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May 18, 2021

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May 18, 2021
Part of
Public Record

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Submitted via e-Filing Procedures

Re: *City of Los Angeles--Abandonment Exemption in Los Angeles County, CA, STB Docket No. AB 1094X*

Dear Ms. Brown:

Attached please find the Verified Notice of Exemption and associated Exhibits for filing in STB Docket No. AB 10494X.

The filing fee of \$4600 has been submitted via pay.gov. However, the City of Los Angeles ("City") is a local government authority and is therefore seeking a waiver of the filing fee as the Verified Notice of Exemption is filed on behalf of the general public. See 49 C.F.R. § 1002.2(e); *Filing Fee Waiver Requests*, STB Ex Parte No. 758 (Service Date Dec. 23, 2020). Specifically, 49 C.F.R. 1002.2(e)(1) states that "filing fees are waived for application and other proceedings which is filed by...a state or local government agency." The City is a local government agency filing the request on behalf of the general public and residents of the City. Accordingly, the City requests that the filing fee submitted with the Verified Notice of Exemption be waived.

Please do not hesitate to contact me with any questions.

Sincerely,



Allison I. Fultz
Counsel for the City of Los Angeles

Enclosures

FILED
May 18, 2021
SURFACE
TRANSPORTATION BOARD

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May 18, 2021
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

Docket No. AB 1094X

**CITY OF LOS ANGELES
– ABANDONMENT EXEMPTION –
IN LOS ANGELES COUNTY, CA**

VERIFIED NOTICE OF EXEMPTION

Communications with respect to this document should be addressed to:

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Counsel for the City of Los Angeles

May 18, 2021

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

Docket No. AB 1094X

**CITY OF LOS ANGELES
– ABANDONMENT EXEMPTION –
IN LOS ANGELES COUNTY, CA**

VERIFIED NOTICE OF EXEMPTION

The City of Los Angeles, a municipal corporation acting through its Board of Harbor Commissioners (the “**City**”) to operate the Port of Los Angeles (the “**Port**”), is the owner of the fee interest in the rail line in the Port that is the subject of the above-captioned proceeding. The City hereby submits this Verified Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, under which the City seeks authority to abandon a 2.6 mile line of railroad in Los Angeles County, CA, from Milepost 4.00 (north of Front Street and east of the Gaffey Street Lead) to the end of the line at Milepost 6.60, as shown on the map attached as **Exhibit A**, which comprises a portion of a line known as the San Pedro Subdivision (the “**Line**”). Based on information in the possession of the City, the Line owner, the Line does not contain federally granted rights-of-way. Any documentation in the City’s possession will be made available promptly to those requesting it.

The City acquired the Line in 1994 from the Southern Pacific Transportation Company pursuant to an agreement under which the railroads then serving the Line, Harbor Belt Line (“**HBL**”), and Union Pacific (“**UP**”) retained common carrier obligations with respect to the Line (See *City of Los Angeles & City of Long Beach – Acquisition Exemption – Rail Lines of the*

Atchison, Topeka and Santa Fe Ry. Co., Southern Pacific Transp. Co., and Union Pacific R.R. Co., I.C.C. Finance Docket No. 32427 (Service Date Jan. 12, 1994), *slip op.* at 1-2 (“According to the [City] . . . acquisition of the described property interests . . . will not confer common carrier status”); *Harbor Belt Line Railroad – Discontinuance Exemption – Port of Los Angeles*, STB Docket No. AB-542X (Service Date June 12, 1998), *slip op.* at 1 n.2 (HBL, the operator of the Line, was created by the City of Los Angeles and railroads serving the Port of Los Angeles in 1928 and was controlled by the City and railroads serving the port until it was replaced by Pacific Harbor Lines (“PHL”). The Line is located wholly within the Port of Los Angeles in the City of Los Angeles and comprises a segment of the line described as that portion of the San Pedro Branch “continuing southerly and southeasterly through the Port of Los Angeles to approximately 22nd Street in San Pedro and also including to the legs of the West Wye”. *City of Los Angeles & City of Long Beach*, I.C.C. Finance Docket No. 32427, *slip op.* at 1.

In 1997, PHL entered into an operating agreement with the City, taking over common carrier operations on the Line from HBL, and acquired authorization from this Board to operate within the port property to provide switching services on the port’s track, including the Line. *Pacific Harbor Line, Inc. – Operation Exemption – Port of Los Angeles*, STB Finance Docket No. 33411 (Service Date Dec. 2, 1997), *slip op.* at 1. At the same time, HBL filed with this Board to discontinue its service of the Line. *Harbor Belt Line Railroad*, STB Docket No. AB-542X, *slip op.* at 1 (“Upon commencement of services by PHL, HBL will be replaced as the operator of the lines within the Port and will discontinue all operations.”). In 2016, UP and PHL discontinued service over the line. *Union Pacific Railroad Co. – Notice of Exemption for Discontinuance of Service – In Port of Los Angeles’ San Pedro Subdivision, Los Angeles, CA (San Pedro Industrial Lead)*, STB Docket No. AB-33 (Sub-No. 330X) (Service Date Aug. 12,

2016); *Pacific Harbor Line, Inc. – Discontinuance of Service Exemption – in Los Angeles County, Ca.*, STB Docket No. AB 1100X (Service Date Aug. 13, 2016).

The City now seeks to abandon any residual common carrier obligation on the Line.

The information required by 49 C.F.R. § 1152.50 follows:

1. Proposed Consummation Date: July 7, 2021.
2. Certification required by 49 C.F.R. § 1152.50(b): The City hereby certifies that no local traffic has moved over the Line for at least two (2) years, that no overhead traffic will need to be rerouted because the Line is stub-ended, and that no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such a user) regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

3. Information required by 49 C.F.R. § 1152.22(a)(1):

The exact name of the City, along with the City's address, is:

Port of Los Angeles
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151

4. Information required by 49 C.F.R. § 1152.22(a)(2): The City acquired the real estate underlying the Line from Southern Pacific Transportation Company in 1994. *City of Los Angeles & City of Long Beach*, I.C.C. Finance Docket No. 32427, *slip op.* at 1. In that Decision, the City pointed out that its acquisition of the Line conferred no common carrier obligation on the City; however, the City did not seek to dismiss or revoke its exemption. *Id.*, *slip op.* at 2. In 1997, the City entered into an operating agreement, replacing HBL, the then-existing operator, and giving PHL the exclusive right to operate freight rail service on the Line. *See Pacific Harbor Line, Inc.*, STB Finance Docket No. 33411, *slip op.* at 1; *Harbor Belt Line Railroad*,

STB Docket No. AB-542X, *slip op.* at 1. In 2016, UP and PHL discontinued service over the line. *Union Pacific Railroad Co. – Notice of Exemption for Discontinuance of Service – In Port of Los Angeles’ San Pedro Subdivision, Los Angeles, CA (San Pedro Industrial Lead)*, STB Docket No. AB-33 (Sub-No. 330X) (Service Date Aug. 12, 2016); *Pacific Harbor Line, Inc. – Discontinuance of Service Exemption – in Los Angeles County, Ca.*, STB Docket No. AB 1100X (Service Date Aug. 13, 2016). The City’s interest in the Line is subject to a residual common carrier obligation following UP’s and PHL’s respective discontinuances.

5. Information required by 49 C.F.R. § 1152.22(a)(3): The City seeks abandonment of any residual common carrier obligation that may still be associated with this Line.

6. Information required by 49 C.F.R. § 1152.22(a)(4): A detailed map of the Line and the surrounding area is attached hereto as **Exhibit A**.

7. Detailed statement of reasons for filing the notice of exemption as required by 49 C.F.R. § 1152.22(a)(6): The City is submitting this Notice of Exemption to effect a full abandonment of any residual freight service obligation on the Line.

8. Information required by 49 C.F.R. § 1152.22(a)(7): Applicants' representatives to whom correspondence should be sent are:

For the City:

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9. Information required by 49 C.F.R. § 1152.22(a)(8): The Line traverses U.S. Postal Service ZIP Code 90731.

10. Information required by 49 C.F.R. § 1152.22(e)(4): The right of way is suitable for other public purposes, and the abandonment and discontinuance proposed in this proceeding will permit the Line to be used for the public benefit. The Line is part of the City's properties and was formerly used to provide rail service to various industrial terminals and berths at the Port of Los Angeles. The City is now in the process of redeveloping the area as the West Harbor project (the "**Proposed Project**"). The Proposed Project includes redevelopment of public waterfront to create or expand open space areas, commercial development, transportation and parking facilities, and expansion of cruise ship facilities and operations. Los Angeles Harbor Department, Environmental Management Division & U.S. Army Corps of Engineers, Los

Angeles District, *San Pedro Waterfront Project FEIS/FEIR* at p. 1-2 (2009) (“**FEIS**”), available at [https://kentico.portoflosangeles.org/getmedia/f1d722de-0257-43d3-8429-](https://kentico.portoflosangeles.org/getmedia/f1d722de-0257-43d3-8429-5b8404b2a56c/1_Introduction)

[5b8404b2a56c/1_Introduction](https://kentico.portoflosangeles.org/getmedia/f1d722de-0257-43d3-8429-5b8404b2a56c/1_Introduction). The property underlying the Line will be redeveloped in accordance with the Proposed Project. FEIS at pp. 1-41 to 1-42.

Where a right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service, the Board has granted exemptions from the requirements of 49 U.S.C. §§ 10904 and 10905. *See, e.g., K & E R. Co. – Abandonment Exemption – In Alfalfa, Garfield, and Grant Cos., OK, and Barber Co., KS*, STB Docket No. AB-480X (Service Date December 31, 1996), *slip op.* at 4-5. For the reasons set forth in greater detail in the City’s Petition for Exemption from Conditions Governing Offers of Financial Assistance and Public Use, submitted simultaneously with this Notice of Exemption, the City requests that the Board exempt the Line from the applicable requirements of 49 U.S.C. §§ 10904 and 10905 and the regulations thereunder.

The City, the owner of the fee interest in the line, is not aware of any restrictions on title that would affect the use of the line for other than rail purposes.

11. The level of labor protection: There are no rail employees whose interests would be adversely affected by this abandonment.

12. Compliance with notice requirements of 49 C.F.R. §§ 1105.7, 1105.8, 1105.9, 1105.11, 1105.12 and 1152.50(d)(1): The City has complied with 49 CFR § 1105.7 (environmental reports) and 49 CFR § 1105.8 (historic reports), and the City has complied with the requirements of 49 CFR § 1105.9 (notice to state coastal zone manager), 49 CFR § 1105.11 (transmittal letter), 49 CFR § 1105.12 (newspaper publication), and 49 CFR § 1152.50(d)(1) (notice to governmental agencies). A certificate of compliance with the requirements of 49 C.F.R. §§

1105.11 and 1152.50(d)(1) is attached hereto as **Exhibit B**. Copies of the Environmental and Historic Report are attached hereto as **Exhibit C**. Proof of publication of the March 25, 2021 newspaper notice required pursuant to 49 C.F.R. § 1105.12 is attached as **Exhibit D**. Copies of notices sent pursuant to 49 C.F.R. § 1152.50(d)(1) are attached as **Exhibit E**.

Respectfully submitted,

City of Los Angeles



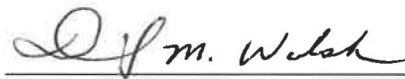
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/s/ Justin Houterman
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Counsel for the City of Los Angeles

VERIFICATION

I, David M. Walsh, Chief Harbor Engineer, of the City of Los Angeles Harbor Department, verify under penalty of perjury that the facts recited in the foregoing Notice of Exemption with respect to the abandonment proceeding are true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to cause this Verified Notice of Exemption to be filed.



David M. Walsh
Chief Harbor Engineer

STATE OF CALIFORNIA}
COUNTY OF _____

See Attached Acknowledgment

On _____, before me, _____, a Notary Public, personally appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

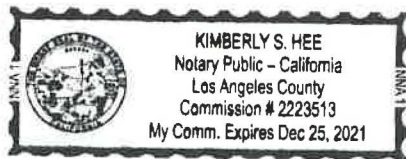
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Los Angeles)
 On May 13, 2021 before me, Kimberly S. Hee, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared David M. Walsh
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Verification
 Document Date: May 13, 2021 Number of Pages: _____
 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: David M. Walsh
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

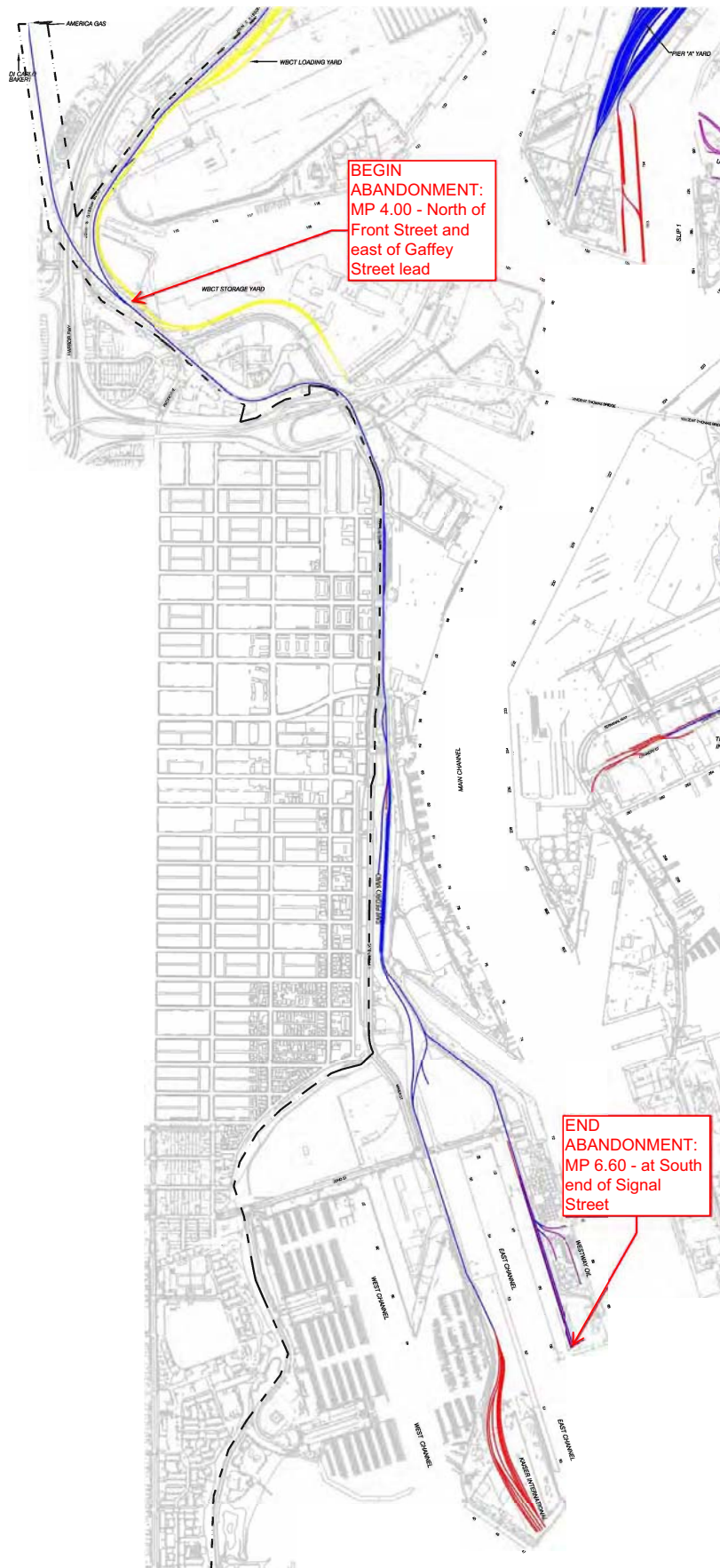
Signer Is Representing: City of Los Angeles
Harbor Department

Signer Is Representing: _____

EXHIBIT A

MAP OF THE LINE

[attached hereto]



LEGEND

- PORT RAIL FACILITIES
- TRACKS OUT OF SERVICE
- - - PORT BOUNDARY LIMITS
- - - PACIFIC HARBOR LINE / WATERFRONT RED CAR LINE SHARED USE

500 250 0 500 1000 1500 2000



EXHIBIT B

**CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. §§ 1105.11, 1105.9(a)(2) and
1152.50(d)(1)**

CERTIFICATION

I hereby certify: (1) pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see **Exhibit C**); (2) pursuant to § 1105.9(a)(2), that actual notice of the intent to discontinue and abandon rail service was given to the State coastal zone manager; (3) pursuant to § 1105.12, that a notice of intent to discontinue and abandon rail service was published in the Daily Breeze on March 25, 2021 (see **Exhibit D**); and (4) that the notice required by § 1152.50(d)(1) was given (see **Exhibit E**).



Allison I. Fultz

Dated: May 18, 2021

EXHIBIT C

ENVIRONMENTAL AND HISTORIC REPORT

[attached hereto]

**Before the
Surface Transportation Board
Washington, D.C.**

Docket No. AB 1094X

**City of Los Angeles
Abandonment Exemption in Los Angeles County, CA**

Combined Environmental and Historic Report

The City of Los Angeles, a municipal corporation, acting through its Board of Harbor Commissioners (the “**City**”) to operate the Port of Los Angeles, submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d) for an abandonment of a segment of a rail line known as the San Pedro Subdivision (the “**Line**”) between railroad Mileposts 4.00 (north of Front Street and east of the Gaffey Street Lead) to the end of the line at Milepost 6.60 in Los Angeles County, California. The Line traverses U.S. Postal Service ZIP code 90731.

Pacific Harbor Line, Inc. (“**PHL**”) provided freight service on the Line (*Pacific Harbor Line, Inc. – Operation Exemption – Port of Los Angeles*, STB Finance Docket No. 33411 (Service Date Dec. 2, 1997)). In 2016, PHL discontinued service over the line. *Pacific Harbor Line, Inc. – Discontinuance of Service Exemption – in Los Angeles County, Ca.*, STB Docket No. AB 1100X (Service Date Aug. 13, 2016). Accordingly, all freight operations on the Line have ceased and there have been no subsequent requests for freight service.

A map of the Line is attached as **Exhibit A**, and the City’s letter to federal, state, and local government agencies is attached as **Exhibit B**.

Environmental Report

49 C.F.R. 1105.7(e) Requirements:

- (1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The City proposes to abandon 2.6 miles of rail line between Mileposts 4.00 (north of Front Street and east of the Gaffey Street Lead) to the end of the line at Milepost 6.60 in Los Angeles County, California (the “**Line**”). A map of the Line is attached hereto as **Exhibit A**.

The City of Los Angeles owns the real property and physical assets underlying the Line. PHL had the primary right to provide freight rail service on the Line under an operating agreement the City and PHL entered into in 1997. PHL discontinued the primary freight common carrier obligation that the Surface Transportation Board previously granted it in Finance Docket No. 33411 in 2016. *Pacific Harbor Line, Inc. – Discontinuance of Service Exemption – in Los Angeles Co., CA*, STB Docket No. Ab 1100X (Filed July 25, 2016). Union Pacific Railroad Company simultaneously discontinued its common carrier obligation in *Notice of Exemption – Proposed Discontinuance of Union Pacific Railroad Co. Freight Operating Easement on the Port of Los Angeles San Pedro Subdivision*, STB Docket No. AB-33 (Sub-No. 330X) (Filed July 25, 2016).

The City intends to integrate the property underlying the Line into its San Pedro Waterfront Project (the “**Proposed Project**”), a redevelopment of the public waterfront to create or expand open space areas, commercial development, transportation and parking facilities, and cruise ship facilities and operations, as set forth in the Final Environmental Impact Statement/Final Environmental Impact Report in September, 2009. Los Angeles Harbor

Department, Environmental Management Division & U.S. Army Corps of Engineers, Los Angeles District, *San Pedro Waterfront Project FEIS/FEIR*, at pp. 1-2, 1-41 to 1-42 (2009) (“FEIS”), available at <https://www.portoflosangeles.org/environment/environmental-documents>, at entry “San Pedro Waterfront Project – Certified 9/29/2009”. The property underlying the Line will be redeveloped in accordance with the Proposed Project. FEIS at pp. 1-41 to 1-42.

Although the proposed post-abandonment use of the right-of-way is beyond the scope of environmental review for this abandonment proceeding (*see, e.g., Iowa Southern R. Co.—Exemption—Abandonment*, 5 I.C.C.2d 496, 501 (1989), *aff’d*, *Goos v. ICC*, 911 F.2d 1283 (8th Cir. 1990)), this Report refers to and adopts relevant portions of the Proposed Project’s FEIS for the purposes of demonstrating that the City has taken into account the applicable federal regulations and has fully addressed the potential impacts, if any, of the abandonment as well as of the Project that will follow the exercise of the authority sought in this proceeding. The Proposed Project’s *Draft Environmental Impact Statement*, issued on September 22, 2008 (“DEIS”), relevant portions of which are available at

<https://kentico.portoflosangeles.org/getmedia/ba39e400-7a0c-4a09-b2ae-8e7bfc69faf3/3-0-Environmental-Analysis> and https://kentico.portoflosangeles.org/getmedia/33557b3c-6ae6-4b75-a4db-c3e011be4477/AppxF-3_historic-built_techreport, is also cited and adopted herein to the extent that relevant portions of the DEIS were incorporated without revision in the FEIS.

The alternative to abandonment is to not abandon rail freight operations over the Line. This alternative is neither realistic nor preferred, however, since freight rail service on the Line ceased more than five years ago due to decreasing demand and in anticipation of redevelopment as outlined by the Proposed Project. *See* FEIS at pp. 1-41 to 1-42. Maintaining freight rail

operations would be inconsistent with the Proposed Project's goal of increasing public access to the waterfront. See FEIS at pp. 1-12, 1-23.

Once the Line is fully abandoned, it will be redeveloped as part of the Proposed Project. Accordingly, since the demand for freight rail service no longer exists along the Line, the proposed abandonment will not alter the status quo with respect to the subject property. See FEIS at pp. 1-41 to 1-42.

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed action is not expected to significantly affect regional or local transportation systems and patterns. There has been no freight rail traffic on the Line for at least five years, and no freight or passenger traffic will be diverted to other modes as a result of the proposed abandonment.

(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed action is consistent with existing land use plans for the area, including the Port of Los Angeles Plan, the Port Master Plan, the San Pedro Community Plan, the San Pedro Coastal Specific Plan, and the zoning requirements under the City of Los Angeles Zoning Ordinance. See DEIS at pp. 3.8-22 to 3.8-23, 3.8-24, 3.8-26 to 3.8-27; FEIS at pp. 3-193 to 3-194.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The proposed abandonment will affect no prime agricultural land.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.**

The City certifies that it has provided notice to the California Coastal Commission at least 40 days before the effective date of this abandonment request as required under 49 C.F.R. § 1105.9(a)(2).

- (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

Portions of the Line are suitable for alternative public use and are already proposed to be used in that capacity as part of the Proposed Project for developing public open space. FEIS at pp. 1-41 to 1-42, 3-9.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.**

The proposed abandonment will have no effect on the transportation of energy resources. No rail freight traffic has moved over this line for more than five years.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed abandonment will not adversely affect movement or recovery of recyclable commodities. No rail freight traffic has moved over this line for over five years.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The abandonment will not have any impact on energy consumed in the rail transportation of freight traffic since no rail freight traffic has moved in this corridor in more than five years.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:**

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the

production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

There is no existing freight rail traffic on the Line. Accordingly, the proposed action will not cause any diversions of rail carloads per year over any part of the affected line meeting or exceeding the specific thresholds set forth in (iv) (A) or (B).

(5) Air.

(i) If the proposed action will result in either:

- (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or**
- (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or**
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.**

The proposed action will not result in any increase in rail or truck traffic meeting or exceeding the specific thresholds for increased rail or truck traffic set forth in (i) (A), (B), or (C) above. There has been no rail freight traffic on the Line for over five years.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,**
- (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or**
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49**

U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed action will not result in any increase in rail or truck traffic meeting or exceeding the specific thresholds for increased rail or truck traffic or rail yard activity set forth in (ii) (A), (B), or (C) above.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.**

The proposed abandonment will not affect the transportation of ozone depleting materials.

- (6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:**

- (i) An incremental increase in noise levels of three decibels Ldn or more; or**
- (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.**

The proposed abandonment will not cause an increase in noise levels. The public uses anticipated as part of the Proposed Project will not increase noise levels to an extent that would require mitigation. See DEIS at pp. 3.9-63 to 3.9-64.

- (7) Safety.**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

The proposed abandonment will have no adverse effect on health or public safety as any impacts of the abandonment have already been experienced with cessation of rail freight service over the Line more than five years ago.

- (ii) **If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

The abandonment will not result in the transportation of hazardous materials.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.**

Although the Line formerly served shipping terminals, including the Westway Terminal located at berths 70 and 71 (since demolished), that historically handled a variety of petroleum chemical and other commodities, no known hazardous waste sites or locations of hazardous materials spills are known within the right-of-way. FEIS at p. 1-41. Table 3.6-5 of the DEIS lists known and suspected areas of previous contamination in the general vicinity of the Line. DEIS at pp. 3.6-27 to 3.6-29. These properties will be remediated or otherwise appropriately addressed under the Proposed Project as set forth in the DEIS. DEIS at pp. 3.6-34 to 3.6-45, 3.6-113.

(8) **Biological resources.**

- (i) **Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

The proposed abandonment will have no adverse effect on endangered or threatened species as any impacts of the abandonment have already been experienced with cessation of freight rail service over the Line more than five years ago. The U.S. Fish and Wildlife Service determined that the Proposed Project itself would not adversely affect endangered or threatened species once proposed mitigation measures are undertaken. See U.S. Army Corps of Engineers, Los Angeles District, *San Pedro Waterfront Project EIS/EIR Record of Decision*, at pp. 21-22

(May 11, 2011) (“**ROD**”). Excerpts from the ROD cited in this Report are attached hereto as

Exhibit C.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

No National parks, State parks, wildlife sanctuaries, or refuges will be affected by the proposed abandonment. The proposed abandonment will not affect any of the areas of the Proposed Project that will be subject to mitigation during construction. See DEIS at p. 3.3-40.

(9) Water.

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

The proposed abandonment is consistent with all applicable water quality standards. Issues relating to the Proposed Project are beyond the scope of the proposed abandonment and are addressed in the FEIS and ROD. DEIS at pp. 3.14-45, 3.14-48 to 3.14-49; ROD at pp. 41, 43.

- (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

The proposed abandonment does not require permits under section 404 of the Clean Water Act. See U.S. Army Corps of Engineers, San Pedro Waterfront Project Final General Conformity Determination, at p. 1-1 (May 2011) (Clean Water Act permits are required only for non-rail portions of the Proposed Project). No designated wetlands or 100-year flood plains will be affected by the proposed abandonment. DEIS at pp. 3.14-27 to 3.14-28; FEIS at p. 3-240.

- (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S.**

Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

The proposed action does not require a permit under section 402 of the Clean Water Act. See DEIS at pp. 3.6-31 to 3.6-32, 3.6-33 (required National Pollutant Discharge Elimination System permits not related to proposed abandonment). The future development of the Proposed Project does require permits under section 402 of the Clean Water Act. See ROD at p. 20 (water quality certification required from the Los Angeles Regional Water Quality Control Board); DEIS at pp. 3.14-18, 3.6-31 to 3.6-32.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

The proposed abandonment will not change any conditions currently existing on the Line. Accordingly, it will require no mitigation measures. Further environmental mitigation measures regarding redevelopment under the Proposed Project are addressed in detail in the DEIS and FEIS as follows:

- DEIS at ch. 3.2 (air quality);
- DEIS at ch. 3.3 (biological resources);
- DEIS at ch. 3.6 (groundwater and soils);
- DEIS at ch. 3.7 (hazardous materials);
- DEIS at ch. 3.14 (water quality); and
- FEIS at ch. 3 (modifications to DEIS sections listed above).

(11) Additional Information for Rail Constructions. The following additional information should be included for rail construction proposals (including connecting track construction):

- (i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the**

location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

Not applicable.

- (ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.**

Not applicable.

- (iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.**

Not applicable.

- (iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.**

Not applicable.

- (v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in Sec. 1105.7(e)(4), (5), or (6) are met.**

Not applicable.

- (vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.**

Not applicable.

- (vii) Discuss societal impacts, including expected change in employment during and after construction.**

Not applicable.

Historic Report

49 C.F.R. 1105.8(d) Requirements:

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;**

Refer to Figure 3.4-3 in Chapter 3.4 of the DEIS for a map of the Proposed Project's area encompassing the right-of-way subject to the proposed abandonment.

- (2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;**

The single-track right-of-way, approximately 25' in width, is situated on the City's property, which itself contains and is surrounded by a heavily-developed area of mixed uses, including shipping-related activities, cruise and fishing operations, residential neighborhoods, retail shops, restaurants, and various recreational, community, and cultural facilities. FEIS at p. 1-3.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;**

There are no structures identified as 50 years old or older within the proposed abandonment area. Refer to Appendix F.3 of the DEIS for photographs of structures that are 50 years old or more within the vicinity of the Line.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;**

Some of the track materials existing in the right-of-way may date to 1929. However, this area has been subject to constant use, repair, and refurbishment. Information relating to the

construction and/or alteration of structures in the vicinity of the abandonment area is available in Appendix F.3 of the DEIS.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

Rail operations in the area date back to the first major commercial development activity in the San Pedro/Los Angeles harbor. In 1869, a local entrepreneur named Phineas Banning organized the Los Angeles and San Pedro Railroad, which provided the first reliable means of moving cargo from ships at the newly developed San Pedro Harbor to the City of Los Angeles. DEIS at p. 3.4-10. In 1876, as trade grew, the Southern Pacific Railroad laid down new track to connect San Pedro's local lines to the transcontinental railroad system. *Id.* Continued expansion of the harbor and the growth of nearby communities resulted in the extension of the Pacific Electric trolley to San Pedro in 1904. DEIS at p. 3.4-12. This line, also known as the Waterfront Red Car Line, served the City and the adjacent community of San Pedro until service was discontinued in 1938 as a result of declining profitability and increased competition from local bus lines. FEIS at p. 1-8.

By 1917, an expansive network of rail lines serviced the Los Angeles Harbor and the surrounding city. DEIS at p. 3.4-13. These lines carried the significant amount of raw and finished goods that came and left the harbor. The most commonly transported materials after World War I were crude oil and lumber, but the harbor saw a diverse array of other products as well. See DEIS at pp. 3.4-13 to 3.4-14. By 1929, the various railroad companies operating in the harbor, including the Southern Pacific, Union Pacific, Santa Fe, and Pacific Electric Railways, consolidated their operations at the Port of Los Angeles into the Harbor Belt Line Railroad (“**HBL**”) in order to streamline their operations. DEIS at p. 3.4-14.

During the Great Depression, freight rail transport at the Port of Los Angeles mirrored patterns in the national economy, with activity slowing until the beginning of World War II. *See* DEIS at p. 3.4-14. During the war, activity surged again as the Port of Los Angeles took on an active role in military operations. *Id.* After World War II, commercial activities at the port underwent further modernization as ships, rail cars, and related transportation infrastructure were updated to accommodate new shipping methods, including containerization. DEIS at p. 3.4-15. The second half of the twentieth century also saw expanded international shipments coming into the harbor. *Id.*

By the 1990's, the City and the railroads that serviced the Line, including Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Transportation Company, and Union Pacific Railroad Company, decided to transfer operation of the Line from HBL to a third-party operator, PHL. In 1997, the Board of Harbor Commissioners of the Port of Los Angeles signed an operating agreement with PHL, replacing the City's previous agreement with HBL. The agreement between the City and PHL remained in effect until PHL discontinued service in 2016. Since its initial execution, the agreement has been amended to allow for operation at the port of the restored passenger trolley, the Waterfront Red Car Line, on the Line.

The Waterfront Red Car Line, which opened in July of 2003, runs along 1.5 miles of the Line from Harbor Boulevard and Swinford Street in the north to 22nd and Miner Streets in the south. FEIS at p. 1-7. It has four stations, normally operates with two cars running at a time, and uses a single track with an additional short passing siding at one point in the Line. *Id.* The Waterfront Red Car Line only operates during weekday business hours and for occasional special events. *Id.*

With respect to rail freight traffic, the Westway Terminal and the Crescent Warehouse Company were the most recent regular non-passenger users of the Line. Both companies ceased using the Line as of 2008, and the Westway Terminal has been demolished.

No direct changes are expected as a result of the proposed abandonment. Because there has been no freight rail service on the Line for more than five years, abandonment will not interrupt any current operations. The City does not expect future demand for freight rail operations on the Line. FEIS at p. 1-42. The proposed abandonment is part of the larger Proposed Project.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

The right-of-way proposed for abandonment does not contain any documented historic properties. For documentation of structures in the vicinity of the Line that are or may be historic, refer to DEIS Appendix F.3 and DEIS Chapter 3.4.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

Although some of the track materials may date from 1929, there are no known sites or structures within the right-of-way that meet the criteria for listing on the Register of Historic Places or similar state or local historic designations. Due to the construction of the harbor's facilities, which involved extensive ground disturbance over a large area, it is highly unlikely that there are archeological resources within the right-of-way.

While there are no known historic properties within the right-of-way, there are sites or structures near the right-of-way that meet the criteria for listing on the National Register of

Historic Places and/or state or local historic designations. These are listed and discussed in detail on pages 3.4-24 to 3.4-34 of the DEIS. *See also* DEIS Appendix F.3. The proposed abandonment will have no effect on these historic properties. The Proposed Project will incorporate these historic properties in a manner consistent with applicable laws and regulations.

These conclusions are based on consultation with the State Historic Preservation Officer, the Advisory Council on Historic Preservation, and other relevant state and local entities that were contacted during the Proposed Project's Environmental Impact Statement analysis. DEIS Appendix F.3 at pp. 8-10. The State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the City entered into a Memorandum of Agreement, executed by all parties on April 15, 2011, as part of the consultation process conducted pursuant to Section 106 of the National Historic Preservation Act of 1964. ROD at p. 21. Other organizations that provided general input to the Proposed Project include the San Pedro Bay Historical Society, the Los Angeles Maritime Museum, the Los Angeles Community Redevelopment Agency, and the Los Angeles Conservancy. *See* DEIS Appendix F.3 at Appendix E (letters to and from interested parties).

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

The subsurface ground below and near the right-of-way has been significantly and repeatedly disturbed. Much of the land underlying the right-of-way and the adjacent properties has been subject to drastic re-reconfiguration. Natural coastal marshes, sandbars, and bluffs were dredged, filled, or leveled to create the Port of Los Angeles's current features. FEIS at p. 1-8; DEIS at pp. 3.4-2 to 3.4-4. Dredging and filling activities date back to at least 1871, *see* DEIS

at p. 3.4-10, and the port has been continually redeveloped since then, *see* DEIS at pp. 3.4-10 to 3.4-15. The Proposed Project's DEIS found that the possibility of discovering prehistoric or historic materials during extension and improvement of the Waterfront Red Car Line is low. *See* DEIS at p. 3.4-15.

- (9) **Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).**

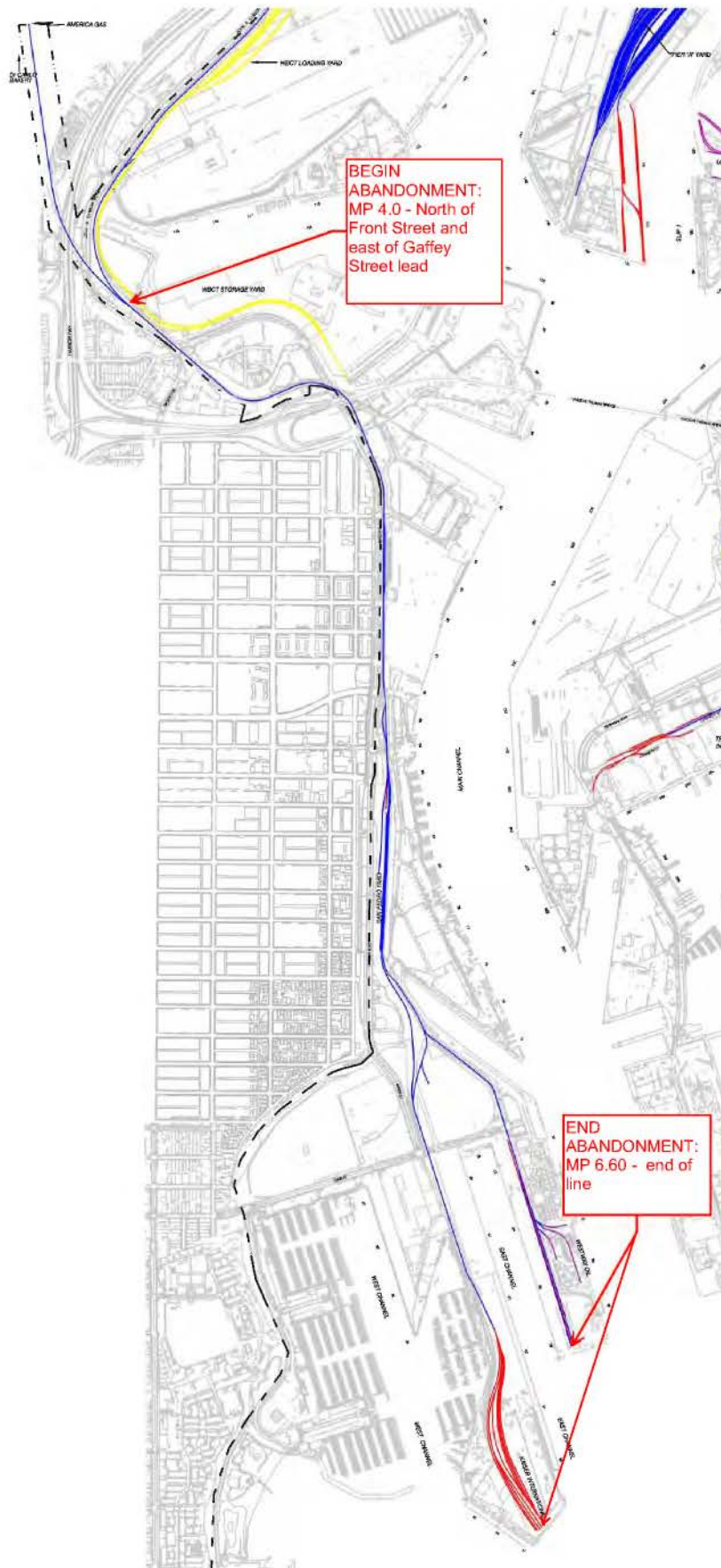
Additional information regarding properties immediately adjacent to the right-of-way, including photographs and description, are available in Chapter 3.4 and Appendix F.3 of the DEIS, as well as Chapter 3, Section E8 of the FEIS.

The California State Historic Preservation Officer did not submit a response to this report. The National Geodetic Survey office notified counsel for the Port of Los Angeles that there are 76 geodetic station markers in the propose abandonment area. The list of station markers is attached to this report as **Exhibit D**.

EXHIBIT A

Map of the Line

[attached hereto]



LEGEND

- PORT RAIL FACILITIES
- TRACKS OUT OF SERVICE
- - - PORT BOUNDARY LIMITS
- - - PACIFIC HARBOR LINE / WATERFRONT RED CAR LINE SHARED USE

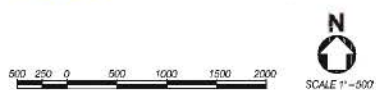


EXHIBIT B

Letter to Agencies

[attached hereto]

State Clearinghouse:

Christine Asiata
State Clearinghouse Manager
California Governor's Office of Planning and
Research
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814
Christine.asiata@opr.ca.gov

State Environmental Protection Agency:

California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815
Erin.curtis@calepa.ca.gov

State Coastal Zone Management Agency:

California Coastal Commission
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
Southcoast@coastal.ca.gov

Head of County:

Celia Zavala
Executive Officer
Los Angeles County
Kenneth Hahn Hall of Administration
500 W. Temple St.
Los Angeles, CA 90012
executiveoffice@bos.lacounty.gov

**Environmental Protection Agency
(regional office):**

Connell Dunning
Transportation Team Lead
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
Dunning.connell@epa.gov

U.S. Fish and Wildlife:

U.S. Fish and Wildlife Service
Region 8 – Pacific Southwest Regional Office
2800 Cottage Way, W-2605
Sacramento, CA 95825

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd., Suite 980
Los Angeles, CA 90017
Felicia.A.Weaver@usace.army.mil

National Park Service:

National Park Service
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

U.S. Natural Resources Conservation Service:

Greg Norris
USDA- Natural Resources Conservation Service
California State Office
430 G Street, #4164
Davis, CA 956161-4164
Greg.Norris@usda.gov

National Geodetic Survey:

Deborah Brooks
National Geodetic Survey
Geodetic Services Division SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282
NGS.infocenter@noaa.gov

State Historic Preservation Office:

California State Parks- Office of Historic
Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816
Calshpo.ohp@parks.ca.gov

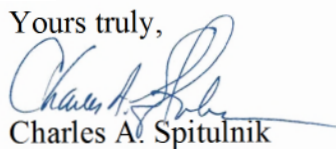
**Re: City of Los Angeles – Notice of Exemption – Abandonment in Los Angeles County, CA
(San Pedro Subdivision) – STB Docket No. AB 1094X**

Dear Sir/Madam,

On or about April 12, 2021, the City of Los Angeles, acting through its Board of Harbor Commissioners (“City”) expects to file a Notice of Exemption with the Surface Transportation Board (“STB”) to effect the abandonment of 2.6 miles of rail line in Los Angeles County, California between Mileposts 4.00 (north of Front Street and east of the Gaffey Street Lead) to Milepost 6.60 (at West 22nd Street and Miner Street), situated within U.S. Postal ZIP code 90731 (the “Line”). A map of the proposed abandonment is attached to this letter. The City is abandoning the Line (and any residual common carrier obligation) in conjunction with the San Pedro Waterfront Project (the “Proposed Project”), which will involve development of public waterfront and open space areas, commercial development, transportation and parking facilities, and expansion of cruise ship facilities and operations in the Port of Los Angeles. The City is the proponent of the Proposed Project, which was the subject of an Environmental Impact Statement (“EIS”), a copy of which is available at <https://www.portoflosangeles.org/environment/environmental-documents> Draft EIS, incorporated into Final EIS except as amended, and Final EIS.

In accordance with 49 C.F.R. §1105.7, the City is providing the attached Environmental and Historic Report so that you may review the information that will form the basis for the STB’s independent environmental analysis of this proceeding. We do not anticipate any adverse environmental impacts. However, if you believe any of the information in the attached report is incorrect, if you think pertinent information is missing, or if you have any questions about the Board’s Environmental Review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, Telephone (202) 245-0245 and refer to the above Docket Number. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, the City must receive your comments within three weeks. Please contact the City’s representatives, Mr. Charles A. Spitulnik (cspitulnik@kaplankirsch.com) or Ms. Allison I. Fultz (afultz@kaplankirsch.com), via email or via telephone at (202) 955-5600, with any comments in response to this notice.

Yours truly,

Charles A. Spitulnik

Attachment

EXHIBIT C

Excerpts from Record of Decision, May 11, 2011

[attached hereto]

CESPL-RG

11 May 2011

RECORD OF DECISION

As the Regulatory Division Chief for the Los Angeles District, I have reviewed the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Pedro Waterfront Project, Port of Los Angeles, California. The EIS/EIR, prepared in compliance with the Council on Environmental Quality's *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* and U.S. Army Corps of Engineers (USACE or Corps) regulations at 33 C.F.R. Parts 320-332, assesses the impacts of implementing the proposed Project on the biological, physical, and socioeconomic environment. The EIS/EIR is hereby incorporated by reference. The USACE will proceed as indicated herein.

I. INTRODUCTION

a. Location: The Los Angeles Harbor Department's (LAHD's) proposed San Pedro Waterfront Project (proposed Project) encompasses approximately 400 acres primarily along the west side¹ of the Main Channel in the Port of Los Angeles (POLA), in the City of Los Angeles, Los Angeles County, California. The proposed Project area is more specifically located in the San Pedro District of POLA, and is roughly bordered by Vincent Thomas Bridge on the north, Cabrillo Beach adjacent to San Pedro Breakwater on the south, the Main Channel on the east, and Harbor Boulevard, Crescent Avenue, Via Cabrillo Marina, and Shoshonean Road on the west (north to south: latitude 33° 44' 59.5" N, longitude 118° 16' 25.6" W and latitude 33° 42' 37" N, longitude 118° 17' 3" W, respectively).

b. Brief Background and General Description:

1. On 12 December 2006, the LAHD applied for a Department of the Army standard individual permit, which was amended by their submittals in March 2008 and in March, April, and May 2011.

2. The Corps and the LAHD prepared a joint EIS/EIR pursuant to the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). A Notice of Intent (NOI) to prepare an EIS/EIR was published in the Federal Register on 7 September 2005, and a joint Corps-LAHD scoping meeting was held on 11 October 2005 at the Los Angeles Harbor Hotel in San Pedro. Following substantial changes to the project, a new or

¹ The exception is the proposed construction of the new Berth 240 Fueling Station on the east side of the Main Channel on Terminal Island.

pursuant to the proposed Project's Mitigation Monitoring and Reporting Program (MMRP) (LAHD, 2009). Mitigation measures the USACE has determined enforceable and subject to our continuing program responsibility are included in this ROD.

VII. DETERMINATIONS AND FINDINGS

a. Status of Other Authorizations and Legal Requirements:

(1) Water Quality Certification: Before proceeding with the proposed Project, the LAHD will need to obtain a section 401 Water Quality Certification from the LARWQCB.

(2) Coastal Zone Management Act (CZMA) Consistency Determination: Before proceeding with the proposed Project, the LAHD will need to obtain California Coastal Commission approval of the project-specific Port Master Plan Amendment.

(3) Compliance with Section 106 of the National Historic Preservation Act (NHPA): The Corps contacted the Native American Heritage Commission (NAHC) on 13 January 2009, to request information about traditional cultural properties, such as cemeteries and sacred places, in the proposed Project area. According to NAHC's 15 January 2009 written response, their record search of the Sacred Lands file failed to indicate the presence of Native American cultural resources in the immediate Project area. In June 2009, the Corps sent written correspondence to individuals identified on the NAHC's list of Native American tribes and individuals interested in consulting on development projects, to determine whether any of them had information about traditional cultural properties within the proposed Project area. No response was received by the Corps from any of the individuals contacted in June 2009. However, the LAHD provided to us a copy of 16 September 2009 e-mail correspondence from Ms. Felicia Sheerman on behalf of the Gabrielino Band of Mission Indians to the Los Angeles Board of Harbor Commissioners stating her tribe's belief that a Native American monitor is needed for the proposed Project. On 29 September 2009, the Los Angeles Board of Harbor Commissioners certified the EIR, which included a Mitigation Measure (CR-3, Stop Work If Unanticipated Cultural Resources Are Identified During Ground Disturbing Activities) pertaining to circumstances that would prompt the LAHD to consult with Native Americans, such as the Gabrielino Band of Mission Indians. This Mitigation Measure is included in the MMRP for the proposed Project and is considered part of its design.

The Corps consulted the latest version of the National Register of Historic Places (NRHP), and four listed resources are located within the proposed Project's area of potential effects (APE). These include the U.S.S. Lane Victory, Ralph J. Scott historic fireboat, Municipal Warehouse No. 1, and San Pedro Municipal Ferry Building/LA Maritime Museum. Five others are potentially eligible for listing: Vincent Thomas Bridge, Municipal Fish Market, Westway Terminal Building,

Bethlehem Shipyard, and Mexican Hollywood. With respect to the NRHP-listed resources, the proposed Project includes the relocation of the U.S.S. Lane Victory from its current location to the proposed North Harbor, construction of a museum for the preservation of the Ralph J. Scott historic fireboat near the proposed Downtown Harbor water cut, and a potential relocation of the Red Car Museum and maintenance facility into Warehouse No. 1. While no changes are proposed for the NRHP-listed San Pedro Municipal Ferry Building/LA Maritime Museum, potential changes to the berths near this resource would occur. While no effect is anticipated to most of these resources, proposed Project activities have the potential to adversely affect "Mexican Hollywood" (located in the vicinity of the Cruise Center in the Inner Harbor), which is recommended as eligible for listing on the NRHP under Criteria A and D. Therefore, the Corps consulted with the State Historic Preservation Officer and Advisory Council on Historic Preservation to address these adverse effects. As part of the consultation, the Corps prepared a Memorandum of Agreement (MOA) and a Historic Properties Treatment Plan to address the adverse effects to Mexican Hollywood. The draft MOA and Historic Properties Treatment Plan were sent to the State Historic Preservation Office and the Advisory Council on Historic Preservation on 3 September 2010, and the MOA was signed and executed by all parties on 15 April 2011 (included as Appendix D to this ROD).

(4) Compliance with the Federal Endangered Species Act (ESA): The California least tern (*Sterna antillarum browni*) and the California brown pelican (*Pelecanus occidentalis californicus*) are known to forage in the vicinity of the proposed Project area. During the proposed construction activities, there is the potential that the above species may be affected by increased noise and activity associated with the proposed Project in the western portion of the Port of Los Angeles. However, based on detailed biological information in the EIS/EIR (Section 3.3, Appendix E.6), the USACE has determined that the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat (there is no designated critical habitat in POLA). California brown pelican is no longer federally listed under the ESA, and this species is more commonly found and forages in other parts of POLA such as the breakwaters. Regarding California least tern, the proposed Project's mitigation activities affecting Salinas de San Pedro Salt Marsh area would not occur until shortly after the California least tern nesting season concludes at the end of August, and turbidity would be monitored and managed during construction activities in this area to prevent adverse turbidity-related effects to sensitive resources in the vicinity of Inner Cabrillo Beach. Our preliminary "no effect" determination was included in our 29 September 2009 public notice for the Final EIS/EIR, and there was no formal response from the U.S. Fish and Wildlife Service. No response was expected because the USACE previously (15 April 2009) discussed this preliminary determination with U.S. Fish and Wildlife Service's Christine Medak, the main staff person for the Los Angeles Harbor area, and she agreed no effect to California least tern is expected if, as proposed, the mitigation area activities were to occur outside of the California least tern nesting season. Therefore, the USACE has determined neither formal nor informal consultation under

preparation of an HM&MP for the proposed establishment and restoration of aquatic habitats at Salinas de San Pedro Salt Marsh, as compensation for proposed Project impacts to special aquatic sites. As summarized in Section 3 in the EIS/EIR, under NEPA, the Federal action associated with the LAHD's proposed Project would not result in significant adverse effects to marine transportation and navigation. In addition, with mitigation, project-specific adverse effects would be less than significant with respect to cultural resources, ground water and soils, hazards and hazardous materials, land use planning, and utilities and public services.

However, relative to the NEPA baseline¹³, significant and unavoidable (even with mitigation) adverse impacts would be expected to aesthetics (adverse effect on a scenic vista from a designated scenic resource due to obstruction of views); air quality and meteorology (construction and operational exceedances of air quality standards, cancer and non-cancer health risks); biology (potential for visiting vessels to introduce non-native species that would disrupt local biological communities); geology (seismic, tsunami, and seiche risks to people and structures during construction and operations); noise (increases in construction activity noise levels and in motor vehicle traffic noise levels above significance thresholds); recreation (substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources during construction); ground transportation and circulation (operations would increase traffic volumes and degrade Level of Service at intersections in the proposed Project vicinity); and water quality, sediments, and oceanography (operations could increase vessel leaching of contaminants). However, in many cases, these impacts would occur beyond the USACE's statutory authorities under section 404 of the CWA, section 10 of the RHA, and section 103 of the MPRSA to require effective mitigation. They would still be subject to the LAHD's authority, as the local agency with continuing program and responsibility over the Project throughout its useful life.

These Project-specific significant and unavoidable impacts would also be cumulatively significant impacts, as discussed in Section 4 of the EIS/EIR. Because the Federal action associated with the proposed Project would damage or destroy "Mexican Hollywood", a resource eligible for listing on the NRHP, this effect, although mitigated, would add incrementally to the cumulatively significant loss of cultural resources that has occurred in the area, and therefore, it would contribute considerably to a cumulatively significant impact on known archaeological resources. None of the other resources/issues that would be less than significant with respect to Project-level impacts would contribute considerably to a cumulatively significant impact.

¹³ Briefly, the NEPA baseline is the set of conditions expected to occur onsite in the absence of Federal action. For some resource issues, such as air quality, conditions can change over time, and therefore, the NEPA baseline is not a static baseline. Sections 1.5.5.1 and 2.6.2 of the EIS/EIR provide additional NEPA baseline discussion.

remediation would result in beneficial impacts (see Section 3.6 in the EIS/EIR). Certain beneficial uses of waters in the Inner Harbor, including navigation, non-contact water recreation, aquatic habitat, and industrial service supply, would benefit from the availability of new dock and moorage space provided by the proposed new harbors (see Section 3.14 in the EIS/EIR).

With regard to air quality, a particular issue of concern is health risk to the local communities, San Pedro and Wilmington, which both have minority populations, and in the case of Wilmington, a low-income population concentration as well. The health risk assessment found that the proposed Project's contribution would be significant (i.e., exceeding 10 in a million additional cancer risk) for residential, occupational, and recreational receptors relative to the NEPA baseline (i.e., incremental increases exceed 10 in a million for these receptors), and the acute hazard index would be significant for occupational and recreational receptors. The residential receptors affected to a level of significance are limited to "live-aboards" in Cabrillo Way Marina (Figure D3.7-10 in the EIS/EIR). The other receptors at risk also concentrate on or along the water in the Outer Harbor. In short, much of the health risks relative to the NEPA baseline are affecting those living, working, or recreating on or in close proximity to the water in the Outer Harbor, particularly near the proposed Outer Harbor berths. This contrasts with the No Federal Action Alternative (equivalent to the NEPA baseline) in which all regular cruise ship berthing would continue to occur in the Inner Harbor (Figure D3.7-5 in the EIS/EIR). Under the latter scenario, the same receptors would be significantly affected, as would sensitive receptors, and there would be significant chronic and acute hazards, but the health risks would be concentrated in the Inner Harbor and would affect substantially more land area occupied by residential neighborhoods and used by workers and visitors in POLA.

As evaluated in Section 3 of the EIS/EIR, numerous measures, many of which are innovative, are being required to avoid and minimize a broad array of impacts that are of interest to the public. While some of the impacts would remain significant and unavoidable even with mitigation, and in certain cases would have a disproportionately high and adverse effect on minority and/or low-income populations, there are clear public interests and needs locally and regionally, to move forward with this waterfront redevelopment in San Pedro. Residents and visitors would benefit greatly from the improved access (seaside and waterside) to and along the enhanced waterfront along the Main Channel from Vincent Thomas Bridge to Cabrillo Beach, and the local, regional, and State economy would also benefit from POLA's ability to support additional berthing of larger Freedom and Voyager class cruise ships and to attract additional visitors to the area.



David J. Castanon
Chief, Regulatory Division
Los Angeles District

EXHIBIT D

Response from National Geodetic Survey

Archived: Monday, May 17, 2021 1:57:51 PM
From: [deborah.brooks](#)
Sent: Wed, 21 Apr 2021 14:41:22
To: Katherine Bourdon
Subject: [JIRA] (IMOV-7795) STB Abandonment Docket No. 1094X
Sensitivity: Normal

A comment is added on your issue:

Re: STB Abandonment Docket No. 1094X

Good Morning Atty. Bourdon,

A search of our database revealed **76** geodetic station markers in the vicinity of the proposed abandonment as listed in the attached document **IMOV 7795_GEODETTIC STATION MARKERS**.

If you need anything else, please let me know.

Regards,
Deborah Brooks
NGS Infocenter

National Geodetic Survey

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

There are 76 geodetic station markers in the proposed abandonment area.

PID	Name	Control Type	Elev Source	VOrder	Pos Source	HOrder	Ortho Ht	Ellip Ht
AA3151	941 0660 M TIDAL RESET	Vertical Control	ADJUSTED	1	SCALED	None	3.196	None
DY1028	24 00510 C OF LA	Approximate Height	VERTCON	None	HD_HELD2	None	4.69	None
DY1029	24 00490	Vertical Control	ADJUSTED	1	HD_HELD2	None	4.710	None
DY1030	24 01010 C OF LA	Approximate Height	VERTCON	None	HD_HELD2	None	4.57	None
DY1031	24 00990 C OF LA	Approximate Height	VERTCON	None	HD_HELD2	None	4.26	None
DY1032	WILMINGTON B 6 D	Approximate Height	VERTCON	None	HD_HELD2	None	3.92	None
DY1033	24 00950 C OF LA	Approximate Height	VERTCON	None	HD_HELD2	None	3.92	None
DY1034	24 00930 C OF LA	Approximate Height	VERTCON	None	HD_HELD2	None	3.57	None
DY1035	24 00910 C OF LA	Approximate Height	VERTCON	None	SCALED	None	3.80	None
DY1036	H 970	Approximate Height	VERTCON	None	SCALED	None	4.40	None
DY1037	F 970	Vertical Control	ADJUSTED	1	SCALED	None	4.909	None
DY1038	24 00845 C OF LA	Approximate Height	VERTCON	None	SCALED	None	4.25	None
DY1039	D 615	Approximate Height	VERTCON	None	SCALED	None	4.96	None
DY1040	24 00825 C OF LA	Approximate Height	VERTCON	None	SCALED	None	4.40	None
DY1041	PS 5 LADPW	Approximate Height	VERTCON	None	SCALED	None	4.95	None
DY1042	24 00773 C OF LA	Approximate Height	VERTCON	None	SCALED	None	5.12	None
DY1043	A 615	Approximate Height	VERTCON	None	SCALED	None	5.15	None
DY1044	24 00771 C OF LA	Approximate Height	VERTCON	None	SCALED	None	7.42	None
DY1045	24 00755 C OF LA	Approximate Height	VERTCON	None	SCALED	None	7.18	None
DY1046	24 00750 C OF LA	Approximate Height	VERTCON	None	SCALED	None	7.76	None
DY1047	G 970	Vertical Control	ADJUSTED	1	HD_HELD1	None	6.261	None
DY1048	24 00730 C OF LA	Approximate Height	VERTCON	None	SCALED	None	7.27	None
DY1049	24 00710 C OF LA	Approximate Height	VERTCON	None	SCALED	None	7.28	None
DY1050	24 00690 C OF LA	Approximate Height	VERTCON	None	SCALED	None	6.67	None
DY1051	24 00670 C OF LA	Approximate Height	VERTCON	None	SCALED	None	6.20	None
DY1054	027	Vertical Control	ADJUSTED	1	SCALED	None	9.361	None
DY1055	24 00635 C OF LA	Approximate Height	VERTCON	None	SCALED	None	15.34	None
DY1057	24 00625 C OF LA	Approximate Height	VERTCON	None	SCALED	None	20.31	None
DY1058	G 52 RESET	Vertical Control	ADJUSTED	1	SCALED	None	19.552	None
DY1059	TIDAL 35 STA II 17	Approximate Height	VERTCON	None	SCALED	None	4.08	None
DY1061	WILMINGTON 8 E C OF LA	Approximate Height	VERTCON	None	SCALED	None	3.08	None
DY1062	24 00615 C OF LA	Approximate Height	VERTCON	None	SCALED	None	21.95	None
DY1063	TIDAL 36	Approximate Height	VERTCON	None	SCALED	None	3.98	None
DY1064	24 00609 C OF LA	Approximate Height	VERTCON	None	SCALED	None	21.63	None
DY1065	24 00170 C OF LA	Approximate Height	VERTCON	None	HD_HELD2	None	16.25	None
DY1066	941 0660 TIDAL 49	Vertical Control	ADJUSTED	1	SCALED	None	3.665	None
DY1067	H 768	Approximate Height	VERTCON	None	HD_HELD2	None	22.00	None
DY1068	77 C OF LB	Approximate Height	VERTCON	None	HD_HELD2	None	24.18	None
DY1070	029 LADPW	Approximate Height	VERTCON	None	SCALED	None	35.15	None
DY1071	TIDAL 48	Approximate Height	VERTCON	None	SCALED	None	3.07	None
DY1072	J UOCO	Approximate Height	VERTCON	None	SCALED	None	3.45	None
DY1073	38 C OF LB	Approximate Height	VERTCON	None	SCALED	None	12.20	None
DY1074	24 00150 C OF LA	Approximate Height	VERTCON	None	SCALED	None	12.27	None
DY1075	941 0660 TIDAL 12	Vertical Control	READJUSTED	None	SCALED	None	3.824	None
DY1076	WILMINGTON D 9	Approximate Height	VERTCON	None	SCALED	None	5.34	None
DY1142	TIDAL 55 STA II 19	Approximate Height	VERTCON	None	SCALED	None	4.83	None
DY1144	E 766	Approximate Height	VERTCON	None	SCALED	None	3.82	None
DY1145	24 13125 C OF LA	Approximate Height	VERTCON	None	SCALED	None	3.42	None
DY1146	TIDAL 54 STA II 19	Approximate Height	VERTCON	None	SCALED	None	3.05	None
DY1147	24 13090 C OF LA	Approximate Height	VERTCON	None	SCALED	None	3.04	None
DY1148	TIDAL 53 STA II 19	Approximate Height	VERTCON	None	SCALED	None	3.46	None

PID	Name	Control Type	Elev Source	VOrder	Pos Source	HOrder	Ortho Ht	Ellip Ht
DY1149	TIDAL 52 STA II 19	Approximate Height	VERTCON	None	SCALED	None	3.28	None
DY1150	L 97	Approximate Height	VERTCON	None	SCALED	None	3.93	None
DY1151	24 02450 C OF LA	Approximate Height	VERTCON	None	SCALED	None	4.42	None
DY1152	TIDAL 17 STA II 22	Approximate Height	VERTCON	None	SCALED	None	4.26	None
DY1153	TIDAL 18 STA II 22	Approximate Height	VERTCON	None	SCALED	None	3.65	None
DY1154	TIDAL 19 STA II 22	Approximate Height	VERTCON	None	SCALED	None	3.68	None
DY1155	TIDAL 47 STA II 19	Approximate Height	VERTCON	None	SCALED	None	2.91	None
DY1175	WILMINGTON C 8 F	Vertical Control	READJUSTED	None	SCALED	None	3.830	None
DY1177	WILMINGTON C 9 A	Approximate Height	VERTCON	None	SCALED	None	3.27	None
DY1178	24 02448 C OF LA	Approximate Height	VERTCON	None	SCALED	None	4.47	None
DY1818	TIDAL 50	Approximate Height	VERTCON	None	SCALED	None	3.20	None
DY1819	TIDAL 51	Approximate Height	VERTCON	None	SCALED	None	3.56	None
DY2517	941 0660 P TIDAL	Vertical Control	READJUSTED	None	SCALED	None	2.811	None
DY2729	CURVE	Classic Horizontal	None	None	ADJUSTED	3	None	None
DY2731	SAN PEDRO SW SHIP BUILDING TK	Classic Horizontal	None	None	ADJUSTED	3	None	None
DY2732	TIMM 1899	Classic Horizontal	SCALED	None	ADJUSTED	2	22.	None
DY2733	SAN PEDRO COTTON COMP CO TANK	Classic Horizontal	None	None	ADJUSTED	3	None	None
DY2734	SAN PEDRO PIER 232 WATER TANK	Classic Horizontal	None	None	ADJUSTED	3	None	None
DY2735	SAN PEDRO YMCA NEON SIGN	Classic Horizontal	None	None	ADJUSTED	3	None	None
DY2736	SAN PEDRO COURTHOUSE CHIMNEY	Classic Horizontal	None	None	ADJUSTED	3	None	None
DY2775	SAN PEDRO PORT OF CALL SKY TWR	Classic Horizontal	None	None	ADJUSTED	3	None	None
DY2810	WIL C 8 ECC 1 LAC	Classic Horizontal and Approximate Height	VERTCON	None	ADJUSTED	3	41.9	None
DY2858	TODD SHIPYARD TANK	Classic Horizontal	None	None	ADJUSTED	3	None	None
DY9262	Q 1445	Vertical Control	ADJUSTED	1	SCALED	None	21.029	None
DY9294	24 00142	Vertical Control	ADJUSTED	1	SCALED	None	12.210	None

EXHIBIT D

**PROOF OF PUBLICATION OF NEWSPAPER NOTICE
REQUIRED PURSUANT TO 49 C.F.R. § 1105.12**

[attached hereto]

Daily Breeze

400 Continental Blvd, Suite 600

El Segundo, CA 90245

310-543-6635

Fax: 310-316-6827

KAPLAN KIRSCH ROCKWELL
1634 EYE (I) STREET, NW, SUITE 300
WASHINGTON, DC 20006

.....

Account Number: 5274713

Ad Order Number: 0011450850

Customer's Reference kbourdon@kaplankirsch.com
/ PO Number:

Publication: Daily Breeze

Publication Dates: 03/25/2021

Total Amount: \$507.48

Payment Amount: \$507.48

Payment Method: Credit Card

Amount Due: \$0.00

NOTICE OF INTENT TO ABANDON RAIL SERVICE

The City of Los Angeles, a municipal corporation, acting through its Board of Harbor Commissioners (the "**City**") to operate the Port of Los Angeles, gives notice that on or about April 12, 2021, it intends to file with the Surface Transportation Board (the "**STB**"), Washington, DC 20423, a joint notice of exemption under 49 CFR 1152 Subpart F Exempt Abandonments permitting the abandonment of service of a 2.6-mile segment of a line of railroad known as the San Pedro Branch between Milepost 4.00 (north of Front Street and east of the Gaffey Street Lead) to the end of the line at approximately Milepost 6.60 in Los Angeles, which traverses through United States Postal Service ZIP Code 90731, in Los Angeles County, California. The proceeding will be docketed as No. AB 1094X.

The STB's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. However, the Applicant also will file a petition seeking an exemption from the offer of financial assistance (OFA) requirements of 49 U.S.C. 10904 and public use condition provisions of 49 U.S.C. 10905. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance), along with a certificate of service, must be filed directly with the STB's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and copies must be served on Applicants' representatives [See 49 CFR 1104.12(a)].

All comments and pleadings should indicate the proceeding designation STB Docket No. AB 1094X. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance, Governmental Affairs and Compliance at 202-245-0238. Copies of any comments or requests for conditions must also be served on the City's representative: Allison I. Fultz, Kaplan Kirsch & Rockwell, 1634 I (Eye) Street, Suite 300, Washington, DC 20036, (202) 955-5600.

Pub Mar 25, 2021(1t)DB(11450850)

Daily Breeze

400 Continental Blvd, Suite 600
El Segundo, CA 90245
310-543-6635
Fax: 310-316-6827

5274713

KAPLAN KIRSCH ROCKWELL
1634 EYE (I) STREET, NW, SUITE 300
WASHINGTON, DC 20006

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Los Angeles

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of THE DAILY BREEZE, a newspaper of general circulation, printed and published in the City of Torrance*, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of June 10, 1974, Case Number SWC7146. The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

03/25/2021

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Torrance, California
On this 6th day of April, 2021.

Pauline Fernandez

Signature

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San Pedro, Santa Monica, Torrance and Wilmington.

(Space below for use of County Clerk Only)

Legal No. **0011450850**

LOCAL NEWSPAPER NOTICE FOR CITY OF LOS ANGELES - SAN PEDRO SUBDIVISION ABANDONMENT EXEMPTION

NOTICE OF INTENT TO ABANDON RAIL SERVICE

The City of Los Angeles, a municipal corporation, acting through its Board of Harbor Commissioners (the "City") to operate the Port of Los Angeles, gives notice that on or about April 12, 2021, it intends to file with the Surface Transportation Board (the "STB"), Washington, DC 20423, a joint notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of service of a 2.6-mile segment of a line of railroad known as the San Pedro Branch between Milepost 4.00 (north of Front Street and east of the Gaffey Street Lead) to the end of the line at approximately Milepost 6.60 in Los Angeles, which traverses through United States Postal Service ZIP Code 90731, in Los Angeles County, California. The proceeding will be docketed as No. AB 1094X.

The STB's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. However, the Applicant also will file a petition seeking an exemption from the offer of financial assistance (OFA) requirements of 49 U.S.C. 10904 and public use condition provisions of 49 U.S.C. 10905. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance), along with a certificate of service, must be filed directly with the STB's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and copies must be served on Applicants' representatives [See 49 CFR 1104.12(a)].

All comments and pleadings should indicate the proceeding designation STB Docket No. AB 1094X. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance, Governmental Affairs and Compliance at 202-245-0238. Copies of any comments or requests for conditions must also be served on the City's representative: Allison I. Fultz, Kaplan Kirsch & Rockwell, 1634 I (Eye) Street, Suite 300, Washington, DC 20036, (202) 955-5600.

Pub Mar 25, 2021 (1t) DB (11450850)

EXHIBIT E

**CERTIFICATE OF NOTICE REQUIRED
PURSUANT TO 49 C.F.R. § 1152.50(d)(1)**

The undersigned certifies that on April 2, 2021(at least ten days before a Notice of Exemption is filed), written notice was given of the City of Los Angeles's intent to use the exemption notice procedure to abandon the San Pedro Subdivision from Milepost 4.00 (north of Front Street and east of the Gaffey Street Lead) to end of the line at Milepost 6.60, a total distance of 2.6 miles in the Port of Los Angeles, Los Angeles County, California, in STB Docket No. AB 1094X. Written notice (copies of which are attached) was served on the following:

Roger Clugston
California Public Utilities Commission
Los Angeles Office
320 West 4th Street, Suite 500
Los Angeles, CA 90013
Roger.Clugston@cpuc.ca.gov

National Park Service – Rivers, Trails, and
Conservation Assistance
Pacific West Region
570 West Avenue 26, Suite 175
Los Angeles, CA 99065

Peter Matthews
U.S. DOD – SDDCTEA
Railroads for the National Defense Program
One Soldier Way, Building 1900W
Scott AFB, IL 62225
Peter.W.Matthews.civ@mail.mil

U.S. Department of Agriculture
Chief of Forest Service
1400 Independence Avenue, SW
Washington, DC 20250-0003



Allison I. Fultz