

Notice of Exemption

To: County Clerk
County of Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

From: Alameda Corridor Transportation Authority
3760 Kilroy Airport Way, Suite 200
Long Beach, CA 90806
c/o Bergman Dacey Goldsmith
10880 Wilshire Blvd #900
Los Angeles CA 90024

Project Title: Dolores Yard Cross-Over

Project Applicant: Union Pacific Railroad Company

Project Location -Specific: 33.799171, -118.238159

Project Location -City: Los Angeles Project Location -County: Los Angeles

Description of Nature, Purpose and Beneficiaries of Project:

Eighty percent of all Union Pacific Railroad Company ("UPRR") trains destined for the Port of Los Angeles (POLA) and Port of Long Beach (POLB) must be switched at the Intermodal Container Transfer Facility ("ICTF") to serve on-dock rail facilities. Trains traveling to the Ports from the ICTF must pass through UPRR's Dolores Yard, adjacent to the ICTF. However, these trains currently cannot directly access the Alameda Corridor Transportation Authority ("ACTA") mainlines from the south end of the Dolores Yard. Instead, the trains take a burdensome route from Dolores along the former SP San Pedro Branch (running along the west side of Alameda Street) crossing the ACTA mainlines over diamonds, then turning east across Alameda Street at-grade, crossing the ACTA mainlines again over diamonds and finally joining the ACTA mainlines on the Long Beach Lead. The diamond crossings at ACTA mainlines causes interference between Dolores trains and mainline trains; the Alameda Street at-grade crossing causes interference between Dolores trains and vehicle traffic, and Alameda Street is an important truck route that services the ports. Additionally, once Dolores trains reach the Long Beach Lead, they cannot directly access Terminal Island; to reach Terminal Island, the trains must turn northward along the UP San Pedro Branch at CP Crucero, and then reverse direction to get pushed to on-dock yards and terminals. The same train movements are required for trains coming up from the Ports. The current route is considered burdensome because each time a train originates or arrives at Dolores, all train movement must stop on the Alameda Corridor while the move is made and Alameda Street traffic is stopped and delayed.

The proposed Project will significantly improve the connection from Dolores Yard to the ports. The proposed track configuration will prevent train delays that currently affect both the ACTA rail mainlines and Dolores Yard operations, as well as preventing vehicle delays on Alameda Street. The delays caused by the current track configuration lead to locomotive and vehicle idling that would not occur after implementation of the proposed Project. The project is not expected to increase capacity or activity on either the Alameda Corridor or at Dolores Yard.

Construction of the proposed Project will comprise the following components, as generally illustrated on Exhibit A:

- Removal of the existing connection from the south end of Dolores Yard to former SP San Pedro Branch (the track to be removed is 1,300 feet long);
- A new connecting track from the south end of Dolores Yard to ACTA mainlines near the Watson Crossing adjacent to Lomita Blvd (the connecting track will be 1,200 feet long) as illustrated on Exhibit B;
- Removal of the existing cross-over from ACTA mainlines to the existing connection from south end of Dolores Yard (remove one No.15 crossover);
- Construct an additional crossover between mainlines from ACTA-2 and ACTA-3.
- Relocation of an existing 1-foot high and 400 foot long retaining wall along the western boundary of the existing Valero Wilmington Asphalt Plant to provide space for the new connecting track. The wall will be relocated approximately 15-20 feet away from its current position;
- Relocation of an existing LADWP overhead powerline that crosses over ACTA tracks near the south end of the retaining wall relocation;

The work will involve the removal of 1,300 feet of the Dolores Yard Lead and replacement with 1,200 feet of track to connect Dolores Yard to ACTA mainlines, both of which will require minor grading to achieve drainage, and removal/replacement of sub-ballast and ballast, ties and track. Removal of the existing No. 15 crossover requires cutting out and removing two back-to-back turnouts and replacement with straight track to be welded in place. Relocation of the Valero retaining wall will require demolition and grading equipment to intrude marginally onto joint port property while demolition of the existing wall will occur on UPRR property, leased to Valero. The wall will be replaced inside UPRR property farther away from ACTA mainlines. The relocation of the LADWP overhead powerline will require removal of two power poles and reconstruction in a new location within 100 feet of the existing use and a new powerline strung over ACTA mainlines. Future train volumes may cause the eastern most mainline (ACTA-3) to become congested. By allowing addition of a right-hand crossover between mainlines from ACTA-2 to ACTA-3, the train operations will have flexibility to balance traffic between mainlines. The addition of this mainline will not be constructed initially, but the design allows for future implementation.

Name of Public Agency Approving Project: Alameda Corridor Transportation Authority

Name of Person or Agency Carrying Out Project: Union Pacific Railroad Company

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Existing Facilities – 14 CCR 15301; New Construction or Conversion of Small Structures - 14 CCR 15302; Replacement or Reconstruction - 14 CCR 15303; Minor Alterations to Land - 14 CCR 15304; Accessory Structures - 14 CCR 15311
- Statutory Exemptions. State code number:

Reasons why project is exempt: Multiple exemptions apply to the project as the project merely reconfigures current rail lines within the existing rail footprint, with a net decrease in rail footage, as well as relocating a retaining wall and power poles nearby to allow the rail work to occur. Further, ACTA is entitled to combine several exemptions to find an entire project exempt. (*Surfrider Found. V. California Coastal Comm'n* (1994) 26 Cal.App.4th 151, 156).

- 14 CCR 15301: Existing Facilities. This exemption “consists of the operation...or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s [exemption] determination. This exemption applies as the proposed project merely reconfigures current rail lines within the existing rail footprint, with a net decrease in rail footage. Further, in the context of the significant number of existing tracks and rail operations in this area, this modification of the existing tracks, with the related nearby relocation of the retaining wall and power poles, is a minor modification of existing public and private structures.
- 14 CCR 15302: Replacement or Reconstruction. This exemption “consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced...” Per case law, this exemption applies even where the replacement structure will be in a slightly different location and slightly different size than the original structure. (*Dehne v. County of Santa Clara* (1981) 115 Cal. App. 3d 827). As the project merely (1) relocates a retaining wall and power poles a short distance away, and (2) reconfigures current rail lines within the existing rail footprint, with a net decrease in rail footage, and within the same geographic area, this exemption applies.
- 14 CCR 15303: New Construction or Conversion of Small Structures. This exemption “consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures.” This exemption includes, but is not limited to, “utility extensions” and “accessory (appurtenant) structures.” As the project merely (1) relocates a retaining wall

and power poles a short distance away, and (2) reconfigures current rail lines within the existing rail footprint, with a net decrease in rail footage, the construction activities that will take place as part of the project are also covered by this exemption.

- 14 CCR 15304 – Minor Alterations to Land. This exemption “consists of minor public or private alterations in the condition of land, water, and/or vegetation...Examples include but are not limited to: (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.” Here, this exemption applies because the project will include minor alterations to land, including grading with a slope of less than 10 percent. Further, the project is not in any waterway or wetland, and the project is not in an officially mapped area of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone.
- 14 CCR 15311: Accessory Structures. This exemption “consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities...” The reconstruction of the retaining wall and power poles near their existing locations is covered by this exemption

Lead Agency Contact Person:

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Signature:  _____ Date: 11/15/2021
Title: Michael Leue, CEO, ACTA

Signed by Lead Agency Signed by Applicant