

**FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND
MITIGATION MONITORING AND REPORTING PLAN
PIER B ON-DOCK RAIL SUPPORT FACILITY PROJECT
SCH No. 2009081079**

Introduction

On January 22, 2018, the Port of Long Beach (POLB) Board of Harbor Commissioners (the Board) approved the Pier B On-Dock Rail Support Facility project (proposed Project). The Board certified the Final Environmental Impact Report (EIR) (State Clearinghouse No. 2009081079) per the California Environmental Quality Act (CEQA), made specific findings regarding the significant environmental impacts and the mitigations measures to reduce or avoid such impacts, adopted a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program to track the mitigation, and approved the Application Summary Report and the Harbor Development Permit per the California Coastal Act and the POLB certified Port Master Plan. POLB subsequently completed an Addendum to the EIR in 2023, which proposed minor additions to the project's boundaries and construction activities, including changes affecting property under ACTA jurisdiction. ACTA has independently reviewed the Draft and Final Pier B On-Dock Rail Support Facility EIR and the 2023 Addendum for legal adequacy as it pertains to the proposed Project elements relevant to ACTA's jurisdiction and has prepared findings related thereto.

Project Overview and Objectives

The proposed Project involves reconfiguring and expanding the Pier B Rail Yard from 82 acres to approximately 182 acres to maximize on-dock intermodal operations by providing a sufficient facility to accept and handle longer container trains (up to 10,000 feet) and accommodate the expected demand of cargo to be moved via on-dock rail through development of a rail yard that is effective and fiscally prudent. The Project would expand and reconfigure the Pier B Railyard to add 31 yard tracks, provide 10,000-foot-long receiving/departure tracks and widen the existing rail bridge over the Dominguez Channel to accommodate one additional track. The Project would include roadway realignments and closures and property acquisitions.

The Alameda Corridor and the Alameda Corridor Transportation Authority

The Alameda Corridor is a fully grade-separated main line rail corridor connecting the Ports of Long Beach and Los Angeles to the Class 1 railroad yards in downtown Los Angeles. South of Interstate 405 (I-405), the Alameda Corridor diverges, with one set of tracks continuing south toward Terminal Island and the western part of the Port of Los Angeles (POLA), and a second set of tracks, the Long Beach Lead, turning southeast to enter the Port of Long Beach (POLB). The Long Beach Lead terminates just south of the Pier B Rail Yard.

The Alameda Corridor was built and is operated by the Alameda Corridor Transportation Authority (ACTA), which is a joint-powers authority (JPA) formed by the Cities of Long Beach and Los Angeles and the Ports of Long Beach and Los Angeles. ACTA operates the Alameda Corridor under a Use and Operating Agreement among five parties: the Ports of Long Beach and Los Angeles, the two Class 1 railroads (BNSF and Union Pacific) and ACTA.

Construction of the Alameda Corridor was funded by municipal bonds and as such, ACTA is charged with ensuring that all tracks are available and used efficiently so as to generate maximum funds to pay debt

service on the outstanding bonds. ACTA also has a responsibility to the Class 1 Railroads to maintain unimpeded and efficiently functioning tracks for their operations.

Basis of Review

The proposed Project would begin just west of Dominguez Channel at the junction of the Long Beach Lead track with the Alameda Corridor. The existing Alameda Corridor tracks and the Dominguez Channel rail bridge would be modified to accommodate one new track. The track addition would include widening of the rail bridge across the Dominguez Channel. These improvements occur on ACTA property. As such, a modification to ACTA's Use and Operating Agreement is required to reflect the improvements.

Modifications to ACTA's Use and Operating Agreement requires 1) approval of a Notice of Mutual Agreement by the four non-ACTA parties to the Agreement and 2) approval to implement the change by ACTA's Governing Board. These two actions are discretionary in nature and as such, require assessment pursuant to CEQA. Therefore, ACTA has independently reviewed the Draft and Final Pier B On-Dock Rail Support Facility EIR for legal adequacy as it pertains to the proposed Project elements under ACTA's jurisdiction. It should be noted that the Project area under ACTA jurisdiction represents a small portion of the overall Project footprint.

Project Elements under ACTA Jurisdiction

Specific elements that would occur under ACTA jurisdiction are as follows:

- Realign the existing Alameda Corridor Transportation Authority (ACTA) mainline tracks
- Widen the existing Dominguez Channel Bridge to accommodate one additional track
- Reconfigure existing tracks and add additional tracks to allow five arrival/departure tracks with direct connection to the ACTA mainline tracks
- Realign/reconfigure the Long Beach Lead tracks and the Terminal Island Lead Tracks (TILT) tracks

Potential Impacts Relevant to ACTA's Jurisdiction

Table 1 (Attachment A) outlines all impacts that are relevant to Project components within ACTA's jurisdiction and includes a summary of the impact. Where applicable, this summary discusses the impacts as they specifically relate to project elements or impacts within ACTA's jurisdiction.

Construction Impacts within the Alameda Corridor

Because construction within ACTA's jurisdiction would occur in multiple construction phases, construction of such components can be assumed to contribute to all general construction impacts, however, construction within ACTA's jurisdiction represents a small portion of overall Project construction. Construction impacts include geology and soils, air quality, hydrology and water quality, biological resources (specifically impacts to bats during rail bridge widening), ground transportation, public services, noise, hazards and hazardous materials, population and housing, utilities, cultural resources and greenhouse gas emissions.

Operational Impacts within the Alameda Corridor

Operational Impacts within ACTA's jurisdiction would be limited to the movement of Project trains along the Alameda Corridor. The proposed Project would add 10 daily trains to the baseline of 42 total daily train operations along the Alameda Corridor. For the purposes of the applicable analyses in the EIR,

Project trains were considered new trains rather than trains being relocated from off-dock railyards. In other words, no reduction in trains generated at downtown yards was assumed as a result of the project and no credit was taken for any reduction of such trains in the analyses. The primary resource areas that would be affected by Project operations within ACTA’s jurisdiction are air quality and health risk, greenhouse gas emissions and noise.

Thresholds Specific to the Alameda Corridor

The Pier B EIR includes two noise threshold specifically addressing the Project’s operational noise within the Alameda Corridor as follows:

NOISE-6: For operational noise within the Alameda Corridor, a significant impact would occur if the proposed Project would either: (a) generate noise within the FTA-designated Severe Impact range (see Figures 3.8-4 and 3.8-5); or (b) result in an increase of 3 dB or more in Leq over baseline ambient conditions measured at the property line of noise-sensitive receptor locations.

NOISE-7: For operational noise within the COLB, COLA, or Alameda Corridor portions of the Project influence area, a significant impact would occur if the proposed Project would generate noise exceeding 45 dBA interior noise levels at schools during the hours of 7:00 a.m. to 10:00 p.m.

The noise analysis completed for the EIR using the Federal Transit Administration (FTA) guidelines found that the additional 10 daily trains operating within the Alameda Corridor as a result of the Project would result in a less than 1-decible (dB) increase in noise along the corridor and a less than 1-dB increase in the overall ambient noise environment and at receptors along the corridor and no change to interior noise levels at nearby schools. Both impacts were determined to be less than significant.

Summary of Significant and Unavoidable Impacts and Statement of Overriding Considerations

When certifying the EIR, POLB adopted a Statement of Overriding Considerations due to findings of significant and unavoidable impacts related to air quality and health risk and greenhouse gas emissions. The Project was determined to offer benefits that outweigh the unavoidable significant impacts, including fulfilling the Port’s legal mandates and objectives under the Tidelands Trust, implementing the Clean Air Action Plan (CAAP), improving local roadway safety, promoting a mode shift for container transport from truck to rail, supporting the City’s General Plan Mobility Element, supporting the California Sustainable Freight Action Plan and contributing to the Community Grants Program in the amount of \$1.4 million.

Mitigation Measures Applicable to ACTA

The EIR included a variety of mitigation measures to reduce significant impacts. As stated above, impacts to air quality and greenhouse gas emissions remained significant and unavoidable even with the application of all feasible mitigation. Some of the approved mitigation measures are applicable to project elements occurring on property under ACTA jurisdiction, however, each of these applicable measures are the responsibility of the Port of Long Beach to implement. ACTA is not responsible for implementing any mitigation measures (See Table 1).

In addition to the mitigation measures, a Special Condition of the Harbor Development Permit requires a mandatory 5-year technology review to identify new air quality technological advancements and

consider their feasibility for implementation. While ACTA is not responsible for conducting the technology reviews, future technological advancements could be identified that are relevant to or could have an impact on operations within the Alameda Corridor.

Environmental Justice

As stated in the certified EIR, significant and unavoidable air quality impacts would constitute a disproportionately high and adverse effect on low-income and/or minority populations. Even with the application of mitigation measures to reduce pollutant emissions, residual impacts from CO and NOx would continue to be significant and unavoidable (POLB, 2018). While the EIR identifies that the Project would have residual significant and unavoidable impacts to air quality disproportionately affecting low-income and minority populations near the Project site, the Project may actually produce air emissions and health impacts that are less than the values presented in the EIR with the replacement of drayage truck trips with rail trips from the marine terminals served by the Project. The POLB will implement all required mitigation measures to ensure that environmental impacts associated with the Project are reduced and continue to provide public engagement; access to information, educational opportunities, and access to coastal resources, while advancing environmental justice for communities surrounding the POLB.

Findings

CEQA prohibits a public agency from approving or carrying out a project for which a CEQA document has been completed and identifies one or more significant adverse environmental effects of the project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding (CEQA Guidelines section 15091).

These findings provide the written analysis and conclusions of ACTA, acting by and through its Governing Board, regarding the environmental impacts of the Proposed Project and the mitigation measures directly applicable to the Project elements that would directly impact properties under ACTA jurisdiction. Although construction and operational activity of the Proposed Project that would occur on property under ACTA jurisdiction is minimal in relation to the Project as a whole, air emissions occurring specifically under ACTA jurisdiction cannot be parsed out. As such, ACTA is making findings related to all significant and unavoidable impacts contained in the FEIR. The FEIR concluded that the Proposed Project, after mitigation, may result in the following significant adverse environmental impacts:

- Construction of the Proposed Project would produce emissions that exceed a South Coast Air Quality Management District (SCAQMD) significance threshold AQ-1: Construction emissions would exceed SCAQMD thresholds for volatile organic compounds (VOC), carbon monoxide (CO), nitrogen oxides (NOx), and fine particulate matter less than 2.5 microns in diameter (PM2.5) during Phases 1 and 2. Construction emissions during Phase 3 would exceed the SCQAMD threshold for NOx and CO.
- Construction of the Proposed Project would result in offsite ambient air pollutant concentrations that exceed an SCAQMD significance threshold AQ-2: Impacts related to the maximum 1-hour state nitrogen dioxide (NO2), 1-hour federal NO2, and annual NO2 concentrations during Phases 1 and 2 would be significant and unavoidable. Impacts related to the maximum 1-hour state NO2, 1-hour federal NO2, and annual NO2 concentrations during Phases 3 would be significant and unavoidable.

- Operation of the Proposed Project would produce emissions that exceed an SCAQMD significance threshold AQ-3: The cumulative operations of projects, including the Proposed Project, would result in significant cumulative air quality impacts for VOC, CO, NOx, particulate matter less than 10 microns in diameter (PM10), PM2.5. The Proposed Project, by itself, would contribute ambient concentrations of these six pollutants during operation, although only CO and NOx would exceed the significance thresholds). Emissions from operation of the Proposed Project would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for VOC, CO, NOx, PM10, PM2.5, and sulphur oxides (SOx).
- Operation of the Proposed Project would result in offsite ambient air pollutant concentrations that exceed an SCAQMD significance threshold AQ-4: Operation of cumulative projects, including the Proposed Project, would result in significant cumulative air quality impacts related to exceedances of the significance thresholds for NOx, PM10, and PM2.5. Construction of the Proposed Project would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for NOx, PM10, and PM2.5.
- Cumulative significant and unavoidable air quality impacts from construction and operation of the Proposed Project would result in significant on-site and offsite ambient cumulative air quality impacts for VOC, CO, NOx, PM10, PM2.5, and SOx; as well as health risk impacts for individual cancer risk, population cancer burden, and non-cancer effects from acute exposure.
- Cumulative significant and unavoidable air quality impacts from construction and operation of the Proposed Project would constitute a disproportionately high and adverse effect on low-income and/or minority populations.
- Construction and modification activities would contribute to the loss of migratory birds nesting in trees or structures BIO-1: Construction of the Proposed Project is not likely to affect any listed, candidate, sensitive, or species of special concern or their habitat. However, the loss of migratory birds nesting in trees or structures, as well as the loss of bats during modifications of bridges (particularly the Dominguez Channel rail bridge), or any of their habitat, would be potentially significant.
- Construction of the Proposed Project may result in the permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance CR-1: Construction of the Proposed Project may result in the permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance. The Proposed Project site has a high potential for yielding scientifically important remains of extinct Ice Age land mammals from depths beginning at 5 feet.

Impact AQ-1: Construction of the Proposed Project would produce air pollutants that exceed an SCQAMD significance threshold.

Finding: ACTA finds that (1) the construction of the Proposed Project would generate emissions that exceed the SCAQMD thresholds for VOC, CO, NOx, possibly SOx and (PM2.5 during Phases 1 and 2; and for CO and NOx during Phase 3; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce these impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures would be implemented on property under ACTA jurisdiction but are not ACTA's responsibility to implement; and (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: The combined construction emissions would exceed SCQAMD thresholds for CO and NOx during all construction phases. Therefore, these emissions would represent significant air quality impacts. Exhaust from construction equipment is the largest contributor to these emissions. Based on the number and types of related projects that could be under construction concurrent with the Proposed Project, it is likely that the cumulative projects, including the Proposed Project, would together exceed the SCAQMD thresholds for VOC, CO, NOx, PM10, PM2.5. Because the area surrounding the Proposed Project site is predominantly minority and low income, Impact AQ-1 would constitute a disproportionately high and adverse effect on minority and low-income populations. The FEIR concluded that, even with the application of feasible mitigation measures, this impact cannot be entirely avoided or reduced to less-than-significant levels. Five feasible mitigation measures that could potentially reduce the impact were evaluated, but they would not reduce the level to less than significant. These mitigation measures are described in the FEIR (Mitigation Measure AQ-1 through AQ-5). Though these measures would not remove significant air pollution of hazardous emissions, no other feasible mitigation measures or project alternatives have been identified that would reduce the impact to less than significant. Therefore, significant air pollution effects involving the release of hazardous emissions into the environment is expected to remain significant and unavoidable regionally following mitigation.

Impact AQ-2: Construction of the Proposed Project would result in offsite ambient air pollutants that exceed an SCQAMD significance threshold.

Finding: ACTA finds that (1) the construction of the Proposed Project would generate offsite ambient pollutant concentrations that exceed the SCAQMD thresholds for 1-hour and annual NO2 and annual PM10 during Phases 1 and 2; and 1-hour and annual NO2 during Phase 3; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures would be implemented on property under ACTA jurisdiction but are not ACTA's responsibility to implement; and (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: Dispersion modeling was performed to estimate the local offsite ambient pollutant concentrations resulting from emissions during construction. The analysis used the Environmental Protection Agency (EPA) Air Quality Dispersion Modeling (AERMOD) program (EPA, 2015). The most recent version of AERMOD (v. 15181) available during document preparation was used at the time the dispersion modeling analysis was conducted. AERMOD is a steady-state plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of ground-level and elevated sources, and in simple and complex terrain. Because the Pier B Rail Yard would continue to operate during the construction period, the modeling analysis included both maximum construction and operational emissions during the construction period. Appendix A2 of the Draft EIR contains documentation of the Proposed Project construction emissions dispersion modeling analysis. Tables 3.2-11 and 3.2-12 of the Draft EIR present the maximum offsite pollutant concentrations associated with construction and operation of the Proposed Project during construction Phases 1 and 2, before mitigation is applied. Similarly, Tables 3.2-13 and 3.2-14 of the Draft EIR present the maximum offsite pollutant concentrations associated with concurrent construction and operation of the Proposed Project during construction Phase 3. With application of mitigation measures AQ-1 through AQ-5, 1-hour and annual NO2 concentrations would remain significant and unavoidable during all three construction phases. Furthermore, Proposed Project construction activities would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for NO2, PM10, and PM2.5

concentrations. Because the area surrounding the Proposed Project site is predominantly minority and low-income, Impact AQ-2 would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-3: Operation of the Proposed Project would produce air pollutants that exceed an SCQAMD significance threshold.

Finding: ACTA finds that (1) the operation of the Proposed Project would generate significant and unavoidable emissions of CO and NO_x; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures would be implemented on property under ACTA jurisdiction but are not ACTA's responsibility to implement; and, (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: There are no additional feasible mitigation measures identified for the Proposed Project operation at present; however, to keep pace with emerging emission reduction technologies, a mandatory 5-year technology review would be made part of the Proposed Project as a Special Condition (Section 6.3.2). For each analysis year (2020, 2025, and 2035), the incremental emissions from operation of the Proposed Project relative to the CEQA baseline were compared to the SCAQMD daily emission thresholds to determine significance Table 3.2-19 of the Draft EIR shows that, without mitigation, operation of the Proposed Project would produce peak daily emissions that exceed the SCAQMD thresholds for CO in 2025 and 2035 and for NO_x in all analysis years. Line haul locomotive exhaust would be the primary contributor to these emissions. Therefore, these CO and NO_x emissions would represent a significant regional air quality impact. Proposed Project operational emissions would be below the thresholds for CO in 2020, and VOC, PM₁₀, and PM_{2.5} would be less than the CEQA baseline primarily because of fleet turnover. Accordingly, the impacts of operational emissions would be less than significant for VOC, PM₁₀, PM_{2.5}, and in all years and for CO in 2020, and mitigation measures for those impacts would not be required. The Proposed Project already incorporates many regulations and Clean Air Action Plan (CAAP) measures that reduce air pollutant emissions, as discussed in Section 3.2.2 of the Draft EIR. There are no additional feasible mitigation measures identified for Proposed Project operations at present. Additionally, the area surrounding the Proposed Project site is predominantly minority and low income, Impact AQ-3 would constitute a disproportionately high and adverse effect on minority and low-income populations.

Impact AQ-4: Operation of the Proposed Project would produce offsite air pollutants that exceed an SCQAMD significance threshold.

Finding: ACTA finds that (1) the operation of the Proposed Project would generate significant and unavoidable offsite ambient 1-hour and annual NO₂ concentrations; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures would be implemented on property under ACTA jurisdiction but are not ACTA's responsibility to implement; and (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: The Proposed Project operation would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for NO₂, PM₁₀, and PM_{2.5} concentrations. A dispersion modeling analysis using the EPA AERMOD program was performed to estimate the local offsite ambient

pollutant concentrations resulting from the Proposed Project's operational emissions in the analysis years 2020, 2025, and 2035. Tables 3.2-21 and 3.2-22 of the Draft EIR show that, during operation of the Proposed Project, the maximum offsite 1 hour (federal) and the annual NO₂ concentrations would exceed the significance thresholds. Additionally, the area surrounding the Proposed Project site is predominantly minority and low income, Impact AQ-4 would constitute a disproportionately high and adverse effect on minority and low-income populations. Therefore, with no feasible mitigation available, the Proposed Project would result in significant impacts related to local 1-hour (federal) and annual NO₂ concentrations. All other operational air pollutant impacts would be less than significant.

Cumulative Air Quality Impacts: Construction of the Proposed Project, when considered in conjunction with related past, present and reasonably foreseeable future projects, would result in cumulatively considerable and unavoidable contribution to significant cumulative impacts to air quality.

Finding: ACTA finds that (1) Construction of the Proposed Project and cumulative projects together would: exceed emission thresholds for VOC, CO, NO_x, PM₁₀, PM_{2.5}, and possibly SO_x; would contribute to offsite ambient pollutant concentrations for NO_x, PM₁₀, PM_{2.5}; and would result in significant cumulative health risk impacts for individual cancer risk, population cancer burden, and non-cancer effects from acute exposure; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures would be implemented on property under ACTA jurisdiction but are not ACTA's responsibility to implement; and (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: The construction of the Proposed Project, on its own and cumulatively with other projects, would together exceed the emission thresholds for VOC, CO, NO_x, PM₁₀, PM_{2.5}, and possibly SO_x and would result in significant cumulative air quality impacts during the Project construction period. Additionally, construction of the Proposed Project, on its own and cumulatively with other projects, would result in significant cumulative air quality impacts related to exceedances of the significance thresholds for offsite ambient pollutant concentrations of NO_x, PM₁₀, and PM_{2.5}. Construction of the Proposed Project, on its own and cumulatively with other projects, would result in significant cumulative air quality and health risk impacts for individual cancer risk, population cancer burden, and non-cancer effects from acute exposure. Construction emissions would also have a disproportionately high impact to predominately minority and low-income population surrounding the Proposed Project site. No specific CEQA significance criteria exists for the potential disproportionate and unavoidable impacts to low-income and minority populations. However, based on the results of the Proposed Project-specific and cumulative analyses, the Proposed Project would affect minority or low-income populations near the Project site.

Cumulative Air Quality Impacts: Operation of the Proposed Project, when considered in conjunction with related past, present and reasonably foreseeable future projects, would result in cumulatively considerable and unavoidable contribution to significant cumulative impacts to air quality.

Finding: ACTA finds that (1) Operation of the Proposed Project and cumulative projects together would: exceed operational emission thresholds for VOC, CO, NO_x, PM₁₀, PM_{2.5}, and SO_x; would contribute to offsite ambient pollutant concentrations for NO_x, PM₁₀, PM_{2.5}; and would result in significant cumulative health risk impacts for individual cancer risk, population cancer burden, and non-cancer effects from acute exposure; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures would be implemented on property

under ACTA jurisdiction but are not ACTA’s responsibility to implement; and (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: The operation of the Proposed Project, on its own and cumulatively with other projects, would together exceed the emission thresholds for VOC, CO, NOx, PM10, PM2.5, and possibly SOx and would result in significant cumulative air quality impacts. However, the cumulatively considerable contribution would be temporary for VOC, PM10, PM2.5 because Proposed Project emissions would become less than the baseline emissions by 2035. The POLB would implement Mitigation Measure AQ-6, which would mitigate cumulative air quality impacts associated with operation of the Proposed Project by implementing and funding the POLB Community Grants Program. However, this mitigation measure is not applicable to the POLA, and the Proposed Project’s contribution to the operational emissions cumulative impact would remain cumulatively considerable and unavoidable. Operation of the Proposed Project, on its own and cumulatively with other projects, would result in significant cumulative air quality impacts related to exceedances of the significance thresholds for ambient concentrations of NOx, PM10, and PM2.5. Operation of the Proposed Project, on its own and cumulatively with other projects, would result in significant cumulative air quality and health risk impacts due to the disproportionately high impact to predominately minority and low-income population surrounding the Proposed Project site. No specific CEQA significance criteria exist for the potential disproportionate and unavoidable impacts to low-income and minority populations. However, based on the results of the Proposed Project-specific and cumulative analyses, the Proposed Project would affect minority or low-income populations near the Project site.

Special Conditions of Approval

The Pier B EIR concludes that construction in accordance with the City of Long Beach (COLB) Building Code requirements would limit the severity of consequences from severe seismically induced ground movement, including ground shaking, liquefaction, differential settlement, or other seismically induced ground failure. However, ACTA maintains specific engineering standards for improvements within the Alameda Corridor. As such, the following condition is included:

- 1) All engineering and construction plans for proposed Project elements under ACTA jurisdiction will abide by ACTA’s engineering standards. All plans will be submitted to ACTA for review and approval prior to construction.

Findings Conclusion

ACTA finds that no additional feasible mitigation measures or alternatives to the Proposed Project, other than those included in the FEIR, have been identified that can further mitigate the potentially significant adverse project impacts on air quality while meeting the basic objectives of the Proposed Project.

ACTA further finds that all findings presented here are supported by substantial evidence as analyzed in the FEIR and in the administrative record as a whole.

Lastly, ACTA finds that there have been (1) no substantial changes to the Proposed Project which would require major revisions of the FEIR, (2) no substantial changes with respect to the circumstances under which the Proposed Project is being undertaken which would require major revisions in the FEIR, and (3) no new information has become available which was not known or could have been known at the time the FEIR was certified as complete.

Statement of Overriding Considerations

If significant adverse impacts of a Proposed Project remain after incorporating feasible mitigation measures, or no feasible measures to mitigate the adverse impacts are identified, an approving agency must make a determination that the benefits of the Proposed Project outweigh the unavoidable, significant, adverse environmental effects if it is to approve the Proposed Project. In accordance with Public Resources Code Section 21081 and Title 14 California Code of Regulations Section 15093, ACTA, in determining whether or not to approve the Proposed Project, balanced the economic, social, technological, and other Proposed project benefits against its unavoidable environmental risks, and finds that each of the benefits of the Proposed project set forth below outweigh the significant adverse environmental effects that are not mitigated to less than significant levels. This statement of overriding considerations is based on ACTA's review of the FEIR and the administrative record as a whole. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Proposed Project. Accordingly, this Statement of Overriding Considerations regarding potentially significant adverse environmental impacts resulting from the Proposed Project, as set forth below, has been prepared. Pursuant to CEQA Guidelines Section 15093(c), this Statement of Overriding Considerations will be included in the record of the Proposed Project approval and will also be noted in the Notice of Determination.

Having reduced the potential effects of the Proposed project through all feasible mitigation measures as described previously in this statement and balancing the benefits of the Proposed Project against its potential unavoidable adverse impact on hazards involving the release of hazardous materials into the environment during operation, the Harbor Department finds that the following legal requirements and benefits of the Proposed Project individually and collectively outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. The Proposed Project supports ACTA's stated mission of facilitating safe and efficient movement of goods and seeking health and safety benefits in air quality, traffic and aesthetics for Corridor communities and Southern California region, while maintaining a partnership with the ports and railroads. The Proposed Project. A fundamental purpose of the Proposed Project is to facilitate the transport of a larger proportion of containerized cargo directly to and from the San Pedro Bay Ports Complex via rail instead of by drayage trucks, which would positively impact air quality and traffic for Corridor communities as well as the Southern California region as a whole.
2. The Proposed Project supports the California Sustainable Freight Action Plan. Pursuant to Executive Order B-32-15, the Sustainable Freight Action Plan established measures of progress to improve freight efficiency, transition to zero-emissions technologies, and make California's freight system more competitive. Certain elements of the Proposed Project serve to forward State goals by providing infrastructure for more efficient cargo transport. The 2016 Sustainable Freight Action Plan identifies the expansion of on-dock rail as one of many key improvements for freight facility modernization in the San Pedro Bay Ports. These improvements will increase capacity and throughput of terminals (reducing congestion and wait times), reducing truck trips, and improving air quality near the ports.

In balancing the benefits of the overall Proposed Project described above with the Proposed Project's unavoidable and significant adverse environmental impacts, ACTA finds that the Proposed Project's benefits individually and collectively outweigh the unavoidable adverse impact, such that this impact is acceptable. ACTA further finds that substantial evidence presented in the FEIR and the administrative

record as a whole supports approving the Proposed Project despite the Proposed Project's potential adverse impact.

RECORD OF PROCEEDINGS

The record of ACTA’s approval for the Proposed Pier B On-Dock Rail Support Facility Project, including these Findings of Fact and Statement of Overriding Considerations, and the Notice of Determination (to be sent to the Los Angeles County Clerk and State Clearinghouse to be posted and recorded) will be available to the general public at the ACTA Current Projects website, <https://www.acta.org/about/projects/current-projects/>.

The record of the Port of Long Beach’s Proposed Project approval is available to the general public for review at <https://polb.com/documents#ceqa-nepa>.