

MOTION

I MOVE the matter of the ADMINISTRATIVE EXEMPTION and TRADE, TRAVEL, AND TOURISM COMMITTEE REPORT relative to setting aside Council action approving the Site Preparation and Access Agreement and Permit with the BNSF Railway Company for the construction, operation and maintenance of the Southern California International Gateway (SCIG) facility, Item No. 23 on today's Council Agenda (CF 13-0398), **BE AMENDED** to adopt the following in lieu of the recommendations in the Report:

1. ADOPT the determination by the Board of Harbor Commissioners that the proposed action is administratively exempt under the California Environmental Quality Act (CEQA) in accordance with Article II, Section 2(b)(f) and (h) of the Los Angeles City CEQA Guidelines.
2. RESCIND, pursuant to the order of the court in the case Fast Lane Transportation, Inc., et al. v. City of Los Angeles, et al., Contra Costa Superior Court Case No. CIVMSN 14-0300 (consolidated cases), to set aside Council Actions, Resolutions and Orders relative to Council approval of the Site Preparation and Access Agreement and Permit 901 with the BNSF Railway Company for the construction, operation and maintenance of the SCIG facility, all as evidenced by the May 9, 2013 Notice of Determination and the May 8, 2013 Council Motion Nos. 10-A, 10-B (as amended), 10-D and 10-E under Council File No. 13-0398, pursuant to Board of Harbor Commissioners Resolution No. 18-8334 and Order No. 18-7243.

PRESENTED BY Joe Buscaino  
JOE BUSCAINO  
Councilmember, 15<sup>th</sup> District

SECONDED BY [Signature]

September 18, 2018  
majs

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