from Los Angeles to Fullerton and from Fullerton Junction to Anaheim, in addition to the communities surrounding the proposed BNSF Colton Intermodal Railyard in the cities of Colton and Grand Terrace.

South Coast AQMD staff has serious concerns about potential public health impacts of siting railyards within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES IV), completed in May 2015,

⁴⁰ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁴¹ In the Appendix I: *Health Effects* of the 2016 AQMP, South Coast AQMD staff discussed a 2016 health study by the U.S. EPA. The study found that when adults with asthma are exposed to NO₂ at the 100 parts per billion (ppb) to 300 ppb concentrations, they experienced an increase in airway responsiveness, which in asthmatics can worsen symptoms and reduce lung function. (Page I-54). Accessed at: <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-i.pdf>.

concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter emissions⁴². According to the MATES IV Carcinogenic Risk Interactive Map, the area surrounding the proposed BNSF Colton Intermodal Railyard has an estimated cancer risk over 1,100 in one million⁴³. Operation of the proposed BNSF Colton Intermodal Railyard will include 10 diesel trains representing an estimated 40 diesel line-haul locomotives, diesel switcher locomotives, and an estimated 4,000 diesel truck trips per day. When the health impacts from the proposed BNSF Colton Intermodal Railyard are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks. Thus, it is imperative that the background level of health risks be calculated and disclosed in the Draft EIR/EIS, and any incremental and cumulative health risks from the proposed BNSF Colton Intermodal Railyard in communities with existing industrial sources should be fully evaluated and adequately disclosed in the Draft EIR/EIS.

Air Quality Thresholds of Significance

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that CHSRA quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds⁴⁴ and localized significance thresholds (LSTs)⁴⁵ to determine the Proposed Project's air quality impacts. Given the complexity of the sources associated with the Proposed Project, it is recommended that the localized analysis be conducted by performing dispersion modeling.

The Revised NOP states that the proposed BNSF Colton Intermodal Railyard is required to accommodate an average of 10 diesel trains per day. However, South Coast AQMD's CEQA significance thresholds are based on the peak day emissions, not average day. Therefore, the peak day emissions should be analyzed and compared to South Coast AQMD's significance thresholds.

5. General Conformity

CHSRA should perform an air quality conformity analysis under the Clean Air Act for the Proposed Project as part of the air quality analysis in the Draft EIR/EIS to afford the public an opportunity to participate in the review of an air quality conformity analysis in the same manner as the Draft EIR/EIS. One of the fundamental CEQA policies requires integrating CEQA's requirements with other legally required planning and environmental review procedures such as the general conformity review under the Clean Air Act so as to have them

⁴² South Coast AQMD. May 2015. *Multiple Air Toxics Exposure Study in the South Coast Air Basin*. Accessed at: <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf>.

⁴³ South Coast AQMD. MATES INV Estimated Risk. Accessed at: <https://scaqmd-online.maps.arcgis.com/apps/webappviewer/index.html?id=470c30bc6daf4ef6a43f0082973ff45f>.

⁴⁴ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴⁵ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

run concurrently to the maximum extent feasible (Public Resources Code Section 21003(a) and CEQA Guidelines Sections 15006(i), 15080, and 15124(d)(1)(c)). The purpose of an integrated review process is to ensure that the environmental document will meet the needs of all the agencies which will use it (CEQA Guidelines Sections 15006(i) and (g), 15080, and 15124(d)(1)(c)). Therefore, CHSRA should integrate the CEQA review for the Proposed Project as much as possible with the general conformity review, which can be used to serve as substantial evidence to support the finding that the Proposed Project would not conflict with or obstruct the implementation of the Air Quality Management Plan/State Implementation Plan⁴⁶.

In addition to the Los Angeles to Anaheim Project Section, the Palmdale to Los Angeles Project Section and the Burbank to Los Angeles Project Section are also located in South Coast AQMD's jurisdiction. Each of the three Project Sections will need to demonstrate that it meets general conformity requirements. A determination of general conformity compliance should consider all three Project Sections. South Coast AQMD staff looks forward to continuing the discussions with CHSRA staff on the ways to demonstrate general conformity for all three Project Sections collectively and ways to fully mitigate criteria pollutants emissions to net zero, as was done in the San Joaquin Valley⁴⁷.

⁴⁶ CEQA Guidelines. Section 4.2.2.2, *Air Quality (CEQA Checklist Questions III.A and III.E)*. Page 4-14.

⁴⁷ San Joaquin Valley Air Pollution Control District. Accessed at: <http://www.valleyair.org/ISR/ISRHome.htm>.

EXHIBIT A

**The June 4, 2020 Joint Letter
from South Coast AQMD, SCAG, and SBCTA to CHSRA (Mr. Brian Kelly)**



June 4, 2020

Mr. Brian Kelly
Chief Executive Officer
California High Speed Rail Authority
925 L Street, Ste. 1425
Sacramento, CA 95814



Dear Brian:

It is our understanding that the CHSRA is getting ready to release a CEQA/NEPA document for the Los Angeles-Anaheim segment, and that this proposed project includes plans to move freight rail capacity out of Hobart Railyard to Colton.

While we understand the need to plan for the best alignment for the high speed rail system, and recognize that this might mean realignment of existing rail infrastructure, such planning should also consider local and regional implications. First, this plan concept for freight capacity realignment is not included in our Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The realignment would also likely result in local truck traffic and air quality impacts in conformity budgets and air quality attainment plans given both locations are in the same air district.

While the HSR project as a whole is expected to provide greenhouse gas benefits to the State, the proposed freight has the potential to impact San Bernardino County inordinately, and these environmental impacts must be disclosed, analyzed, and mitigated to the extent feasible.

This letter is to ask for more collaboration on CHSRA's plans for this segment. We want to work with you to find a way forward to minimize the likely impacts listed. We will certainly make further comments on the CEQA/NEPA document and we hope our teams could work together in the development of the EIR/EIS for the segment.

Thank you for the consideration.

Sincerely,

KOME AJISE
Executive Director

Southern California
Association of Governments

WAYNE NASTRI
Executive Officer

South Coast Air Quality
Management District

RAY WOLFE
Executive Director

San Bernardino County
Transportation Authority

c: David Kim, Secretary, California State Transportation Agency

EXHIBIT B

**The September 3, 2020 Joint Letter
from South Coast AQMD, SCAG, and SBCTA to CHSRA (Mr. Brian Kelly)**



September 10, 2020



Mr. Brian Kelly (Brian.Kelly@hsr.ca.gov)
Chief Executive Officer
California High Speed Rail Authority
925 L Street, Ste. 1425
Sacramento, CA 95814



Dear Brian,

Thank you for your July 24, 2020 response to our letter requesting additional collaboration between CHSRA and South Coast AQMD, SCAG, and SBCTA regarding the Los Angeles-Anaheim segment of the high speed rail project. We appreciate your commitment to work with us, and note that staff have had several productive briefings on the LA-Anaheim project segment. We believe continued early and open dialogue on a project of this magnitude will be important as you move forward, especially given the magnitude of the potential air quality impacts in San Bernardino County and the aggressive schedule your team is working towards.

In that spirit, we wanted to share with you some of our early concerns based on the information we have been provided thus far. The four primary issues are 1) the potential air quality impacts from the new freight railyard in Colton, 2) the need to incorporate project specific mitigation measures, 3) the potential challenges associated with various conformity determinations, and 4) the need to establish an information sharing process between the agencies and interested stakeholders. Each of these issues are discussed in more detail in the attachment to this letter.

We recognize that the environmental documentation should present all these details, and we look forward to participating in that formal review process. However, it is our experience that early consultation and sharing of more detailed technical information enhances and streamlines the overall review process and timeline, particularly for projects with



tight schedules. We reiterate our request to engage up front on CHSRA's plans for the Los Angeles-Anaheim segment.

Thank you for your consideration.



Sincerely,



Kome Ajise

KOME AJISE
Executive Director

Southern California
Association of
Governments

Wayne Nastri

WAYNE NASTRI
Executive Officer

South Coast Air
Quality Management
District

Ray Wolfe

RAY WOLFE
Executive Director

San Bernardino County
Transportation
Authority

Air Quality Impacts

It is our understanding that one component of the LA-Anaheim project is a new BNSF intermodal freight rail yard located at the former Cal Portland Cement Company plant in unincorporated San Bernardino County near the city of Colton. The community living immediately adjacent to this site is already classified by the state Office of Environmental Health Hazard Assessment as being in the worst 95th percentile in the state using the CalEnviroScreen 3.0 tool. These already environmentally burdened nearby census tracts also include populations with much higher proportions of Hispanic and/or Black residents than the South Coast AQMD as a whole (see table below).

Area	Hispanic	Black	White	CalEnviroScreen 3.0 Score
Tract 6071004004	71%	3%	21%	95-100%
Tract 6071007108	46%	26%	18%	95-100%
Tract 6071012500	88%	3%	7%	95-100%
Tract 6071006601	83%	2%	13%	95-100%
Tract 6071003612	68%	12%	12%	80-85%
South Coast AQMD	47%	7%	30%	N/A

Freight rail yards have many sources of emissions that impact the air regionally and locally. These include onsite equipment (e.g., cargo handling equipment and switcher locomotives) and other mobile sources that travel to and from the site (e.g., on-road trucks and long haul locomotives). Based on the limited information we received during the briefing, it is our understanding that onsite cargo handling equipment will be zero emissions. However even if all onsite equipment is zero emissions, an intermodal facility like this will attract a significant number of on-road trucks and generate new locomotive activity as trains are built every day. The emissions from these activities will dwarf those saved from using zero emission cargo handling equipment. It is our

understanding that there are currently no project components that will address the local impacts from on-road trucks or locomotives.¹

Further, the project team expressed that they anticipate that this project has the potential to reduce regional emissions, mainly due to lower truck traffic going to rail yards near downtown LA and going to this new rail yard instead. This is projected to occur because some BNSF trackage would be used for high speed rail, and the new rail yard would be designed to make up for this reduction in throughput from the Hobart yard. While this may be a potential outcome in the long term, the timing of project implementation should be addressed. As expressed to us during the briefing, the new freight rail yard would open as early as 2026, however the high speed rail project would not operate potentially until 2040. This project therefore would appear to increase the total capacity of BNSF's system in the short term, and the resulting regional emissions from this scenario are unclear. Given the significant challenges our region faces meeting federal air quality standards in milestone years of 2023, 2031, and 2037, better understanding these shorter term impacts are of paramount importance.

Finally, from what we know today, a new railyard would likely have significant air quality impacts, locally and potentially regionally. Our understanding is that the only reason that this freight rail yard is being included as a component of the HSR project is that it would mitigate for lost trackage for BNSF. We would like to understand more about whether the freight railyard component of the project could move forward absent construction of HSR. We appreciate that these two projects are being considered collectively in the environmental analysis, however if the rail yard can move forward independently from HSR, then the air quality impacts for that component of the project should be presented separately and mitigated accordingly.

Need for Project Mitigation

If our limited understanding of this project is correct, there are potentially significant air quality issues that must be addressed. We appreciate that the project team has initiated discussions with our staff about providing funding for mitigation. However, any mitigation that the project team is hoping that South Coast AQMD can accomplish on its

¹ While zero emissions cargo handling equipment is welcome, note that recent emissions inventory information from 2017 provided by the railroads to South Coast AQMD indicates that the vast majority of onsite emissions are not from cargo handling equipment at southern California rail yards. Offsite emissions would also not be addressed by onsite cargo handling equipment mitigation.

behalf should only be considered after all feasible measures have been considered as part of the project itself.² South Coast AQMD should only be looked to as an implementer of another project's mitigation as a last resort after all feasible steps have been taken within the project itself. Before any further consideration of making South Coast AQMD responsible for mitigating HSR's air quality impacts, we recommend that time be dedicated to identifying what can be done within the project itself to reduce/avoid air quality impacts.

Conformity

It is not fully clear at this stage, but it would appear that this project may need a conformity determination on three fronts. First, it is our understanding that the project must be included in a conforming regional transportation plan from SCAG. Second, the project may need to meet project-level transportation conformity requirements. Finally, the project must show that it meets general conformity tests. Each of these determinations require significant technical analysis. South Coast AQMD staff traditionally works with SCAG and EPA in a secondary role on the two transportation conformity tests, and we look forward to our involvement in those processes for this project. South Coast AQMD staff takes a lead role in regards to general conformity. The timing is beneficial for the project's general conformity analysis given that we are just now beginning our 2022 Air Quality Management Plan effort. However, given the significant challenges our region faces in meeting national ambient air quality standards on time, it is not clear what portion, if any, of the region's emissions budget can be dedicated to general conformity in the upcoming plan. We do not anticipate that the relatively simple first-come first-served set aside process from previous AQMPs will be sufficient for the 2022 AQMP. Given that there are three HSR sections in South Coast AQMD (i.e., Palmdale-Burbank, Burbank-LA, LA-Anaheim), we recommend working on general conformity for all three projects collectively, especially as emissions impacts may overlap in time.

Need for Additional Details and Engagement

Each of the issues identified above will require substantial technical analysis and modeling. As that work is undertaken, we encourage HSR to communicate early with our staff to work through any methodological details as they arise. While this can

² For example, if there are air quality impacts from locomotives and trucks, then the project should identify mitigation to lessen impacts from those sources.

initially take time, in our experience this additional upfront work can facilitate and streamline the review process.

In addition to the technical modeling analysis for this project, we would appreciate getting a better understanding of the whole of the HSR program in our region. For example, it appears that the Burbank-LA portion of the project will require relocation of a portion of Metrolink's maintenance activities to somewhere in the Inland Empire. Along with the relocation of freight activities to the Inland Empire from the LA-Anaheim project, we would appreciate hearing if there are other project components that will result in impacts from any of the HSR project sections that aren't associated directly with the construction of the high speed rail line itself.

Finally, during the July 1 briefing, my staff strongly encouraged the HSR project team to reach out specifically to local and environmental community groups to discuss this project. At the request of the project team, we provided you with a list of contacts for key organizations. Since that time, we have had initial conversations with many of these groups, and they have raised significant questions about air quality and environmental justice issues associated with this project. We are unable to answer these questions as we know that you all are still actively working on analyzing impacts. However, given the limited information about this project, and the significant concerns being raised, we would again encourage you to reach out to these groups. These groups provide unique perspectives about their own communities and valuable information to better inform projects as you consider the best way to move forward