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June 20, 2024

Ian MacMillan, Assistant Deputy Executive Officer
South Coast Air Quality Management District
21685 Copley Drive
Diamond Bar, CA 91765
Email: imacmillan@aqmd.gov

Subject: PORT OF LOS ANGELES COMMENTS ON THE PROPOSED RULE 2306 -
FREIGHT RAIL YARDS

Dear Mr. MacMillan:

On June 4, 2024, the South Coast Air Quality Management District (South Coast AQMD) remotely held Proposed Rule 2306 (PR 2306) – Freight Rail Yards Workshop, which provided an update on the draft Indirect Source Rule for Rail Yards. Slide 42 of the [workshop presentation](#), dated May 31, 2024, indicates that the South Coast AQMD intends to exempt on-port switching locomotive activity from PR 2306. The slide notes that this exemption is made in Paragraph (j)(2) and in Paragraph (c)(9) within the definition of a Freight Rail Yard in the May 17, 2024, Preliminary Draft Proposed Rule 2306.

The Port of Los Angeles (POLA) appreciates that this exemption is intended to clarify the intended locomotive activity regulated by Proposed Rule 2306 – Rail Yards and Proposed Rule 2304 – Commercial Marine Ports. It is our understanding that the South Coast AQMD intends to regulate Port-related locomotive activity under Proposed Rule 2304 and not under Proposed Rule 2306. This important distinction must be adequately reflected in the rule language. Without clear, unambiguous language, regulated entities may be responsible for mitigating the same rail activity under both Proposed Rule 2304 and Proposed Rule 2306.

However, the exemption language as presently written does not clearly reflect the intent of South Coast AQMD to exempt all rail activity occurring on property owned by the Ports of Long Beach and Los Angeles, and therefore, would result in rail activity that would be regulated by both PR 2304 and PR 2306. For example, Paragraph (j)(2) does not exempt Freight Rail Yards that are considered Intermodal Rail Yards under the rule. Therefore, intermodal on-dock rail activity that takes place on marine terminals is not exempted from this rule, and the marine terminal would be considered a Freight Rail Yard subject to PR 2306. If this language remains in PR 2306, the on-dock rail activity would be controlled by two South Coast AQMD rules, in addition to the California Air Resources Board In-Use Locomotive Regulation.

To minimize an already complex regulatory landscape and reflect South Coast AQMD's intent, the POLA would like to propose modified rule language for Proposed Rule 2306. In Paragraph (j)(2), the POLA proposes the following revised language:

“The City of Long Beach, the City of Los Angeles, and/or any third party under contractual operating agreement(s) with the City of Long Beach and/or the City of Los Angeles are not subject to the requirements of this rule for any of its owned or operated-Freight Rail Yards where the primary Freight Rail Yard Operations are to move cargo onto Railcars to and from docks at marine terminal(s), or move Railcars between marine terminals located within the Long Beach Harbor District or the Los Angeles Harbor District (Harbor Districts).”

We believe that by limiting the exemption to the Long Beach and Los Angeles Harbor Districts, this new language achieves the South Coast AQMD’s original goal to exempt locomotive activity at marine terminals. Our proposed language would not extend the exemption to the Dolores, Watson, or Mead Rail Yards because they are not located within the LA or LB Harbor Districts. ICTF would also still be regulated by PR 2306 because ICTF’s “primary Freight Rail Yard Operations” are not to move cargo onto railcars to and from the docks at marine terminals located in the Harbor Districts or move railcars between marine terminals located within the Harbor Districts. ICTF’s primary operations are to move containers trucked from terminals located within the Harbor Districts to ICTF for loading/unloading onto/from trains that depart to/arrive from the Alameda Corridor. Please find the reference maps to the Los Angeles Harbor Districts, as requested by the South Coast AQMD staff, attached.

Additionally, not all loading, unloading, transport, or movement of containerized or non-containerized freight at the Ports include empty containers and chassis, so the Ports request that the South Coast AQMD replace “including empty containers and chassis” with “which may include empty containers and chassis” in all locations where this language presently exists, including the “Classification Yard” and “Freight Rail Yard Operations” definitions.

POLA also requests modification of Section (i) in the rule to read as follows.

“(i) Any state or local government agency who enters, renews, or amends a Contractual Agreement, which is separately enforceable independent of this rule and the California Environmental Quality Act, shall include in such Contractual Agreement(s) that the applicable countersigned party or parties must comply with all applicable federal, state and local laws, rules and regulations that govern the countersigned party’s activities.”

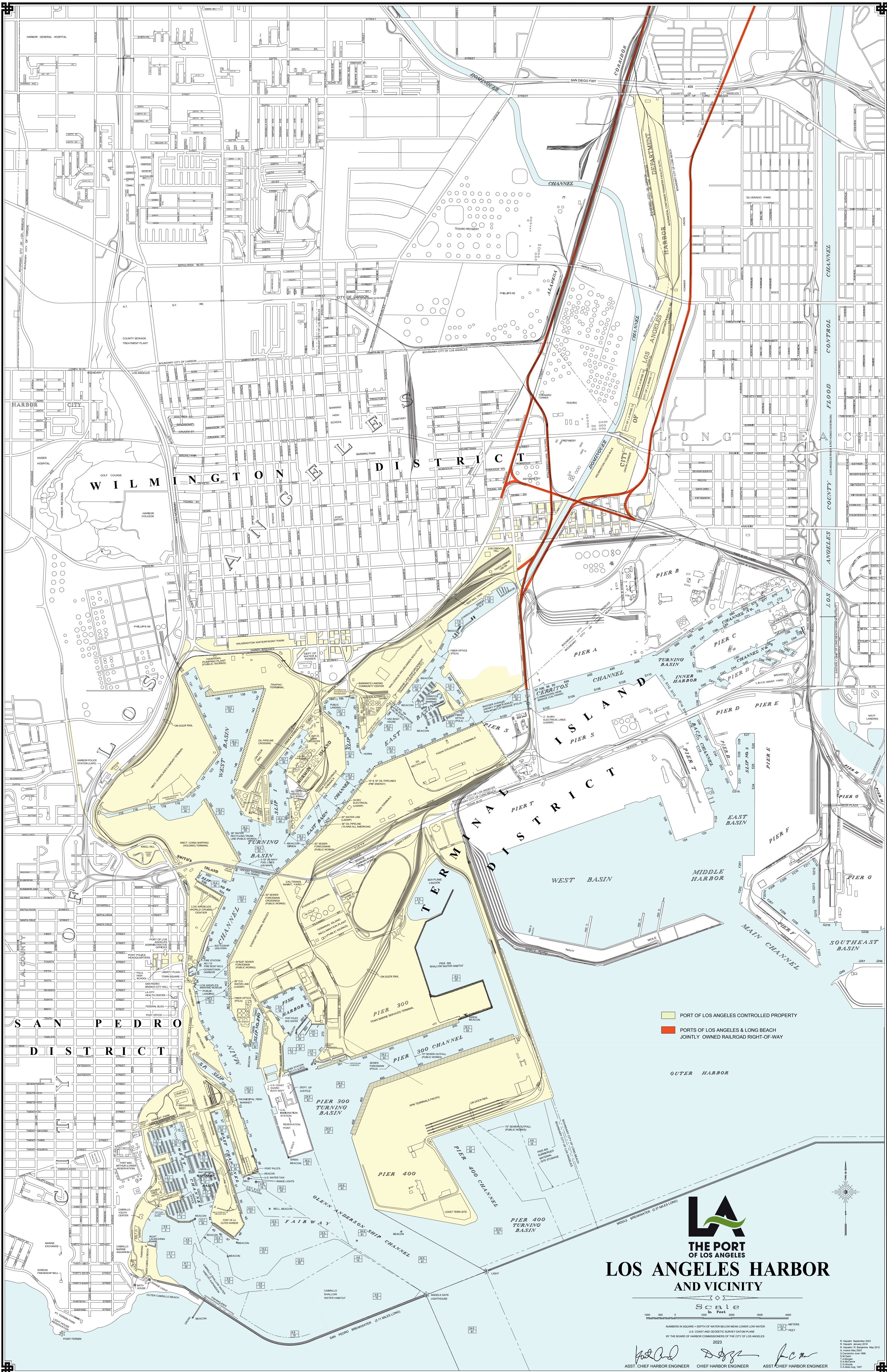
This modification will reduce the unnecessary administrative burden on POLA. All local, state, and federal laws established by regulatory agencies already require compliance from regulated parties and POLA’s contracts already include standard language requiring counterparties to comply with all applicable laws, rules, and regulations that govern their operations.

Thank you for your consideration of these comments. If you have any questions about this letter, please contact Lisa Wunder, Acting Director of Environmental Management, at LWunder@portla.org.

Sincerely,



AVIN P SHARMA
Senior Director, Labor Relations and Government Affairs



- PORT OF LOS ANGELES CONTROLLED PROPERTY
- PORTS OF LOS ANGELES & LONG BEACH JOINTLY OWNED RAILROAD RIGHT-OF-WAY


THE PORT OF LOS ANGELES
LOS ANGELES HARBOR AND VICINITY

Scale
 0 1000 2000 3000 4000
 Feet
 0 300 600 900 1200
 METERS

NUMBERS IN SQUARES = DEPTH OF WATER BELOW MEAN LOWER LOW WATER
 U.S. COAST AND GEODETIC SURVEY DATUM PLANE
 BY THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES
 2023


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