

MINUTES OF A SPECIAL MEETING OF THE GOVERNING BOARD OF THE INTERMODAL CONTAINER TRANSFER FACILITY JOINT POWERS AUTHORITY HELD AT THE SILVERADO PARK COMMUNITY CENTER AT 1545 WEST 31<sup>ST</sup> STREET, LONG BEACH, CALIFORNIA 90810, ON WEDNESDAY, OCTOBER 21, 2009, AT 6:00 P.M.

Board Members present:

Cindy Miscikowski, Port of Los Angeles  
Geraldine Knatz, Port of Los Angeles  
Nick Sramek, Port of Long Beach  
Richard D. Steinke, Port of Long Beach

Board Members absent:

None

Also present:

Mike Christensen, Port of Los Angeles  
Doug Thiessen, Port of Long Beach  
Sam Joublat, Port of Long Beach  
Thomas A. Russell, General Counsel

VICE CHAIRPERSON SRAMEK PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Board Member Steinke motioned, seconded by Board Member Knatz and unanimously carried, the minutes of the special meeting of March 4, 2009, were approved.

NEW BUSINESS

1. ELECTION OF CHAIR AND VICE-CHAIR FOR FY 2009-2010.

Communication from Douglas Thiessen, Executive Director, dated October 16, 2009, recommending the Governing Board elect a Chair and Vice Chair of the ICTF Governing Board for FY 2009-2010, was presented to the Governing Board.

Board Member Miscikowski motioned, seconded by Board Member Steinke, that Nick Sramek be elected as Chair of the Governing Board for FY 2009-2010. Carried by unanimous vote.

Board Member Sramek motioned, seconded by Board Member Knatz, that Cindy

Miscikowski be elected as Vice Chair of the Governing Board for FY 2009-2010.  
Carried by unanimous vote.

Newly elected Chairperson Sramek presided as Chair for the remainder of the meeting.

2. FISCAL YEAR 2009-2010 ANNUAL BUDGET – ADOPTED.

Communication from Douglas Thiessen, Executive Director, dated October 19, 2009, recommending the Governing Board adopt the 2009-2010 budget in the amount of \$5,301,306, was presented to the Governing Board.

Board Member Knatz motioned, seconded by Board Member Steinke, that the item be approved as recommended. Carried by the following votes:

AYES: Members: Knatz, Steinke, Miscikowski, Sramek  
NOES: None  
ABSENT: None

3. DISTRIBUTION OF FUNDS – APPROVED.

Communication from Douglas Thiessen, Executive Director, dated October 19, 2009, recommending the Governing Board Authorize distribution of \$8,000,000 to be shared equally by the Port of Long Beach and the Port of Los Angeles, was presented to the Governing Board.

Board Member Miscikowski motioned, seconded by Board Member Knatz, that the item be approved as recommended. Carried by the following votes:

AYES: Members: Knatz, Steinke, Miscikowski, Sramek  
NOES: None  
ABSENT: None

4. FINANCIAL AUDIT REPORT – FISCAL YEAR ENDED JUNE 30, 2008 – RECEIVED AND FILED.

Communication from Douglas Thiessen, Executive Director, dated October 19, 2009, recommending the Governing Board receive and file the financial audit report for the fiscal year ended June 30, 2008.

Board Member Steinke motioned, seconded by Board Member Knatz, that the item be approved as recommended. Carried by the following votes:

AYES: Members: Knatz, Steinke, Miscikowski, Sramek  
NOES: None  
ABSENT: None

5. DRAFT NET FACILITY REVENUE REPORT FOR ANNUAL PERIOD ENDING NOVEMBER 1, 2008 – RECEIVED AND FILED.

Communication from Douglas Thiessen, Executive Director, dated October 19, 2009, recommending the Governing Board receive and file the draft net facility revenue report for the year ended November 1, 2008.

Board Member Miscikowski motioned, seconded by Board Member Steinke, that the item be approved as recommended. Carried by the following votes:

AYES: Members: Knatz, Steinke, Miscikowski, Sramek  
NOES: None  
ABSENT: None

OTHER BUSINESS

Rick Cameron, Director of Environmental Planning from the Port of Long Beach and Ralph Appy, Director of Environmental Management from the Port of Los Angeles, gave an update to the JPA board on the status of preparation of the Intermodal Container Transfer Facility (ICTF) Environmental Impact Report (EIR).

The following individuals spoke regarding the Proposed ICTF Modernization Project:

John Cross, West Long Beach Association  
Elena Rodriguez, West Long Beach Resident  
Yolanda Lopez, West Long Beach Resident  
Maria Reyes, Long Beach Resident  
Roberto Reyes, Long Beach Resident  
Ben Rockwell, Long Beach Resident  
Evelyn Knight, Westside Association & Interfaith Community Organization  
James Larson, West Long Beach Resident  
Angelo Logan, West Long Beach Resident  
Mary Hernandez, West Long Beach Resident  
Jesse Marquez, Executive Director, Coalition for a Safe Environment

Public comments referenced on the attached California Deposition Reporters transcription report.

ADJOURNMENT

At 7:50 p.m., Board Member Knatz motioned, seconded by Board Member Steinke, that the meeting be adjourned sine die.

JOINT POWERS AUTHORITY  
GOVERNING BOARD  
of the  
INTERMODAL CONTAINER TRANSFER FACILITY

SPECIAL MEETING

WEDNESDAY, OCTOBER 21, 2009  
SILVERADO PARK COMMUNITY CENTER,  
LONG BEACH, CALIFORNIA

1 MR. SRAMEK: I'd like to welcome everybody to  
2 Silverado Park on the west side of Long Beach, my home  
3 park -- had to say that -- and welcome you to the ICTF  
4 JPA meeting.

5 What I'd like to do is first of all, I'd just  
6 like to welcome my colleagues from Port of L.A.,  
7 president of the Port of L.A., Cindy Miscikowski.  
8 Welcome to the board.

9 Okay. Madam Secretary, could we have the roll  
10 call, please.

11 SECRETARY: Board member Steinke.

12 MR. STEINKE: Here.

13 SECRETARY: Board member Sramek.

14 MR. SRAMEK: Here.

15 SECRETARY: Board member Miscikowski.

16 MS. MISCIKOWSKI: Here.

17 SECRETARY: Board member Knatz.

18 MS. KNATZ: Here.

19 SECRETARY: We have a quorum.

20 MR. SRAMEK: Okay. Thank you.

21 We have minutes from the previous meeting. Has  
22 everybody seen the minutes? Okay. Let's get a motion  
23 to approve.

24 MR. STEINKE: Move to approve.

25 MS. KNATZ: Second.

1 MR. SRAMEK: Okay. We have a motion and a  
2 second. Any corrections, any comments on the minutes?  
3 Seeing none, we'll have a vote. All in favor,  
4 say aye.

5 BOARD MEMBERS: Aye (all).

6 MR. SRAMEK: Thank you.

7 Okay. We'd like to have -- the public is  
8 invited to address the commission at this time. So what  
9 we'd like to do is everybody who is going to speak  
10 hopefully signed a speaker card or will go back and sign  
11 up on the speaker card.

12 And what we'd like to do is since, I think,  
13 most people are here to speak on Item 6, we'd like to  
14 hold those people who are going to speak only on Item 6  
15 after the presentation on Item 6.

16 What we'd like to do is we'd like to call Mr.  
17 Thiessen and ask if there is anybody who wants to make  
18 general comments or comments on any other business at  
19 this time.

20 MR. THIESSEN: Mr. Chairman, can you hear me  
21 all right? We have a number of speaker cards. Most of  
22 the comments did not indicate --

23 MR. SRAMEK: Can you move the microphone a  
24 little bit better? Yeah.

25 MR. THIESSEN: How is that? A little better?

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1 MR. SRAMEK: Yes, thank you.  
 2 MR. THIESSEN: None of the comment cards except  
 3 for one of them mentioned the item that they wanted to  
 4 speak on, so I'm assuming that most of them are on Item  
 5 Number 6.  
 6 MR. SRAMEK: Okay. Is this on? Okay.  
 7 Can I just ask, Is there anybody who wants to  
 8 make comments as general public comments or comments on  
 9 Items 1 through 5, and not Number 6? Anybody? Okay.  
 10 Seeing none, okay, we'll go on with the meeting  
 11 then. And what we'll do is we'll have public comments  
 12 on Item Number 6 after we have made the presentation.  
 13 Okay. Our first item of business is election  
 14 of officers for the fiscal year 2009-2010. Any  
 15 nominations?  
 16 MS. MISCIKOWSKI: I would like to nominate  
 17 Mr. Sramek as chair of the JPA.  
 18 MR. SRAMEK: Thank you. Is there a second?  
 19 MR. STEINKE: Second.  
 20 MR. SRAMEK: Okay. Any comments? Okay.  
 21 Hearing none, we have a motion and second. All  
 22 in favor, say aye.  
 23 BOARD MEMBERS: Aye (all).  
 24 CHAIRMAN SRAMEK: Motion passes.  
 25 Okay. I'd like to elect or nominate

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1 Ms. Miscikowski for vice chair.  
 2 MS. KNATZ: Second.  
 3 CHAIRMAN SRAMEK: Okay. Thank you.  
 4 We have a motion and second. All in favor, say  
 5 aye.  
 6 BOARD MEMBERS: Aye (all).  
 7 CHAIRMAN SRAMEK: Motion passes. Thank you.  
 8 Okay. Do we have any other officers? That's  
 9 it? Okay.  
 10 Okay. The next is recommendation to adopt an  
 11 annual budget for fiscal year 2009-2010. Mr. Thiessen.  
 12 MR. THIESSEN: Thank you, Mr. Chair. The  
 13 proposed budget for 2009-2010 is in the amount of  
 14 \$5.3 million. The majority of the budget costs are  
 15 proposed in the amount of \$3.3 million primarily for  
 16 legal and consultant services in connection with the  
 17 proposal to modernize the ICTF in the application  
 18 prepared by Union Pacific Railroad.  
 19 The larger, other portion of the budget is  
 20 \$1.9 million which is being held in reserve for the City  
 21 of Carson for certain capital improvements on the street  
 22 adjacent to the ICTF. There are additional  
 23 miscellaneous expenses itemized in the proposed budget  
 24 on the attachment.  
 25 I'm available to answer any questions. Your

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1 former Executive Director of the Port of Long Beach's  
 2 chief financial officer, Sam Joublat, is sitting behind  
 3 me to answer any other questions on the agenda. The  
 4 recommendation is for the board to approve the budget as  
 5 proposed.  
 6 CHAIRMAN SRAMEK: I just have a question in  
 7 here. It looks like from our adopted budget last year  
 8 to what the estimated actual is mostly due to the delay  
 9 of the EIR and other things that go along with the EIR;  
 10 is that correct?  
 11 MR. THIESSEN: Yes, that's correct. The large  
 12 portions of the funding that had been approved in the  
 13 previous year's budget are shifted to the proposed  
 14 budget to include the preparation of the EIR.  
 15 CHAIRMAN SRAMEK: Okay. Are there any other  
 16 questions?  
 17 MS. MISCIKOWSKI: Yes, I just noticed in the  
 18 '08-'09 budget, the \$1.9 million for capital  
 19 improvements for the City of Carson. Was that just a  
 20 carry-over, or was it a second amount?  
 21 MR. THIESSEN: It's a carryover.  
 22 MS. MISCIKOWSKI: And do we have any estimation  
 23 as to whether or not or how that is to proceed just like  
 24 the rebuild issue?  
 25 MR. THIESSEN: The Carson folks have had some

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1 delays caused by the preparation of the environmental  
 2 documents, so we've carried this over for a number of  
 3 years, and I have not had any new information on the  
 4 expectation in that expense. Thank you.  
 5 CHAIRMAN SRAMEK: Does this answer the  
 6 questions?  
 7 MS. KNATZ: I move the approval of the budget.  
 8 CHAIRMAN SRAMEK: Is there a second?  
 9 MR. STEINKE: Second.  
 10 CHAIRMAN SRAMEK: Okay. Thank you.  
 11 Any comments on the budget? Okay.  
 12 Seeing none, we'll have a vote. All in favor,  
 13 say aye.  
 14 BOARD MEMBERS: Aye (all).  
 15 CHAIRMAN SRAMEK: Motion passes. Thank you.  
 16 Okay. The next is recommendation to approve  
 17 distribution of funds for year '08-'09. Mr. Thiessen.  
 18 MR. THIESSEN: Thank you. The recommendation  
 19 of distribution of funds accounts for revenues that have  
 20 been placed into the account -- reserve account for the  
 21 ICTF balance. As is customary, the governing board  
 22 votes for distribution of these funds. There is a sum  
 23 of \$8 million available for distribution which would be  
 24 equally distributed to the Port of Los Angeles and Long  
 25 Beach, and there is a recommendation for the governing

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1 board to authorize a distribution of funds in the amount  
2 of \$8 million.

3 CHAIRMAN SRAMEK: Thank you. Any questions or  
4 comments that you would like to generate?

5 MR. STEINKE: I would just like to ask, Does  
6 this leave a balance sufficient to -- for operating  
7 expenses and to carry over for business for the coming  
8 year?

9 MR. THIESSEN: Yes, that's correct. Each year  
10 there's an accrual, and we do leave an ending cash  
11 balance of approximately \$3 million to carry on routine  
12 business for the coming year.

13 CHAIRMAN SRAMEK: And that includes everything  
14 for the EIR and everything that will come up?

15 MR. THIESSEN: Yes.

16 CHAIRMAN SRAMEK: Thank you.  
17 Do you have any other questions? Okay.  
18 Could I have a motion to approve the  
19 distribution of funds?

20 MS. MISCIKOWSKI: I move.

21 CHAIRMAN SRAMEK: Is there a second?

22 MS. KNATZ: Second.

23 CHAIRMAN SRAMEK: Thank you. Okay.  
24 Any comments on this item, Item Number 3?  
25 Seeing none, we have a motion and second. All

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1 in favor of the motion, say aye.

2 BOARD MEMBERS: Aye (all).

3 CHAIRMAN SRAMEK: Thank you. The motion  
4 passes.

5 The next item is the financial audit.  
6 Mr. Thiessen.

7 MR. THIESSEN: Thank you. Macias Gini and  
8 O'Connell, the outside auditor, has completed its  
9 financial audit for the fiscal year ending June 30th,  
10 2008. There should be an attachment to your board item  
11 with a copy of the audit.

12 Some of the summary of the audit concludes that  
13 the operating revenues for fiscal year decreased  
14 approximately 6.2 percent in the amount of \$8,339,856.  
15 Net assets increased to \$24,151,671 net, primarily due  
16 to the large delay in the distribution of cash in the  
17 previous year.

18 Container volumes for the San Pedro Bay Ports,  
19 as many of us are keenly aware, have decreased  
20 approximately 5 percent to a total of 15.1 million TEUs  
21 for the 12-month reporting period ending in June of  
22 2008. There was a consequent decrease in volume through  
23 the ICTF -- 4.9 percent in container volumes are down to  
24 679,993 containers.  
25 We're recommending the JPA board receive and

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1 file the financial audit period prepared by Macias Gini  
2 and O'Connell for the fiscal year ending June 30th,  
3 2008.

4 CHAIRMAN SRAMEK: Thank you. Any questions?  
5 MR. STEINKE: I have a question just on  
6 container volumes. Are the container volumes at ICTF  
7 basically following what the predictions are at the two  
8 ports, or does the volume look like they're staying up  
9 better than -- the decreases are less than the volume  
10 predictions?

11 MR. THIESSEN: Yes. What I wanted to -- I  
12 would caution you that this is the reporting period  
13 ended June of 2008, so next year when we come back for a  
14 similar reporting period, it's likely these numbers will  
15 show even further decline.

16 Yes. This 5 percent or 4.9 percent decrease  
17 largely mirrors the reduction in container volumes seen  
18 in both ports during this reporting period.

19 CHAIRMAN SRAMEK: Thank you. Any questions?  
20 Okay. Seeing none, could I have a motion to  
21 approve the audit?

22 MR. STEINKE: Move to approve.

23 MS. KNATZ: Second.

24 CHAIRMAN SRAMEK: Thank you. Okay. Any  
25 comments on the audit?

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1 Seeing none, we have a motion and second. All  
2 in favor of the motion, say aye.

3 BOARD MEMBERS: Aye (all).

4 CHAIRMAN SRAMEK: Motion passes. Thank you.  
5 Okay. Recommendation to receive and file  
6 Agreed-Upon Procedures for year ending November 1, 2008.  
7 Mr. Thiessen.

8 MR. THIESSEN: Thank you. And this is the last  
9 of the Board administrative items of the file. Again,  
10 Macias Gini and O'Connell have completed their review of  
11 ICTF net revenues, and this is for the year ending  
12 November 1st, 2008, so it's a little different reporting  
13 period -- revenues versus the container volumes.

14 In this report there were 633,953 gross  
15 container moves generating \$19,018,590 in gross revenue.  
16 This was a year-over-year decrease of 10.5 percent from  
17 2007. The ICTF collects gate fees, less allowable  
18 deductions resulting in a net facility revenue of  
19 \$15,141,358 to be equally shared by the Authority and  
20 the Union Pacific Railroad. On November 5th Union  
21 Pacific transferred 50 percent of that or \$7,570,679 to  
22 the ICTF investment account, accounting for 50 percent  
23 of these revenues.

24 Final draft of the net facility revenues report  
25 is attached. The auditors and the JPA staff have



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1 reviewed this and are in agreement that the results were  
 2 recommended that the governing board receive and file  
 3 the draft net facility revenue report for the year  
 4 ending November 1, 2008.

5 CHAIRMAN SRAMEK: Thank you. Can we have a  
 6 motion to receive it, please?

7 MS. MISCIKOWSKI: I have a question. How is it  
 8 that this report is based on the different year model  
 9 than the audit, and is this something that is done every  
 10 year, or is this a one-time necessary basis?

11 MR. THIESSEN: I'm going to ask Mr. Joumblat to  
 12 answer that question. I have a similar confusion on the  
 13 different reporting periods.

14 MR. JOUMLAT: Exactly. That's the way it has  
 15 always been done. Contractually, that is what's  
 16 required. As of November 3rd and then immediately after  
 17 that, we make specific transfer of funds to the JPA so  
 18 that is consistent with November 1, and that is  
 19 contractually the way it's been done in the past.

20 MS. MISCIKOWSKI: But our audit report is done  
 21 from fiscal year ending June 30th; that's July to June.

22 MR. JOUMLAT: That's correct, and the auditors  
 23 continue their efforts beyond the -- typically the audit  
 24 starts late anyway. That has been the tradition, but  
 25 the auditors look at the year ending June 30th, and they

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1 look at differently and agree upon procedures, and they  
 2 look at as of November 1st for verification of the  
 3 revenue, the gate fees, and make adjustments as of that  
 4 date.

5 MS. MISCIKOWSKI: Okay.

6 CHAIRMAN SRAMEK: Okay. Do you have any other  
 7 questions? No? Okay.

8 Let's see, we have a motion and second already;  
 9 correct? Can we have a motion and a second?

10 MS. MISCIKOWSKI: I'll move.

11 MR. STEINKE: I'll second.

12 CHAIRMAN SRAMEK: Okay. Thank you. We have a  
 13 motion and second. Any comments on this item?

14 Seeing none, we have a motion and second. All  
 15 in favor of the motion, say aye.

16 BOARD MEMBERS: Aye (all).

17 CHAIRMAN SRAMEK: Motion passes.

18 Okay. Item Number 6. This is what we're here  
 19 for. The staff report and the preparation of the EIR  
 20 for the proposed ICTF modernization project. Are you  
 21 going to speak to that, Mr. Thiessen?

22 MR. THIESSEN: Yes, thank you. Tonight we have  
 23 here our members of the staff of both the Ports of  
 24 Los Angeles and Long Beach environmental planning  
 25 divisions. They are going to be giving an oral update

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1 to the JPA board on the status of preparation of the  
 2 EIR. As you're aware, AQMD has been retained by the JPA  
 3 to prepare the environmental document, and members of  
 4 their staff are also in the audience.

5 I'm going to turn the microphone over to  
 6 Ralph Appy, Dr. Ralph Appy from the Port of Los Angeles,  
 7 and Rick Cameron from the Port of Long Beach to give an  
 8 update on the status of the EIR.

9 Following that, we have numerous speakers who  
 10 would like to make comments on this item, and at that  
 11 time I would read their names from the comment cards,  
 12 match them as they come up to the microphone.

13 CHAIRMAN SRAMEK: Thank you. Just remind  
 14 anybody who hasn't signed up, if you want to speak,  
 15 please fill out a speaker card, and have someone bring  
 16 it up here. Okay. Thank you.

17 DR. APPY: Thank you, Commissioners. I'm  
 18 Ralph Appy. I'm the environmental director for the Port  
 19 of Los Angeles, and with me is Rick Cameron, my  
 20 counterpart. We -- the connection here is that we serve  
 21 as staff, technical staff to the JPA. And so all the  
 22 EIR preparation, therefore, goes through our staff for  
 23 technical review. It comes to us, and we review it, and  
 24 we coordinate that work as kind of project manager.

25 And so I'd like to add to that. Recently we

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1 did have a staff change here, and then we have present  
 2 here tonight -- magnetic interference -- we have Lisa  
 3 Ochsner here in the audience, if she would stand up.  
 4 She is the technical project manager for JPA, and she  
 5 actually is staff in my office, Port of Los Angeles. So  
 6 she is the one that has actually been doing the  
 7 day-to-day coordination between the port and staff and  
 8 between the consultant at the AQMD. And she has a lot  
 9 of experience, not only in CEQA, but also she is working  
 10 on the SCIG project for the Port of Los Angeles which  
 11 has a lot of synergies.

12 So that is one of our big issues, making sure  
 13 that those two documents are done using the very same  
 14 assumptions, and also that we have a similar analysis,  
 15 and we have very similar documents. We, also by the  
 16 way, are planning on having those documents come out  
 17 approximately the same time, so we think that's totally  
 18 necessary.

19 CHAIRMAN SRAMEK: Do you have an idea when that  
 20 is?

21 DR. APPY: Yes, I was going to get to that.

22 CHAIRMAN SRAMEK: That's okay.

23 DR. APPY: Kind of a status approach on this is  
 24 that the EIR is being worked on. We have a lot of the  
 25 main sections already written in draft form.

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1 CHAIRMAN SRAMEK: Okay. Why don't you try  
 2 moving the microphone. We're having a lot of echo right  
 3 now.  
 4 DR. APPY: Doug didn't have a problem. Is that  
 5 better?  
 6 CHAIRMAN SRAMEK: But Doug is sitting next to  
 7 you.  
 8 DR. APPY: We do get along.  
 9 So the EIR preparation has kind of a status  
 10 report on where that is. We have many of the sections  
 11 done. Drafts sections are in and are being reviewed.  
 12 But there are two main sections that are ones that will  
 13 have the longest lead time, and those are traffic, air  
 14 quality, and noise. Those are the two biggest sections  
 15 that will take us the longest to do.  
 16 So the analysis of the air quality -- they all  
 17 rely on the traffic analysis. And so recently we did  
 18 have some changes in the cargo forecast, so we're still  
 19 looking at a high capacity number, but we had to change  
 20 some of our traffic modeling. And so we've now  
 21 completed that, and so we now have the task of doing  
 22 largely a lot of the actual CEQA preparation of the  
 23 chapter for the transportation but also the air quality  
 24 analysis, and that is the big lead final item. And so  
 25 right now we're anticipating taking into account that

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1 we'll have a document next spring for review.  
 2 Complications with this document is that it is  
 3 very complex. As you know, there's two intermodal yards  
 4 being assessed at the same time right next to each  
 5 other, and that's added significant complications, plus  
 6 the work on the traffic and also coordination issues  
 7 with two different lead agencies as you would preparing  
 8 separate EIR documents. So that's largely responsible  
 9 for the project delay. I hope that responds to your  
 10 question.  
 11 CHAIRMAN SRAMEK: Yeah, thank you.  
 12 DR. APPY: Okay. Will there be additional  
 13 hurdles planned in going forward? We always get asked  
 14 to nail down the exact date when an EIR will come out.  
 15 It is very difficult to predict because we're always  
 16 coming up with new issues that we have to deal with. We  
 17 do think we will have it out next spring, but whether  
 18 it's April 2 or April 28, it's something difficult for  
 19 us to predict right now, so we are just saying the  
 20 spring.  
 21 I don't know if there's any other specific  
 22 questions you might have at this time. That kind of  
 23 concludes our brief presentation.  
 24 MS. MISCIKOWSKI: Ralph, you did ask -- you did  
 25 say something about there is some new update or new data

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1 on the traffic side. Where does that come from? Who's  
 2 done that analysis?  
 3 DR. APPY: It's not necessarily new. It's an  
 4 analysis, a reanalysis looking at the cargo projections.  
 5 MS. MISCIKOWSKI: New cargo projections.  
 6 DR. APPY: And also more than that, there are  
 7 some intermediate years that we have to analyze. So we  
 8 ran all that information a second time or probably a  
 9 third time, and that forms the basis for the rest of our  
 10 analysis, typically the air quality. That information,  
 11 by the way, is generated in coordination with both ports  
 12 based on the overall cargo through-put of the port under  
 13 the old projections and new projections.  
 14 MS. MISCIKOWSKI: And given that two EIRs are  
 15 being done simultaneously by two different agencies, is  
 16 the baseline the same for both of them, or have they  
 17 sort of gotten -- I don't know if they got started  
 18 exactly together, so if one jump-started the other -- is  
 19 the baseline data the same?  
 20 MR. CAMERON: The baseline will be different  
 21 for the two projects. The ICTF is up and running with  
 22 existing projects, so its baseline takes into account  
 23 one point in time that activity going on at that  
 24 terminal. The BNSF project, on the other hand, is  
 25 really the baseline of the existing activities that are

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1 going on in that land which is, for instance, Cal  
 2 Cartage is a major transporter that is out there, so  
 3 they kind of form a baseline for the project.  
 4 So they are very different baselines, but the  
 5 thing that needs to be really very similar are the  
 6 assumptions that we use, traffic assumptions, air  
 7 quality modeling assumptions in all those, and it's  
 8 really great having that interaction working on the  
 9 document because that will be certainly questionable on  
 10 the assumptions used in the final analysis.  
 11 MS. KNATZ: Ralph, at one of the earlier  
 12 meetings we talked about doing one of these meetings --  
 13 talking about what the alternatives were that are in the  
 14 document, and so it sounds like you're far enough along  
 15 that you've identified what the alternatives are. I  
 16 didn't know. I was kind of expecting your usual  
 17 PowerPoint show now, so . . .  
 18 DR. APPY: We are looking, and that's actually  
 19 one of the things we're still working on. As you  
 20 recall, CEQA documents are a little bit different than  
 21 NEPA documents. We do a lot of NEPA documents for the  
 22 two ports that require a co-equal analysis of all the  
 23 different alternatives. These documents, specific CEQA  
 24 documents, are going to be a little different from that.  
 25 We still will be looking at some comparisons.

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1 We're looking at the no-project alternative, the  
 2 proposed project, and a reduced project alternative, and  
 3 now we are in discussions on some other alternatives  
 4 including alternative technologies that could be applied  
 5 and also use of on-dock rail -- maximizing on-dock rail  
 6 as an alternative. And so some of those we're still  
 7 discussing the feasibility of those.

8 And just to be honest, one of the complications  
 9 with the on-dock rail, it's one of our project  
 10 assumptions is that the on-dock rail would be maximized  
 11 at the ports. So that is a basic assumption. So in  
 12 some regards, that kind of reduces it as an alternative,  
 13 but we still think we need to have that discussion, full  
 14 analysis and discussion, so that everybody is aware of  
 15 all the details of on-dock rail, how much can we cram  
 16 onto on-dock rail so that they're comfortable with the  
 17 facts that that has been considered as an issue.

18 CHAIRMAN SRAMEK: How are you handling the SF47  
 19 in the EIR?

20 DR. APPY: I think we're being -- we're looking  
 21 at two different analyses on that with and without the  
 22 modernization.

23 CHAIRMAN SRAMEK: Okay. Any further questions  
 24 on this? Can we go to public comments now?  
 25 Rick, do you have anything? We may come after

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1 you if we have a lot of questions.

2 MR. STEINKE: I would like to ask Dr. Appy if  
 3 anybody from AQMD would like to make any comments or  
 4 hold those comments or we don't need any comments from  
 5 them at this point. Since they are in the audience, I  
 6 didn't want, you know, to have them not contribute some  
 7 comments that they wanted to make. It looks like they  
 8 are comfortable not making comments at this point.  
 9 Okay.

10 MR. CAMERON: We talked to AQMD about  
 11 supporting SRA on any follow-up questions by the board  
 12 members or the public.

13 CHAIRMAN SRAMEK: And I'd also like to just  
 14 quickly recognize the Long Beach Council member,  
 15 Rae Gabelich.

16 Thank you. Okay. Mr. Thiessen, go ahead.  
 17 Remember that you have three minutes so  
 18 whenever you come up, just identify yourself.

19 MR. THIESSEN: Mr. Chairman, we're going to go  
 20 through the order of comment cards as they've been  
 21 received, and I would ask any of the speakers who have  
 22 not filled out a comment card, please go to the back and  
 23 fill one out. And we'll have it brought up here, and  
 24 you'll have your opportunity in the order it's received.  
 25 The first person is John Cross from the West

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1 Long Beach Association.

2 CHAIRMAN SRAMEK: Do you want to call the  
 3 second person?

4 MR. THIESSEN: Yes, following Mr. Cross will be  
 5 Elena Rodriguez. She is a West Long Beach resident.  
 6 And following Ms. Rodriguez will be Ms. Lopez.

7 MR. CROSS: First of all, on behalf of the West  
 8 Long Beach Neighborhood Association, I would like to  
 9 welcome the commissioners from both ports for the West  
 10 Long Beach, and I would like to thank you for bringing  
 11 the meeting over here. Our neighborhood has some direct  
 12 impacts from the ICTF terminal which you guys are  
 13 responsible for. And we do know something about  
 14 pollution in our area. We just received a prestigious  
 15 award from the AQMD for community service keeping our  
 16 air clean. So we do know a little bit. We have been  
 17 fighting together for years.

18 As you know, I'm opposed to the expansion of  
 19 this project, and I've been since day one. And I'm  
 20 opposed to building the SCIG project because of the  
 21 major health impacts imposed on the community. We have  
 22 some of the highest asthma rates in the neighborhood.

23 The ICTF yard is currently the third dirtiest  
 24 rail yard in the state of California according to the  
 25 California Air Resources Board, and they tell us that

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1 we've got to spend \$400-and-something million to clean  
 2 it up. But we've got to expand it when we clean it up.  
 3 It says it will cost about 700,000 lifts a year for  
 4 about 1.6 million, and that's quite a few lifts. And if  
 5 they build a SCIG project which is a stopgap, that's  
 6 another 1.5 million lifts. That's quite a few lifts.

7 Now, I want to challenge Mr. Appy because I  
 8 know he did some research because I heard him say Cal  
 9 Cartage, but I don't think Cal Cartage is going to have  
 10 anywhere near the truck traffic that the SCIG project  
 11 will. None whatsoever. And they're claiming that  
 12 they're cleaning up because they will have the clean  
 13 truck program. We will have clean trucks at the  
 14 facility. But I don't think it's going to be anywhere  
 15 near what the SCIG project will be.

16 So I want to use that as a comparison. We're  
 17 talking about maybe a million, maybe a hundred thousand  
 18 a year.

19 But we're opposed to this project because of  
 20 the health issues that it brings on our kids in our  
 21 neighborhood, and this project can't go through as it  
 22 is.

23 But the ports should both be commended for  
 24 putting more on-dock rail. I know L.A. is putting  
 25 on-dock rail. Long Beach is putting more on-dock rail.

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1 If the downturn in the cargo traffic going through the  
 2 Ports of L.A. and Long Beach -- it may not come back for  
 3 a long time. And with on-dock rail they may be able to  
 4 handle what's coming through the Port of Long Beach or  
 5 Port of L.A.

6 If ICTF wants to expend a million or 900,000  
 7 lifts a year, and the middle harbor project by itself  
 8 would be 1 million like the numbers I've read, why  
 9 should you guys have to expand? Why don't they just  
 10 clean up their facility? But they said no, we've got to  
 11 expand our facility to clean it up.

12 You know, if I've got a house that's dirty, I  
 13 don't have to remodel the house and tear it down and  
 14 redo it to clean it up. You can clean it up without  
 15 tearing it down and remodeling it, and they can do that  
 16 to their facility. Clean it up so we have clean air for  
 17 our kids and for our future kids that come along and the  
 18 grandkids.

19 But these projects -- neither one of them are  
 20 good. And the ports should both be commended for  
 21 on-dock rail, and that's what we always asked for all  
 22 along is on-dock rail. There's property out there, and  
 23 if the expansion comes through, you know, it's going to  
 24 affect our neighborhoods and destroy our neighborhoods.  
 25 Thank you.

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1 CHAIRMAN SRAMEK: Thank you, Mr. Cross.  
 2 MR. THIESSEN: Next speaker is Elena Rodriguez.  
 3 THE INTERPRETER: My name is Melissa, and I  
 4 will be translating.

5 MS. RODRIGUEZ: Good evening, my name is Elena  
 6 Rodriguez.

7 THE REPORTER: Can you speak into the  
 8 microphone more, please.

9 THE INTERPRETER: Okay.

10 MS. RODRIGUEZ: Thank you for allowing me to be  
 11 here today. I live in West Long Beach, and now we're  
 12 seeing the effects on the people in our community. We  
 13 have -- there are powerful reasons as to why this  
 14 project should not be going on.

15 Our children are suffering the consequences to  
 16 their exposure, and they are -- they have certain  
 17 illnesses that have been medical -- physical problems --  
 18 excuse me -- that suggest that they have asthma. There  
 19 is evidence that there is -- there is an impact, a  
 20 significant impact and -- a significant impact in our  
 21 children -- I'm sorry -- associated with cancer due to  
 22 the expansion of the ICTF.

23 The electrification of the rail yards and the  
 24 promotion of the on-dock rail on the ICTF is a good  
 25 thing to reduce the contamination in the air. The air

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1 pollution should clean -- clean solution to the  
 2 pollution.

3 This is my community, and we do not want any of  
 4 these projects that are going to cause -- in our  
 5 community that are going to cause damage, and that is  
 6 due to the expansion of the ICTF. Thank you.

7 CHAIRMAN SRAMEK: Thank you.  
 8 MR. THIESSEN: Next speaker is Maria Lopez.  
 9 And following her is Maria Reyes.

10 THE INTERPRETER: My name is --  
 11 THE REPORTER: Pardon?  
 12 THE INTERPRETER: My name is America, and I'll  
 13 be translating for Ms. Lopez.

14 MS. LOPEZ: Good evening. My name is Yolanda  
 15 Lopez, and I live in Long Beach. My daughter is 28  
 16 years old, and she's been taking medicine for the asthma  
 17 for 20 years. It is true that the medicine is saving --  
 18 has helped her, but it has also caused her damage as  
 19 well. For using the space for a long period of time, it  
 20 also has caused her some damages to the extent that her  
 21 doctor has given her a machine to take home and in the  
 22 event has an asthma attack. Because now she has to go  
 23 into the hospital for the treatment, so she can do the  
 24 treatment at home.  
 25 On one occasion the doctor had given her a

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1 treatment, but the treatment had caused her some damage  
 2 and made her swell. The classrooms were that it looks  
 3 like she was gaining weight -- that she was gaining  
 4 weight, but that also was the treatment.

5 The lives of children, adults, and youth that  
 6 have asthma is a really difficult life. So even being  
 7 when they're happy, they're sad, they're stressed,  
 8 they're nervous, they get asthma attacks. Because they  
 9 get an asthma attack and their lungs starts to tighten,  
 10 and it's difficult for them to breathe. I thank you for  
 11 your attention.

12 CHAIRMAN SRAMEK: Thank you.  
 13 MR. THIESSEN: Next speaker is Maria Reyes  
 14 followed by Roberto Reyes.

15 MS. REYES: Good evening. My name is  
 16 Maria Reyes --

17 THE REPORTER: I can't hear you. Pull it  
 18 towards you, please.

19 MS. REYES: We are affected, and perhaps we are  
 20 if we live in the west side of Long Beach. For example,  
 21 I live first by -- I live by the on-dock rails, and  
 22 sometimes the transportation -- and for some time they  
 23 would continually stay on the dock -- on the dock rails,  
 24 and terrible smells begin to come out from the  
 25 containers. And also an employee of the people that I

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1 know and their children also have problems with asthma  
 2 and respiratory issues.  
 3 I don't think it's necessary for the ICTF to  
 4 expand. Excuse me. I don't think it's necessary to  
 5 expand the yard with the trucks passing by the school.  
 6 I could say much more. I could say much more to tell  
 7 the leadership for this problem. I haven't seen any  
 8 improvement in the area. It is only promises. Thank  
 9 you for your time.  
 10 CHAIRMAN SRAMEK: Thank you.  
 11 MR. THIESSEN: Roberto Reyes. Next speaker is  
 12 Roberto Reyes.  
 13 MR. REYES: Good evening. My name is Roberto  
 14 Reyes, and I'm a resident of West Long Beach. And I  
 15 have some few questions which have previously been  
 16 answered, but I have different wording for it. How does  
 17 the ICTF plan on making more jobs available for the  
 18 community if imports and exports are lowering then? How  
 19 does the ICTF plan on reducing the outcome of the  
 20 pollution that will come out of the building expansion?  
 21 Is there any alternative options instead of the  
 22 expansion of the ICTF for what will create the most  
 23 profit without caring about the outcome and effects it  
 24 will have on our environment?  
 25 And this is my sister -- she told me that she

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1 goes to the school where the ICTF wants to expand. She  
 2 notices that at her school there's a lot of things that  
 3 are going on, and finally I have a chance to help my  
 4 school, and the problem is that children have to spend  
 5 money on regular exercises for their class, and now it  
 6 will cost more money for providing more exercise instead  
 7 of programs that can be used with this money. So  
 8 they're spending money on exercise because of the amount  
 9 of pollution that's coming out from the trucks in the  
 10 area. And she wondered, like, Why don't they expand  
 11 somewhere else? And thank you for your time.  
 12 CHAIRMAN SRAMEK: Thank you very much.  
 13 MR. THIESSEN: Mr. Chairman, we have five more  
 14 speakers signed up. The next speaker is Ben Rockwell.  
 15 Following Mr. Rockwell is Evelyn Knight.  
 16 MR. ROCKWELL: Thank you. Good evening, ladies  
 17 and gentlemen. My name is Ben Rockwell. I do live here  
 18 in Long Beach.  
 19 As most of you already know, I do have severe  
 20 lung problems, in fact, less than 40 percent of normal  
 21 lung functions. There are many people in Long Beach  
 22 that have these problems. Many, many people that must  
 23 use breathing machines at night. Many of us are on  
 24 oxygen as well as all the kids that have their asthma,  
 25 and people with severe asthma. Some of my friends are

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1 getting worse each year with their lung problems.  
 2 So what I would like to know, I've heard said  
 3 many times that magnetic rail has been offered for us to  
 4 get at the port at no extra charge to the port and for  
 5 transportation. Someone has volunteered the monies and  
 6 the grants for putting this in and getting it going, but  
 7 yet I have not heard it mentioned that it was going into  
 8 effect.  
 9 And I would like to know how long is it going  
 10 to take for us to get a truly clean air method of  
 11 transporting the goods from the port to other  
 12 transportation facilities so that those of us that  
 13 afford to live here because we cannot afford to move --  
 14 we're living in subsidized housing -- or others that are  
 15 working and living in conditions where they can't afford  
 16 to move, they can't afford to change their jobs, and so  
 17 forth.  
 18 We are forced to live in one of the most  
 19 polluted areas in our state. We need to have something  
 20 done to get the trucks off of our highway, out of my  
 21 backyard. Living within three blocks of the 710  
 22 freeway is no fun place to live. It's equally to middle  
 23 harbor and right across the freeway.  
 24 This is going to affect my life. Yes, another  
 25 15 to 20 years, things will be cleaner. But is there

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1 anything being done that will make it cleaner now? I  
 2 know there's some mitigations done, but even there is no  
 3 guarantee. We haven't heard yet when we can start  
 4 applying for the mitigation funds so that we can get air  
 5 filters, air cleaners out to those persons who really  
 6 need them the most. We don't know when they're going to  
 7 be able to have them so that our kids, our seniors, and  
 8 others that are affected by poor lungs and pulmonary  
 9 problems will be able to live a better, cleaner,  
 10 healthier life and be able to breathe clean air at night  
 11 or during the daytime without wondering how many days,  
 12 how many months, how many years before I take my last  
 13 breath because my lungs just give out; it's been too  
 14 much. Thank you.  
 15 CHAIRMAN SRAMEK: Thank you, Mr. Rockwell.  
 16 Before Evelyn comes up, I'd just like to -- you  
 17 want to talk about that, Rick?  
 18 MR. CAMERON: Mr. Rockwell is referring to the  
 19 Port of Long Beach mitigation program that was developed  
 20 as part of the middle harbor program that the Port of  
 21 Long Beach is currently working on the existing  
 22 materials, and we're hoping to have that specific  
 23 materials out by the end of the year and also is  
 24 anticipated for cleaning up the atmosphere. It's  
 25 independent from this JPA ICTF project. I just want to

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1 clarify that for the Port of Long Beach program, but we  
 2 are working on that.

3 CHAIRMAN SRAMEK: Coming out soon.  
 4 Okay. Next, Evelyn.

5 MR. THIESSEN: Following Evelyn Knight would be  
 6 Mr. Jim Larson.

7 MS. KNIGHT: Good evening, members of the Joint  
 8 Powers Authority commission. My name is Evelyn Knight,  
 9 and I'm a long-time -- I'm a member of the Westside  
 10 Association as well as the Interfaith Community  
 11 Organization. And I'm a long-time  
 12 pollution-experiencing resident of the West Side, and  
 13 also my family who experiences asthma and other  
 14 disorders due to the pollution.

15 I want you leaders to adopt a pollution-free  
 16 strategy for the residents of the Long Beach. I stand  
 17 ready to work diligently with anyone who's going to make  
 18 these efforts. I would like to see a strategy to be  
 19 driven by a realistic and commonsense approach to  
 20 questions like, Do we need this massive expansion of the  
 21 railroad in our neighborhood and all of the problems it  
 22 brings when we have a viable option of on-dock rail to  
 23 handle cargo? Do we need more pollution when the  
 24 railroad has refused to clean up its existing problems  
 25 that it has created and the mess and just really ignored

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1 the views of our community to have pollution-free  
 2 environment?

3 This is what the community needs. Do we have  
 4 the needed data to support more expansion and the  
 5 consequences of this activity on the neighborhood and  
 6 the economy? Do we need to expand the railroad's  
 7 activities when we have the deepest downturn in our  
 8 economy since the '30s? On October 17th the L.A. Times  
 9 reported a deep dive in imports in Long Beach and L.A.  
 10 and said some cargo firms may go under. Do we need to  
 11 be in a deep hold to make bad decisions and waste  
 12 resources in this time of uncertainty?

13 We need to use this time to take a deep breath  
 14 of clean air and get our polluted house in order. Can  
 15 we do this together, please, and save our lives and our  
 16 economy? Have we looked at all of the things that we  
 17 can do and we should be doing, or are we just sort of  
 18 run on just do something just because we've got  
 19 something going on?

20 We need to really think about what you're doing  
 21 and save our lives and be about the business of people,  
 22 our neighborhood, our community, and not just think of  
 23 someone who wants to lay just another egg, and we give  
 24 all to him. Thank you.

25 CHAIRMAN SRAMEK: Thank you.

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1 MR. THIESSEN: Following Jim Larson will be  
 2 Angelo Logan, and following Mr. Logan will be Maria  
 3 Hernandez.

4 MR. LARSON: Good evening. My name is James  
 5 Larson, and I'm a long-time resident in the west side of  
 6 Long Beach, and a parent of a child that goes to St.  
 7 Lucy's right in that area of the freeway and the -- you  
 8 know, close to the facility, the ICTF facility.

9 You are the ICTF Joint Powers Authority, and  
 10 you have the power in that facility to decide the fate  
 11 of this project. If I may steal a line from a movie,  
 12 with great power comes great responsibilities. So I ask  
 13 you, Who are you responsible to? Are you responsible to  
 14 the railroad, to the board, or to the people of this  
 15 community?

16 As a parent I have power and authority with my  
 17 wife and my house. If my child leaves his toys out,  
 18 won't take care of his toys, and then come to me and  
 19 demands that I buy him new toys, I'm responsible to put  
 20 my foot down, to tell him, he's not going to get new  
 21 toys until he takes care of what he has.

22 This might be an oversimplified analogy, but  
 23 that spoiled child who won't clean up his room is Union  
 24 Pacific Railroad. They're right here in this community.  
 25 They want to expand, but they won't clean up what they

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1 already have unless they are allowed to expand.

2 They came in here a year ago, sat right where  
 3 you're sitting. I was standing right where I am, and  
 4 they told me that. They won't clean up the facility  
 5 unless they are allowed to expand. You offered them  
 6 credits and left. You gave them basically free money if  
 7 they would clean up the facility as it is right now, and  
 8 they declined that.

9 They are the spoiled child. They cannot be  
 10 allowed to bully this neighborhood any farther. They  
 11 need to be made responsible for what they already have  
 12 before we would consider expanding. No way are you  
 13 allowed to do this, okay, not in private business.  
 14 Nowhere are you allowed to ruthlessly behave and then be  
 15 given some promise that they would change their behavior  
 16 if they were given, you know, credit and things like  
 17 that.

18 I propose that this board table the EIR  
 19 consideration until, one, they clean up and go green on  
 20 what they already have, and two, the level of containers  
 21 coming into the port warrant an expansion, and that's my  
 22 suggestion. I hope you take it to heart, and thank you.

23 CHAIRMAN SRAMEK: Thank you very much.

24 MR. LOGAN: Hello, Mr. Chairman and members of  
 25 the board. My name is Angelo Logan, and I was going to

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1 come up here and suggest specific things related to the  
 2 EIR. But after hearing the previous speaker, I sort of  
 3 feel like he made some very good points that, one, the  
 4 railroad should be required to clean up their mess, not  
 5 just the ICTF, but also at the existing rail yards that  
 6 show high cancer risk in the studies on the Air  
 7 Resources Board and the AQMD. So they should be  
 8 required to reduce their emissions and reduce their  
 9 cancer risk.

10 And that before considering expansion of ICTF,  
 11 that we should really look at the through port -- at the  
 12 two ports and see if they really want the expansion of  
 13 the facility. And so I think that those ideas that were  
 14 expressed by the previous speaker are part of the effect  
 15 and solution and best way to move forward.

16 But if you're going to continue to conduct the  
 17 EIR, I would make some specific suggestions as related  
 18 to the throughplex -- I'll use the first one -- and that  
 19 is that in the analysis that you should really look at  
 20 the needs and purpose of this project and relate that to  
 21 the latest numbers in terms of throughput at the port.  
 22 We can compare those numbers and the needs and purpose  
 23 and analyze them and compare them to the impact to the  
 24 local community, and weigh that out and figure out the  
 25 effect. The project still needs to meet the purposes of

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1 the initial project.

2 Also I really feel that the project should look  
 3 at are they not really looking at cumulative impacts. I  
 4 was talking to staff earlier they're looking at --  
 5 assuming the focus stays on the ICTF EIR, not currently  
 6 but at the same time, so we can look at cumulative  
 7 impacts of both those projects combined as well as the  
 8 truck traffic they will generate.

9 Also in the analysis of the alternatives, we  
 10 should not just look at maximizing on-dock rail, but  
 11 looking at maximizing on-dock rail with new technology  
 12 such as like underground stacking technologies at the  
 13 port as an alternative analysis, and we should also look  
 14 at regional impacts from promoting the increase in truck  
 15 traffic and locomotive traffic throughout the region,  
 16 and if the analysis existing has truck pollution, does  
 17 the assumptions in the reduction of truck pollution  
 18 assume that the ICTF is going to be completely  
 19 successful clean truck program and looking at the port  
 20 challenges and the different settlements, see if  
 21 assumptions with the clean truck program is adequate  
 22 with the assumption of this analogy. Thank you.

23 CHAIRMAN SRAMEK: Thank you.

24 MR. THIESSEN: Okay. Mary Hernandez, and then  
 25 following Mary is our last speaker of the night, Jesse

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1 Marquez.

2 MS. HERNANDEZ: My name is Mary Hernandez. I  
 3 live on the west side all -- practically all my life.  
 4 I'm 76 years old.

5 And I want you to put the trains in the port;  
 6 don't bring them here in the west side and the people  
 7 here. The thing at night -- I live on Haze, close to  
 8 that where the trains go by, over there by Freeway 103.  
 9 I can hear them all night, crunching and their motors  
 10 running. Can you imagine that? If you did expand, can  
 11 you imagine that?

12 I wish to leave -- keep the trains in the port,  
 13 Los Angeles and Long Beach, because it affects everybody  
 14 here in the community. And leave things alone; don't  
 15 expand. It affects us people. Can you imagine, kids  
 16 get sick with asthma and the kids at Hudson School, St.  
 17 Lucy's, Webster School. Can you imagine to run next  
 18 door? These kids, they have their health, and Hudson --  
 19 they have to have air filters. Then what? All you have  
 20 to do -- all these people have to make money. Forget  
 21 about the west side. That can't be. Don't expand.  
 22 Thank you.

23 CHAIRMAN SRAMEK: Thank you, Mary.

24 MR. MARQUEZ: Good evening, members. My name  
 25 is Jesse Marquez, and I'm executive director and founder

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1 of the Coalition for a Safe Environment. We have  
 2 members in over 25 cities in Southern California and  
 3 especially throughout the harbor community.

4 At this point I'd like to bring up is that we  
 5 would like to request that ICTF that you have the  
 6 authority that since you have not elected to have a  
 7 fifth voting member, that we the public be allowed to  
 8 hold a public hearing to nominate and vote for a public  
 9 member to fill that position. We feel that it's  
 10 irresponsible to not have a full body of authority who  
 11 could represent the public interest. In the past there  
 12 has been no public member of the JPA, and we feel that  
 13 now is the time to do that. You have potentially  
 14 decided and voted not to do that. And we're asking that  
 15 we be provided the opportunity to do that. Even if it  
 16 requires some type of rule, regulation, or procedure,  
 17 then we would like to find out what is that procedure to  
 18 do that.

19 The course of the environment does not support  
 20 the expansion of the ICTF terminal when there are other  
 21 feasible alternatives. As an example of that, even  
 22 on-dock rail currently at both ports is not being  
 23 maximized. The Alameda Corridor which was designed to  
 24 handle freight is not being maximized. Even today, even  
 25 last year, it was only at 60, 65 percent, and it's been

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1 that the port has put it that you have room to build.  
 2 We don't want you to have room to build. We want you  
 3 fill the capacity now. If you were to require in your  
 4 lease agreement that all terminals maximize the use of  
 5 the Alameda Corridor, then we would not have to be  
 6 expanding the ICTF terminal because we'd be able to  
 7 cover it right there.

8 At a previous Joint Power Authority meeting,  
 9 this document has not been at a previous meeting, but we  
 10 also recommended that there be an alternative intermodal  
 11 facility location, and the location we recommended was  
 12 the Toyota Import car services terminal at the Port of  
 13 Long Beach. Now, we're also being told that there isn't  
 14 any property, while in this case, yes, thousands of cars  
 15 spread all over numerous acres. That does not have to  
 16 be. At a previous meeting we pointed out that you could  
 17 build two to three parking structures, four to seven  
 18 stories each, and the cars could be parked in the  
 19 parking structure.

20 Another thing that was mentioned to us later,  
 21 the acreage wasn't large enough. Well, there's acreage  
 22 all around that can be added to that terminal. Right  
 23 now you're even talking about we have to have in the EIR  
 24 for an import rock aggregate facility. So there's  
 25 acreage right there. So we feel that if there's the

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1 will to do it, we have the place to do it. And even  
 2 though that terminal lease may not be up now, we have  
 3 the time to plan. Right now there is a dip in the  
 4 container volume, so now is the time to begin that  
 5 renegotiation process, and that is something that we  
 6 would support.

7 We also heard that we also support alternate  
 8 technologies in terms of cargo transport via electric  
 9 train via electric cars and truck combinations or  
 10 freeway combinations or maglev trains. That is the  
 11 direction the public is asking. We've already asked  
 12 Union Pacific if they would embrace one of these  
 13 technologies, and if they should do so, we support it.

14 Union Pacific has already told us that they  
 15 would allow a -- what do you call it -- a truck stop  
 16 prototype to be built to test it out as it had been  
 17 mentioned. It has a company that's even volunteered to  
 18 pay for it to be done. The only thing holding them up  
 19 was the Port of Long Beach granting a 20-foot  
 20 right-of-way.

21 One of the terminals has already agreed that  
 22 they'd be willing to put 400 containers a day to test it  
 23 out. UP has already said they're willing to allow it to  
 24 be built to test it out at their facility. We want to  
 25 move forward on it.

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1 I know you've been doing some other RFPs out  
 2 there to test everything in the system. You're dragging  
 3 your feet. We want to move forward on those systems.  
 4 We don't believe it needs to be just one demonstration  
 5 project. If it takes two or three, then we want you to  
 6 support two or three technologies.

7 The port's revenues -- each one of you makes  
 8 anywhere from 400 to \$700 million a year in net profit.  
 9 We the public are saying, use some of those public funds  
 10 to support those prototypes. And if it takes two or  
 11 three to do it, we want to do it. If it takes a year to  
 12 two years to do it, then we're willing to wait two to  
 13 three years to do it. But we want you to suspend all  
 14 progress on that EIR right now until you have met the  
 15 public requirements. Thank you.

16 Oh, and one other thing too. I'd like to ask  
 17 UP right now to tell us anywhere in the United States,  
 18 any state, any city, any county, any community where  
 19 they have already invested money in building an  
 20 all-green facility, and the answer is not one. They try  
 21 to hold us ransom to go ahead and hold us hostages to go  
 22 ahead and approve our project. Well, prove it first.  
 23 Invest the monies now. Thank you.

24 CHAIRMAN SRAMEK: Thank you, Mr. Marquez.  
 25 Go ahead, Mr. Appy, you want to make some

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1 comments?

2 DR. APPY: Yeah, I think between Rick and I, we  
 3 would like to respond to some of the comments tonight.  
 4 And these are very significant issues. We've had  
 5 scoping meetings on the project before, and the issues  
 6 are very significant, and we, I think particularly  
 7 regarding some of the health concerns.

8 Some of the specific items discussed that we  
 9 heard tonight were looking at the two projects together.  
 10 In fact, we are doing a cumulative health risk  
 11 assessment for both projects. That's actually one of  
 12 the reasons why the EIR is being delayed after all of  
 13 the analysis of both of them. And then we're going to  
 14 combine them into a quantitative health risk assessment  
 15 of the two facilities, so we have a really good idea of  
 16 what our synergies might be between the operations in  
 17 the two facilities.

18 Also, in regards to the Cal Cartage baseline,  
 19 the baseline we are assuming implementation of the  
 20 project. So that is the baseline we're considering, so  
 21 Cal Cartage in the future operations -- they would not  
 22 be old or dirty trucks. It would be disabled using  
 23 trucks that would be part of (unintelligible). And the  
 24 no project alternative, so you have a good comparison of  
 25 what would happen, so we're not highlighting, if you



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1 would, one solution, but we're looking at a very  
 2 reasonable scenario of what would happen.  
 3 Cargo projections is a very important issue.  
 4 As you know, the ports have released new cargo  
 5 projections which show, which we can all observe by  
 6 looking at freeways and the port terminal. And in fact,  
 7 we are going to use that analysis and that new  
 8 assessment for the project. And so when this EIR comes  
 9 before you for deliberation, you're going to have that  
 10 information in front of you, exactly why do we need this  
 11 project. And that will be, I think, really important to  
 12 you. So we're doing that analysis, and that will be  
 13 included in the document.  
 14 I might add, also, that to really emphasize the  
 15 significance of the project emissions and mitigation  
 16 measures that might be necessary, we're going to look at  
 17 the higher level of projects so we make sure that we  
 18 don't underestimate the amount of emissions that could  
 19 possibly come through. We can look at the capacity, the  
 20 maximum capacity at the terminal so that we make sure  
 21 that we've done a reasonable and worse case analysis.  
 22 So you'll have both things to look at. You'll have kind  
 23 of the maximum capacity and what the effects are in  
 24 mitigation, but then also the need we looked at. You  
 25 can look at the needs for the project.

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1 MS. KNATZ: Ralph, did you want to mention  
 2 about the workshop tomorrow night?  
 3 DR. APPY: Yes, there is a workshop.  
 4 MS. KNATZ: On-dock rail.  
 5 DR. APPY: It's being held in our boardroom  
 6 between 4:00 and 6:00 p.m -- 5:00 and 7:00 p.m. in our  
 7 boardroom at the Port of Los Angeles, and that is  
 8 really -- is not kind of a testimony sort of a meeting.  
 9 It's more of a workshop format. We're going to have a  
 10 presentation on cargo projections and kind of a "Cargo  
 11 Projections 101," if you would, and rail projections,  
 12 and talk about how cargo moves in and out of the port.  
 13 And then we'll have a question and answer period  
 14 following that.  
 15 So anybody that's interested in coming to that,  
 16 you're certainly welcome. So that's 5:00 to 7:00 p.m.  
 17 at the administration building at the Port of  
 18 Los Angeles.  
 19 MS. KNATZ: Okay. Did the location get changed  
 20 because I have Liberty Plaza? So I want to make sure  
 21 everyone's got it.  
 22 DR. APPY: Yes, it got changed.  
 23 MS. MISCIKOWSKI: The harbor of Los Angeles,  
 24 the Port of Los Angeles administration building.  
 25 MS. KNATZ: 425 South Palos Verdes in

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1 San Pedro.  
 2 UNIDENTIFIED SPEAKER: Across the street from  
 3 the Boys and Girls Club.  
 4 DR. APPY: Some other things we've heard a lot  
 5 of talk about especially the analysis of alternatives.  
 6 And the document we'll be looking at, as I mentioned  
 7 earlier, any alternatives that might avoid or reduce  
 8 environmental effects including the on-dock rail issue,  
 9 how do we maximize our on-dock rail. There's also going  
 10 to be an assessment of advanced technology ranging all  
 11 the way from a whole system of advanced technology.  
 12 We'll also be looking at either as an alternative or  
 13 applied as a major the use of clean trucks including  
 14 lower emission fuel to possibly even electric trucks.  
 15 So we're looking at that will be included in the  
 16 document as to the ports, so we'll be reviewing that.  
 17 Health assessment are a no-brainer. That is  
 18 something that is of the highest importance including a  
 19 major focus of the project. Although you can't  
 20 underestimate the comments you heard tonight about the  
 21 sleep deprivation that occurred due to noise and also  
 22 lighting, so those are all also very important issues  
 23 that are going to be discussed in the document.  
 24 The health assessment using AQMD as a  
 25 consultant is very valuable to this project, and we will

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1 assure a very good analysis. And so when you do have  
 2 the project before you trying to make a decision on  
 3 this, you're going to have these issues, but all the  
 4 environmental information that we used for you to make  
 5 sure your decision is the right one at that time. So  
 6 you'll have that information in front of you.  
 7 One of the speakers also mentioned the  
 8 pollution-free strategy, and I think that's valuable. I  
 9 think, to a large extent, the ports are very serious  
 10 about that. In fact, we have the Clean Air Action Plan,  
 11 and that is really a large portion of what that Clean  
 12 Air Action Plan is about. We've set standards in it.  
 13 And I want to mention also tonight about the pollution  
 14 reduction. We are seeing significant reductions in our  
 15 clean truck program already, which is benefiting, I  
 16 think, the communities here at this time. So we still  
 17 need to do more, but those are things that are ongoing  
 18 as well that are at least course of habit.  
 19 MR. CAMERON: One other item that was mentioned  
 20 I want to comment about to you the CEQA and how we are  
 21 in the project and the document. I would just like to  
 22 make it clear to the Board that with the CEQA or without  
 23 the CEQA, the California Air Resources Board has also  
 24 adopted tools. One is specific to the ports and rail  
 25 yards and meets the same standards. As a matter of

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1 fact, the first phase of that for ports and rail yards  
 2 comes into effect January 1st of 2010. The next  
 3 implementation date for that is 2014 which meets the  
 4 2007 better standards. So with or without the CEQA,  
 5 that's a regulation that will be assumed in the document  
 6 through our analysis.  
 7 I'd also like to mention the statewide  
 8 roll-back project put in place as well, so I just wanted  
 9 to respond to that.  
 10 MR. STEINKE: Rick, do you want to -- while  
 11 you've got the mic, do you want to talk a little bit  
 12 about the zero emissions movement system request for  
 13 proposals? A number of people brought that up in their  
 14 comments. You might just want to give the status.  
 15 MR. CAMERON: Kind of where we are?  
 16 MR. STEINKE: Yeah.  
 17 MR. CAMERON: I'm not the person that handled  
 18 that at the Port of Long Beach, but it is a joint effort  
 19 between both ports. There was a solicitation that went  
 20 out back in the summer. We had a question -- Director  
 21 Eric Shen, director of transportation planning for Long  
 22 Beach is heading up that effort. You know, originally  
 23 we wanted the focus to be committed by mid-September.  
 24 We were requested by many of the potential proposers for  
 25 an extension of time. We granted that, and it will be

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1 next week we'll be having the proposals' deadline for  
 2 submission.  
 3 From that point forward, I know there is a lot  
 4 of people eager about what type of proposals will be  
 5 coming forward. We'll be putting together a summary and  
 6 at least giving notice to the respective boards and the  
 7 public about how many proposers and what type of  
 8 proposals are out there. It's going to have to go  
 9 through a formal review process, and I'm not sure how  
 10 long that will take, but at least we'll be able to have  
 11 a summary of where we, in fact, are.  
 12 MS. MISCIKOWSKI: I have a question for staff.  
 13 There were certain effects that unless the project is  
 14 approved, there would be no cleanup at the current  
 15 facility, and I was wondering with the Clean Air Action  
 16 Plan and other regulatory authorities whether or not  
 17 there would be mandates or cycles which would be in  
 18 effect, come into effect, which would be a regulatory  
 19 requirement to clean up the current conditions, and who  
 20 and where and how would that be enforced?  
 21 MR. CAMERON: I believe -- well, the clean  
 22 truck program is underway prior to being --  
 23 MS. MISCIKOWSKI: Beyond clean trucks.  
 24 MR. CAMERON: Probably cargo-handling  
 25 equipment, CARB also has a rule having to do with

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1 cargo-handling equipment. I think our Clean Air Action  
 2 Plan goes a little bit beyond that. We are a little  
 3 more aggressive on what we are requiring. However, the  
 4 problem is the regulation, CAAP or no CAAP, is the  
 5 existing regulations they have to comply with. In terms  
 6 of locomotives, I believe, switchers, there is an EPA  
 7 rule, the federal ruling that is in place of when do you  
 8 need to comply with that in terms of upgrading the  
 9 switchers within their operation, as well as more of the  
 10 long haul. So there are existing regulations in place,  
 11 but they're out further.  
 12 So the question is, How can we clean up the  
 13 existing operations in terms of just looking at  
 14 information as applied? In terms of CAAP measures I am  
 15 not sure necessarily of what reports in particular came  
 16 up unless something came up that we, I guess, would  
 17 affect their current release and maybe implement certain  
 18 CAAP measures without the project.  
 19 DR. APPY: I think if you recall when the CAAP  
 20 was approved, there was a bunch of strategies that were  
 21 used. There is one that is perhaps one of the strongest  
 22 ones to be used, and so when their lease has to be  
 23 opened up, that is really a great opportunity, then, to  
 24 apply mitigation measures, so we have authority to do  
 25 that.

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1 So I think a lot of the speakers referred to  
 2 that tonight. It would be better to audit those  
 3 accounts. At least I believe there is some reality to  
 4 the fact that we do have power through lease negotiation  
 5 and adjust this to the facility, so that is, I think,  
 6 our number one major way of cleaning up the facility.  
 7 MS. MISCIKOWSKI: What is -- what is the  
 8 existing term of the current leases?  
 9 DR. APPY: That's a good question. The current  
 10 leases still have about over 20 years, my understanding  
 11 is. It's over 20 years, I believe, like, 25 years -- 25  
 12 years. It was an original 60-some years.  
 13 MS. MISCIKOWSKI: It's the EIR that gives us --  
 14 DR. APPY: Right.  
 15 MS. MISCIKOWSKI: -- some ability to deal with  
 16 some of those issues.  
 17 CHAIRMAN SRAMEK: The way I understand it is  
 18 that with the current lease, we can require them to  
 19 change anything that regulatory changes required, but if  
 20 there is a new contract, then we could . . .  
 21 DR. APPY: Just an example, our environmental  
 22 documents now include in excess of over 30 different  
 23 mitigation measures dealing in the case of cargo  
 24 terminals with ships and other things, but they're very  
 25 stringent. And so my guess is that this document is

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1 going to be very stringent as well.  
 2 You can go on our Web site or Port of Long  
 3 Beach Web site here if you want to have a look at our  
 4 recent document in the Port of L.A. or shipping document  
 5 or TraPac facility has very stringent mitigation  
 6 measures for air quality.  
 7 CHAIRMAN SRAMEK: Any other business before us?  
 8 Mr. Thiessen, anything else?  
 9 MS. MISCIKOWSKI: I do have one question just  
 10 in general. Being the new member and coming tonight to  
 11 the meeting, having been said, what would be the next  
 12 time that the board would meet? What would be cause for  
 13 us to meet again?  
 14 CHAIRMAN SRAMEK: I ask that question all the  
 15 time. I think, you know, we kind of will meet within a  
 16 few months to catch up on the status of this again, but  
 17 otherwise.  
 18 MS. MISCIKOWSKI: So it's on an as-needed basis  
 19 or when events or issues come up. It's not a regular  
 20 meeting.  
 21 CHAIRMAN SRAMEK: Doug, would you care . . .  
 22 MR. THIESSEN: The port's board can meet at any  
 23 time, but as new business develops we would ask for a  
 24 meeting. The last meeting was in March of 2009. In the  
 25 spring was the approximate time that we heard that the

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1 release of the Draft EIR may be available for the public  
 2 to review. That may be an opportunity to have a  
 3 meeting. At this time we do not have any additional  
 4 items in the next few months foreseeable for another JPA  
 5 meeting.  
 6 DR. APPY: Would it be worthwhile for me to  
 7 quickly summarize right here the environmental process  
 8 so that everybody would understand? There's a bunch of  
 9 steps in the preparation of the Environmental Impact  
 10 Report. The first step is the agency indicates the  
 11 Joint Power Authority sends out notices called the  
 12 Notice of Preparation; NOP is the acronym. We have  
 13 acronyms for virtually everything. And that NOP then  
 14 asks the public and agencies to solicit their comments  
 15 as to what areas should be assessed in the environmental  
 16 document.  
 17 We have done that, that part at a public  
 18 meeting where we received comments. The next formal  
 19 CEQA report that will be normally released is what we  
 20 call a Draft Environmental Impact Report. It's kind of  
 21 a -- we want to call it a public review document, and so  
 22 that comes out for a period so the public can look at it  
 23 and comment. So we get all those comments in, and we  
 24 have to respond individually to every comment we  
 25 receive. These are all numbered, and we respond to

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1 them.  
 2 And then we prepare what is called the Final  
 3 Environmental Impact Report, and that includes -- the  
 4 final draft will include all the analysis and all the  
 5 mitigation measures. And then the final document will  
 6 comment on any changes being made to the document.  
 7 The actual document that comes to the JPA Board  
 8 here for their discretionary action or no action or  
 9 whatever they would like to do at that time -- and that  
 10 is -- that's actually a public hearing. And on top of  
 11 the document is a staff report which will make a  
 12 recommendation to the board to make a decision on  
 13 whether or not staff believes the project should be  
 14 approved, should be approved with mitigation measures,  
 15 and so on.  
 16 MR. CAMERON: I'm not sure that Ralph covered  
 17 it, but during the public review period of the draft  
 18 document, there would be a public hearing in that time  
 19 frame, as well. So not just the opportunity that the  
 20 final -- when the final is presented to the JPA for  
 21 their consideration, and there is actually a public  
 22 hearing during the review period.  
 23 MS. MISCIKOWSKI: What is the expected time  
 24 frame in the normal circulation of the Draft EIR to  
 25 receive public comments?

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1 MR. CAMERON: CEQA requires a minimum of 45  
 2 days' public review, and then after release, depending  
 3 on when it is released if there are holidays or not,  
 4 that would lengthen the time frame.  
 5 MR. STEINKE: It's been our experience most  
 6 recently that these documents are so thorough and  
 7 comprehensive that the public needs to take as much time  
 8 as they can to review the documents and be very  
 9 thorough, and so I think we looked at those requests  
 10 pretty liberally.  
 11 CHAIRMAN SRAMEK: And sometimes we have  
 12 multiple meetings to make sure we hear all the comments  
 13 and to get their written comments. They are helpful  
 14 too.  
 15 Anything else of staff?  
 16 I really want to thank you folks for taking the  
 17 time today to come out here and hear your comments early  
 18 on all the way. Thank you very much, and I thank my  
 19 colleagues up here. And I will take a motion for  
 20 adjournment.  
 21 MS. KNATZ: So move.  
 22 MR. STEINKE: Second.  
 23 CHAIRMAN SRAMEK: We are adjourned without  
 24 objection.  
 25 Thank you very much. Good night.