



August 6, 2024

Metro
Attn: Carlos J. Montez
Deputy Executive Director
One Gateway Plaza, MS 99-18-2
Los Angeles, CA 90012

RE: Link US – Draft EIS/SEIR

Mr. Montez,

This comment letter focuses on the Link US Environmental Evaluation of Malabar Yard Mitigation (Appendix Q of the Link US Draft EIS/EIR). Generally, finding replacement track for BNSF is not an environmental mitigation. The Link US project is displacing businesses other than BNSF, and those businesses are not being relocated by Metro but are instead being paid monetary compensation in accordance with Metro's Relocation Assistance Program and the California Relocation Assistance Act. In fact, the Malabar Yard Mitigation will itself displace businesses and those businesses are not being physically relocated but are instead being paid monetary compensation in accordance with Metro's Relocation Assistance Program and the California Relocation Assistance Act. BNSF's displacement should be treated no differently. A payment to BNSF to compensate for the taking of its property would eliminate the adverse impacts the Malabar Yard Mitigation would have on the environment and the surrounding community.

The analysis in Appendix Q is fundamentally flawed in that it focuses on the 49th Street closure and on the track extension on 46th Street, without examining the impacts that the change in rail operations facilitated by the Malabar Yard Mitigation will have on the entire Vernon community. This includes the impacts to air quality, both from the train engines, and from the traffic that will be delayed at rail crossings throughout the city. While the analysis in Appendix Q has many flaws which minimize the unavoidable adverse impacts of the Malabar Yard Mitigation, the following adverse impacts were identified:

- Transportation- Operations. Implementation of the Malabar Yard railroad improvements would cause a potential roadway hazard due to queuing which may also impede access for emergency responders, increase response times, cause schedule delays to transit services, or disrupt pedestrian and bicycle access.
- Safety and Security- Operations. Potential increased response times for emergency service providers and roadway hazard due to queuing.
- Socioeconomics and Communities Affected- Operations. Potential access restrictions to Stacy Medical Center.

These impacts to the Vernon community would be eliminated if, in accordance with Metro's Relocation Assistance Program and the California Relocation Assistance Act, BNSF were paid

for the use of its storage tracks rather than relocated its storage operations to Vernon.

The following are specific comments on the Link US Environmental Evaluation of Malabar Yard Mitigation (Appendix Q of the Link US Draft EIS/EIR):

1. Page ES-1 *"The Los Angeles County Metropolitan Transportation Authority (Metro), as the owner of Los Angeles Union Station (LAUS), is proposing infrastructure improvements in the vicinity of LAUS as part of the Link Union Station (Link US) Project (Project or proposed action) to address existing capacity constraints at LAUS."*

Union Station is approximately 3.9 miles from the Malabar Yard. This is arguably not in the vicinity of LAUS, but rather transfers the impacts of the project to the environmental justice communities in southeast Los Angeles.

2. Page ES-1 *"The California High-Speed Rail Authority (CHSRA) and Metro have identified railroad improvements to the BNSF Malabar Yard in the City of Vernon to offset the loss of storage track capacity at the BNSF West Bank Yard."*

Other businesses being forced to relocate by the Link US project are being paid as compensation. Why is BNSF's relocation being treated differently? A payment to BNSF would eliminate the adverse effects that the expansion of the Malabar Yard would have on the environment.

3. Page ES-1 *"BNSF's Malabar Yard is approximately 8 acres located on the Harbor Subdivision approximately 3 miles south of LAUS in the City of Vernon, California."*

The distance is approximately 3.9 miles, not the 3 miles stated.

4. Page ES-3 *"Environmental Justice Determination"*

The Vernon City School is a public elementary school at the corner of Santa Fe Avenue and Vernon Avenue and serves EJ communities. The school is located within 850' of the Malabar Yard, as is Holy Angels Church of the Deaf. The environmental impacts to the EJ Communities dependent upon the services provided by these institutions was not addressed in the Draft Environmental Analysis.

5. Page 1-5 *"Due to the loss of storage capacity at the BNSF West Bank Yard (and subsequent impacts to BNSF's existing optimized operations), it was necessary for CHSRA and Metro to identify a suitable location for a replacement site to offset the loss of empty intermodal railcar storage capacity and maintain BNSF's existing operational efficiencies."*

Instead of offsetting the impacts to a private company's (BNSF) optimized operations through monetary compensation, as is being done for the small businesses being displaced by the Link US Project, Metro is choosing to offset those impacts and even enhance BNSF's operations at the environmental cost to the residents, workers and businesses that will be impacted by the Malabar Yard Project.

6. Page 1-5 *"BNSF Malabar Yard: BNSF Malabar Yard is located in the City of Vernon, west of BNSF Hobart/Commerce Intermodal Yards, between Pacific Boulevard to the north and Fruitland Avenue to the south. BNSF Malabar Yard is surrounded by industrial land uses to the west and east and is currently used to store local merchant trains and serve local customers on existing spur lines in the western portion of the City of Vernon"*

The land uses to the west and the north of the Malabar Yard include mixed-use residential. (See City of Vernon Zoning Map, Adopted August 2023) Additionally, two city blocks south of the Malabar Yard are multifamily residential housing on E 53rd Street in the city of Huntington Park.

7. Pages 1-11 through 1-14 *"Secondary Screening"*

Each of the alternatives to the Malabar Yard were eliminated because of a lack of capacity due to a lack of land. These alternatives could be made to work through the acquisition of adjacent property. Similarly, the Malabar Yard also lacks capacity without the closure and vacation of 49th Street. The acquisition of 49th Street through its closure and vacation comes at a public cost to the area in terms of:

- increased air pollution due both to the increased frequency of diesel-powered freight trains and due to the increased idling of vehicles in the traffic delays caused by the increases in freight trains blocking intersections.
- increased travel times through the area due to the closure of 49th Street, the new rail traffic along 46th Street, and the increased time of intersections being blocked by freight trains.
- the impact on emergency services response times due to the closure of 49th Street, the new rail traffic along 46th Street, and the increased time of intersections being blocked by freight trains.
- the impact of noise and vibration on existing and future residents along Santa Fe, along Pacific and along E 53rd Street.
- the impacts on existing and future business uses in the project area that have operations and/or processes that are sensitive to noise and vibration.

8. Page 1-14 Section 1.2 *"The Malabar Yard study area is primarily industrial"*

This mischaracterizes the area. The area is zoned for residential uses and includes a public elementary school and a church for the deaf.

9. Page 2-2 *"Malabar Yard railroad improvements would not be implemented using a mix-and-match approach."*

This is an arbitrary approach that ignores the possibility of the least impactful project could be some combination of the two design options.

10. Page 2-3 *"South Entrance - Trains do not enter Malabar Yard from the south, but the south entrance at Fruitland Avenue is utilized to perform "head-end moves." These moves can occupy track southwest of BNSF Malabar Yard to the 2nd Street crossing in the vicinity of Slauson Avenue."*

This description is ambiguous and does not describe what "head-end moves" are, what their frequency is, impacts on traffic, etc. making it impossible to compare existing impacts with

future impacts.

11. Page 2-4 “North Entrance” *“The foreseeable length of future trains operating on the 46th Street Connector could range from 2,000 feet to 4,000 feet. To serve customers on the existing spur line track east of Pacific Boulevard and south of 46th Street, the Pacific Boulevard and Vernon Avenue at grade crossings could be occupied for “head-end moves” as necessary to facilitate continued freight operations on the existing spur line.”*

The rail operations made possible by blocking 49th Street will also block:

- Pacific Avenue at two locations,
- East bound traffic on 46th Street
- Seville Avenue
- Soto Street
- 44th Street
- Boyle Street
- Alcoa Avenue, and
- South Downey Road

As these very long trains travel from the Malabar Yard to LA Junction, they effectively cut off traffic going in all directions through much of the city for extended periods of time. Adding turning lines will not mitigate the impact on first responder response times nor will they mitigate the extended idling time for traffic, nor the local air pollution generated by the extended idling of vehicles blocked by trains. The streets with rail crossings are not the only streets impacted by the trains. This will also impact north and south bound traffic along Santa Fe as vehicles stuck at the rail crossings queue through the intersections. These are significant impacts to everyone that lives, works, and drives through the City. The proposed traffic mitigation has not been modeled and will likely be inadequate.

12. Page 2-27 46th Street Connector “Building Demolition” –

This is the first mention of building demolition in the Environmental Evaluation for the Malabar Yard. Building Demolition is not mentioned in the project description. Why does this project create a business winner (BNSF) at the cost of business losers (the businesses being impacted by the building demolition and property taking for the expansion of BNSF's Malabar Yard)? Why isn't BNSF (a private entity) just being provided with monetary relocation assistance instead of Metro taking both public and private land on BNSF's behalf for the expansion of its Malabar Yard? The so-called Malabar Yard Mitigation is not an environmental mitigation and is not required by CEQA. For consistency, BNSF should receive compensation for its property in the same manner that other businesses losing property for the Link US project are being compensated ... with money.

13. Page 3.1-4 “3.10, Hazardous Waste and Materials”

The Malabar Yard is currently minimally used due to 49th Street bisecting it. The Malabar Yard study area used in the analysis focuses only on the closing of 49th Street and the 46th Street rail extension and does not include the foreseeable significant increase in rail traffic, the

construction of rail improvements to support that increased rail traffic, etc. that would come with the taking of 49th Street and the other private properties being taken for this project. The Vernon City School, a public elementary school owned and operated by the Los Angeles Unified School District, serves disadvantaged communities in the area and is located less than 850 feet from the Malabar Yard. The analysis does not address the impacts to the students and employees at Vernon City School. The increased rail operations and the track improvement construction required to accommodate that increased rail traffic, because they are conveniently just outside of the boundary for the Malabar Yard study area.

14. Page 3.2-2 “Local” “City of Vernon General Plan Land Use Element (2007)”

This reference is out of date. The City of Vernon amended its General Plan including the Land Use Element on July 18, 2023. The amendments include allowing residential uses in much of the Malabar Yard study area. Considering these changes in land use, impacts from the Malabar Yard project should be re-examined.

15. Page 3.2-2 “Local” “City of Vernon General Municipal Code Chapter 26 Zoning (2016)”

This reference is out of date. The City of Vernon significantly amended its Zoning Code on September 5, 2023. The amendments include changing the Municipal Code Chapter 26 to Title 17, changing the zoning map to reflect changes in the General Plan Land Use Element, and allowing residential uses and retail uses in the much of the Malabar Yard study area (<https://ecode360.com/44472551>). Considering these changes in zoning, impacts from the Malabar Yard project should be re-examined.

16. Page 3.2-3 “Methodology”

The methodology is flawed in that it relied upon old versions of the General Plan and Zoning Code and does not reflect current allowed and planned land uses.

17. Page 3.2-4 Existing Land Uses “Roadways in the vicinity of the Malabar Yard railroad improvements include Pacific Boulevard, Seville Avenue, 46th Street, and 49th Street.”

This public outreach did not include Santa Fe Avenue, a street whose businesses back up to the Malabar Yard, a street whose traffic will be significantly impacted by the closure of 49th Street and the increase in rail activity at grade crossings. Businesses on other streets including those in the vicinity of rail crossings at:

- Pacific Avenue at two locations,
- East bound traffic on 46th Street
- Seville Avenue
- Soto Street
- 44th Street
- Boyle Street
- Alcoa Avenue, and
- South Downey Road

Businesses on these streets should have been contacted because of the significant impact to due to the very long trains traveling from the Malabar Yard to LA Junction, effectively cutting off traffic going in all directions through much of the city for extended periods of time and in so doing limiting access in or out of these properties.

18. Page 3.2-4 *"General Plan Land Use Designations"*

"As depicted on Figure 3.2-1, the General Plan land use designation for the entirety of the Malabar Yard study area is Industrial with some portions of the study area are traversed by a Commercial overlay."

This is incorrect. The current General Plan designates much of the Malabar Yard Study Area as Mixed-Use (MU) in part to meet HCAD's mandate to provide housing in the region.

19. Page 3.2-4 *"Zoning Classifications"*

This section ignores the Mixed-Use zoning along Santa Fe and portions of Pacific, allowing residential and other uses in much of the Malabar Yard Study Area.

20. Page 3.2-10 *Design Option 1 "Design Option 1 for the 49th Street Closure would also require potential modification to 11 parking spaces on one privately owned property."*

In general, there is a lack of available parking in Vernon. The loss of any parking space in Vernon is significant, as the size of buildings, by zoning code, are in large part determined by the amount of available parking. Coupled with the loss of on-street parking as part of the 49th Street closure, could significantly impact employees and customers of businesses in the area. A lack of available on-street parking could also impact the development of future mixed-use residential development.

Additionally, while the closure of 49th Street alters circulation patterns, the impact is magnified by the new and increased Malabar Yard operations that will block surrounding streets while mile long trains are being made up at the storage yard and travelling to the LA Junction.

21. Page 3.2-17 *Design Option 2 "Similar to Design Option 1, loss of parking on privately owned property, APN 6308-011-010, would still occur, along with modified access and connectivity to surrounding properties, and alterations to existing circulation patterns"*

In general, there is a lack of available parking in Vernon. The loss of any parking space in Vernon is significant, as the size of buildings, by zoning code, are in large part determined by the amount of available parking. Coupled with the loss of on-street parking as part of the 49th Street closure could significantly impact employees and customers of businesses in the area. A lack of available on-street parking could also impact the development of future mixed-use residential development.

Additionally, while the closure of 49th Street alters circulation patterns, the impact is magnified by the new and increased Malabar Yard operations that will block surrounding streets while mile long trains are being made up at the storage yard.

22. Pages 3.2-17 through 3.2-18 *"46th Street Connector Design Option 1"*

This design calls for the full demolition of two business buildings and the partial demolition of a third building but concludes that no adverse effects would occur because the properties would still be usable after implementation of the railroad project. The demolition of existing buildings used by businesses has an impact on the lives of the workers, their employers, and their customers. Additionally, the reduced size and shape of the parcels, i.e. the remaining portion of the demolished buildings may render them unfit for future uses in accordance with the Vernon Zoning Code.

23. Page 3.2-18 through 3.2-19 *"46th Street Connector Design Option 2"*

This design calls for the full demolition of one business building and partial demolition of parking on another parcel to accommodate establishment of the new railroad ROW, but concludes that no adverse effects would occur because the properties would still be usable after implementation of the railroad project.

The demolition of existing buildings used by businesses has an impact on the lives of the workers, their employers, and their customers. Additionally, the reduced size and shape of the parcels, i.e. the remaining portion of the demolished buildings may render them unfit for future uses in accordance with the Vernon Zoning Code.

24. Page 3.2-19 *"Indirect Effects – Construction and Operations. Future redevelopment in the Malabar Yard study area would not be precluded following construction of any combination of design options for the Malabar Yard railroad improvements."*

- The traffic impacts of rail operations including mile long trains traveling at slow speeds crossing Pacific Ave to 46th Street as well as the impacts created by those same trains crossing Seville Avenue, Soto Street, 44th Street, Boyle Street, Alcoa Avenue, and South Downey Road while traveling from the Malabar Yard to the LA Junction has been completely ignored in this section.
- The traffic impacts of rail operations including mile long trains traveling at slow speeds along a narrow heavily traveled street in addition to increased rail car crossings on that street has been completely ignored in this section.
- The elimination of parking and/or the reduction in parcel size may immediately make these properties non-conforming with the Vernon Zoning Code and would preclude or seriously impede future redevelopment
- The closure of driveways and/or trains blocking driveways that serve as the only means of access to impacted properties would hamper the ability of workers, customers, and suppliers to access those properties, and limit future redevelopment.
- The closure of driveways and/or trains blocking driveways would interfere with police and fire response to emergencies on those properties, and limit future redevelopment.

The conclusionary statement "No indirect adverse effect would occur during construction and operation" is false.

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25. Page 3.2-33 *"Direct Effects – Construction. Upon implementation of Malabar Yard Mitigation Measure TR-1, temporary land use incompatibilities would be minimized, and no direct adverse effect would occur during construction."*

Minimizing an impact does not eliminate the impact, therefore the above statement is incorrect and direct adverse effects will occur during construction.

26. Page 3.2-33 *"Direct Effects – Operations The proposed Malabar Yard railroad improvements are transportation-related uses and would be compatible with land uses due to the presence of already-existing transportation infrastructure. No direct adverse effect would occur during operation."*

The increased level of rail operations at the Malabar Yard and the increases in vehicle traffic delays due to the increase in rail cars blocking streets will have a significant impact on the residential developments on Santa Fe Avenue and on Pacific Avenue. These projects are currently in construction plan check.

27. Page 3.2-33 *"Indirect Effects – Construction and Operations. Long-term access to adjacent properties would be maintained in coordination with the City of Vernon and nearby business and/or property owners. No indirect adverse effect would occur."*

Private rail crossings such as those proposed to access driveways on 46th Street do not run with the land and are instead licensed by the railroad to the property owner and must be renewed when property changes ownership. These licenses are subject to cancellation and may require future rail safety upgrades at the property owner's cost. This is an adverse impact.

Access to adjacent properties in coordination with the City of Vernon and/or nearby property owners creates an adverse impact on the City, adjacent property owners and directly impacted property owners.

The creation of landlocked parcels that are without direct access to a public street creates an adverse impact on those properties. The creation of landlocked parcels is not allowed in Vernon.

28. Pages 3.2-33 through 3.2-34 *"Topics 3.2-C Physical division of an established community"*

The closure of 49th Street and the increased rail traffic crossing Pacific will isolate the Mixed-use Districts on Santa Fe from the Mixed-use District on Pacific as well as essentially dividing the City of Vernon into West Vernon and East Vernon by gridlocking traffic while trains of rail cars stored in Malabar Yard are being made, and blocking Pacific Avenue as they make their way to LA Junction.

29. Page 3.2-35 *"4900 Santa Fe Avenue"- "...the parcel may currently be out of compliance relating to parking requirements, as the parcel is required to provide 196 parking spaces, but currently provides only 146 spaces. This parcel meets the definition of Legal Nonconforming Building or Standards as defined by the City of Vernon's 2017 Comprehensive Zoning Ordinance... No direct adverse effect would occur."*

The City of Vernon's Comprehensive Zoning Ordinance states:

§ 17.64.020 Restrictions on nonconforming buildings and uses.

D. There shall be no decrease in the parking, loading, or maneuvering capacities as they exist as of the effective date of the ordinance codified in this title if such decrease would either make conforming capacities non-conforming or would decrease capacities of an already nonconforming lot.

The 21-foot building setback is a requirement to provide a safe distance between buildings and utility infrastructure.

The proposed permanent loss of parking spaces, the reduction in maneuvering capacities, and the reduction in building setback from the required 21-feet to 10-feet from this parcel are not allowed under Vernon's Comprehensive Zoning Ordinance and would therefore create direct adverse impacts.

30. Page 3.2-36 through page 3.2-37 *"The closure of 49th Street in a hammerhead cul-de-sac configuration would result in conversion of a portion of four industrial-zoned properties and modified building setbacks and reduced parking spaces for current businesses..." "No direct adverse effect would occur."*

The 21-foot building setback is a requirement to provide a safe distance between buildings and utility infrastructure.

The proposed permanent loss of parking spaces, the reduction in maneuvering capacities, and the reduction in building setback from the required 21-feet to 10-feet from this parcel are not allowed under Vernon's Comprehensive Zoning Ordinance and would therefore create direct adverse impacts.

31. Page 3.2-40 *"The railroad improvements at 2665 Leonis Boulevard would result in setbacks less than the required 21 feet."*

The 21-foot building setback is a requirement of Vernon's Comprehensive Zoning Ordinance to provide a safe distance between buildings and utility infrastructure.

32. Page 3.2-40 *"Consistent. Any combination of design options for the Malabar Yard railroad improvements would provide for efficient rail service that minimizes impacts on the local street system."*

There is no evidence to support this statement. The Malabar Yard will bring in empty freight cars to be stored for transportation to a different location. These freight cars are not currently stored at the Malabar Yard or any other location in the City of Vernon. These freight cars will not directly pick up or deliver goods or materials from Vernon businesses. The additional rail traffic, the changes in traffic patterns caused by the closure of 49th Street and the rail extension on 46th Street, will all contribute to increased congestion on the local street system leading to, among other impacts, increased air pollution.

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33. Page 3.2-45 *"To achieve this, one Industrial Zone within the city and various Overlay Zones have been deemed best suited to carry out these regulations."*

Much of the area within the Malabar Yard Study Area has been rezoned for mixed uses allowing for residential uses and is no longer in the Industrial Zone.

34. Page 3.2-45 *"While improvements associated with the Malabar Yard railroad improvements would reduce on- and off-street parking, and may encroach into current setback requirements, the affected parcels meet the Legal Nonconforming Status of Section 26.5.3."*

Vernon Municipal Code § 17.64.020 Restrictions on nonconforming buildings and uses.

D. There shall be no decrease in the parking, loading, or maneuvering capacities as they exist as of the effective date of the ordinance codified in this title if such decrease would either make conforming capacities non-conforming or would decrease capacities of an already nonconforming lot.

The 21-foot building setback is a requirement to provide a safe distance between buildings and utility infrastructure.

The proposed permanent loss of parking spaces, the reduction in maneuvering capacities, and the reduction in building setback from the required 21-feet to 10-feet from this parcel are not allowed under Vernon's Comprehensive Zoning Ordinance and would therefore create direct adverse impacts.

35. Page 3.2-45 *"The Malabar Yard railroad improvements could result in decreased parking availability and reduced setbacks; however, the allowable pre-existing nonconformance with the zoning code would not change with construction of the railroad improvements. Long-term access to adjacent properties will be maintained in coordination with the City of Vernon and nearby business and/or property owners. No indirect adverse effect would occur."*

Private rail crossings such as those proposed to access driveways on 46th Street do not run with the land and are instead licensed by the railroad to the property owner and must be renewed when property changes ownership. These licenses are subject to cancellation and may require future rail safety upgrades at the property owner's cost. This is an adverse impact.

Access to adjacent properties in coordination with the City of Vernon and/or nearby property owners creates an adverse impact on the City, adjacent property owners and directly impacted property owners.

36. Page 3.2-2 *"City of Vernon General Plan Circulation and Infrastructure Element (2007)"*

This reference is out of date. This element of the City of Vernon's General Plan was amended in 2023.

37. Page 3.3-3 *"The traffic analysis methodology, especially the traffic count normalization approach due to the COVID-19 pandemic impacts, was coordinated with and approved by the City of Vernon in August 2020."*

This methodology was "coordinated with" but it was not approved by the City of Vernon.

Actual post Covid-19 counts should be taken to verify the validity of the traffic count normalization since it is crucial to an accurate analysis.

38. Page 3.3-4 *"This approach was coordinated with and approved by the City of Vernon prior to performing the traffic analysis."*

This methodology was "coordinated with" but it was not approved by the City of Vernon.

39. Page 3.3-5 Table 3.3-2 lists six traffic scenarios. In five of the six scenarios "This condition assumes City of Vernon General Plan improvements to roadways in the study area are complete."

This assumption is inaccurate, a physical survey of impacted streets in their existing condition should have been performed as part of the analysis. The improvements to roadways have not been completed and there is no anticipated date for completion due to a variety of constraints.

40. Page 3.3-9

Queuing analysis should include the following additional rail crossings:

Rail Crossing #7: At-Grade Crossing at Alcoa Avenue s/o Vernon Avenue

Rail Crossing #8: At-Grade Crossing at Boyle Avenue s/o Vernon Avenue

Rail Crossing #9: At-Grade Crossing at Soto Street n/o 46 Street

Rail Crossing #10: At-grade Crossing at Pacific and 46th Street

Rail Crossing #11: At-grade Crossing at Pacific e/o Santa Fe

41. Page 3.3-10 *"The driveway counts were not normalized like the intersection and roadway counts because the driveways are not affected by COVID-19 since the businesses are all working full time."*

These counts should be retaken post COVID-19, since they ignore the number of persons that at the time were working remotely, and the number of customers that at the time relied on delivery instead of in person pick up of orders. At a minimum, counts should be normalized like the technique used for traffic counts.

42. Page 3.3-12 *"Freight Project-related effects on freight would be considered adverse if physical impacts to freight facilities would create operational inefficiencies or increased congestion on the shared passenger/freight rail network in the region."*

The Malabar Yard project is a project to mitigate freight impacts created by the Link US project. It would be incorrect to include impacts to freight created by the Link US project in the environmental evaluation of Malabar Yard Mitigation.

43. Page 3.3-14 *"As previously discussed, the raw traffic counts that were conducted in August 2020 were normalized to pre-COVID-19 traffic levels by increasing the counts by a COVID factor of 1.67 in the AM peak hour and 1.54 in the PM peak hour."*

Actual post COVID-19 counts should be taken to verify the validity of the traffic count normalization since it is crucial to an accurate analysis.

44. Page 3.3-31 *"In 2040, the following improvement is also included in the analysis as it is reflected in the City of Vernon General Plan Circulation Element"*

The City of Vernon General Plan is merely a guidance document and should not be construed as a planning document and cannot be relied upon for purposes of future analysis.

45. Page 3.3-34 *"Metro, the City of Vernon, or the contractor shall post advance notice signs prior to construction in areas where access to local businesses could be affected."*

Vernon is not the project proponent, nor the contractor for this project. Vernon cannot be held responsible for providing mitigation for the project.

46. Page 3.3-35 *"The intersection of the Pacific Boulevard and 46th Street is currently operating as a two-way stop control under the Existing (2020) conditions."*

The intersection of Pacific Boulevard and 46th Street is a tee intersection with only a single stop sign for vehicles traveling west on 46th Street. It is not a two-way stop-controlled intersection. Metro needs to ensure that the analysis for this intersection was properly performed since the basic geometry of the intersection is improperly characterized.

47. Section 3.3 Transportation

The analysis of traffic impacts fails to focus on the direct impact of rail operations on traffic. While the train volume moving through Vernon will reportedly remain the same, the number of rail cars in train sets will increase. This increase in the number of rail cars increases the duration of at-grade crossings being closed to vehicular traffic, which in turn impacts road segment levels of service as well as impacting intersection levels of service. These impacts do not appear to have been analyzed.

48. Page 3.3-47 *"Malabar Yard Mitigation Measure TR-6 minimizes the potential roadway hazard; however, to establish the level of effectiveness of this mitigation measure, further coordination with CPUC and the City of Vernon is required."*

This statement implies that the level of mitigation being provided, if any, is unknown and so is not mitigation.

49. Page 3.5-9 Methodology Criteria Air Pollutants

The methodology described is one that is suited to the Link US project and not the Malabar Yard Project by examining the regional impacts of the combined projects and not addressing the local impacts within the ¼ mile buffer from the Malabar Yard. A continued flaw in analysis is to focus specifically on the 49th Street closure and the 46th Street extension buffer areas without including a buffer area around the entire Malabar Yard.

50. Page 3.5-13 *"Residences at 2415-2427 E 53rd St. (located approximately 1,325 feet [0.25 mile] south from the Malabar Yard railroad improvements)."*

- *Vernon City School at 2360 East Vernon Avenue (located approximately 1,350 feet [0.25 mile] northwest from the Malabar Yard railroad improvements).*
- *Residences on Furlong Place located approximately 1,650 feet (0.31-mile northwest from the Malabar Yard railroad improvements)."*

This project expands the intensity of use of Malabar Yard and includes track work throughout the length of Malabar Yard. The buffer area should not be measured from the 49th Street closure but should instead be measured from the limits of the Malabar Yard. Using this approach, the Residences at 2415-2427 E 53rd St. are approximately 675 feet from the Malabar Yard, Vernon City School is 800 feet from the Malabar Yard, the Residences on Furlong Place are located approximately 870 feet from the Malabar Yard. Using this methodology sensitive receptors are within one-quarter mile of the project and new analysis should be conducted.

Additionally, one quarter mile is 1,320 feet. Even by the methodology used, to exclude sensitive receptors from the analysis because they are 5 feet, and 30 feet outside of the quarter mile zone is problematic.

51. Page 3.5-17 Topic 3.5-A

This is an environmental analysis of the Malabar yard, and yet this analysis ignores increases in local air pollution due to increased rail operations in Vernon, as well as the traffic impacts created by the increased rail operations which in turn lead to increases in vehicle engine idling which results in increased air pollutant emissions at the local level. While Table 3.5-6 quantifies the emissions reduction on a regional scale, the local impacts to air quality are dismissed with a paragraph and no data to support the conclusion being drawn.

52. Page 3.5-20 Topic 3.5-B

Again, this is an environmental analysis of the Malabar yard, and yet this analysis ignores negative impacts to local air quality and instead focuses on the regionwide impacts.

53. Page 3.6-3 "Geographic Area Considered. The FTA screening distances for noise and vibration are the geographic areas used to characterize the affected environment and to determine potential effects related to noise and vibration."

A continued flaw in analysis is to focus specifically on the 49th Street closure and the 46th Street extension areas without including the entire Malabar Yard. This project expands the intensity of use of Malabar Yard and includes track work throughout the length of Malabar Yard. The buffer area should not be measured from the 49th Street closure but should instead be measured from the limits of the Malabar Yard. Using this approach, the Residences at 2415-2427 E 53rd St. are approximately 675 feet from the Malabar Yard, Vernon City School is 800 feet from the Malabar Yard, the Residences on Furlong Place are located approximately 870 feet from the Malabar Yard. Using this methodology sensitive receptors are within 1,000 feet from the project and new analysis should be conducted.

The analysis in Section 3.6 is incomplete until the geographic area being considered is expanded to include the entire Malabar Yard and not just the 49th Street Closure.

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54. Page 3.6-9 *"Any combination of design options for the Malabar Yard railroad improvements would occur in an industrial-zoned area and are unlikely to encourage residential and commercial infill development"*

This is incorrect. Several properties immediately west of the Malabar Yard have been zoned Mixed-use which allows and encourages residential development.

55. Page 3.7-3 The reference to "City of Vernon Tree Protection Bylaw #4152 (1996)" in Table 3.7-1 does not refer to a local law or regulation for the City of Vernon, California, USA but instead refers to a bylaw of the City of Vernon, British Columbia in the nation of Canada. This confusion of the two cities on the part of the Draft EIR preparer may have been carried on throughout the environmental documents. All references and citations concerning the City of Vernon, California, USA should be verified.

56. Page 3.7-3 *"Geographic Area Considered"*

A continued flaw in analysis is to focus specifically on the 49th Street closure and the 46th Street extension areas without including the entire Malabar Yard. This project expands the intensity of use of the Malabar Yard and includes track work throughout the length of Malabar Yard. The geographic area considered should not be measured from the 49th Street closure but should instead be measured from the limits of the Malabar Yard.

57. Page 3.7-19 *"Tree Preservation Ordinance. The BSA is located in the City of Vernon and would be subject to the City's Tree Protection Bylaw #4152."*

The reference to "City of Vernon Tree Protection Bylaw #4152 (1996)" in Table 3.7-1 does not refer to a local law or regulation for the City of Vernon, California, USA but instead refers to a bylaw of the City of Vernon, British Columbia in the nation of Canada. This confusion of the two cities on the part of the Draft EIR preparer may have been carried on throughout the environmental documents. All references and citations concerning the City of Vernon, California, USA should be verified.

58. Page 3.7-20 *"Although there is a slight increase in potential for mortality (e.g., collisions with trains) resulting from increased train traffic."*

This is the first reference to increased train traffic due to the Malabar Yard Project in this environmental document. "Increased train traffic" is not mentioned in the project description.

59. Page 3.7-21 Topic 3.7-B

The reference to "City of Vernon Tree Protection Bylaw #4152 (1996)" in Table 3.7-1 does not refer to a local law or regulation for the City of Vernon, California, USA but instead refers to a bylaw of the City of Vernon, British Columbia in the nation of Canada. This confusion of the two cities on the part of the Draft EIR preparer may have been carried on throughout the environmental documents. All references and citations concerning the City of Vernon, California, USA should be verified.

60. Page 3.7-23

"MY BIO-2" is based on the regulations of the City of Vernon, British Columbia in the nation of Canada, and should be revised to reflect local law and rules.

61. Page 3.8-6 "Geographic Area Covered"

A continued flaw in analysis is to focus specifically on the 49th Street closure and the 46th Street extension to determine the Malabar Yard study area, without including the entire Malabar Yard in making that determination. This project expands the intensity of use of Malabar Yard and includes track work throughout the length of Malabar Yard.

62. Page 3.8-14 "Based on a review of California's Groundwater Live, the DWR's interactive dashboard, the nearest groundwater well to the Malabar Yard study area is located near the intersection of Alameda Street and Laura Avenue."

This is incorrect. See <https://storymaps.arcgis.com/stories/f2b252d15a0d4e49887ba94ac17cc4bb>. There are three public supply wells located closer to the Malabar Yard than the one at Alameda and Laura.

Two of these wells are near the intersection of Vernon and Santa Fe and a third well is on 55th street between Alameda Street and Santa Fe Avenue.

63. Page 3.10-6 "Geographic Area Considered"

A continued flaw in analysis is to focus specifically on the 49th Street closure and the 46th Street extension to determine the Malabar Yard study area, without including the entire Malabar Yard in making that determination. This project includes track work throughout the length of Malabar Yard.

64. Page 3.10-16 "Proximity to Schools"

The Malabar Yard Study Area has been drawn to exclude the Vernon City School located at 2360 East Vernon Avenue. The School is located at the corner of Vernon Avenue and Santa Fe Avenue. The Malabar Yard Study Area includes the full width of Santa Fe Avenue including the sidewalk abutting the Vernon City School. A continued flaw in analysis is to focus specifically on the 49th Street closure and the 46th Street extension areas without including the entire Malabar Yard. This project expands the intensity of use of Malabar Yard and includes track work throughout the length of Malabar Yard. The geographic area considered should not be measured from the 49th Street closure but should instead be measured from the limits of the Malabar Yard.

65. Page 3.10-18 "Direct Effects – Operations"

No facts are presented to explain how an increase in the quantity of hazardous materials stored in an increased number of rail cars would not increase the risk of accidental release. This requires actual numerical analysis, before drawing a conclusion that no adverse effect would occur.

66. Page 3.10-21 "Direct Effects – Operations"

No facts are presented to explain how an increase in the quantity of hazardous materials stored in an increased number of rail cars would not increase the risk of accidental release. This requires actual numerical analysis, before drawing a conclusion that no adverse effect would occur. Additionally, it is unclear what the second to the last sentence, "With the installation of the 1,000-

foot connector track and realignment of the existing is expected due to the heavy presence of existing freight rail operations in the immediate surrounding area" means.

67. Page 3.10-21 *"Indirect Effects"*

Two unsupported claims are made to draw the conclusion that "No Indirect adverse effect would occur." The first claim is that if operations are handled in accordance with applicable regulations a hazardous release is not expected. Based on the history and frequency of hazardous releases from railroads this is a false claim. The second claim is that an increase in rail activity involving hazardous materials does not increase the likelihood of release. No data is presented to support either of these claims.

68. Page 3.11-17 *"Indirect Effects – Construction and Operations"*

This section ignores the increases in energy consumption from idling traffic. According to Page 2-4 "North Entrance" "The foreseeable length of future trains operating on the 46th Street Connector could range from 2,000 feet to 4,000 feet. To serve customers on the existing spur line track east of Pacific Boulevard and south of 46th Street, the Pacific Boulevard and Vernon Avenue at grade crossings could be occupied for "head-end moves" as necessary to facilitate continued freight operations on the existing spur line"

This project will block 49th Street as well as Pacific Avenue and Vernon Avenue by effectively cutting off east-west traffic through the city for extended periods of time. This will also impact north and south bound traffic along Santa Fe as vehicles stuck at the rail crossings queue through the intersections. In addition to other impacts this will increase fuel consumption due to excessive idling time created by the changes to rail operations that the Malabar Yard project will allow.

69. Page 3.13-1 *"Metro's Relocation Assistance Program"*

Why isn't Metro just purchasing the BNSF property adjacent to Union Station instead of expanding the Malabar Yard and in so doing creating several environmental and economic burdens on the residents, businesses and workers of Vernon? Shouldn't BNSF be treated the same as other businesses being impact by Link US? Why is the loss of BNSF storage being treated as something that requires "mitigation" through the Malabar Yard Project? Only environmental impacts are mitigated. The taking of property is compensated through payment not mitigation.

70. Page 3.13-2 *"Geographic Study Area"*

The Malabar Yard Project impacts a local area and is the mitigation being proposed and economic impact being created by the larger Link US. The Malabar Yard project has its own environmental evaluation, a part of, but separate from the Link US environmental evaluation. Therefore, the economic and fiscal impacts of the Malabar Yard Project should be evaluated at the local level and not the county level.

71. Page 3.13-5 *"Land Use"*

As stated previously, much of the area within the Malabar Yard Study Area has been rezoned for mixed uses allowing for residential uses and is no longer in the Industrial Zone.

72. Page 3.13-6 *"Businesses subject to displacement would be referred to potential and/or suitable replacement sites pursuant to Metro's Relocation Assistance Program."*

Why isn't BNSF being referred to Metro's Relocation Assistance Program instead of displacing

additional businesses through the Malabar Yard Project. It appears that Metro's mitigation is just compounding the BNSF business impacts by displacing other businesses.

73. Page 3.13-10 "Operations"

The conclusion that no direct or indirect effect would occur ignores the permanent loss of jobs, property values and property taxes. It also ignores the economic impact of truck and automobile traffic delays due 2,000- to 4,000-foot-long trains blocking major streets in Vernon for extended periods of time.

74. Page 3.13-12 "Operations"

The conclusion that no direct or indirect effect would occur ignores the permanent loss of jobs, property values and property taxes. It also ignores the economic impact of truck and automobile traffic delays due 2,000- to 4,000-foot-long trains blocking major streets in Vernon for extended periods of time.

75. Page 3.13-12 "Mitigation Measures"

The logic used to make the determination that no mitigation is required could similarly be applied the Link US project's use/acquisition of BNSF storage track near Union Station. If no mitigation were required for the use of BNSF storage track the Malabar Yard Project would not be required.

76. Page 3.14-9 "Fire Protection"

Using information published by the Vernon Chamber of Commerce instead of information provided by the Los Angeles County Fire Department is not a valid method of ascertaining the level of service being provided. Information should be obtained from Los Angeles County Fire Department.

77. Page 3.14-17 "No pedestrians or bicyclists were observed during 2020 traffic counts."

These counts were taken during the COVID-19 shut-downs and are not representative of counts during normal conditions. The counts for automobile, bicycle and pedestrian traffic should be redone for the sake of accuracy.

78. Page 3.14-20 "If the Malabar Yard railroad improvements were not implemented, the existing at-grade crossings would not be enhanced with new safety features and would pose a potential safety risk at the existing at-grade crossings."

This potential safety risk is at best minimal. Page 3.14-14 reads: "FRA accident data for the four at-grade crossings where the railroad improvements would occur indicate that there has been one accident in the past 45 years. The one accident involved a pedestrian at the Pacific Boulevard/46th Street crossing in 1989, prior to implementation of PTC technology. There have been no other rail accidents at the four at-grade crossings (FRA 2023)." Based on this, the finding should be "If improvement were not implemented no direct or indirect adverse effect would occur."

79. Page 3.14-21 "This would not substantially affect emergency response"

The Malabar Yard project will impact traffic at several major intersections and effectively stop east and west bound traffic while trains between 2,000 and 4,000 feet long are either being built or stored at the seven storage tracks in the Malabar Yard. This will substantially affect emergency

response times due to the configuration of adjacent roadways, and likely push traffic into surrounding EJ communities.

80. Page 3.24-22

Mitigation measures TR-3, TR-4, TR-5 and TR-6 should be modelled to determine their effectiveness using current traffic counts.

81. Page 3.14-23 *"The 46th Street Connector would not increase potential for derailment due to the improvements being constructed per applicable code requirements and the grade and extent of proposed improvements."*

Since the Malabar Yard project would significantly increase rail operations in the area, and since according to the Association of American Railroads, "The vast majority of train derailments happen in rail yards where the average train speed is about five MPH – not on mainline track." There appears to be no factual basis for the statement about not increasing the potential for derailments.

82. Page 3.14-26 *"Mitigation Measures"*

As previously stated, mitigation measures to improve traffic flow should be modelled to determine their effectiveness using current traffic counts, and the projected amount of time these long slow-moving trains will be blocking the intersection during all phases of operation.

83. Page 3.15-1 *"3.15 Socioeconomics and Communities Affected"*

The following comments are applicable throughout this section. As stated previously, the Malabar Study Area should be expanded to include a radius along the entire length of the Malabar Yard since the operations of the yard will be significantly altered by this project and since there will be construction along the entire length of the Malabar Yard.

Additionally, much of the area within the Malabar Yard Study Area has been rezoned for mixed uses allowing for residential uses and is no longer in the Industrial Zone.

84. Page 3.15-20 *"Indirect Effects" – "Any combination of design options for the Malabar Yard railroad improvements would not indirectly generate substantial population or employment growth that would cause new or increased demand for fire protection and law enforcement services. No indirect adverse effect would occur."*

This statement ignores the fact that the City will be divided into east and west by rail operations with several of the major east and west streets being shut down by rail operations for extended periods of time. The City of Vernon is served by one police station, west of the Malabar Yard. To mitigate the impacts on police department response times a second police station east of the Malabar Yard should be constructed.

85. Page 3.15-20 *"67 percent of the industrial businesses could be assumed to relocate in Los Angeles County (FHWA 2010)."* Statistically speaking, this means that approximately one-third (or 15) of the displaced jobs would not relocate in Los Angeles County. Based on the heavy industrial nature of the businesses in Vernon, it is very foreseeable that none of the 46 jobs would relocate in Los Angeles County or even in the State of California due to the regulations imposed on these types

of businesses in most California jurisdictions outside of the City of Vernon.

86. Page 3.15-21 *"Indirect Effects"*

It is unclear how a loss of 46 jobs, and a reduction in the amount property tax, business license tax, and sales tax received is a "beneficial effect," unless the destruction of businesses and jobs is seen as a benefit by Metro and the CHSRA.

87. Page 3.15-21 *"Mitigation Measures"*

Mitigation measures should be modelled to determine their effectiveness using current traffic counts.

88. Page 3.16-18 *"Safety"*

Feedback concerning the "Delay to emergency responders during railroad crossing gate down time" is not adequately addressed with roadway reconfigurations and modifications. This can only be addressed through the construction of an additional police station on the east side of the Malabar Yard.

89. Page 3.16-24

How is operational efficiency for freight trains beneficial for the city of Vernon and surrounding Environmental Justice Communities?

90. Page 3.16-42 *"The local EJ communities living and traveling within the Malabar Yard study area would predominantly benefit from the improvements, including a reduction in emissions by shifting some freight rail activity away from an EJ community."*

This statement is false. Rail activity in the Malabar Yard study area will significantly increase and with that increase in activity comes an increase in diesel emissions. Emissions from cars and trucks that are impacted directly and indirectly by long idles during railroad crossing gate down time will significantly increase.

In conclusion, the Malabar Yard Mitigation will have detrimental impacts on the City of Vernon and surrounding communities, particularly concerning air quality, public safety, traffic congestion, housing developments, and the well-being of local businesses and the jobs they provide for the community. The city urges Metro to act in accordance with its Relocation Assistance Program and California's Relocation Assistance Act and pay BNSF for the use of its storage tracks rather than facilitating BNSF's relocation of its storage operations to Vernon.

Sincerely,



Daniel S. Wall, P.E.
Director of Public Works