



APPENDIX G

# Comments

on the Draft Program  
Environmental Impact Report  
**Part 1 of 3**

CERTIFIED APRIL 2016 | STATE CLEARINGHOUSE # 2015031035



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FOR THE **2016-2040** REGIONAL TRANSPORTATION PLAN/  
SUSTAINABLE COMMUNITIES STRATEGY

Southern California Association of Governments

**APPENDIX G:  
COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT  
PART 1 OF 3**

Letter Number	Comment letter
<b>Sovereign Nations</b>	
	No Comments Received
<b>Federal Agencies</b>	
1	US Environmental Protection Agency Region IX
<b>State Agencies</b>	
2	Caltrans District 7
3	California Department of Fish and Wildlife
4	California Office of Planning and Research Letter No. 1
5	California Office of Planning and Research Letter Nos. 2 and 3
6	California State Assembly and State Senate
7	Lahontan Regional Water Quality Control Board
<b>Regional Agencies</b>	
8	Imperial County Air Pollution Control District
9	Local Agency Formation Commission for San Bernardino County
10	Ventura County Air Pollution Control District
<b>SCAG Member Jurisdictions and Local Agencies</b>	
11	5-Cities Alliance
12	City of Anaheim
13	City of Colton
14	City of Diamond Bar
15	City of Eastvale
16	City of El Centro
17	City of El Segundo
18	City of El Segundo
19	City of Irvine

**Anita Au**

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**From:** LOWE, DEBBIE <Lowe.Debbie@epa.gov>  
**Sent:** Monday, February 1, 2016 3:57 PM  
**To:** 2016 PEIR  
**Subject:** EPA comments on the SCAG PEIR  
**Attachments:** 2016\_02\_01\_EPA\_Comments\_SCAG\_2016-2040\_RTP\_SCS\_PEIR.pdf

Attached are EPA's comments on the SCAG PEIR.

Thank you.

Debbie Lowe Liang  
Environmental Review Section  
US EPA, 75 Hawthorne St (ENF-4-2)  
San Francisco, CA 94105  
lowe.debbie@epa.gov  
415-947-4155



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 1, 2016

Draft 2016 RTP/SCS and PEIR Comments  
Attn: Courtney Aguirre  
Southern California Association of Governments  
818 W. 7th Street, 12th Floor  
Los Angeles, CA 90017

Subject: EPA Comments on the 2016-2040 Draft Regional Transportation  
Plan/Sustainable Communities Strategy (RTP/SCS) and the Draft Program  
Environmental Impact Report

Dear Ms. Aguirre:

The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to provide feedback on the 2016-2040 Draft Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the Draft Program Environmental Impact Report (PEIR). EPA supports the Southern California Association of Government (SCAG) goal of incorporating environmental and community considerations in the regional transportation planning process. Early integration of comments from regulatory and resource agencies results in greater opportunities to avoid sensitive resources and receptors and minimize impacts associated with future transportation projects.

We note that Title 23 USC 134 states that a long-range transportation plan “shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan” and that the discussion of mitigation “shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.” EPA is available to coordinate with SCAG as the development of the RTP and SCS continues in order to provide feedback on mitigation activities and assist in meeting consultation requirements. EPA provides the following comments following our limited review of plan elements related to Environmental Justice, Air Quality, and Climate Change.

**Comments on the Draft RTP/ SCS**

**Zero Emissions Goods Movement**

The 2016 RTP/SCS contains a strong focus on the long-term goal of a zero emission goods movement system where technically feasible and economically viable, while also integrating near-zero emissions technologies that serve as bridging options to continue to reduce emissions. EPA strongly supports these efforts to move towards zero emission goods movement, and is available to assist SCAG in meeting this goal. Well-planned and executed zero-emission freight corridors will contribute to improved air quality and reduce public health impacts for the already

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heavily burdened, low income and minority communities along these corridors and throughout the Southern California Air Basin.

The Draft RTP/SCS uses the term clean trucks. For example, page 99 states “The East-West Freight Corridor would carry between 58,000 and 78,000 clean trucks per day that would be removed from adjacent general-purpose lanes and local arterial roads.” There are also several references to the San Pedro Bay Ports Clean Truck Program. However, there is no definition provided for “clean trucks”.

***Recommendation:***

EPA suggests defining the term “clean truck” in relation to current vehicle emissions standards. One possible criteria for defining “clean truck” could consist of meeting the EPA exhaust emission standards for model year 2010 and newer heavy-duty on-highway engines, or the CARB optional low NOx emission standards for on-road heavy-duty engines.<sup>1</sup>

**Environmental Justice Appendix**

The Environmental Justice Appendix to the Draft RTP/SCS provides a thorough Environmental Justice Analysis which includes five different geographies (Environmental Justice Areas, SB 535 Disadvantaged Communities, Communities of Concern, Urban Areas, and Rural Areas) and eighteen different performance areas. The analysis of impacts along freeways and highly traveled corridors is an especially important performance criteria because vulnerable populations (such as older adults, children, and those with pre-existing cardiovascular and respiratory conditions), and people with “low socioeconomic status” are particularly susceptible to PM<sub>2.5</sub>-related health impacts.<sup>2</sup> EPA supports the recommendation in the Environmental Justice Toolbox (RTP/SCS Environmental Justice Appendix, page 194) to conduct corridor-level near roadway environmental justice analyses for proposed projects in areas where air quality impacts may be concentrated among Environmental Justice communities. Please consider the following recommendations in order to facilitate effective analysis and mitigation of the impacts that communities with Environmental Justice concerns may experience from the proposed plan and future projects.

***Recommendations:***

Please consider making the underlying Environmental Justice Toolbox data and analyses accessible for project proponents to use as a starting point for corridor and project level analyses. In addition, please consider which of the other 17 performance areas would be useful for a corridor or project level analysis, include those as recommendations in the Environmental Justice Toolbox, and make the data easily accessible.

Please consider highlighting the use of the recently published EPA-guidance document titled “Best Practices for Mitigating Near Roadway Pollution at Schools (November 2015)” which could serve as a useful resource for mitigating Environmental Justice Impacts.

EPA strongly supports the following advanced technology deployment measures included in this section and recommends SCAG discuss strategies to incentivize their

<sup>1</sup> <http://www3.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>  
<http://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>

<sup>2</sup> See Chapter 8 of EPA’s Integrated Science Assessment for Particulate Matter (December 2009; [http://oaspub.epa.gov/eims/eimscmm.getfile?p\\_download\\_id=494950](http://oaspub.epa.gov/eims/eimscmm.getfile?p_download_id=494950)).

implementation: 1) zero emission heavy-duty trucks; 2) Tier 4 marine engine repowers and replacements; and 3) Tier 4 and zero emission railyard equipment.

In the Climate Vulnerability Chapter, include a discussion about how global warming affects ozone formation. Please also include a discussion about the possible health threats from dust storms related to extended drought conditions, which could be a concern for vulnerable populations at risk for Valley Fever.

Please update Exhibit 39 to describe areas at risk from inland flooding, in addition to the information describing coastal areas at risk for sea level rise in 2100. This information is available from national flood maps, and would more holistically communicate potential flood risks to Environmental Justice communities.

Please provide a reference for the statement in Table 94 that states, "Increased greening may increase gentrification/ housing cost pressures."

### **Comments on the Program Environmental Impact Report**

EPA appreciates that the Air Quality chapter of the PEIR contains a very thoughtful and detailed discussion of the health impacts associated with transportation projects. The air quality chapter used a public health lens in the analyses because air quality is closely related to public health. The PEIR cites specific studies which link freeways to health impacts, for example, page 3.3-28 cites studies which have shown long-term particle pollution exposure increases hospitalization of children with asthma living near busy roads with heavy truck traffic, reduces lung function in children and teenagers, damages small airways of the lungs, increases risk of death from cardiovascular disease, and increases risk of lower birth weight and infant mortality.

EPA also appreciates the inclusion of asthma data in the PEIR, along with the statement on page 3.3-27 that "asthma rates are a good indicator of population sensitivity to environmental stressors because asthma is both caused by and exacerbated by pollutants."

The PEIR also considers the potential benefits and impacts on sensitive receptors and low-income and minority populations located in the vicinity of transportation facilities (e.g., the potential to increase or decrease diesel particulate emissions). Further, section 3.3.2 acknowledges that "Low-income and minority populations are more at risk because they are more likely to live near major sources of pollution such as power plants or large freeways."

### **Air Quality Mitigation Measures**

One of the SCAG Air Quality Mitigation Measures is programs to encourage the voluntary removal from use and the marketplace of pre-1980 model year light duty vehicles and pre-1980 model light duty trucks (MM-Air-2(a)(1)XVI). Given the significant contribution of vehicle emissions to the poor air quality conditions throughout Southern California, vehicle owners in the region should be strongly encouraged to retire legacy light and heavy-duty vehicles and replace them with technologies that comply with current emissions standards.

#### ***Recommendation:***

EPA suggests that mitigation measure MM-Air-2(a)(1)XVI be revised to read as follows: "Programs to encourage the voluntary removal from use and the marketplace of pre-2010 model year on-highway vehicles."

SCAG Air Quality Mitigation Measure MM-Air-2(a)(2) states that during the 2016-2040 Planning Horizon, SCAG shall pursue activities to reduce the impacts associated with health risk

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for sensitive receptors within 500 feet of freeways and high-traffic volume roadways, and lists four specific activities to achieve this goal. Given the current air quality conditions in the Southern California region, EPA suggests that SCAG elaborate on the activities identified, and provide descriptions of additional specific actions that are under the control of SCAG to assist in meeting this goal. Further, SCAG could describe in the PEIR any programs to incentivize implementing strategies at the project level.

***Recommendation:***

Please further describe SCAG measures to result in reduced impacts to sensitive receptors within 500 feet of freeways and high-traffic volume roadways. Describe specific activities or incentive mechanisms that SCAG can implement to assist in achieving this goal. For example, elaborate on the zero-emission technology objectives for the region and describe SCAGs role in advancing technology that would result in lowered emissions impacting sensitive receptors.

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Project-Level Mitigation Measure MM-Air-2(b) details specific actions to reduce construction emissions. Given the current air quality conditions in the Southern California region, project proponents should be required to reduce construction-related emissions as much as possible. Additionally, one of the specific construction emissions mitigation measures is “Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.” EPA recommends modifying this language, as suggested below, to provide a more definitive statement about preference for grid electricity and renewables versus combustion-based electricity generation.

***Recommendation:***

EPA recommends the implementation of construction emissions mitigation measures in all plan-related projects. In addition, EPA recommends rewording the specific mitigation measure on electric power to state “Project sponsors should ensure to the extent possible that construction activities utilize grid-based electricity and/or onsite renewable electricity generation rather than diesel and/or gasoline powered generators.”

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Project-Level Mitigation Measure MM-Air-4(b) details specific activities to reduce cancer risk from projects that have the potential to expose sensitive receptors to substantial pollutant concentrations and harm public health outcomes substantially. EPA suggests that this mitigation measure be revised to expand upon SCAG’s goals to protect human health.

***Recommendations:***

State SCAG’s commitment to deploying low emission technologies for transportation project construction and operation as a means for improving air quality and protecting public health throughout Southern California. EPA recommends that SCAG identify that plan-related projects should seek to implement the following emission mitigation measures in pursuit of this objective.

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EPA recommends including the following in order to provide specific guidance for plan-related projects.

- *On-Highway Vehicles* - Heavy-duty on-highway vehicles (i.e., >14,000 lbs gross vehicle weight rating-GVWR) servicing project sites should meet, or exceed the EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway engines. Where feasible, these vehicles should meet, or exceed the CARB optional low NOx emission standards for on-road heavy-duty engines

(e.g., drayage trucks, long haul trucks, refuse haulers, shuttle buses, etc.). Additionally, light-duty vehicles (i.e., <14,000 lbs GVWR) servicing project sites should meet, or exceed the CARB Low Emission Vehicle (LEV) Standards for model year 2015 and newer cars and trucks.<sup>3</sup>

- *Nonroad Vehicles & Equipment* - Nonroad vehicles & equipment servicing project sites should meet, or exceed the EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-ignition engines (e.g., nonroad trucks, construction equipment, cargo handlers, etc.).<sup>4</sup>
- *Locomotives* - Locomotives servicing project sites should meet, or exceed the EPA Tier 4 exhaust emissions standards for line-haul and switch locomotive engines.<sup>5</sup>
- *Marine Vessels* – Marine vessels servicing project sites should meet, or exceed the latest EPA exhaust emissions standards for marine engines (i.e., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).<sup>6</sup>
- *Low Emission Equipment Exemptions* – The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the United States; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.
- *Advanced Technology Demonstration & Deployment* – Project proponents should be encouraged to demonstrate and deploy technologies that exceed the latest emission performance standards for the equipment categories that are relevant for a given project (e.g., plug-in hybrid-electric vehicles-PHEVs, battery-electric vehicles-BEVs, fuel cell electric vehicles-FCEVs, advanced technology locomotives and marine vessels, etc.).

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## Climate Change

Please consider the following suggestions related to the Climate Change analysis in the PEIR.

### **Recommendations:**

- Consider use of the Council on Environmental Quality revised draft guidance that describes an approach for considering the effects of greenhouse gas emissions and climate change in National Environmental Policy Act reviews. Although the PEIR is not subject to NEPA, this draft guidance (or the finalized guidance if it is completed prior to finalizing the PEIR) is a useful reference document that SCAG could consider when revising and finalizing Section 3.8.
- In the Final PEIR, discuss if drought conditions could cause land subsidence and if this should be a consideration for infrastructure projects. The Central Valley and Sacramento River basin have recently experienced land subsidence due to

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<sup>3</sup> <http://www3.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm> ; <http://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>;  
<http://www.arb.ca.gov/msprog/levprog/levprog.htm>

<sup>4</sup> <http://www3.epa.gov/otaq/standards/nonroad/nonroadci.htm>

<sup>5</sup> <http://www3.epa.gov/otaq/standards/nonroad/locomotives.htm>

<sup>6</sup> <http://www3.epa.gov/otaq/standards/nonroad/marineci.htm>

the California drought, and we encourage SCAG to check in with organizations that are researching and monitoring groundwater supply and land subsidence such as California Department of Water Resources and National Aeronautics and Space Administration<sup>7</sup> (NASA).

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- The PEIR lists SCAG Sustainability Award recipients, but does not highlight environmental outcomes. In the Final PEIR, It would be useful to list environmental outcomes, especially for organizations that may be interested in replicating these projects. 10
- Table 3.8.4-2 discusses “water related energy” reduction goals, but doesn’t specify what “water related energy” is. Please describe if “water related energy” includes agricultural pumps, which often use old diesel motors, and may be a localized source of emissions exposure for minority workers. 11
- The PEIR contains a number of Greenhouse Gas Emissions and Climate Change mitigation measures in response to the anticipated significant cumulative impact. Mitigation measures are categorized into two categories: SCAG mitigation and project-level mitigation measures. EPA strongly supports the implementation of the SCAG mitigation measures (MM-GHG-3(a)(1-12)) as the mitigation measures will play a constructive role in reducing GHG and criteria pollutant emissions throughout the Southern California region. For the Project-Level Mitigation Measures (MM-GHG-3(b)), EPA recommends that these mitigation measures be clarified and strengthened using the below language in order to offer more specific GHG emissions mitigation guidance for plan-related projects. 12
- For the Best Available Control Technology (BACT) measures listed on 3.8-44, EPA suggests using the following updated language:
  - Use energy and fuel-efficient vehicles and equipment;
    - Vehicles greater than 14,000 pounds gross vehicle weight rating (GVWR) should meet, or exceed the EPA/NHTSA fuel efficiency standards for model year 2017 and newer heavy-duty on-highway vehicles. (e.g., drayage trucks, long haul trucks, refuse haulers, shuttle buses, etc.). Vehicles less than 14,000 pounds GVWR should meet, or exceed the CARB Low Emission Vehicle (LEV) Standards for model year 2015 and newer cars and trucks.
    - Project proponents should be encouraged to demonstrate and deploy technologies that exceed the latest emission performance standards for the equipment categories that are relevant for a given project (e.g., plug-in hybrid-electric vehicles-PHEVs, battery-electric vehicles-BEVs, fuel cell electric vehicles-FCEVs, advanced technology locomotives and marine vessels, etc.).
  - Use alternative fuels (i.e., non-petroleum based);
  - Use zero and/or near-zero emission technologies as defined by CARB;
  - Use lighting systems that are energy efficient, such as LED technology;
  - Using the minimum feasible amount of GHG-emitting construction materials that is feasible;13

<sup>7</sup> NASA Data Reveal Major Groundwater Loss in California <http://www.jpl.nasa.gov/news/news.php?release=2009-194>

- Use cement blended with the maximum feasible amount of fly ash or other materials that reduce GHG emissions from cement production;
- Incorporate design measures to reduce GHG emissions from solid waste management by encouraging solid waste reduction, recycling and reuse;
- Incorporate passive solar and other design measures to reduce energy consumption and increase production and use of renewable energy;
- Incorporate design measures like WaterSense fixtures and water capture and recycling to reduce water consumption;
- Use lighter-colored pavement where feasible;
- Recycle construction debris to maximum extent feasible;
- Protect and plant appropriate shade trees in or near construction projects where feasible; and
- Solicit bids that include concepts listed above.

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EPA values the opportunity to provide feedback for consideration during the regional transportation planning process. We hope that this feedback will lead to improved environmental and public health outcomes. When the Final RTP/SCS and PEIR are available, please send a copy of each to the address above. If you have any questions about our comments, feel free to contact me at [lowe.debbie@epa.gov](mailto:lowe.debbie@epa.gov) or by phone at 415-947-4155.

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Sincerely,



Debbie Lowe Liang  
Environmental Review Section (ENF-4-2)

CC (via email):  
Brenda Powell-Jones, Caltrans Headquarters  
Allison Morrow, Caltrans District 7  
Aaron P. Burton, Caltrans District 8  
Sylvia Vega, Caltrans District 12  
Philip Fine, South Coast Air Quality Management District

**DEPARTMENT OF TRANSPORTATION**

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**Comment Letter No. 2**

*Serious Drought.  
Serious drought.  
Help save water!*

February 1, 2016

Mr. Hasan Ikhata, Executive Director  
Southern California Association of Governments  
818 W, 7<sup>th</sup> Street 12<sup>th</sup> Floor  
Los Angeles, California 90017-3435

RE: Draft FY 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)  
Draft Program Environmental Impact Report (PEIR) State Clearinghouse (SCH) # 2015031035

Dear Mr. Ikhata:

The California Department of Transportation (Caltrans) wishes to thank the Southern California Association of Governments (SCAG) for the opportunity to review and comment on the Draft 2016 RTP/SCS and Draft PEIR.

Caltrans commends SCAG for reaching out and engaging state, regional, and local agencies and the public in extensive outreach efforts and for developing a comprehensive planning process that included Caltrans staff on several committees. We also commend SCAG for separating the closely related, but clearly distinct discussions about climate change, greenhouse gas (GHG) emissions, and air quality.

The 2016 Draft RTP/SCS was distributed to Caltrans' Divisions in Sacramento and Districts 7 (Los Angeles and Ventura Counties), 8 (San Bernardino and Riverside Counties), 11 (Imperial County) and 12 (Orange County). The offices within each Division and District were given the opportunity to review and comment on the document according to the California Regional Transportation Guidelines. The Division of Aeronautics provided comments through the Aviation Working Group.

Caltrans compliments SCAG on developing strategies that will allow the region to not just meet, but to actually exceed the GHG emission reduction goals mandated under SB 375. This Draft 2016 RTP/SCS is commendable for its broad vision, which, while recognizing mobility as a primary goal, also encompasses sustainability, the economy, employment, air quality and GHG emission reduction, safety, public health and integrated planning.

Caltrans offers the following comments for your consideration:

- **Missing RTP Checklist** - Please note, per page 32 of the 2010 RTP Guidelines ([http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/index\\_files/2010%20RTPGuidelines\\_Jan2011\\_Technical\\_Change.pdf](http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/index_files/2010%20RTPGuidelines_Jan2011_Technical_Change.pdf)), all MPOs are required to submit an RTP Checklist with the **Draft** and **Final** RTP when the document is submitted to Caltrans. This checklist establishes a minimum standard for developing the RTP for federal and state RTP requirements. California Government Code Section 14032(a) authorizes the CTC to request an evaluation of all RTPs statewide to be conducted by Caltrans. A completed checklist also assists in providing for an open and transparent public participation process for the general public, federal, state and local agencies. 3
- We recommend that SCAG address the newly adopted transportation act, “Fixing America’s Surface Transportation Act (FAST Act).” Specifically, this act could be addressed in the Status of the Federal Highway Trust Fund section on page 124 as well as in other federal funding sections of the Draft RTP. Additionally, we would suggest the SCAG add the Fast Act to the glossary of the RTP. 4
- Per 23 CFR Part 450.322 (g), each RTP shall include a comparison with the California State Wildlife Action Plan (SWAP). It is unclear in SCAG’s draft RTP where that comparison is being made. We recommend adding a simple comparison to issues that are relevant in the region such as climate change, growth, and development with SWAP in the body of the RTP. 5
- The SCAG RTP should mention how it is coordinated and consistent with the Public Transit-Human Services Transportation Plan. Currently, the Draft RTP only includes this information in the Transit Appendix. We suggest that SCAG also make reference to this coordination in the body of the RTP. 6
- The list of projects labels some projects as “non-reportable Transportation Control Measures (TCMs)”. We suggest that SCAG provide a definition for this project type. 7
- Per Section 33 of the 2006 STIP Guidelines, RTPs need to contain a statement regarding consistency between projects in the RTP and the Interregional Transportation Improvement Program (ITIP). We suggest that SCAG include the consistency statement regarding projects in the RTP and the ITIP. 8
- Per 23 CFR Part 450.322(f)(10)(vi), the RTP must address the specific financial strategies required to ensure the identified TCMs from the SIP can be implemented. We suggest that SCAG further highlight the TCMs from the SIP that will be implemented within the body of the RTP. 9

Mr. Hasan Ikhata  
February 1, 2016  
Page 3

- The RTP needs to contain a list of projects specifically identified as TCMs to be implemented in the region. While these projects are listed in the Transportation Conformity Analysis Appendix, we suggest that SCAG include some details as well as a reference to this information in the body of the RTP. 10
- **Affordable Housing** - The California Affordable Housing Sustainable Communities Program has helped many residents with incomes that are 30 percent below the area median to buy housing. Extending this program or other similar programs will continue the process to make housing more affordable in Southern California. 11

Specific comments on the RTP/SCS chapters and appendices are included in Attachment A and specific comments on the PEIR are included in Attachment B.

If you should have any questions regarding the Draft RTP/SCS comments, please do not hesitate to contact Dan Kopulsky, Regional Planning Chief, of my staff at (213) 897-0213. If you should have any questions regarding the PEIR comments, please do not hesitate to contact DiAnna Talton, Intergovernmental Review Chief, of my staff at (213) 897-9140.

Sincerely,

GARY T. SLATER  
Deputy District Director for Planning

cc: Ray Deselle, D8  
Bill Figge, D11  
Lan Zhou, D12  
Tami Podesta, D7  
Katie Benouar, DOTP  
Tracey Frost, ORIP

Attachments

## Attachment A – Specific Comments

### EXECUTIVE SUMMARY

- Page 4 - *“California High-Speed Train system is under construction in the Central Valley, and scheduled to begin service to Burbank Bob Hope Airport in 2022 and reach Los Angeles Union Station in 2028.”* California High Speed Rail Authority (CHRSA) may be shifting strategy to build the Initial Operating Segment (IOS) North segment first. More details may be included in the 2016 CHSRA Business Plan. Please refer to CHRSA comments.
- Page 6 - *“The 2016 RTP/SCS calls for an investment in passenger rail of \$38.6 billion for capital projects and \$15.7 billion for operations and maintenance.”* Would operations include improving service span and frequency?
- Page 7 - Include a summary of the allocated funds, if any, for the subsections promoting walking, biking and other forms of active transportation, leveraging technology, improving airport access, and focusing new growth around transit.
- Page 7 - *“The 2016 RTP/SCS plans for continued progress in developing our regional bikeway network, assumes all local active transportation plans will be implemented, and dedicates resources to maintain and repair thousands of miles of dilapidated sidewalks.”* Would there be dedicated funding?
- Page 7 - In focusing new growth around transit, it is mentioned that the policies support the development of HQTAs on areas with frequency services of every 15 minutes or less during peak commuting hours. Does this mean that Metrolink Stations within San Bernardino Valley area would not be considered as HQTAs; therefore, no fund would be allocated?

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### CHAPTER 2: WHERE WE ARE TODAY

- Page 25 - The positive effects on real estate values, retail sales, (gentrification) in HQTAs affects the affordability of the currently resides low incomes within certain distance of HQTAs. Please explain how that can be handled and how environmental justice can be served since they would be forced to relocate to a more affordable area further from the transit hubs?
- Page 27 - There are no references noting where the percentages for the different modes of transportation came from. There is no mention of the number of jobs tied to Goods Movement in the region.
- Page 28, Paragraph 2, last sentence - Is there a specific reference within the body of the RTP that addresses this concern (re: lack of bike infrastructure)? If there is, we would suggest that SCAG reference a link to it in this paragraph. As it is currently written in the Draft, it appears that SCAG is noting a problem with bicycle infrastructure but not addressing it.

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*“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”*

- Page 33 - Under Seaports the document lists ‘...117 metric tons of imports and exports...’ Consider using Twenty-Foot Equivalent Units (TEU’s) instead of metric ton measurements, which is how goods movement interacts with our transportation systems (Ship to Rail and State Highway, and Local Roads Pages 3.17-39-40)

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### **CHAPTER 3: CHALLENGES IN A CHANGING REGION**

- Page 47 - First paragraph last sentence, needs to be re-stated, regionally there are career areas that have seen growth in jobs with increased pay (i.e. Computer Sciences, Medical, Engineering, Accounting, Logistics). Please describe more completely the issues related to slow or no recovery, following the recession. Include not only the lack of high income jobs for the median household, but the inability to access higher paying jobs that are available, but require higher education and/or technical skills.
- Page 53 - The current number of passenger and freight trains seem off on the Union Pacific Railroad’s Los Angeles, Alhambra and Yuma Subdivisions

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### **CHAPTER 4: CREATING A PLAN FOR OUR FUTURE**

- Pages 60-63 - We would recommend relating the California Transportation Plan (CTP) 2040 to SB 391 as it addresses GHG reduction targets from the transportation sector of AB 32. This is an example of what could be added: Senate Bill 391 (SB 391, 2009) requires the Caltrans to prepare the CTP, a long-range transportation plan, anticipated for approval in the next year, to reduce GHG emissions. GHG emissions must be reduced to 1990 levels from current levels by 2020, and 80 percent below the 1990 levels by 2050 as described by AB 32 and Executive Order S-03-05. The upcoming CTP 2040 will demonstrate how major metropolitan areas, rural areas, and state agencies can coordinate planning efforts to achieve critical statewide goals.
- Page 60 - Please explain the projects/programs to achieve goal #7 (Actively encourage and create incentives for energy efficiency, where possible). Also, please explain how the reduction of funds as a result of increase in Electric/Hybrid cars can be addressed.
- Page 61 - What was the percentage of participation in public outreach compared to the SCAG population? How diverse were the participants in terms of socioeconomic criteria such as education, income?
- Pages 60-65 - It is not mentioned here or in the appendix what the preliminary scenarios were before settling on a preferred scenario. A simple infographic on the process leading to the preferred scenario would help clarify this section.

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## **CHAPTER 5: THE ROAD TO GREATER MOBILITY & SUSTAINABLE GROWTH**

- Pages 68-73 - We would suggest including a description of SB 743 since this section focuses on Transit Oriented Development (TOD) and HQTAs. It would provide background on SCAG's efforts to follow this bill.
- Page 71, EXHIBIT 5.1 - There is a gap in the 2040 rail stations on West Santa Ana Branch between Los Angeles and Orange County. The Metro West Santa Ana Branch (Measure R) and OCTA West Santa Ana Branch plans (streetcar) should be coordinated. This should be a unified transit corridor between Los Angeles and Santa Ana, to provide new travel options to I-5 and I-405 in the Gateway Cities and North Orange County.
- Page 73 - A table showing which cities have adopted these plans and policies would be useful.
- Page 78 - In order to strengthen the discussion on "fix-it-first," suggest citing or adding language from the California Transportation Agency's Infrastructure Priorities: <http://www.calsta.ca.gov/res/docs/pdfs/2013/CTIP%20Vision%20and%20Interim%20Recommendations.pdf>
- Page 81 - Under paragraph 1, please note that the SHSP is misidentified as the State Highway Safety Plan. The correct title is the Strategic Highway Safety Plan. Additionally, we would suggest that the SHSP should be added to the glossary of the RTP.
- Page 85 - No mention of the Slauson Light Rail Corridor in any other planning documents. The Western segment shown on the map is being planned as a bike path. The eastern segment, not shown on the map, continues through the Gateway Cities to North Orange County. The right of way could be an alternative route for Metro Gold Line Eastside extension to Whittier. There is a significant gap on the West Santa Ana Branch between Los Angeles County and the Santa Ana Streetcar. This corridor should be planned as a whole and not fragmented. The West Santa Ana Branch could provide an alternative to I-5, I-405 and connect the Gateway Cities to North Orange County.
- Page 88 - *"For example, the Rail2Rail pass allows Metrolink monthly pass riders who have origin and destination points along the LOSSAN corridor to ride Amtrak. In 2014, the North County Transit District (NCTD) reached an agreement with Caltrans Division of Rail (DOR), in which five daily Pacific Surfliner trains stop at all non-Pacific Surfliner Amtrak (Coaster) stops in San Diego County."* The LOSSAN Board and SCRRA have not reached agreement on continuation of Rail 2 Rail. The program may be eliminated.
- Page 90, Exhibit 5.3 - The "OC Loop" project is not included.

- Page 95, second column **Highways and Arterials** - the Draft RTP/SCS states “...As part of the plan, strategic High Occupancy Vehicle (HOV) gap closures and freeway-to-freeway direct HOV connectors are proposed to complete the system.” Please modify to read as ‘...As part of the plan, strategic HOV gap closures, freeway-to-freeway direct HOV connectors, and HOV direct access ramps need to be proposed as a strategy to complete the system.’
- Page 96, **Table 5.5 Sample Major Highway Projects Committed by the Counties** - The term “Committed by the Counties” is misleading. There may be projects on these lists that were not environmentally cleared. Caltrans understands there are certain assumptions needed to assist with the planning process, but the descriptions should not imply project specifics that may be contradictory to any alternatives that still need to be analyzed. Consider including language that explains what assumptions were made (particularly in the FTIP), why they were needed, and that pending environmental clearance.
- Page 96, **Table 5.5 Sample Major Highway Projects Committed by the Counties** - List should include Mixed Flow (MF) lanes on I-405 between SR-73 and I-605.
- Pages 97-98, **Tables 5.6 and 5.7 Major HOV Projects/Freeway-to-Freeway HOV Connectors and Express/HOT Lane Network** – Consider adding the word ‘Lane’ after HOV to the main title for Table 5.6 (to clarify difference from Connector in the next section). Consider labeling the tables to reflect “Baseline 2040” or “Plan 2040”.
- Page 113 - It would be good to mention tribal cultural resources in this section since AB 52 identifies tribal cultural resources as a new addition of mitigation measures in CEQA and would require consultation with tribes to assess projects that may impact their resources.
- Page 118 – Typographical error: “...to smooth extreme congestion to more ARB friendly speeds.”

16 Cont.

## **CHAPTER 9: LOOKING AHEAD**

- Pages 170-171 – The document needs to resolve inconsistencies between narratives and tables regarding managed lanes – the Strategic Plan targets expansion of HOV, but not Planned Managed Lanes (Page 170), then proceeds to list “congestion pricing demonstration projects” and “expanded express/HOT lane network” as major projects on Table 9.1 (Page 172).
- Page 171 – The document does not provide enough detail and guidance on the term ‘Corridor Sustainability Studies’ (CSS).

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- Page 171 – The major strategic projects for each region are listed in Table 9.1. Imperial, San Bernardino and Ventura Counties have one project identified for each region. While in the comprehensive list of the strategic projects for the three regions as contained in Project List Appendix, Imperial County has 33 projects, San Bernardino County has 3 projects, and Ventura County has 3 projects. What criteria was applied to screen out projects? There is no information about the approximate costs associated with projects mentioned in the documentation. If the major projects are only relevant individually to the region, can we add more projects from into the “Major” category? The summary of the regions’ strategic projects is as follows:

Counties	Number of Strategic Projects	Major Projects	Percentage	Formula OA, 2015
Los Angeles	188	5	2.66%	243,268,469
Orange	44	3	6.82%	74,691,051
Riverside	29	3	10.34%	54,129,417
San Bernardino	3	1	33.33%	50,542,711
Ventura	3	1	33.33%	17,347,316
Imperial	33	1	3.03%	3,558,671

As shown in the above table, the percentage of major projects in the strategic plan follows a pattern. The larger regions with bigger shares of federal formula Obligation Authority (OA) tend to have lower percentage of major projects, probably because of competitions among their long lists of projects. However, Imperial County has the “major” percentage on a par with that of Los Angeles. Is this indicating the same level of competition among the Imperial strategic projects as that among the projects in Los Angeles or another way saying the Imperial region is underfunded?

- Page 173 – *“Metrolink recently completed its long-range Strategic Assessment in 2015 and it forecasts growth in the number of daily trains from 165 current weekday trains today to 240 weekday trains by 2025. In addition, the 2012 Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN) Strategic Implementation Plan (SIP) forecasts up to 310 weekday Metrolink trains by 2040.”* Metrolink would need to operate over 500 trains per day to provide the level of service comparable to commuter rail systems in New York, Philadelphia, Chicago and the Bay Area. There should be regional funding mechanism to provide the level of capital and operating funds needed for this level of service. A Regional Express bus system could also fill gaps and provide extensions to the expanded commuter rail system.

**GLOSSARY**

- Page 178 – The definition for Baseline says it “is based on the adopted 2011 FTIP.” This looks like a carryover from the previous RTP, please correct year to 2015.

## APPENDICIES

### ACTIVE TRANSPORTATION

- Page 5 - A graphic on this page details the various bicycle classifications included in the Caltrans Highway Design Manual (HDM). The HDM was recently updated to include a new classification of Class IV facilities. Please update the graphic to include the new narrative of Class IV Separated Bikeways, instead of the term “Cycletracks”.
- Page 62, Exhibit 27 - A graphic on this page shows many “Regional Bikeways” and “Local Class 1 bikeways” detailed in red. According to the latest Orange County Bikeways Map, many of those areas included in solid red are not actually Class I bikeways, particularly SR-39 (Beach Boulevard) and SR-1 (Pacific Coast Highway). Additionally, SR-133 (Laguna Canyon Road) is listed as a Class III bikeway, which is inaccurate as well. Please cross reference with OCTA Bikeways Map at ([http://www.octa.net/pdf/BikewaysMap\\_2013-0504.pdf](http://www.octa.net/pdf/BikewaysMap_2013-0504.pdf)) and Caltrans Transportation Concept Reports for SR-1, SR-39, and SR-133 (<http://www.dot.ca.gov/dist12/planning/>)

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### HIGHWAYS AND ARTERIALS

- In general, the report mentions existing HOV lanes and those that are planned. Overall, the projects listed in the report are somewhat similar to what we have. The report also mentions the success of the SR-91 Express lanes in OC County and the I-10 and I-110 Express lanes in LA County. The following is stated on page 6 of the Highways and Arterial Appendix “...integration of value pricing to better utilize existing capacity and to offer users greater travel time reliability and choices. As previously mentioned, Express/High Occupancy Toll (HOT) Lanes that are appropriately priced to reflect demand can outperform non-priced lanes in terms of throughput, especially during congested periods.”
- Also, it discusses Base Year 2012 network compared to Baseline 2040 network and Plan 2040 network on pages 23 through 26 of the Highways and Arterial Appendix. As stated in Table A5 below (Plan 2040), the number of miles of HOV lanes in Los Angeles County shows a significant drop from present numbers, whereas HOT lanes have significantly increased as compared to Table A3 below (Base Year 2012).
- The following is stated on page 95 of the Draft 2016-2040 RTP/SCS: “In addition to expanding the HOV network, another proposed strategy is to make certain HOV lanes continuously accessible. Various highways within Orange County feature this and studies show that continuous-access HOV lanes do not perform any worse compared with limited-access HOV lanes. Continuous-access HOV lanes give carpoolers greater freedom of movement in and out of the HOV lane network...”

20

- Pages 40 map and page 41: Additional HOV projects completed in Los Angeles/Ventura Counties between year 2012 and 2015:
  - 1) LA I-5/SR-14 HOV Connector (Dec 2012)
  - 2) LA I-5 HOV lane from Hollywood Way to SR-118 (June 2015)
  - 3) LA SR-170/I-5 HOV Connector (June 2015)
  - 4) VEN 101 HOV lane from Mobile Pier Rd to Santa Barbara County line (March 2015)
- I-10 HOV lane project from I-605 to Puente Ave was completed in December 2013. Other segments of the I-10 HOV lane project from Puente Avenue to SR-57 are either in design phase or under construction. The map on page 41 of the report illustrates as the entire segment of the I-10 HOV lane from I-605 to SR-57 as existing.
- I-5 HOV lane from Orange County line to I-605 is currently under construction. The map on page 41 and description on page 42 of the report identifies this segment of the HOV lane as being completed.
- I-5 from Orange County line to I-605 is also an HOV lane project as stated on pages 33 and 141 of the project list in the appendix. The map on pages 42 and 94 of the report identifies this segment as mixed flow lane only.
- SR-71 from I-10 to San Bernardino County line involves the addition of 1 HOV lane and 1 mixed-flow lane as stated on pages 35 and 144 of the project list in the appendix. The map on pages 42 and 94 of the report identifies this segment as mixed flow lane only.

The following comments are for HOV/HOT lanes in Los Angeles/Ventura Counties: “The result has been **27 more miles** of regional HOV lanes on Interstates 5, 405, 10, 215 and 605, on State Route 57 and on the West County Connector Project within Orange County.” Please consider specifying if the 27 miles is centerline or lane-miles.
- We did not see discussion of Senate Bill 788 that authorizes relinquishment of a large portion of State Route 86 and resignation of the section by Westmorland.
- The project list incorrectly labels the route as dual designated SR-78/SR-86. It is only designated SR-86 and will become SR-78 after the full relinquish is completed.
- Page 5 - Table 1, Please Include SR-91 Corridor System Management Plan (CSMP) for Orange County (from I-5 to Riverside County).
- Pages 9 & 20 - Maps of unconstrained network do not match tables for planned managed lanes – I-5 not included in network (Table 2 vs. Exhibit 8).
- Page 10 - Table 5 Highway Investments, consider adding the cost multiplicative factor (e.g. millions, billions, etc.).
- Page 10 - Table 5 Highway Investments, there is an Asterisk (\*) after HOT Lanes but no accompanying footnote explaining what it denotes.
- Page 10 - Table 5 Highway Investments, Regional Total \$36.1. Consider labeling the table to denote which set of projects are included (e.g. Baseline 2040 vs. Plan 2040).

20 Cont.

- Page 95 - Please note that Orange County is not the only sub-region that has continuous access HOV facilities. (e.g. on the SR-210 between I-15 and I-215).
- Page 96, **Table 5.5 Sample Major Highway Projects Committed by the Counties** - The term “Sample” is misleading. If this list only shows what the county transportation commissions have stated in their planning documents, consider revising the title of the table and/or include a column stating the source (e.g. LA MTA LRTP, VCTC CTP, OCTA LRTP, ...etc.), or consider using the FTIP list as shown on Table 3 of the Highways & Arterials Appendix.
- Page 10 - Table 5 Highway Investments, Regional Total \$36.1. Consider labeling the table to denote which set of projects are included (e.g. Baseline 2040 vs. Plan 2040).

20 Cont.

### PROJECT LIST

- Los Angeles State Highway LA0G1116 Route 1: Pacific Coast Highway and Parallel Arterials I-105 to I-110: Signal Synchronization (EA 30990 PPNO 4800) ~~\$18,000~~ \$9,000
- Route 405: **Reconfigure** Crenshaw Blvd On/Off Ramps: Construct a New SB I-405 On-Ramp and Freeway & Local Streets Widening [EA 29360 PPNO 4551]
- The Orange County Transportation Authority’s Renewed Measure M (M2) specifies that Projects A through M regarding freeway improvements will “add new lanes” or “add capacity”. The M2 project descriptions in the 2016 RTP/SCS and PEIR need to be consistent with the languages in M2. Otherwise, it could be pre-decisional for upcoming projects. For example, District 12 is currently working with OCTA on the preferred alternative for the SR 55 widening project. The SR 55 project should be described as “Add a new lane in each direction on SR 55 between I-405 and I-5” without specifying as “Add a mixed-flow lane.”
- In both Table 1 and Table 2, Orange County, State Highway section,- The description of projects on 405 (ORA 030605 and ORA 030605A) refer to phase 1 and phase 2. This project will not be phased anymore.
- In both Table 1 and Table 2, Orange County, State Highway section – For Project ID ORA131303; SR 57 Orangewood to Katella – Add 1 MF Lane Northbound between Orangewood and Katella (Utilize Toll Match for RSTP) ENG Only; the dollar amounts are different in Table 1 versus Table 2 (\$6,500K for FTIP Vs \$34,500K for Financially-constrained RTP). The correct total project (RTP ID 2TK01116) amount is \$124,600 (Project Cost \$1,000’s). Please clarify the difference.

21

- Please change the completion year and spelling noted in **bold** below in Tables 2 & 3:

Financially Constrained RTP Projects

STATE HIGHWAY	ORANGE COUNTY TRANS AUTHORITY (OCTA)	2H01143-ORA111001	5	INTERSTATE 5 ADD 1 HOV IN EACH DIRECTION FROM SOUTH OF PACIFIC COAST HIGHWAY TO SAN JUAN CREEK ROAD. PPNO:2531F	<b>2018</b>	\$63,093
STATE HIGHWAY	ORANGE COUNTY TRANS AUTHORITY (OCTA)	2H01143-ORA111002	5	INTERSTATE 5 ADD 1 HOV IN EACH DIRECTION FROM SOUTH OF AVENIDA VISTA HERMOSA TO SOUTH OF PACIFIC COAST HIGHWAY. PPNO 2531E	<b>2017</b>	\$68,711
STATE HIGHWAY	ORANGE COUNTY TRANS AUTHORITY (OCTA)	2H01143-ORA990929	5	INTERSTATE 5 ADD 1 HOV IN EACH DIRECTION FROM SOUTH OF AVENIDA PICO TO SOUTH OF AVENIDA VISTA HERMOSA AND RECONFIGURE AVENIDA PICO INTERCHANGE. PPNO:2531D (UTILIZE TOLL CREDIT MATCH FOR IMD AND STIP)	<b>2018</b>	\$97,736

21 Cont.

Strategic List 2016 RTP (spelling)

ORANGE STATE HIGHWAY S2160008 I-5/**MARGUERITE** PKWY ADD NEW INTERCHANGE ORANGE COUNTY TRANS AUTHORITY

- **Managed Lanes:** Please include the following tolling projects into the constrained RTP in Orange County: I-405 from SR-73 to SR-55; SR-55 from I-405 to SR-91; I-5 from SR-55 to SR-91.

- The I-605 and SR-73 projects in the current draft proposal (Tier 1) will be replaced by the above-listed I-405 and I-5 projects, and the SR-55 project will stay the same.
- Successful regional implementation of managed lanes is best capitalized by solid toll reinvestment strategies. Leveraging toll revenues to fund transit improvements, Complete Streets initiatives, Intelligent Transportation System (ITS) technologies, or other eligible projects would have profound long-term benefits for the region. HOT facilities are a vital funding source and an integral component when completed of a multimodal transportation system that would facilitate greater travel choices and reduce regional greenhouse gas.

21 Cont.

## Attachment B – PEIR Comments

- Caltrans commends SCAG for considering some of the health risks associated with the RTP. The Health Risk Assessment in Appendix J only analyzed emissions, cancer risk impacts associated with Air Quality, and was only focused on several corridors in the region. Caltrans recommends that Health Risk/Impacts should first be addressed at the policy level and analyze the potential health risks associated with Air Quality, Noise, Hazardous Waste and Community Impact for the complete RTP, considering all the projects included in the plan. 22
- **General/Section 1.9** - Caltrans supports the goals expressed in the draft PEIR prepared by SCAG. However, Caltrans wishes to emphasize that the use of the Sustainable Communities Project Exemption (as outlined in Section 1.9 of the DEIR) should only be done with great caution and only under limited circumstances. Two of the criteria indicated for the usage of the Exemption are that the proposed project site “does not include wildlife habitat of significant value or protected species,” and that the project site “would not significantly affect an historic resource.” If a project proponent were to rely solely on the information included in the Biological Resources Technical Report (Appendix E) and the Cultural Resource Technical Report (Appendix F), there would still be a substantial chance that wildlife habitats and/or historic resources could be impacted by the proposed project. The aforementioned Technical Reports are not analytical in nature, and instead are merely lists of previously identified and evaluated resources. Project-level studies would still be needed to assess the presence of previously unidentified or unevaluated habitats and resources. Thus, in many situations, the usage of the Sustainable Communities Project Exemption would not be advisable or adequate for the purposes of CEQA compliance. Project-level studies, including field surveys by qualified archaeologists and biologists, are essential for the identification and preservation of significant biological and historical resources. 23
- Page 3.17-39, Chapter 3.17 **Transportation, Traffic, and Safety** -Typographical error: “2The 2016 RTP/SCS...” 24
- Page 3.17-39, Chapter 3.17, **Transportation, Traffic, and Safety** - Methodology Section: The second paragraph mentions various HOV projects proposed in the near future, including “the I-405/SR-74 connector in Orange County”. Please note that there is no planned connection between I-405 and SR-74, please revise or remove statement accordingly. 25



State of California – Natural Resources Agency  
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*EDMUND G. BROWN JR., Governor*  
*CHARLTON H. BONHAM, Director*



## Comment Letter No. 3

February 12, 2016

Ms. Lijin Sun  
Senior Regional Planner  
Southern California Association of Governments  
818 Seventh Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90017-3435  
Email: [2016PEIR@scaq.ca.gov](mailto:2016PEIR@scaq.ca.gov)

**Subject: Comments on the Program Level Draft Environmental Impact Report for the 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy; Los Angeles, Orange, Riverside, San Bernardino, Imperial and Ventura Counties; SCH# 2015031035**

Dear Ms. Sun:

The Department of Fish and Wildlife (Department), has reviewed the above referenced Draft Program Environmental Impact Report (DPEIR) for the 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (2016 RTP/SCS or Project.) The Southern California Association of Governments (SCAG) is the lead agency for the DPEIR under the California Environmental Quality Act (CEQA). SCAG is the federally designated Metropolitan Planning Organization for the six-county region that includes the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura.

The 2016 RTP/SCS is a long-range regional transportation plan that provides guidance for regional transportation investments, integrated with land use strategies, over the period from 2016 to 2040. The 2016 RTP/SCS includes land use and transportation strategies that will guide proposed transportation projects based on regional growth trends that identify future needs for travel and goods movement as well as by changes that the region has been facing since adoption of the 2012 RTP/SCS, adopted in April 2012. The six counties in the SCAG region are responsible for managing and prioritizing and approving the portfolio of transportation investments in their respective counties and providing updated information on transportation projects for inclusion in the 2016 RTP/SCS.

The PEIR analyzes potential environmental impacts from a regional perspective and is programmatic in nature. As such, it does not specifically analyze individual projects. Project-specific analysis will be undertaken by the appropriate implementing agency prior to individual projects being considered for adoption. These project-specific CEQA reviews will focus on project-specific impacts and mitigation measures. It is SCAG's intention that lead agencies for individual projects may use this PEIR as the basis of their regional and cumulative impacts analysis.

Habitat types with the potential to be impacted by the Project include but are not limited to desert shrub and woodland, conifer forests and woodlands, coastal scrub, chaparral, hardwood forests and woodlands, saltwater and freshwater marsh, riversian alluvial fan sage scrub, southern cottonwood willow riparian forest, native and annual grassland, and coastal beaches and dunes. Proposed project impacts include the potential to develop and damage previously undisturbed land and displace and fragment sensitive species habitat throughout the SCAG

region. Impacts also include the potential to increase wildlife barriers to movement, increase wildlife road kills, and other adverse effects to wildlife. These impacts would be both individually and cumulatively significant. Wildlife and botanical species with the potential to be impacted by the Project include 66 federally or state-listed wildlife species and 76 plant species with historical records located within the six counties of the SCAG region, as well as nearly 6 million acres of federal designated critical habitat. In addition to the federally and state-listed wildlife species, there are 208 sensitive wildlife species with historic records located within the six counties of the SCAG region that could be impacted by the Project.

1 cont.

Measures proposed to mitigate impacts to biological resources are presented in the DPEIR.

These include, but are not limited to:

- transportation routes planned to avoid and/or minimize removal of native vegetation;
- incorporation of buffers;
- habitat restoration, rehabilitation, and enhancement;
- pre-construction special status species surveys;
- salvage of perennial plants and salvage and stockpile of topsoil; employment of Best Management Practices (BMPs) at construction sites to minimize erosion and sediment transport and otherwise protect aquatic resources;
- mature tree protection and replacement;
- avoidance of bird nesting season or species appropriate pre-construction surveys;
- mitigation banking to preserve habitat linkages and corridors;
- wildlife crossings/access provided in accordance with proven standards;
- wildlife fencing (where appropriate) to minimize the probability of wildlife injury due to direct interaction between wildlife and roads, and;
- policies and programs to restore, protect, manage and preserve conservation areas.

2

The Department appreciates the thoughtful and thorough development of these biological mitigation measures.

The following comments and recommendations have been prepared pursuant to the Department's authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*, and pursuant to our authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines § 15386) to assist the Lead Agency in avoiding or minimizing potential project impacts on biological resources.

### **Impacts to Biological Resources**

Townsend's Big-eared Bat. Table 3.4.2-2 lists special status species found in the SCAG region. The status for Townsend's big-eared bat (*Corynorhinus townsendii*) in Table 3.4.2-2 is listed as SC which means State Candidate for listing under CESA.

3

SC should be included in the definition list with the notes at the bottom of Table 3.4.2-2.

3 Cont.

Tricolored Black Bird. On December 10, 2015 Tricolored black bird (*Agelaius tricolor*) was listed as a candidate species for listing as threatened or endangered under CESA. The SC status should be reflected for this species in Table 3.4.2-2.

4

California Condor. Figure 3.4.2-1 appears to be missing many California condor (*Gymnogyps californianus*) observation data points. Please coordinate with the USFWS Office in Ventura for assistance in compiling a more comprehensive map showing condor occurrences in the SCAG region.

5

Coastal Cactus Wren and White-Faced Ibis. Table 3.4.2 lists the counties within the SCAG region where special status wildlife have been documented.

6

Coastal cactus wren (*Campylorhynchus brunneicapillus*) and white faced ibis (*Plegadis chihi*) should be included in Ventura County.

Impacts to Wetlands and Streams. Page 3.4-3 of the DPEIR describes that state wetlands are defined as areas having riparian vegetation, without regard to wetland vegetation, soils, or hydrology. IMPACT BIO-2 on page 3.4-60 states: "Of the more than 80,000 linear miles of blueline features in the SCAG region, 211 miles have the potential to be adversely affected within 500 feet of major transportation projects included in the 2016 RTP/SCS (Table 3.4.4-5, *Blueline Streams and Rivers Potentially Affected by the 2016 RTP/SCS Major Transportation Projects*). These blueline features have the potential to contain riparian habitat."

The Department found the U.S. Fish and Wildlife Service (USFWS) wetland definition and classification system to be the most biologically valid (Cowadin, 2007). Department staff utilize this as a guide in identifying wetlands while conducting on-site inspections for the implementation of the California Fish and Game Commission's wetlands policy. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year."

7

Blueline features on topographic maps typically illustrate larger conspicuous drainages because it is not feasible to include every drainage feature on these maps. The Department regulates many streams that are not indicated on topographic maps as blueline features and therefore it should be stated in the Final Program EIR (FPEIR) that it is anticipated that impacts to sensitive and riparian habitats may occur in areas beyond those identified by blueline features indicated within the SCAG region.

Impacts to Native Birds. Mitigation measure M-BIO-4(b) of the DPEIR discusses avoidance of native bird species.

8

The Department recommends that that the Project adopt the following measures to maximize the protection of native birds:

Clearing of vegetation and construction should occur outside of the peak avian breeding season, which generally runs from February 1st through September 1st (as early as January 1 for some raptors). If project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds within three days prior to the work in the area, and ensure that no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions or expansions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

8 Cont.

Urban Habitat. Page 3.4-66 states under “Migratory Corridors and Nursery Sites”: “The strategies aim to avoid growth in natural habitat areas and support redirecting growth from high value habitat areas to existing urbanized areas.”

With human population growing and the rate that urbanization is expanding, it is important to consider wildlife habitat in urban land-use planning. Project sponsors should emphasize that urban habitats and the plant and wildlife species they support are indeed valuable, despite the fact they are located in urbanized (previously disturbed) areas. Established habitat connectivity and wildlife corridors in these urban ecosystems will likely be impacted with further urbanization, as proposed in the Project. Appropriate mitigation measures should be proposed, developed, and implemented in these sensitive urban microhabitats to support or enhance the rich diversity of urban plant and wildlife species. Mitigation may include establishing native vegetation within habitat pockets or the “wildling of urbanized habitats” that facilitate the enhancement and maintenance of biological diversity in these areas. These habitat pockets, as the hopscotch across an urban environment, provide connectivity to large-scale habitat areas.

9

Impacts to Wildlife Movement Opportunities. Page 3.4-50 describes impacts to migration Corridors and states: “...uniform data classifying migratory corridors throughout southern California doesn’t exist”.

The Project should reference the priority linkages published by South Coast Wildlands (SCW), a non-profit organization dedicated to ensuring functional habitat connectivity across diverse wildland network in California. SCW publications describe standardized methods for measuring wildlife permeability of selected areas and identify specific wildlife movement linkages in the SCAG region. SCW linkage study reports may be found at the following website:

<http://www.scwildlands.org/>

10

The Department also maintains a Biogeographic Information and Observation System (BIOS) that should also be referenced in the FPEIR to assist in identifying Project impacts to wildlife linkages in the SCAG region. BIOS is a system designed to enable the management, visualization, and analysis of biogeographic data collected by the Department and its partners. BIOS has a variety of wildlife linkage data available which are downloadable.

A separate viewer to access statewide linkage data available here: <https://map.dfg.ca.gov/bios/?bookmark=648>. For more information on using the tools and datasets in BIOS you can refer to the BIOS User Guide which you can find among the Department's tutorials and training resources here: <http://www.dfg.ca.gov/biogeodata/training.asp>.

The Department, in partnership with the California Department of Transportation (Caltrans) collaborated on the California Essential Habitat Connectivity Project. Information related the report can be found at: <https://www.wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC>. The report is intended for statewide and local transportation and land-use planning. It provides guidance and opportunities for maintaining and enhancing functional ecological wildlife connectivity in the face of development and climate change.

Adaptation to Climate Change. Impact BIO-1 on Page 3.4-58 describes that direct impacts that would occur during project construction would include direct habitat loss and fragmentation during construction.

Habitat fragmentation that precludes or compromises the ability of species to adapt to changing conditions resulting from climate change should be acknowledged in the Project. It is important for species to be able to move along either an elevational gradient or a latitudinal gradient in order to persist over time as the climate changes. Functional ecological wildlife connectivity should be evaluated and designed into the Project.

Likewise, to adequately address impacts to biological resources from the RTP/SCS, CDFW recommends that the DEIR evaluate the feasibility of implementing a regional conservation strategy as part of the program to address project/cumulative impacts to sensitive species and habitats. Such strategies have been successfully implemented for large scale infrastructure-related projects throughout the state through CDFW's Natural Communities Conservation Planning (NCCP) program (see <https://www.wildlife.ca.gov/Conservation/Planning/NCCP>). Moreover, similar programs for regional transportation programs (RTPs) have been implemented in Southern California by the San Diego Association of Governments (SANDAG), through its TransNet Environmental Mitigation Program (EMP) and related activities (see <http://www.keepsandiegomoving.com/EMP/EMP-intro.aspx> and/or <http://www.sandag.org/index.asp?classid=17&fuseaction=home.classhome> for more information). At a minimum, regional conservation strategies equal/similar to those identified above should be considered as an alternative in the EIR to address project/cumulative impacts to biological resources (including wildlife connectivity and movement). If appropriately coordinated and planned, such a regional biological conservation strategy may also serve as the foundation from which to programmatically address other RTP related environmental issues in the future such as climate change and water quality.

Protected Areas within the SCAG Region. Appendix E, in the Biological Technical Report Table lists large scale protected areas in the SCAG region and lists Bolsa Chica Ecological Reserve as being located in Los Angeles County.

10  
Cont.

11

12

The Bolsa Chica Ecological Reserve is located in Orange County. Please include this correction in the FPEIR.

12 Cont.

Alternatives. Alternative Project 3 describes an Intensified Land Use Alternative which essentially increases densities and intensifies land use patterns of the Project, especially around high quality transit areas in an effort to maximize transit opportunities. The growth pattern associated with this Alternative optimizes urban areas and suburban town centers, transit oriented developments (TODs), HQTAs, livable corridors, and neighborhood mobility areas.

13

The Department supports projects that avoid natural habitats and sensitive biological resources. Higher density projects cited upon smaller disturbed infill areas of land have the least impact to biological resources, especially when designed to accommodate urban wildlife.

14

Thank you for this opportunity to provide comments. If you have any questions regarding the comments provided in this letter, please contact Scott Harris, Environmental Scientist, at (805) 644-6305 or [scott.p.harris@wildlife.ca.gov](mailto:scott.p.harris@wildlife.ca.gov).

Sincerely,



Betty Courtney  
Environmental Program Manager I

ec: Erinn Wilson, CDFW, Los Alamitos  
Jeff Brandt, CDFW, Ontario  
Heidi Calvert, CDFW, Bishop  
Kelly Schmoker, CDFW, Mission Viejo  
Scott Harris, CDFW, Ventura  
Victoria Chau, CDFW, Los Alamitos  
Gail Sevrens, CDFW, San Diego  
Marilyn Fluharty, CDFW, San Diego  
Christine Found-Jackson, CDFW, Los Alamitos  
State Clearing House

### References

Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. Jamestown, ND: Northern Prairie Wildlife Research Center Online. <http://www.npwrc.usgs.gov/resource/wetlands/classwet/index.htm> (Version 04DEC1998).



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

February 2, 2016

Ms. Lijin Sun  
Southern California Association of Governments  
818 W. 7th Street; 12th Floor  
Los Angeles, CA 90017-3435

Subject: 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy  
SCH#: 2015031035

Dear Ms. Lijin Sun:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on February 1, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2015031035  
**Project Title** 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy  
**Lead Agency** Southern California Association of Governments

---

**Type** EIR Draft EIR  
**Description** Note: Extended Review per lead.

The 2016 RTP/SCS updates the last adopted 2012 RTP/SCS, last amended in Sept. 2014, by refining goals, objectives, and policies and list of projects, and extending the planning horizon to 2040. As with the 2012 RTP/SCS, the 2016 RTP/SCS is intended to continue the region's various strategies that improve the balance between land use and transportation and transit systems, both current and future.

---

**Lead Agency Contact**

**Name** Ms. Lijin Sun  
**Agency** Southern California Association of Governments  
**Phone** 213-236-1882 **Fax**  
**email**  
**Address** 818 W. 7th Street; 12th Floor  
**City** Los Angeles **State** CA **Zip** 90017-3435

---

**Project Location**

**County** Los Angeles  
**City** Los Angeles, City of  
**Region**  
**Lat / Long**  
**Cross Streets**  
**Parcel No.**  
**Township**

**Range** **Section** **Base**

---

**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

---

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Water Supply; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

---

**Reviewing Agencies** Resources Agency; California Coastal Commission; Coachella Valley Mountains Conservancy; Department of Fish and Wildlife, Headquarters; Cal Fire; Office of Emergency Services, California; California Highway Patrol; Caltrans, Division of Transportation Planning; Air Resources Board, Transportation Projects; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 4; Regional Water Quality Control Bd., Region 6 (Victorville); Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Regional Water Quality Control Board, Region 7; Regional Water Quality Control Board, Region 8; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission

---

**Date Received** 12/04/2015 **Start of Review** 12/04/2015 **End of Review** 02/01/2016

*State of California*

Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
1400 Tenth Street  
Sacramento, California 95812-3044



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02/02/2016

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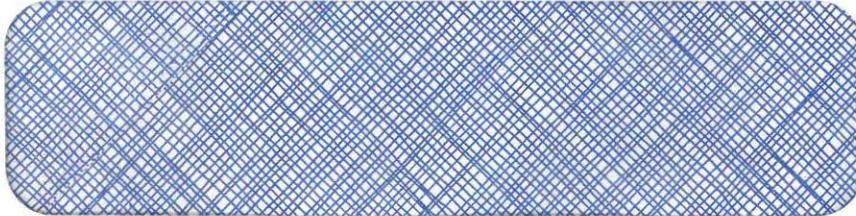
SCAG



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Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

January 20, 2016

Ms. Lijin Sun  
Southern California Association of Governments  
818 W. 7th Street; 12th Floor  
Los Angeles, CA 90017-3435

Subject: 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy  
SCH#: 2015031035

Dear Ms. Lijin Sun:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 19, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2015031035  
**Project Title** 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy  
**Lead Agency** Southern California Association of Governments

---

**Type** EIR Draft EIR  
**Description** The 2016 RTP/SCS updates the last adopted 2012 RTP/SCS, last amended in Sept. 2014, by refining goals, objectives, and policies and list of projects, and extending the planning horizon to 2040. As with the 2012 RTP/SCS, the 2016 RTP/SCS is intended to continue the region's various strategies that improve the balance between land use and transportation and transit systems, both current and future.

---

**Lead Agency Contact**

**Name** Ms. Lijin Sun  
**Agency** Southern California Association of Governments  
**Phone** 213-236-1882 **Fax**  
**email**  
**Address** 818 W. 7th Street; 12th Floor  
**City** Los Angeles **State** CA **Zip** 90017-3435

---

**Project Location**

**County** Los Angeles  
**City** Los Angeles, City of  
**Region**  
**Lat / Long**  
**Cross Streets**  
**Parcel No.**  
**Township** **Range** **Section** **Base**

---

**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

---

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Water Supply; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

---

**Reviewing Agencies** Resources Agency; California Coastal Commission; Coachella Valley Mountains Conservancy; Department of Fish and Wildlife, Headquarters; Cal Fire; Office of Emergency Services, California; California Highway Patrol; Caltrans, Division of Transportation Planning; Air Resources Board, Transportation Projects; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 4; Regional Water Quality Control Bd., Region 6 (Victorville); Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Regional Water Quality Control Board, Region 7; Regional Water Quality Control Board, Region 8; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission

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**Date Received** 12/04/2015 **Start of Review** 12/04/2015 **End of Review** 01/19/2016



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GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

**Memorandum**

**Date:** January 25, 2016  
**To:** All Reviewing Agencies  
**From:** Scott Morgan, Director  
**Re:** SCH # 2015031035  
**2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)**

The State Clearinghouse forwarded the above-mentioned project to your agency for review on **December 4, 2015** with incorrect review dates. Please make note of the following information for your files:

Review period ends: **February 1, 2016 – Extended Review Per Lead.**

We apologize for any inconvenience this may have caused. All other project information remains the same.

cc: Ms. Lijin Sun  
Southern California Association of Governments  
818 West Seventh Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90017-3435

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2015031035

Project Title: 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)

Lead Agency: Southern California Association of Governments Contact Person: Ms. Lijin Sun, Senior Regional Pl  
 Mailing Address: 818 West Seventh Street, 12th Floor Phone: 213-236-1882  
 City: Los Angeles, California Zip: 90017-3435 County: Los Angeles

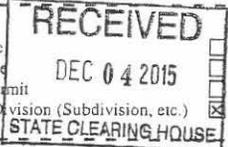
Project Location: County: Six-county area (see EIR) City/Nearest Community: N/A  
 Cross Streets: N/A Zip Code: N/A  
 Longitude/Latitude (degrees, minutes and seconds): N/A ° N/A ' N/A " N / N/A ° N/A ' N/A " W Total Acres: N/A  
 Assessor's Parcel No.: N/A Section: N/A Twp.: N/A Range: N/A Base: N/A  
 Within 2 Miles: State Hwy #: N/A Waterways: N/A  
 Airports: N/A Railways: N/A Schools: N/A

**Document Type:**

CEQA:  NOP  Draft EIR NEPA:  NOI Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.)  Draft EIS  Other:  
 Mit Neg Dec Other:

**Local Action Type:**

General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: N/A



**Development Type:**

Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Educational: \_\_\_\_\_  
 Recreational: \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Transportation: Type \_\_\_\_\_  
 Mining: Mineral \_\_\_\_\_  
 Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
 Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Hazardous Waste: Type \_\_\_\_\_  
 Other: RTP/SCS

**Project Issues Discussed in Document:**

Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other:

**Present Land Use/Zoning/General Plan Designation:**

N/A

**Project Description: (please use a separate page if necessary)**

The 2016 RTP/SCS updates the last adopted 2012 RTP/SCS, last amended in September 2014, by refining goals, objectives, and policies and the list of projects, and extending the planning horizon to 2040. As with the 2012 RTP/SCS, the 2016 RTP/SCS is intended to continue the region's various strategies that improve the balance between land use and transportation and transit systems, both current and future.

State Clearinghouse Contact: (916) 445-0613  
 State Review Began: 12-04-2015  
 SCH COMPLIANCE: 1-19-2016

**Project Sent to the following State Agencies**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Resources       | State/Consumer Svcs  |
| <input type="checkbox"/> Boating & Waterways        | General Services   |
| <input checked="" type="checkbox"/> Coastal Comm    | Cal EPA  |
| <input type="checkbox"/> Colorado Rvr Bd            | ARB: ALL Other Projects  |
| <input checked="" type="checkbox"/> Conservation    | <input checked="" type="checkbox"/> ARB: Transportation Projects |
| <input checked="" type="checkbox"/> CDFW # HQ       | ARB: Major Industrial/Energy                                     |
| <input type="checkbox"/> Delta Protection Comm      | SWRCB: Div. of Drinking Water                                    |
| <input checked="" type="checkbox"/> Cal Fire        | SWRCB: Div. Financial Assist.                                    |
| <input type="checkbox"/> Historic Preservation      | <input checked="" type="checkbox"/> SWRCB: Wtr Quality           |
| <input checked="" type="checkbox"/> Parks & Rec     | SWRCB: Wtr Rights  |
| <input type="checkbox"/> Central Valley Flood Prot. | <input checked="" type="checkbox"/> Reg. WQCB # 4, 6, 7, 8, 9    |
| <input type="checkbox"/> Bay Cons & Dev Comm.       | Toxic Sub Ctrl-CTC   |
| <input type="checkbox"/> DWR                        | Yth/Adlt Corrections   |
| <input checked="" type="checkbox"/> OES             | Corrections  |
| Resources, Recycling and Recovery                   |  |
| CalSTA  | Independent Comm   |
| <input checked="" type="checkbox"/> Aeronautics     | Energy Commission  |
| <input checked="" type="checkbox"/> CHP             | <input checked="" type="checkbox"/> NAHC                         |
| <input type="checkbox"/> Caltrans #                 | <input checked="" type="checkbox"/> Public Utilities Comm        |
| <input checked="" type="checkbox"/> Trans Planning  | State Lands Comm   |
|   | Tahoe Rgl Plan Agency  |
| Other   |  |
| <input type="checkbox"/> HCD                        | Conservancy  |
| <input type="checkbox"/> Food & Agriculture         | Other:   |

NOTE: Extended Review  
 Please note State Clearinghouse Number (SCH#) on all Comments  
 SCH#: 2015031035  
 Please forward late comments directly to the Lead Agency

AQMD/APCD 33  
 (Resources: 12/05)

*State of California*

Governor's Office of Planning and Research

State Clearinghouse

P.O. Box 3044

1400 Tenth Street

Sacramento, California 95812-3044



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CA 957

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SCAG



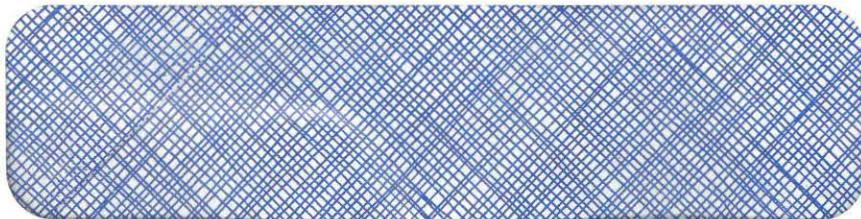
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# California Legislature

January 27, 2016

Hasan Ikhata  
Executive Director  
Southern California Association of Governments  
818 West 7th Street, 12th Floor  
Los Angeles, CA 90017

**Subject: DRAFT 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy**

Dear Mr. Ikhata:

We are writing to express our strong support for the continued inclusion of the SR-710 Freeway Tunnel Project in the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). A freeway tunnel directly comports with several SCAG goals including decreasing time on the road, enhancing economic opportunities, and improving air quality.

The freeway tunnel has strong local support and is consistent with voter mandate and local plans. Almost two-thirds (65.5%) of voters in the five cities that currently oppose the freeway tunnel also supported Measure R, which explicitly contained the freeway tunnel project. The tunnel, as you know, was also adopted in Metro's Long Range Transportation Plan.

Most importantly, the freeway tunnel would significantly improve air quality and reduce cancer risk for the majority of the study area. Unfortunately, lower income minority communities near the freeway are more impacted by poor air quality than those in more affluent areas to the north. The SR 710 North Study Draft Environmental Impact Report shows that cities south of the freeway have existing Cancer Risk levels 20% to over 60% higher than their neighbors to the north. This disparity is clearly an unacceptable environmental injustice for the Los Angeles Region.

A freeway tunnel also maximizes mobility and flow of traffic throughout the Los Angeles Region. Traffic must be moved from local streets back onto freeways where it was originally designed to go. A freeway tunnel solves this problem and reduces cut-through traffic on neighborhood streets by 43% or 57,600 vehicles per day.

1



Page 2

January 27, 2016

Subject: DRAFT 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy

It's critical that SCAG maintain support for the tunnel and sustain inclusion of the project in the 2016-2040 RTP. Completion of the freeway is vital to the health and safety of thousands of Los Angeles area residents. We are confident that SCAG will remain steadfast in support for the tunnel as the best alternative for completion of the 710 freeway.

Sincerely,



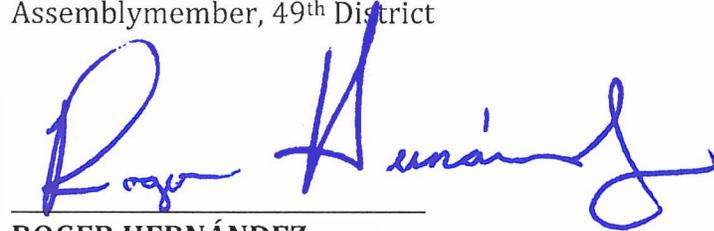
**ED CHAU**

Assemblymember, 49<sup>th</sup> District



**ED HERNÁNDEZ, O.D.**

Senator, 22<sup>nd</sup> District



**ROGER HERNÁNDEZ**

Assemblymember, 48<sup>th</sup> District



**TONY MENDOZA**

Senator, 32<sup>nd</sup> District



CLEAR  
1-19-16  
E



Lahontan Regional Water Quality Control Board

January 19, 2016

Governor's Office of Planning & Research

JAN 19 2016

File: Environmental Doc Review  
San Bernardino, Los Angeles, Imperial,  
Orange, Riverside, and Ventura counties

STATE CLEARINGHOUSE

Ping Chang, Manager of Compliance and Performance Assessment  
Land Use & Environmental Planning Division  
Southern California Association of Governments  
818 West Seventh Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90017-3435  
Email: Chang@scag.ca.gov

**Comments on the Draft Program Environmental Impact Report for the Southern California Association of Governments 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy, State Clearinghouse No. 2015031035**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Draft Program Environmental Impact Report (DPEIR) for the above-referenced plan (Plan) on December 8, 2015. The DPEIR was prepared by the Southern California Association of Governments (SCAG) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We encourage SCAG to take this opportunity to integrate elements into the Plan that: (1) promote watershed management, (2) support "Low Impact Development" (LID), and (3) reduce the effects of hydromodification. Our comments are outlined below and are germane only to those portions of the Project that have the potential to occur within the Lahontan Region.

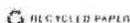
1

**PURPOSE OF THE PLAN**

The 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy is an overarching policy document that will guide decisions of future growth and development, transportation and infrastructure, and conservation of natural resources throughout the San Bernardino, Los Angeles, Imperial, Orange, Riverside, and Ventura County planning area. Given the conceptual, long-term nature of the Plan, the DPEIR provides a general overview of the potential impacts of proposed projects; subsequent

KIMBERLY COOK, CHAIR | PATTY Z. KEBYOURADJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 14440 Civic Dr., Ste. 200, Victorville, CA 92392  
e-mail: Lahontan@waterboards.ca.gov | website: www.waterboards.ca.gov/lahontan



and focused environmental review will occur as individual projects are proposed by local jurisdictions to implement elements of the Plan.

## **WATER BOARD'S AUTHORITY**

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at

[http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

The 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy multi-county planning area encompasses the jurisdiction of multiple Regional Water Boards, including the Lahontan Water Board. That portion of the Planning area that is within the Mojave and Antelope Valley watersheds is under the jurisdiction of the Lahontan Water Board.

## **RECOMMENDED ELEMENTS TO INCLUDE IN THE PLAN**

We recognize the effort put forth by SCAG to incorporate the policies and objectives of various local and regional watershed and management plans into one comprehensive programmatic Plan. We encourage SCAG to take this opportunity and incorporate into the Plan elements and strategies that promote watershed management, support LID, and reduce the effects of hydromodification.

1. Healthy watersheds are sustainable. Watersheds supply drinking water, provide for recreational uses, and support ecosystems. Watershed processes include the movement of water (i.e. infiltration and surface runoff), the transport of sediment, and the delivery of organic material to surface waters. These processes create and sustain the streams, lakes, wetlands, and other receiving waters of our region.

The watershed approach for managing water resource quality and quantity is a collaborative process that focuses public and private efforts on the highest priority problems within a drainage basin. The Mojave and Antelope Integrated Regional Water Management Groups have each assembled a collaborative

group of stakeholders, both public and private, to address both water quantity and water quality issues within their respective Mojave and Antelope Valley groundwater basins. A number of water management plans are being developed through that stakeholder collaboration process, and strategies continue to be developed and refined to sustain water quantity and to manage salts and nutrients to maintain the quality of groundwater and surface water resources. SCAG agencies are encouraged to play an active stakeholder role in the development of these plans and to incorporate the applicable implementation strategies into their Plan.

3 Cont.

2. The foremost method of reducing impacts to watersheds from development is LID, the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of non-point source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters, the principles of which include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge;
- Reducing compacted and impervious cover created by development and the associated road network; and
- Managing runoff as close to the source as possible.

4

LID development practices that maintain aquatic values also reduce local infrastructure requirements and maintenance costs and benefit air quality, open space, and habitat. Vegetated areas for storm water management and infiltration onsite are valuable in LID. We encourage SCAG to establish LID implementation strategies for transportation-related projects and to incorporate these strategies into the Plan.

3. Because increased runoff from developed areas is a key variable driving a number of adverse effects, attention to maintaining the pre-development hydrograph will prevent or minimize many problems and will limit the need for other analyses and mitigation. Traditional methods for managing urban storm water do not adequately protect the environment and tend to treat symptoms instead of causes. Such practices have led to channelization and stream armoring that permanently alter stream habitat, hydrology, and aesthetics, resulting in overall degradation of a watershed.

5

Storm water control measures that are compatible with LID are preferred over more traditional methods. Examples include the use of bioretention swales, pervious pavement, and vegetated infiltration basins, all of which can effectively treat post-construction storm water runoff, help sustain watershed processes, protect receiving waters, and maintain healthy watersheds. Any particular one of these control measures may not be suitable, effective, or even feasible in every

instance, but the right combination, in the right places, can successfully achieve these goals.

We encourage SCAG to establish guidelines for implementing specific storm water control measures into the Plan. Additional information regarding sustainable storm water management can be accessed online at [http://www.waterboards.ca.gov/water\\_issues/programs/low\\_impact\\_development/](http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/).

5 Cont.

4. Hydromodification is the alteration of the natural flow of water through a landscape (i.e. lining channels, flow diversions, culvert installations, armoring, etc.). Disturbing and compacting soils, changing or removing the vegetation cover, increasing impervious surfaces, and altering drainage patterns limit the natural hydrologic cycle processes of absorption, infiltration, and evapotranspiration, and increases the volume and frequency of runoff and sediment transport. Hydromodification results in stream channel instability, degraded water quality, changes in groundwater recharge processes, and aquatic habitat impacts. Hydromodification also can result in disconnecting a stream channel from its floodplain. Floodplain areas provide natural recharge, attenuate flood flows, provide habitat, and filter pollutants from urban runoff. Floodplain areas also store and release sediment, one of the essential processes to maintain the health of the watershed. Information regarding hydromodification can be accessed online at [http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/hydromodification.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/hydromodification.shtml).

6

We encourage SCAG to establish guidelines and develop mitigation measures that will help to avoid hydromodification from future projects. The guidelines should include maintaining natural drainage paths of streams and creeks and establishing buffers and setback requirements to protect channels, wetlands, and floodplain areas from encroaching development.

5. Groundwater protection should be considered a Plan-wide issue, ubiquitous to all elements of the Plan and associated strategies. Water quality and water quantity are fundamental to sustaining communities and promoting development. With the passage of California Assembly Bill 685 in 2012, it is now the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. SCAG is encouraged to incorporate the principles of this policy into the Plan.

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6. There are many known wetland areas adjacent to and within the Plan area, and implementation of individual projects could pose potential impacts to wetland hydrology and water quality including: 1) direct impacts and loss of wetland area attributed to fill and excavation discharges; 2) indirect impacts to vegetation attributed to shading from overhead structures (i.e. bridges); 3) indirect impacts to hydrology as a result of reduced spring/stream flows; and 4) direct and indirect water quality concerns associated with untreated storm water runoff. We encourage SCAG to incorporate into the Plan provisions to preclude

8

development within or adjacent to a wetland and/or provide incentive for projects that avoid or enhance/restore wetlands and other water resources.

8 Cont.

### PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS

A number of activities that will be implemented by individual projects under the Plan have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

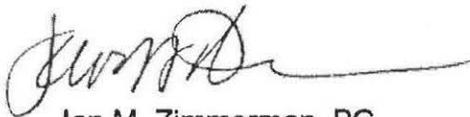
1. Streambed alteration and/or discharge of dredge and/or fill material to a surface water, including water diversions, may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill WDRs for impacts to non-federal waters, both issued by the Lahontan Water Board.
2. Land disturbance of more than 1 acre may require a Clean Water Act, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or an individual storm water permit obtained from the Lahontan Water Board.
3. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board.

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Project proponents should consult with Water Board staff early on should implementation of individual projects result in activities that trigger these permitting actions. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

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Thank you for the opportunity to comment on the DEIR. If you have any questions regarding this letter, please contact me at (760) 241-7376 [jan.zimmerman@waterboards.ca.gov](mailto:jan.zimmerman@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 [patrice.copeland@waterboards.ca.gov](mailto:patrice.copeland@waterboards.ca.gov). Please send all future correspondence regarding this Project to the Water Board's email address at [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov) and be sure to include the Project name in the subject line.



Jan M. Zimmerman, PG  
Engineering Geologist

cc: State Clearinghouse (SCH No. 2015031035) ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
Daniel Swenson, US Army Corps of Engineers ([Daniel.P.Swenson@usace.army.mil](mailto:Daniel.P.Swenson@usace.army.mil))  
California Department of Fish and Wildlife ([AskRegion6@wildlife.ca.gov](mailto:AskRegion6@wildlife.ca.gov))  
Bill Orme, State Water Resources Control Board ([Bill.Orme@waterboards.ca.gov](mailto:Bill.Orme@waterboards.ca.gov))

R:\RB6\RB6Victorville\Shared\Units\PATRICE'S UNIT\Jan\CEQA Review\2016-2040 Regional Transportation Plan\_DEIR.docx

**Anita Au**

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**From:** Nicholas Howington <NicholasHowington@co.imperial.ca.us>  
**Sent:** Monday, February 1, 2016 1:28 PM  
**To:** 2016 PEIR  
**Cc:** Monica Soucier; Belen Leon  
**Subject:** Draft PEIR Comments  
**Attachments:** 2016 RTP.SCS Draft PEIR\_LT.pdf

Hello,

Attached to this email is the Imperial County Air Pollution Control District's formal response letter to the Draft PEIR for the SCAG 2016 RTP/SCS. Should you have any questions feel free to email them back to the email address listed above.

Best,

**Ashton Howington**  
**APC Environmental Coordinator**  
**Planning & Monitoring**  
**Phone: (442) 265-1800**



January 22, 2016

Ms. Lijin Sun  
Senior Regional Planner  
Southern California Association of Governments  
818 W. 7<sup>th</sup> St. 12 Floor  
Los Angeles, CA 90017

**SUBJECT:** 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy Draft  
Program Environmental Impact Report

Dear Ms. Lijin Sun,

The Imperial County Air Pollution Control District (Imperial Air District) has reviewed the Draft Program Environmental Impact Report (DPEIR) for the 2016-2040 Regional Transportation Plan/ Sustainable Communities Strategy (2016 RTP/SCS). The 2016 RTP/SCS is a broad and long-range transportation plan that provides a vision for regional transportation investments, integrated with land use strategies, which aim to facilitate vibrant, livable communities that offer robust transportation options that provide timely access to basic public needs within the 6 county region governed under the Southern California Association of Governments (SCAG).

Although the 2016 RTP/SCS includes preliminary transportation projects, this DPEIR provides a first-tier, programmatic environmental analysis, and therefore, per section 1.0 page 2 of the Draft PEIR, individual projects will go through their own individual evaluations by the appropriate lead agency on a project-by-project basis to determine the level of environmental review. Acknowledging the parameters of the DPEIR the Imperial Air District has the following comments concerning the DPEIR:

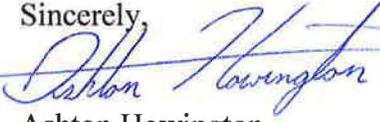
- The Imperial Air District requests that all projects forecast by and/or subject to the 2016 RTP/SCS that are to be developed within the County of Imperial notify the Imperial Air District.

Lastly the Imperial Air District would like to bring attention to a grammatical error found in the Draft PEIR.

- Page 39 of section 3.3 “be not” recommends the change “not be”

The Air Districts’ rule book including all new regulations can be accessed via the internet at <http://www.co.imperial.ca.us> under “Air Pollution Control.” Should you have any questions please call our office at (442) 265-1800.

Sincerely,



Ashton Howington

APC Environmental Coordinator

**Anita Au**

---

**From:** Martinez, Samuel <smartinez@lafco.sbcounty.gov>  
**Sent:** Monday, February 1, 2016 3:12 PM  
**To:** 2016 PEIR; 2016 RTP/SCS  
**Cc:** blegbandt@oclafco.org  
**Subject:** Draft 2016 RTP/SCS Draft PEIR Comments  
**Attachments:** 2016 RTPSCS and PEIR Comment Letter from LAFCO Dated 2-1-16.pdf

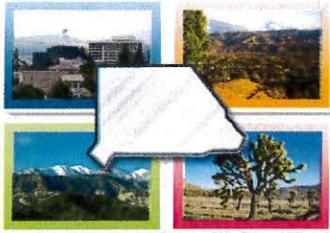
Good Afternoon,

Attached is a copy of the comment letter from San Bernardino and Orange LAFCOs related to the Draft 2016-2040 RTP/SCS and its Draft Program EIR.

Hardcopies are in the mail.

Thank you,

Samuel Martinez  
**Local Agency Formation Commission for San Bernardino County**  
215 North D St, Suite 204, San Bernardino, CA 92415-0490  
909.388.0480 *\*Please note new phone number\**  
909.885.8170 Fax *\*Please note new fax number\**  
[www.sbclafco.org](http://www.sbclafco.org)



# LAFCO

## Local Agency Formation Commission for San Bernardino County

215 North "D" Street, Suite 204  
San Bernardino, CA 92415-0490  
909.386.0490 | Fax 909.885.8170  
E-mail: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

Established by the State of California  
to serve the Citizens, Cities, Special Districts  
and the County of San Bernardino

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Special District

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ACQUANETTA WARREN  
City Member

### STAFF

KATHLEEN ROLLINGS-McDONALD  
Executive Officer

SAMUEL MARTINEZ  
Assistant Executive Officer

MICHAEL TUERPE  
Project Manager

REBECCA LOWERY  
Clerk to the Commission

### LEGAL COUNSEL

CLARK H. ALSOP

Sent via mail and email at [2016PEIR@scag.ca.gov](mailto:2016PEIR@scag.ca.gov) and

February 1, 2016

Draft 2016 RTP/SCS Comments

**Attn: Ms. Courtney Aguirre**

Southern California Association of Governments  
818 West 7th Street, 12th Floor  
Los Angeles, CA 90017

Draft 2016 RTP/SCS Draft PEIR Comments

**Attn: Ms. Lijin Sun**

Southern California Association of Governments  
818 W. 7th Street, 12th Floor  
Los Angeles, CA 90017

SUBJECT: Draft 2016 RTP/SCS & Draft PEIR Comments

Dear Ms. Aguirre/Ms. Sun:

Thank you for the opportunity to comment on the Southern California Association of Governments (SCAG) Draft 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS) and the associated Draft Program Environmental Impact Report (Draft PEIR). The Draft 2016 RTP/SCS and Draft PEIR is a monumental effort critical to ensuring availability of federal funding to local agencies for a broad range of infrastructure projects throughout the SCAG region.

Local Agency Formation Commissions ("LAFCOs") were established by the State Legislature in 1963 and are governed by the Cortese-Knox-Hertzberg local Government Reorganization Act of 2000 ("CKH" Government Code Section 56000 et seq.). Under the Act, LAFCOs are required to establish spheres of influence for each city and each special within the county and enact policies designed to promote the logical and orderly development of areas within the sphere. A sphere of influence is means "a plan for the probably physical boundaries and service area of a local agency, as determined by the commission (Government Code Section 56076).

In determining spheres of influence, LAFCOs carry out the purposes and responsibilities defined by the State Legislature for planning and shaping the logical and orderly development and coordination of local governmental agencies to ultimately provide for the present and future needs of the county and its communities. It is for this reason that SCAG must consider the spheres of influence that have been adopted

by LAFCOs for the region when developing the RTP/SCS (Government Code Section 65080(b)(2)(G)). There are six LAFCOs within the SCAG region: Los Angeles LAFCO, Orange LAFCO, Riverside LAFCO, San Bernardino LAFCO, Imperial LAFCO, and Ventura LAFCO. The spheres of influence that have been adopted by these LAFCOs should have been considered when developing the RTP/SCS. However, neither the 2016 RTP/SCS nor the Draft PEIR takes into consideration the spheres of influence for any of the cities and/or special districts within the entire region.

Each of these LAFCOs is also required to conduct reviews of municipal services provided in the county in order to prepare and update the spheres of influence for the cities and special districts within their respective county. SCAG uses information produced by LAFCOs in the development of growth forecasts of population, household and employment for the 2016 RTP/SCS.

The comments below are offered to improve the accuracy of the Draft 2016 RTP/SCS and the Draft PEIR to adequately reference LAFCO and spheres of influence, as they are defined in state law.

1. Correct Description of LAFCO's Governing Statute

Section 3.11 includes discussion of land use and planning activities. On page 3.11-6 of the current Draft EIR, there is a reference to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2005 (Government Code 56133).

**Please correct this cross reference as follows: Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.).**

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2. Include Discussions of Spheres of Influence

Section 3.11 provides a historical overview of the predecessor laws that governed LAFCOs prior to 1986. While the historical context is interesting, it does not provide relevant information connecting the role of LAFCOs and SCAG. As noted above, SCAG is required to consider the spheres of influence determined by LAFCO for each of the cities and special districts in their county in the preparation of the RTP/SCS.

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**We recommend the description be modified to include a definition of a sphere of influence and discussion of how they were used by SCAG in the preparation of the RTP/SCS.**

3. Annexation Alternative in PEIR

The PEIR includes the discussion of several alternatives as required by Statute and the CEQA Guidelines. However, there is no discussion of the impact that annexation of unincorporated areas within city spheres of influence would have on

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the future implementation of the 2016-2040 RTP/SCS. In the development of the demographic projections, SCAG relied on the land use data provided by the local jurisdictions, the cities and counties in the SCAG region. While many cities have adopted land use designations for the unincorporated areas within their respective spheres of influence, the practice is not consistent throughout the SCAG region. Additionally, the land use designations adopted by the cities do not always coincide with the land use designation and associated densities that have been adopted by the counties for the unincorporated areas.

3 cntd

**We recommend that SCAG include an annexation alternative that considers the potential impact that annexations of unincorporated territory would have on the implementation of the 2016-2040 RTP/SCS.**

Thank you for this opportunity to comment on the Draft 2016-2040 RTP/SCS and Draft PEIR. If you have any questions concerning the information outlined above, please do not hesitate to contact Samuel Martinez, Assistant Executive Officer, at (909) 388-0480. Please maintain LAFCO on your distribution list to receive further information related to this process.

Sincerely,



KATHLEEN ROLLINGS-McDONALD  
Executive Officer

cc: Carolyn Emery, Executive Officer, Orange LAFCO

**Anita Au**

---

**From:** Alicia Stratton <alicia@vcapcd.org>  
**Sent:** Monday, February 1, 2016 1:49 PM  
**To:** 'Hocking, Laura'  
**Cc:** 2016 PEIR; ben@vcapcd.org  
**Subject:** Ventura County APCD's Comments on 2016-2040 RTP/SCS Draft PEIR  
**Attachments:** 15-024 2016-2040 RTP-SCS SCAG.doc

Please find attached Ventura County Air Pollution Control District's comments on the air quality sections and air quality appendices of the DPEIR. Thank you very much for the opportunity to comment on this project.

**Alicia Stratton  
Air Quality Specialist  
Planning, Rules & Incentives Division  
Ventura County APCD  
669 County Square Dr., 2<sup>nd</sup> Floor  
Ventura, CA 93003**

**Office 805-645-1426  
Fax 805-645-1444**

**VENTURA COUNTY**  
**AIR POLLUTION CONTROL DISTRICT**  
Memorandum

TO: Laura Hocking, Planning

DATE: February 1, 2016

FROM: Alicia Stratton

SUBJECT: Request for Review of the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy Draft Program Environmental Impact Report, Southern California Association of Governments (Reference No. 15-024)

Air Pollution Control District staff has reviewed the subject draft program environmental impact report (DPEIR), which is a programmatic, region-wide assessment of potential significant environmental effects of the regional transportation plan/sustainable communities strategy (RTP), which is a long-range regional transportation plan that provides a blueprint for the region to achieve coordinated regional land use strategies and transportation investments. The RTP seeks to improve mobility, promote sustainability, facilitate economic development and preserve the quality of life for residents in the region. The SCAG region includes Ventura County, as well as Imperial, Los Angeles, Orange, Riverside and San Bernardino Counties.

Air quality issues are addressed in Chapter 3.3, *Air Quality*, of the DPEIR, as well as Appendix D, *Health Risk Assessment Technical Report* and Chapter 7, *Air Quality and Greenhouse Gas Emissions Technical Report*. We have reviewed the portions of these chapters that pertain to Ventura County and the Ventura. We concur with the findings of these chapters and relevant discussions.

Specifically, Section 3.3.3, *Thresholds of Significance* and 3.3.4, *Impact Analysis*, indicate that Impacts Air-1, Air-2, Air-3, and Air-5 all contribute emissions resulting in a less than significant impact. Impact Air-4, however, “Exposing sensitive receptors to substantial pollutant concentrations and harm public health outcomes substantially,” does create a significant cumulative impact. Table 3.3.4-3, *Summary Maximum Exposed Individual Residential 30-Year Exposure Cancer Risk*, includes Ventura County maximum exposed individual residential exposure cancer risks of greater than 10 in a million (15 of the 16 freeway segments in the study area exceed this threshold). Despite the significant reduction in diesel particulate emissions, impacts are still above the cancer risk threshold and remain significant. The Plan includes regional strategies that may contribute to improving public health, however, the above impacts would remain above the threshold.

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An additional cumulatively significant air quality impact would be Air Impact Air-2, “Potential to violate any air quality standard or contribute substantially to an existing or projected air quality violation.” We note, in accordance with federal and state regulations, diesel emissions from heavy duty trucks are projected to decrease with the Plan and would provide improvement in overall air quality compared to the existing environment.

3

Air quality Mitigation Measures are discussed on Pages 3.3-50 through 3.3-53. We concur with implementation of all these measures especially as they would be implemented in Ventura County portions of the roadways. Despite inclusion of these mitigation measures, however, we note that as discussed in Section 3.3.7, *Level of Significance After Mitigation*, both Impact Air-2 and Impact Air-4 remain significant and unavoidable.

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If you have any questions, please call me at (805) 645-1426.

**Anita Au**

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**From:** Laurel L. Impett <Impett@smwlaw.com>  
**Sent:** Friday, January 29, 2016 11:33 AM  
**To:** 2016 PEIR  
**Cc:** Margaret Lin; Rachel B. Hooper  
**Subject:** Ltr on Behalf of the 5-Cities Alliance re SCAG 2016 RTP/SCS and PEIR  
**Attachments:** Ltr to L. Sun re SCAG 2016 RTP\_SCS DEIR.PDF

Ms. Aguirre and Ms. Sun,

On behalf of the cities of Glendale, La Cañada Flintridge, Pasadena, Sierra Madre, and South Pasadena (5-Cities Alliance), please find attached a letter on SCAG's 2016 RTP/SCS and PEIR. This letter includes several exhibits which can be downloaded from the following Dropbox link:

[https://www.dropbox.com/sh/rxxcoeyizev9j2e/AAADsAD09K0ucdE1d\\_xXCpFea?dl=0](https://www.dropbox.com/sh/rxxcoeyizev9j2e/AAADsAD09K0ucdE1d_xXCpFea?dl=0)

A hard copy of the letter and a disc containing the exhibits will also be sent to your office via FedEx for delivery Monday, February 1<sup>st</sup>.

Best regards,  
Laurel Impett

Laurel L. Impett, AICP, Urban Planner  
Shute, Mihaly & Weinberger LLP  
396 Hayes Street  
San Francisco, CA 94102-4421  
v: 415/552-7272 x[292]  
f: 415/552-5816  
[www.smwlaw.com](http://www.smwlaw.com)



**Please consider the environment before printing this e-mail or attachments.**

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# SHUTE MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

LAUREL L. IMPETT, AICP  
Urban Planner  
impett@smwlaw.com

January 29, 2016

Courtney Aguirre and Lijun Sun  
Southern California Association of  
Governments  
818 W. 7th Street, 12th Floor  
Los Angeles, CA 90017  
2016PEIR@scag.ca.gov

Re: 2016 Draft Regional Transportation Plan/Sustainable Communities  
Strategy and Draft Program Environmental Impact Report

Dear Ms. Aguirre and Ms. Sun:

This firm represents the cities of Glendale, La Cañada Flintridge, Pasadena, Sierra Madre, and South Pasadena (“5-Cities Alliance”) in connection with the 2016 Draft Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS” or “Plan”) and Draft Program Environmental Impact Report (“PEIR”). Our client’s primary concern relates to the SR-710 North Project—and specifically the proposed Freeway Tunnel Alternative—and the far-ranging environmental impacts this Alternative would have on their residents and environmental resources. More generally, though, transportation projects like the SR-710 North Freeway Tunnel Alternative (“Freeway Tunnel Alternative” or “SR-710 North Project”) do not provide a sustainable solution to the SCAG region’s transportation needs. Consistent with state climate policies, the region should be striving toward transportation solutions that will make car ownership an option rather than a necessity. Projects such as the Freeway Tunnel Alternative that facilitate travel by automobile not only threaten the livability of our communities and the air we breathe, but also undermine the state’s ability to meet its critical goals to reduce greenhouse gas (“GHG”) emissions over the long term.

Thus, this letter addresses four key points. First, the Freeway Tunnel Alternative is flawed and unnecessary. Second, the Freeway Tunnel Alternative would be inconsistent with the RTP/SCS’s goal that its transportation projects be sustainable and environmentally protective. Third, there are viable alternatives to the Freeway Tunnel Alternative that would improve mobility and expand transportation options in the San

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Gabriel Valley while also limiting dependence on personal vehicles. Fourth, the Draft PEIR's evaluation of environmental impacts that would result from the RTP/SCS's transportation projects, including the SR-710 North Project, does not comply with the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq.*

2 cntd

Because the SR-710 North Project is flawed and unnecessary and because the RTP/SCS PEIR fails to adequately disclose or mitigate the environmental impacts from this Project, the 5-Cities Alliance respectfully requests that SCAG eliminate the Project from the 2016 RTP/SCS (including the transportation model and project list).

3

This letter, along with the enclosed report by Nelson Nygaard on transportation (Exhibit 1) and the enclosed report by Dr. Phyllis Fox on air quality and health risk (Exhibit 2) constitutes the 5-Cities Alliance's comments on the Draft PEIR. We respectfully request that the Final EIR respond separately to each of the points raised in the technical consultants' reports as well as to the points raised in this letter.

In addition, we enclose this firm's comment letter to Caltrans in connection with the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/S") for the SR-710 North Project. *See* Letter to Garrett Damrath, Chief Environmental Planner, July 9, 2015, attached as Exhibit 3. Many of the issues raised in that letter are relevant to the RTP/SCS's PEIR as SCAG is tasked with evaluating the environmental impacts from each of the RTP's transportation projects, including the SR-710 North Project.

4

#### **I. The Proposed Freeway Tunnel Alternative Is Flawed and Unnecessary.**

According to the SR-710 North DEIR/S, the SR-710 Project's primary objective is to address the lack of continuous north-south transportation facilities in the San Gabriel Valley.<sup>1</sup> DEIR/S at 3. The DEIR/S suggests that it is this lack of facilities that results in congestion on freeways and "cut-through" traffic affecting local streets. *Id.* Yet, Nelson Nygaard studied the regional transportation network and determined that the region actually lacks east-west transportation facilities, not north-south. Moreover, very little—about 14 percent—of current peak period traffic is cut-through traffic. *See* Nelson

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<sup>1</sup> SR 710 North Study Draft EIR/EIS Volume 1 available at: [http://www.dot.ca.gov/dist07/resources/envdocs/docs/710study/draft\\_eir-eis/SR%20710%20No.%20Study%20Draft%20EIR\\_EIS%20Vol%20I%20Rpt.pdf](http://www.dot.ca.gov/dist07/resources/envdocs/docs/710study/draft_eir-eis/SR%20710%20No.%20Study%20Draft%20EIR_EIS%20Vol%20I%20Rpt.pdf); accessed January 15, 2016.

Nygaard Report at 1. By providing a new freeway link, the Freeway Tunnel Alternative would reduce this cut-through traffic from about 14 percent to between 7 percent and 11 percent. Through these reductions, approximately 7 percent to 13 percent of all motorists throughout the SR-710 study area would receive a nominal travel-time savings of 2.5 minutes.<sup>2</sup> This means that about 90 percent of motorists in the study area would receive no significant travel time savings; indeed, the study shows that the travel time of some motorists would worsen as a result of this Alternative. *Id.*

5 cntd

Nor would the Freeway Tunnel Alternative actually improve regional traffic. Instead, it would shift congestion around. Traffic would significantly worsen on various connecting freeways as a result of the Tunnel, in part because the Freeway Tunnel Alternative induces extra driving. For example:

- Connecting the I-710 to I-210 would shift a significant amount of traffic off the I-605 and onto the I-710 and I-210. Total traffic would increase by about 1,350 vehicles in the peak hour on the I-710 south of I-10, and about 2,600 vehicles per hour north of I-10. Traffic on the I-210 would increase by about 380 vehicles per hour through La Cañada Flintridge, and by about 400 vehicles per hour through Pasadena. *See* Nelson Nygaard Report at 7.
- The significant increase in congestion on the I-210 means that many drivers would avoid using SR-2, and instead stay on the I-5, exacerbating existing traffic congestion on the I-5. *Id.*
- The Freeway Tunnel Alternative would result in significant induced north-south travel demand, adding traffic to both the I-5 and I-210 freeways. Where those freeways join, in the bottleneck south of the SR-14 split, there would likely be a significant increase in traffic congestion, with an additional 650 vehicle in the peak hour. *Id.*

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The RTP/SCS PEIR refers to the need to add highway capacity by closing gaps in the region's highway and arterial system and asserts that the SR-710 North is a "gap

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<sup>2</sup> 2.5 minutes is the threshold used to count vehicle hours travelled during peak periods. Some savings may be greater, but the 710 North Project DEIR/S does not contain this granular information. *See* DEIR/S Transportation Technical Report at 4.3.

closure” project. *See* PEIR at 2-20; 3.17-39; and RTP/SCS, Transportation Project List Appendix, pdf p. 37. Yet, according to Nelson Nygaard, of the top 100 “Road Bottlenecks” in the region, only one occurs along the I-710 corridor (at Washington Blvd). *See* Nelson Nygaard Report at 5. In addition, the RTP/SCS’s Appendix ranks this bottleneck at the bottom (98th out of 100). *Id.* Perhaps most importantly, the SR-710 North Project DEIR/S shows that the Freeway Tunnel Alternative would actually exacerbate the congestion bottleneck at I-710 and Washington by inducing between 1,330 and 2,180 additional vehicles per peak hour on I-710 through that interchange. *Id.*

7 cntd

The Freeway Tunnel Alternative would also bypass many of the destinations people want to go. The San Gabriel Valley is a community of diverse people with widely varying commute patterns. According to the “New Initiative for Mobility and Community,” prepared by Nelson Nygaard for Connected Cities and Communities<sup>3</sup>, 85 percent of commuters exiting the SR-710 Freeway at Valley Boulevard are intent on reaching local destinations. Employees need to make short commutes to Pasadena and longer commutes to Burbank (Metro has found that 70 percent of study-area vehicle trips start and end within the San Gabriel Valley). *Id.* Students attending Cal State LA and East LA College need ways to make short commutes to school. The Freeway Tunnel Alternative would not serve these types of transportation needs.

In addition, it is important to understand that even if a freeway tunnel were the appropriate solution to meet the region’s transportation needs—which it is not—the Freeway Tunnel Alternative proposed here is flawed and entirely unprecedented. The recommended 60-foot diameter tunnel would be the widest subsurface tunnel attempted anywhere in the world—a risky proposition given other agencies’ experiences with smaller tunnels. In December 2013, the tunnel boring machine (“TBM”) used to construct Washington State’s Alaskan Way Viaduct replacement project—the largest such tunnel to date (57-foot diameter)—became stuck after tunneling only one thousand feet of the tunnel’s 1.7-mile length. *See* Exhibit 3. Workers had to construct an access pit 120 feet deep and 80 feet wide to lift the TBM out in order to repair it. Had it not failed so early, accessing the machine for repairs would have been even more difficult, or impossible, because the tunnel’s route takes it beneath downtown Seattle. Tunnel boring began again in December 2015. However, construction was terminated almost immediately when Washington Governor Inslee issued a stop-work order following the

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<sup>3</sup> *See* New Initiative for Mobility and Community, available at: [http://www.beyondthe710.org/the\\_bt710\\_proposal](http://www.beyondthe710.org/the_bt710_proposal); accessed January 13, 2016.

report of a sinkhole opening up above the TBM.<sup>4</sup> That project serves as a cautionary tale for the proposed Freeway Tunnel Alternative, especially given that the SR-710 route alignment is located in a densely developed area. Remarkably, however, the SR-710 North Project DEIR/S nowhere acknowledges these risks.

In sum, the Freeway Tunnel Alternative does very little, if anything, to relieve local or regional traffic congestion; rather, it is expected to exacerbate existing conditions. At the same time, the Project poses enormous threats to the environment. Indeed, the Tunnel Alternative reflects strategies from the 1960s, when the state pursued road-building projects without regard to global climate change and other environmental threats. The 5-Cities Alliance has recommended that Caltrans and Metro go back to the drawing board to design a project that is capable of meeting the region's transportation needs in a manner that is sustainable and environmentally responsible. In particular, as discussed more fully below, the 5-Cities Alliance has urged those transportation agencies, and urges SCAG, to evaluate the "Beyond the 710"—a multimodal option that combines mass transit, "great streets," and bikeways—as an alternative to the Freeway Tunnel. In any event, SCAG should eliminate the SR-710 North Project from the RTP/SCS.

8 cntd

## II. The Freeway Tunnel Alternative Would Not Implement the 2016 RTP/SCS's Goals.

The RTP/SCS and the PEIR go to great lengths to promote SCAG's vision for a sustainable, less auto-centric approach to transportation in the Southern California region. To this end, the PEIR includes several goals and policies for the RTP/SCS, explaining that "[t]he guiding policies for the 2016 RTP/SCS are intended to help focus future investments on the best performing projects and strategies to preserve, maintain and optimize the performance of the existing transportation system." PEIR at 2-6. One goal, for example, calls for the Plan to "maximize mobility and accessibility for all people and goods in the region." *Id.* Another goal calls for the Plan to "preserve and ensure a sustainable regional transportation system." *Id.* Yet another goal states that the RTP/SCS should "protect the environment and health of our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking)." *Id.*

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<sup>4</sup> See "Inslee orders tunnel dig halted as soil sinks above Bertha," The Seattle Times, January 14, 2016 available at: <http://www.seattletimes.com/seattle-news/transportation/inslee-orders-bertha-tunneling-stopped-after-sinkhole-forms/>; accessed January 27, 2016.

The Freeway Tunnel Alternative achieves none of these goals because it does not provide a sustainable solution to the region's transportation needs. To begin with, it confers no support for transit or active transportation. The region should be striving toward a transportation solution that will make car ownership an option rather than a necessity, yet the Freeway Tunnel Alternative would increase freeway capacity at the expense of transit. Moreover, every trip starts by walking, and the people of San Gabriel Valley deserve to be able to walk safely and comfortably. Because the Freeway Tunnel Alternative would facilitate travel by automobile, it provides no benefits for pedestrians or bicycle riders. In addition, by promoting increased vehicular speeds, it would threaten the walkability and overall livability of surrounding communities.

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The Freeway Tunnel Alternative would further impede the RTP/SCS's goals for sustainability because it would increase highway capacity, vehicle miles traveled ("VMT") and induce travel. According to Nelson Nygaard, the reduction of VMT per capita is the most important metric for sustainability because it identifies a shift from dependence on personal vehicles and a reduction of stress on the region's congested arterial and highway networks. *See* Nelson Nygaard Report at 2. Conversely, any increase in highway capacity, such as that which would occur with the Freeway Tunnel Alternative, will increase VMT because it would induce travel.

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The phenomenon that highway capacity increases lead to additional travel is corroborated by the Surface Transportation Policy Project ("STPP"). The STPP cites a growing body of research showing that, in the long run, wider highways actually create additional traffic, above and beyond what can be attributed to population increases and economic growth. *See* STPP, *Build It and They'll Come*, attached as Exhibit 4. The SR-710 North Project DEIR/S provides a real-world example of this effect, as it acknowledges that the Freeway Tunnel Alternative would result in a sizable increase in vehicular travel. Indeed, total VMT under all freeway tunnel alternatives would increase by as many as 460,000 miles per day. *See* Nelson Nygaard Report at 3.

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Because the Freeway Tunnel Alternative would increase capacity and induce travel, it would also take the Southern California region in a direction that undercuts the state's preeminent climate goals. These goals include Governor Brown's Executive Order of April 29, 2015, which directed the state to cut its GHG emissions 40 percent below 1990 levels by 2030. Governor Brown's order reiterates Governor Schwarzenegger's 2005 Executive Order, which calls for reducing statewide GHG emissions 80 percent below 1990 levels by 2050. The state will not be able to meet these goals without significant reductions in motor vehicle travel. Tellingly, Caltrans itself specifically recognized this fact when it noted that achieving the state's climate change

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goals requires a “fundamental, holistic transformation of the transportation systems.” *See* California’s 2040 Transportation Plan, March 2015 at 4, attached as Exhibit 5 (stating that one of the main strategies to reduce future GHG emissions from the movement of people and freight is reducing VMT and increasing a shift to more sustainable transportation). Similarly, the RTP/SCS itself specifically calls for reductions in VMT in order to reduce GHGs. *See* RTP/SCS at 6.

13 cntd

The Freeway Tunnel Alternative’s effect on individuals’ health would be equally harmful. Cancer risks could reach up to 149 chances per million at the maximum exposed residential receptors, which far exceeds the South Coast Air Quality Management District’s recommended CEQA threshold of 10 per million. *See* 710 North Project DEIR/S, Health Risk Assessment Appendix Table 3-4.<sup>5</sup> The Freeway Tunnel Alternative would also result in air quality impacts throughout wide portions of Los Angeles County. According to the United States Environmental Protection Agency, it appears that the Freeway Tunnel would cause total concentrations of PM2.5 to exceed the National Ambient Air Quality Standards. *See* Letter from J. Blumenfeld to C. Bowe, August 27, 2015, attached as Exhibit 6. The Tunnel would also focus all of the vehicle emissions along the entire tunnel to the tunnel portal and ventilation stack areas, thereby harming individuals living, working or attending school in these locations. In a region that already experiences some of the worst air quality in the nation, a project that would substantially increase harmful levels of air pollution must be avoided. Avoiding these harmful impacts is consistent with SCAG’s goals of protecting the environment and health of the region’s residents. *See* PEIR at 2-6.

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In short, the Freeway Tunnel Alternative directly undercuts several of the central goals of the RTP/SCS. As discussed below, there are better solutions to meeting the region’s transportation needs, especially given the Freeway Tunnel Alternative’s hefty \$5.6 billion price tag.<sup>6</sup>

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<sup>5</sup> SR 710 DEIR/S Health Risk Assessment Volume I available at: [http://www.dot.ca.gov/dist07/resources/envdocs/docs/710study/draft\\_eir-eis/Health%20Risk%20Assessment/SR%20710%20Health%20Risk%20Assessment%20Vol%20I.pdf](http://www.dot.ca.gov/dist07/resources/envdocs/docs/710study/draft_eir-eis/Health%20Risk%20Assessment/SR%20710%20Health%20Risk%20Assessment%20Vol%20I.pdf); accessed January 6, 2016.

<sup>6</sup> The cost to construct the Freeway Tunnel Alternative is all but certain to exceed this amount in light of the construction difficulties plaguing the Seattle tunnel project.

### **III. There Are Viable Ways to Maximize the Productivity of the Region's Transportation System While Minimizing Environmental Harm.**

The Freeway Tunnel Alternative would add to the existing transportation network, before maximizing the system on a local level. As SCAG acknowledges, the arterial and highway network provides the “backbone” that supports transportation in the region. However, this does not mean that all opportunities to expand the backbone network should be pursued, especially to accommodate personal vehicles, as the SR-710 North Project would do. Instead, it is important to identify alternative tools and strategies that can be employed to maximize current network utility, without expanding capacity and inducing more vehicular traffic.

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Importantly, there are viable alternatives to the SR-710 North Project, beyond those studied in the SR-710 North Project DEIR/S, that do not include a tunnel or any additional highway/toll lanes. As mentioned previously, the 5-Cities Alliance, in conjunction with other organizations, has developed a “Beyond the 710” alternative that presents 21st-century options for improving mobility and accessibility in the San Gabriel Valley. Rather than construct a highway extension, this innovative, multimodal approach to transportation would focus on the following components:

- Transit – Bringing rapid service, including missing north-south linkages, to provide an alternative mode for regional trips
- Active Transportation – Reducing conflicts between people and vehicles to create safer environments for residents to walk and bike within their community
- Manage Demand – Using travel demand management strategies to encourage individuals to leave their vehicles at home
- Congestion – Spending efficiently to employ transportation system management strategies to address congestion for trips that simply must be made in a vehicle.

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SCAG's RTP/SCS describes a “preferred scenario” that calls for best practices for increasing transportation choices and reducing dependence on personal automobiles throughout the region. *See* RTP/SCS at 65. The SR-710 North Project study area provides an opportunity to showcase the Beyond 710 Alternative, as it uses transit and “great streets” to sustainably grow communities and improve quality of life. *Id.* We urge

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SCAG to evaluate the Beyond 710 Alternative or a similar multi-modal alternative in the revised PEIR.

18 cntd

#### IV. The RTP/SCS PEIR Violates CEQA.

The EIR is “the heart of CEQA.” *Laurel Heights Improvement Ass’n v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (“*Laurel Heights*”) (citations omitted). It is “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended ‘to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.’ Because the EIR must be certified or rejected by public officials, it is a document of accountability.” *Id.* (citations omitted).

CEQA requires the EIR not only to identify a project’s significant effects, but also to identify ways to avoid or minimize them. Pub. Res. Code § 21002.1. An EIR generally may not defer evaluation of mitigation to a later date. CEQA Guidelines § 15126.4(a)(1)(B). Rather, an EIR must assess each mitigation proposal that is not “facially infeasible,” even if such measures would not completely eliminate an impact or render it less than significant. *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029-31. Furthermore, for every mitigation measure evaluated, the agency must demonstrate that the mitigation measure either: (1) will be effective in reducing a significant environmental impact; or (2) is ineffective or infeasible due to specific legal or “economic, environmental, social and technological factors.” *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 841-44; Pub. Res. Code §§ 21002, 21061.1; CEQA Guidelines §§ 15021(b), 15364.

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After carefully reviewing the PEIR for the RTP/SCS, we have concluded that it fails to comply with the requirements of CEQA. For example, the PEIR fails to adequately describe the RTP/SCS because it incorrectly characterizes the SR-710 North Project as a freeway tunnel and toll road. Notwithstanding this fact, we can find no indication that the PEIR actually analyzes the Freeway Tunnel Alternative’s effects on air quality, health risk and greenhouse gas emissions. A thorough analysis is particularly critical since these impacts would likely be quite severe. Finally, the PEIR fails to properly analyze or mitigate those environmental impacts it does address. Such fundamental errors undermine the integrity of the PEIR.

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**A. The PEIR's Justifications For Failing to Provide a More Detailed Analysis of the RTP/SCS's Environmental Impacts Are Unavailing.**

Among the PEIR's most notable deficiencies is the lack of a detailed accounting of the Plan's environmental impacts. The PEIR attempts to defend its vague analysis by asserting that the document "serves as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews will focus on project-specific impacts and mitigation measures, and need not repeat the broad analyses contained in the PEIR." PEIR at ES-1. This justification is unavailing.

Under CEQA, the "programmatic" nature of this PEIR is no excuse for its lack of detailed analysis. The PEIR grossly misconstrues both the meaning and requirements of a "program" EIR by suggesting that the long-range planning horizon plays an important role in determining the appropriate level of detail to include in the PEIR. PEIR at ES-1. This approach is flawed, at the outset, because CEQA mandates that a program EIR provide an in-depth analysis of a large-scale project, looking at effects "as specifically and comprehensively as possible." Guidelines § 15168(a), (c)(5). Indeed, because it is designed to look at the "big picture," a program EIR must (1) provide "more exhaustive consideration" of effects and alternatives than can be accommodated by an EIR for an individual action, and (2) consider "cumulative impacts that might be slighted by a case-by-case analysis." Guidelines § 15168(b)(1)-(2). 21

Furthermore, whether a lead agency prepares a "program" EIR or a "project-specific" EIR under CEQA, the requirements for an adequate EIR remain the same. Guidelines § 15160. "Designating an EIR as a program EIR also does not by itself decrease the level of analysis otherwise required in the EIR." *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000), 82 Cal.App.4th 511. Even a program-level EIR must contain "extensive detailed evaluations" of a plan's effects on the existing environment. *See Env'tl Planning and Info. Council v. County of E Dorado* (1982), 131 Cal.App.3d 350, 358. *See also Kings County Farm Bureau v. City of Hanford* (1990), 221 Cal.App.3d 692, 723-24 (where the record before an agency contains information relevant to environmental impacts, it is both reasonable and practical to include that information in an EIR). 22

The PEIR's reliance on future, project-level environmental review is also misplaced. Again, CEQA's policy favoring early identification of environmental impacts does not allow agencies to defer analysis of a plan's impacts to some future EIR for specific projects contemplated by that plan. *See Bozung v. Local Agency Formation Comm.* (1975), 13 Cal.3d 263, 282-84; *Christward Ministry v. Superior Court* (1986), 23

184 Cal.App.3d 180, 194 (1986); *City of Redlands v. County of San Bernardino* (2002), 96 Cal.App.4th 398, 409 (2002). As Guidelines section 15152(b) explicitly warns, “[t]iering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.”

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Moreover, there is no guarantee that such future, detailed environmental review will happen. Several CEQA provisions provide that neither SCAG nor other local agencies will have to conduct further environmental review for specific future projects that are consistent with the RTP or SCS. *See, e.g.*, Pub. Res. Code § 21155.1 (“transit priority projects” that are consistent with an SCS and meet certain other criteria are exempt from CEQA review entirely); Guidelines § 15183 (streamlined environmental review for projects consistent with general or community plans for which EIRs have already been prepared). Thus, the time to analyze the potential environmental impacts caused by projects contemplated by the proposed RTP/SCS is now. In order to do so, SCAG and the public must have a full understanding of the various components contemplated by and included within the 2016 RTP/SCS.

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#### **B. The PEIR’s Description of the Project Violates CEQA.**

An accurate description of a proposed project is “the heart of the EIR process” and necessary for an intelligent evaluation of the project’s environmental effects. *Sacramento Old City Ass’n. v. City Council* (1991) 229 Cal.App.3d 1011, 1023; *see also Rio Vista Farm Bureau v. County of Solano* (1992) 5 Cal.App.4th 351, 369-370 (project description is the “sine qua non” of an informative and legally sufficient EIR). An inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

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The PEIR’s “Project Description” fails to fulfill CEQA’s requirements because it errs in its description of the SR-710 North Project. First, the PEIR describes the SR-710 North Project as “Toll Lanes (Plan 2040).” *See, e.g.*, Figures 2.4.2-1: Major Highway Projects and 2.4.2-5: Major Toll Projects. The only SR-710 North Project alternative that calls for a toll road is the Freeway Tunnel Alternative. Yet Caltrans and Metro, the lead agencies for the SR-710 North Project, have not yet identified a preferred alternative. The SR-710 North Project DEIR/S purports to analyze the Project’s alternatives on equal footing, without giving priority to any single one. *See* SR-710 North Project DEIR/S at

2-1.<sup>7</sup> Since Caltrans and Metro have not yet selected a preferred alternative, SCAG's assumption that Caltrans and Metro will select the Freeway Tunnel Alternative as the preferred alternative is improper. *See* emails between C. Aguirre and M. Lin, attached as Exhibit 7 (SCAG staff confirming that SR-710 North Project is currently modeled as four toll lanes in each direction).

In the event that SCAG does not eliminate the SR-710 North Project from the RTP/SCS altogether, as the 5-Cities Alliance recommends, it must revise the RTP/SCS (and the PEIR's Project Description) to give equal weight to each SR-710 North Project alternative. As the City of South Pasadena explained in its letter on the Notice of Preparation for the RTP/SCS DEIR, "[i]nclusion of the SR-710 tunnel places a heavy and unlawful finger on the scale by which alternatives for the SR-710 corridor are to be evaluated in the [SR-710 North DEIR/S]." Letter from S. Gonzalez to Lijin Sun, April 7, 2015, attached as Exhibit 8.

25 cntd

As further indication that SCAG is improperly facilitating the Freeway Tunnel Alternative, the RTP/SCS—like its 2012 predecessor—goes so far as to rely on tolls received from the SR-710 North Project to partially fund its "financially constrained Plan." *See* PEIR Figure 2.4.2-5. Specifically, the RTP/SCS PEIR identifies \$23.5 billion from highway tolls as part of its "innovative funding strategies." *Id.* at 2-26. The SR-710 North Project DEIR/S confirms this fact when it states that "[t]he forecast revenues in the [2012] RTP/SCS financial plan include toll revenues from the SR-710 freeway tunnel." SR-710 North Project PEIR/S at 1-51.

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Finally, as discussed previously, the RTP/SCS PEIR's Project Description incorrectly identifies the SR-710 Project as a "gap closure" project. As South Pasadena explains, however, "[t]he term 'gap closure' is designed to create a sense of inevitability

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<sup>7</sup> The 710 North Project DEIR/S analyzes five alternatives: (1) No Build Alternatives; (2) Transportation System Management/ Transportation Demand Management; (3) Bus Rapid Transit; (4) Light Rail Transit; and (5) Freeway Tunnel Alternative. *Id.* at 2-1 and 2-2. Moreover, Caltrans and Metro are evaluating two design variations on the Freeway Tunnel Alternative: the dual-bore and single-bore. *See* 710 North Project DEIR/S at 2-60 available at: [http://www.dot.ca.gov/dist07/resources/envdocs/docs/710study/draft\\_eir-eis/SR%20710%20No.%20Study%20Draft%20EIR\\_EIS%20Vol%20I%20Rpt.pdf](http://www.dot.ca.gov/dist07/resources/envdocs/docs/710study/draft_eir-eis/SR%20710%20No.%20Study%20Draft%20EIR_EIS%20Vol%20I%20Rpt.pdf); accessed December 21, 2015.

for this project over competing ones.” See Exhibit 8. For this reason, and because it erroneously implies that a tunnel along the SR-710 alignment provides a necessary transportation function, the PEIR should not suggest that the SR-710 North Project is needed to close a gap.

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In the event that SCAG does not eliminate the SR-710 North Project from the RTP/SCS, it is imperative that a revised PEIR accurately describe the SR-710 North Project and the Freeway Tunnel Alternative. By incorrectly suggesting that the Freeway Tunnel Project will generate revenue and provide connectivity, the PEIR misleads the public and decision-makers as to the necessity of this environmentally damaging project. Such inaccuracies in project description fundamentally undermine the PEIR’s analysis, in violation of CEQA. *Laurel Heights*, 47 Cal.3d at 392.

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**C. The PEIR’s Analysis of and Mitigation for the Project’s Air Quality Impacts Are Inadequate.**

Air quality in the Southern California region ranks among the worst in the nation. PEIR at 3.3-1; 3.3-22; 3.3-26; 27; 28. The region is nonattainment for PM2.5, PM10 and ozone federal and state standards. *Id.* At 3.3-41. Given the region’s severe air pollution and the fact that motor vehicles are a significant source of air pollutant emissions, it is critical that the PEIR accurately analyze and mitigate the Plan’s impacts. Unfortunately, the PEIR does not accomplish these tasks.

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**1. The PEIR Fails to Adequately Evaluate the Plan’s Potential to Violate Air Quality Standards and to Contribute Substantially to an Existing or Projected Violation.**

The PEIR’s analysis of the Plan’s potential to violate air quality standards is riddled with flaws. As an initial matter, the PEIR fails to provide the information necessary to determine how emissions from the Plan were determined. The PEIR asserts that emissions were quantified using SCAG’s transportation model (*see* Table 3.3.4-1), but the PEIR does not explain what this modeling entailed, the assumptions used in the calculations, or how the Plan’s emissions and forecasted emission changes were calculated. The PEIR includes an air quality appendix, Appendix C “Air Quality and Greenhouse Gas Emissions and Climate Change Technical Report,” where supporting calculations such as modeling input and output files would ordinarily be found. However, the Appendix is just a verbatim repetition of the text found in the main body of the PEIR. It is not possible to determine, for example, how the various transportation projects would affect traffic and thus emissions. Nor does the PEIR provide any

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information regarding regulatory assumptions. As discussed below, it is not possible to verify the accuracy of the air quality impact analysis without a comprehensive description of the air quality regulatory structure.

Details regarding the air quality analysis are critical here because the PEIR concludes simultaneously that Impact Air-2 is significant and unavoidable *and* that it is less than significant.<sup>8</sup> This contradictory conclusion makes no sense and is unlawful; an EIR must come to a definitive determination as to the significance of a project's environmental impacts. *See* CEQA Guidelines § 15064. Here, the absence of information as to the PEIR's methodology and assumptions only compounds the problem. Had the PEIR included supporting documentation, the public and decision-makers might have been able to determine which of the document's significance determinations was accurate.

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Moreover, because the PEIR provides no explanation as to how the air quality analysis was performed, there is no indication that the PEIR even included the emissions from the SR-710 North Project. This is particularly concerning because the SR-710 North Project has the potential to exacerbate already hazardous levels of air pollution in the SCAG region. The failure to clearly identify the transportation projects that were included in the air quality analysis is a fatal flaw in the PEIR.

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## **2. The PEIR Substantially Understates the Plan's Air Quality Impacts.**

The PEIR concludes that the Plan's potential to violate air quality standards is a less than significant impact because for every criteria pollutant in the SCAG region, air pollutant emissions would either experience no change or be reduced between 2012 (existing conditions) and 2040 (Plan horizon). *See* PEIR at 3.3-40 and Table 3.3.4-1. Yet, the projected decrease in emissions compared to the existing baseline is *not* due to the Plan, but rather to regulatory changes that reduce emissions from vehicles. The PEIR's use of the existing baseline to evaluate the Plan's air quality impacts improperly credits the *Plan* for these regulatory reductions, when in fact they will result from unrelated state and federal regulatory changes governing vehicle emissions. The PEIR's approach thus masks the true impacts of the Plan, in violation of CEQA.

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<sup>8</sup> On page 3.3-40, the DEIR asserts that Impact Air-2 is less than significant while page 3.3-54 asserts that Impact Air-2 is significant and unavoidable.

The California Supreme Court has determined that the use of a future baseline is appropriate in some cases. *In Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* 57 Cal.4th 439 (2013), the Supreme Court recognized that, under certain circumstances, a departure from existing conditions (i.e., NOP date) may be appropriate. Specifically, use of a future baseline is appropriate when “justified by substantial evidence that an analysis based on existing conditions would tend to be misleading or without informational value to EIR users.” *Id.* at 445.

Here, the PEIR’s use of an existing conditions baseline for determining the significance of air quality impacts is misleading. According to the Fox Report, many critical factors, apart from the Plan, will affect emissions from transportation projects over the life of the RTP/SCS (2012 to 2040). Fox Report at 4. These factors include, most importantly, regulations that govern the amount of pollution allowed from on-road vehicles. Determining the significance of air quality impacts based on existing conditions (2012) proves to be uninformative and misleading, as it leaves the false impression that the Plan will significantly reduce emissions, i.e., improve air quality. In fact, the Plan will likely *increase* emissions in many areas, and at various times, over the planning horizon of 2012 to 2040. *Id.* Accordingly, to present an accurate picture of the Plan’s impact on air quality, the PEIR should have compared the Plan at buildout in 2040 to a scenario without the Plan in 2040.

In its comments on the SR-710 North Project DEIR/S’s analysis of health risks, the South Coast Air Quality Management District (“SCAQMD”) criticized Caltrans for this same faulty approach. SCAQMD stated:

The Draft EIR/EIS incorrectly uses a static 2012 year in comparison to project impacts. This approach is inappropriate because existing regulations (e.g., ARB’s Truck and Bus Rule) will lower this health risk, even in the absence of this project. By using a static 2012 baseline, the Draft EIR/EIS is taking credit for other projects (e.g., ARB regulations) as a component of the build alternatives for the SR-710. *See* letter from I. MacMillan to G. Damrath, August 5, 2015, attached as Exhibit 9.

The RTP/SCS PEIR preparers attempt to remedy this problem by conducting a second analysis – one that compares PM2.5 and CO emissions in 2040 with and without the Plan. PEIR at 3.3-41. Curiously, however, the PEIR declines to use this “with and without” plan analysis to evaluate the significance of other Plan impacts affecting air quality. *Id.* In particular, the PEIR fails to perform a similar 2040 “with and without” analysis for NOx and ROG, which are ozone precursors. Such an analysis is critical

since the SCAG region is nonattainment for ozone, and NOX and ROG are emitted in large amounts by on-road vehicles. *See* Fox Report at 4 (on-road vehicles emit 35 percent of the ROG and 61 percent of the NOx in the SCAQMD region).

According to Dr. Fox, if the PEIR had conducted an analysis for ROG and NOx that was similar to the analysis of CO and PM, it would show that the Plan will increase NOx and ROG emissions throughout most of the SCAG region. Fox Report at 5. Because most areas in the SCAG region already exceed the 8-hour national ambient air quality standard for ozone, the Plan would thus (1) contribute to existing exceedances in some areas, and (2) likely cause new exceedances in others. The PEIR's use of a baseline that masked the Plan's potential to cause these exceedances violates CEQA. CEQA Guidelines Appendix III(b); *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, 57 Cal.4th at 445.

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### **3. The PEIR Fails to Analyze the Plan's Cumulative Air Quality Impacts.**

The PEIR errs in its approach to analyzing the Plan's cumulative air quality impacts. The PEIR concludes that cumulative impacts pertaining to PM2.5 and ozone would be less than significant because Plan emissions, when compared to existing conditions, would result in either no change or a decrease in projected long-term emissions. This is wrong. For the reasons discussed previously, the projected emission decreases are due not to the Plan, but to changes in state and federal regulations. Because the Plan consists of thousands of individual transportation projects that will be built out between 2015 and 2040, its emissions may well increase at a given location and point in time between 2015 and 2040, depending upon the phasing of the projects. In fact, PEIR Figures 3.3.4-1 and 3.3.4-2 clearly show that the Plan would cause CO and PM2.5 emissions to increase in many areas.

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Moreover, in determining the significance of a project's incremental contribution, the question is not the relative amount of the project's contribution to the existing cumulative problem (i.e., does the project contribute the same, less, or more than other projects), but rather whether the addition of the project's impact is significant in light of the serious existing problem (i.e., is the project's contribution to the existing problem cumulatively considerable). Thus, the greater the existing environmental problem is, the lower the threshold of significance is for considering a project's contribution to the cumulative impact. *Communities for a Better Environment v. California Resource Agency* (2002) 103 Cal.App.4th at 120 (disapproved on another ground in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1109, fn. 3). Inasmuch

as the RTP/SCS would cause air pollutant emissions to increase in a region that already suffers from extreme air pollution, the Plan's incremental contribution is clearly cumulatively considerable.

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#### 4. The PEIR Fails to Adequately Analyze or Mitigate the Plan's Construction-related Impacts.

The PEIR concludes that “[t]he construction and operation of individual transportation projects and anticipated development as result of the proposed transportation and land use strategies in the 2016 RTP/SCS are expected to have the potential to violate air quality standards or contribute substantially to an air quality violation, thus requiring the consideration of mitigation measures.” PEIR at 3.3-40.

The PEIR errs, however, because it does not provide any substantive analysis to support this conclusion. To begin with, it does not describe the existing regulatory framework for off-road construction equipment, or identify any criteria for evaluating the Plan's construction emissions. It then fails to provide any estimate of the Plan's actual construction-related emissions. These omissions violate CEQA. An agency's rote acknowledgement that impacts are “significant” does not cure its EIR's failure to analyze the issue. As the court stated in *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, “this acknowledgment is inadequate. ‘An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences . . . .’” (1997) 60 Cal.App.4th 1109, 1123 (quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831); see also *Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165 Cal.App.3d 357, 365 (an EIR is meant to protect “the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of a[] contemplated action.”).

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The PEIR includes measures to reduce construction-related emissions (at 3.3-51), but contrary to CEQA, the document provides no analysis of the effectiveness of these measures to reduce emissions. Furthermore, as Dr. Fox explains, to assure that the Plan is eligible for federal funding in accordance with 40 CFR Part 93, Subpart B, and its construction emissions must be reduced to zero. Fox Report at 7. Here, the PEIR failed to estimate construction emissions, before and after mitigation to, demonstrate that they would meet this requirement.

Finally, as the Fox Report explains, the PEIR identifies only five (ineffective) mitigation measures for reducing the Plan's significant construction-related impacts

before simply concluding that the impacts would be significant and unavoidable. PEIR at 3.3-54. In fact, there are numerous additional mitigation measures that SCAG could adopt to reduce these impacts. *See* Fox Report pps. 8 through 18. The revised PEIR should evaluate the feasibility of each of the measures. If the document determines that any measure is infeasible, it must support this determination with substantial evidence. *Friends of Oroville*, 219 Cal.App.4th at 841-44.

35 cntd

**5. The PEIR Fails to Adequately Evaluate the Plan’s Potential to Expose Sensitive Receptors to Substantial Pollutant Concentrations and Harm Public Health.**

Studies show that diesel exhaust and other cancer-causing chemicals emitted from cars and trucks are responsible for as much as 90 percent of the overall cancer risk from airborne toxics in California. PEIR at 3.3-17 and 3.3-20. With nearly half of U.S. adults living with a chronic disease, we commend SCAG for its decision to place great emphasis on public health in the 2016 RTP/SCS. *Id.* at 2-31; 3.3-45. SCAG takes an important first step by preparing a health risk assessment (“HRA”) that assesses the potential carcinogenic risk to persons potentially exposed to harmful diesel exhaust emissions near major transportation corridors within the SCAG region. *Id.* at 3.3-32; 3.3-43. Unfortunately, as the Fox Report explains, the HRA is incomplete, poorly supported, and poorly presented.

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**(a) The PEIR’s HRA Relies on an Incorrect Baseline for Determining the Significance of the Plan’s Health Risks.**

The PEIR substantially understates the Plan’s health risks because the HRA relies on the same flawed baseline approach described above for air quality impacts, inappropriately comparing Project impacts in 2040 with 2012 baseline conditions. This baseline approach is misleading because it gives the false impression that the Plan, when fully implemented, would significantly decrease cancer risk. It does so by allowing the Plan to take credit for state and federal regulations that, independently, lower diesel particulate matter (“DPM”) emissions. The HRA should have evaluated health risks in 2040 with and without the Plan, so that the public and decision-makers can evaluate how the Plan itself—not the emission reductions from regulatory measures—will affect public health.

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**(b) The PEIR Substantially Understates the Plan's Health Impacts Because It Studies Only a Fraction of the Plan's Highway Projects.**

The RTP/SCS would affect about 70,904 highway lane miles. *See* PEIR Appendix D at 4. The PEIR's HRA, however, evaluates cancer risks along only 16 "representative" segments, each about one mile long—or only 0.025 percent of the entire SCAG transportation network. *See* Fox Report at 20. This small sample size is not adequate to evaluate the Plan's regional health impacts.

Compounding the problem, the PEIR never explains how the 16 transportation corridors were selected, other than a vague statement suggesting factors such as the corridors' proximity to sensitive receptors and population, traffic, and VMT. *Id.* at 3.3-33. The PEIR should disclose the number of additional freeway segments not included among the 16 analyzed that would pose a significant increased health risk. For starters, there should be an analysis for all freeway segments that have the potential to increase traffic. As discussed below, such an analysis is particularly important for the SR-710 North Project, which poses significant health risks yet is entirely ignored by the PEIR.

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**(c) The PEIR Does Not Analyze the Health Risk Near the SR-710 North Project.**

The PEIR analyzes health risk to I-710, but this analysis focuses solely on the I-710 South Project. The I-710 South is a separate project from the SR-710 North and is located near Compton, a community considerably south of the SR-710 North Project. *See* PEIR Table 3.3.4-3 on page 3.3-45; and Appendix D at 48 and pdf page 84 (indicating that the I-710 South Project is near Compton). Because the SR-710 North Project is included in the 2016 RTP/SCS, SCAG's failure to analyze its health risk impacts is improper under CEQA.

It is especially important that SCAG include the SR-710 North Project in its analysis of health risks because the DEIR/S prepared for the Freeway Tunnel Alternative was sorely lacking. While the DEIR/S's HRA determined that the Freeway Tunnel Alternative would present a significant health risk to local residents when compared to a No Build scenario, the main body of the SR-710 North Project DEIR/S concluded that this impact was less than significant. Consequently, the DEIR/S contains no mitigation despite the Project's significant health risk. *See* Exhibit 3 at 24; *see also* Exhibit 9 (SCAQMD stating that the DEIR/S relied on an improper baseline in its analysis of the Project's health risk impacts); and Exhibit 6 (USEPA stating that the DEIR/S is

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misleading regarding its conclusions that the build alternatives would cause a net decrease in cancer risks impacts.)

39 cntd

**(d) The Health Risk Analysis Underestimates the Number of Potentially Affected People.**

The HRA prepared for the RTP/SCS evaluates cancer risks only to sensitive receptors within 500 feet of a major freeway, asserting that “only a small portion of the total number of existing sensitive receptors in the six counties are affected by the transportation projects . . . .” PEIR at 3.3-42. At the same time, however, the HRA demonstrates that significant cancer risk could occur at over 1,300 meters (4,264 feet) from a freeway. PEIR Appendix D at 48.

According to the Fox Report, this much larger significant risk area is consistent with other studies in the Project area demonstrating that cancer risk from DPM extends many miles beyond a freeway. Fox Report at 22. For example, Los Angeles County Public Health has determined that the exposure to unhealthy traffic emissions may occur up to 1,640 feet. *See* Air Quality Recommendations For Local Jurisdictions, Los Angeles County Public Health, January 22, 2013, attached as Exhibit 10. Consequently significant cancer risk, greater than 10 in one million exposed, likely extends far beyond 500 feet from a freeway, into densely populated areas where many more people are located. The PEIR must analyze these potentially significant impacts of the Plan.

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**(e) The Health Risk Analysis Focuses Solely on Emissions from Trucks, Ignoring Hazardous Compounds Emitted from Cars.**

The PEIR errs further because it evaluates the cancer risk of only a single pollutant, DPM. DPM originates from on-road mobile sources that burn diesel fuel, i.e., primarily trucks. Yet, trucks make up a very small fraction of the total on-road vehicle fleet and vehicle miles traveled in the study area. By evaluating the health risks from only a tiny slice of on-road vehicles—trucks—the PEIR grossly understates the extent of the Plan’s impacts.

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Because passenger cars generally do not emit diesel exhaust, they were not included in the PEIR’s analysis. However, these vehicles do emit many other hazardous air pollutants, including benzene, formaldehyde, and acrolein, which are potent carcinogens, as well as many hazardous air pollutants (HAPs), which can be acutely and chronically toxic. *See* PEIR Appendix D at 30. Accordingly, even though the cancer

potency of DPM is higher than the HAPs present in car exhaust, the cancer risk from the Plan's non-diesel sources could be higher than that from the diesel sources because there are many times more cars than diesel-fueled vehicles in the study area.

The PEIR asserts that an analysis was done to determine the contribution of cars to total cancer risk and that, when cars are included, DPM is still responsible for 96.1 to 96.3 percent of the cancer risk. PEIR Appendix D at 31. Yet, the document provides no support for this conclusion, other than a reference to the prior RTP/SCS and a letter from James Dill and Russell Erbes. The revised PEIR must provide sufficient documentation for this result, so that the public and decision-makers can independently determine whether the cancer risk from cars is truly nominal.

41 cntd

**(f) The PEIR Masks the Actual Health Effects of the Plan Because It Does Not Disclose Where the Impacts Would Occur.**

The PEIR identifies the number of potentially impacted sensitive receptors but does not identify their location. Normally, environmental studies describe the geographical distribution of cancer risk through isopleth maps showing the boundary of the 10 in one million cancer significance threshold. Here, because the PEIR fails to include any isopleth maps, people living and working near the RTP highway projects have no way of determining whether their health would be impacted.

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In addition, the true impact of a project depends on the number of excess cancer cases, not the cancer risk expressed per million exposed. Accordingly, using U.S. Census data, the HRA must determine the affected population and calculate the increase in the number of cancer cases due to the transportation projects in the Plan. To complete this "cancer burden analysis," this data must then be overlaid on maps, so that the public and decision-makers can determine the actual severity and extent of the Plan's health impacts.

Because the PEIR includes neither of these graphical displays – isopleth maps and cancer burden analysis – the document fails to disclose the true impacts of the Project.

**(g) The PEIR's Mitigation Measures Are Vague, Optional, and Otherwise Unenforceable.**

The primary goal of an EIR is to identify a project's significant environmental impacts and find ways to avoid or minimize them through the adoption of mitigation measures or project alternatives. Pub. Res. Code §§ 21002.1(a), 21061. The lead agency

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must adopt all feasible mitigation that can substantially lessen the project's significant impacts, and it must ensure that these measures are enforceable. Pub. Res. Code § 21002; CEQA Guidelines § 15002(a)(3), 15126.4(a)(2); *City of Marina v. Bd. of Trustees of the Cal. State Univ.* (2006) 39 Cal.4th 341, 359, 368-69. The requirement for enforceability ensures "that feasible mitigation measures included in project. Measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." *Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (italics omitted); CEQA Guidelines § 15126.4(a)(2).

The PEIR concludes that the RTP/SCS's potential to expose sensitive receptors to substantial pollutant concentrations would constitute a significant and unavoidable impact. PEIR at 3.3-54. The PEIR identifies mitigation measures that would allegedly reduce these impacts, yet every one of the measures is vague, undefined and unenforceable. MM-Air-2(a)(1), for example, merely lists transportation control measures such as "programs for improved use of public transit" and "programs to limit or restrict vehicle use in downtown areas . . . ." PEIR at 3.3-50. Tellingly, these measures do not actually require that SCAG, or any other agency, take any action.

For each of the specified mitigation measures, the PEIR should have described the specific action that SCAG could take to lessen the impact. For example, SCAG has the authority to identify new transit routes and services beyond those already included in the RTP/SCS. It could identify opportunities for more frequent transit service, longer service hours, and improvements in system performance. Regarding the measure to limit or restrict vehicle use in downtown areas, SCAG could implement a test program modeled after the numerous European cities that are implementing car-free zones. Madrid has already banned most traffic from certain city streets.<sup>9</sup> When Paris briefly banned cars with even-numbered plates, pollution dropped as much as 30 percent in some areas—and now the city plans to make the plan permanent. These are the exact types of programs that a regional transportation agency such as SCAG should be studying and implementing, yet the PEIR's mitigation commits the agency to no action at all.

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<sup>9</sup> See 7 Cities That Are Starting To Go Car-Free available at <http://www.fastcoexist.com/3040634/7-cities-that-are-starting-to-go-car-free>. Accessed January 12, 2016.

43 cntd

Other mitigation measures are similarly vague and unenforceable. MM-Air-2(a)(4) calls for action from lead agencies “if they determine that a project has the potential to expose sensitive receptors to substantial pollutant concentrations.” PEIR at 3.3-52. The PEIR suggests that these agencies “can and should consider” measures to reduce cancer risk “as applicable and feasible.” *Id.* at 3.3-52,53. But simply directing other agencies to take action “if feasible” does not provide the necessary assurance that mitigation measures will actually be implemented.

Finally, many of the mitigation measures that the PEIR identifies are simply unrealistic, as they require new state or federal rulemaking. These include:

- Set technology forcing new engine standards
- Reduce emissions from in-use fleet
- Reduce petroleum dependence
- Proposed new transportation-related SIP measures

Thus, while the PEIR appears to include a long list of mitigation measures, a careful review demonstrates that few, if any, of these measures will actually reduce the Plan’s significant air quality and public health impacts. As a result, we can find no evidence that SCAG is seriously committed to protecting the public from the serious health impacts of its Plan.

**D. The PEIR Fails to Properly Analyze the Plan’s Contribution to Climate Change.**

The PEIR’s analysis of GHG emissions attributable to the Plan is deficient. CEQA is clear that lead agencies must thoroughly evaluate a project’s impacts on climate change. *See* Pub. Res. Code § 21083.05. Consistent with this mandate, the CEQA Guidelines require lead agencies to determine the significance of a proposed project’s GHG emissions. CEQA Guidelines § 15064.4. If an agency’s analysis indicates that a proposed project will have a significant project-specific or cumulative impact on climate change, the agency must identify and adopt feasible mitigation measures to address this impact. CEQA Guidelines § 15126.4(c).

Reducing GHG emissions is one of the most urgent challenges of our time. In recognition of this urgency, in 2005, Governor Schwarzenegger’s signed Executive Order S-3-05, which established a long-term goal of reducing California’s emissions to 80 percent below 1990 levels by 2050. The order also directed several state agencies (collectively known as the “Climate Action Team”) to carry its goal forward. The

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following year, the Legislature enacted the Global Warming Solutions Act of 2006 (“AB 32”), codified at Health and Safety Code § 38500, *et seq.* By these authorities, California has committed to reducing emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050. In 2015, Governor Brown took further action to meet this challenge by issuing Executive Order B-30-15, which sets an interim target of 40 percent below 1990 levels by the year 2030.

The PEIR recognizes that the SCAG region could face “devastating environmental impacts” unless GHG emissions are curbed significantly. *See* PEIR at 3.8-29. Given CEQA’s requirement to properly analyze the environmental impacts of GHG emissions—and the importance of regional transportation planning in meeting state goals to reduce GHGs—it is disappointing that the PEIR’s analysis of the Plan’s climate change impacts falls short. As a long-range transportation plan authorizing an investment of \$556 billion in regional transportation improvements over a 20-year period, the Plan is the ideal means by which SCAG can make sure that the region helps California meet its GHG reduction goals, which are critical to ensuring the public’s long-term health and welfare. Achieving meaningful GHG reductions is especially critical in Southern California, where transportation emissions account for a much higher percentage of total emissions than the national average. PEIR at 3.8-29 (transportation emissions account for 40 percent of total emissions in SCAG region, but only 27 percent of total emissions nationally).

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Unfortunately, the Plan fails in this respect. Although SCAG projects decreases in GHG emissions over the life of the Plan, the Plan’s reductions fall far short of what is required. SCAG touts the Plan’s moderate reductions in GHGs over time, but these decreases are inconsistent with the steep downward trajectory established by Executive Orders S-3-05 and B-30-15. This shortcoming arises in part because the Plan does not go far enough to prioritize transit over highways, and the Plan’s inclusion of the SR-710 North Project is a particularly troubling example. The PEIR’s failure to disclose the Plan’s inconsistency with state climate policy violates CEQA.

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**1. The PEIR Fails to Analyze the Plan’s Inconsistency with State Climate Policy.**

The Supreme Court has recently weighed in on appropriate thresholds for GHG emissions. In *Center for Biological Diversity v. California Department of Fish and Wildlife* (“*Center for Biological Diversity*”), the Court affirmed reliance on compliance with AB 32’s reduction goals as a valid threshold of significance when used as a “comparative tool for evaluating efficiency and conservation efforts.” *Center for*

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*Biological Diversity v. California Dep't of Fish & Wildlife* (2015) 62 Cal.4th 204, 260-63.

47 cntd

In addition to properly analyzing consistency with the reduction goals set under AB 32, the PEIR must analyze the Project's consistency with state climate policy as set forth in Executive Orders S-3-05 and B-30-15. Yet, while the PEIR acknowledges Executive Orders S-3-05 and B-30-15, it does not analyze the Project's consistency with either directive in any meaningful way. Instead, it provides a "discussion . . . for illustrative purposes" and, without any further analysis or justification, asserts that the Plan "is consistent, if not more aggressive, with the accelerated pace established in the recent Executive Order B-30-15." PEIR at 3.8-40. This bare, unsupported assertion is not the careful evaluation of potential impacts against a threshold of significance that CEQA requires. See *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 654.

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The PEIR tries to dodge its obligation to conduct a meaningful analysis by arguing that "the Executive Orders are not plans, policies or regulations adopted for the purpose of reducing GHG emissions." *Id.* But the Supreme Court has clearly signaled that agencies taking a goal-consistency approach to CEQA significance should consider the extent to which a project meets longer-term emissions reduction targets. *Center for Biological Diversity*, 62 Cal.4th 204 at 260, fn. 6 (citing Executive Orders S-3-05 and B-30-15). And the Court of Appeal has recognized that Executive Order S-3-05, designed to meet the environmental objective of climate stabilization, is highly relevant under CEQA. *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1157 (quoting the California Attorney General).

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Other agencies have adopted the Executive Orders as thresholds of significance for long-term projects, including Regional Transportation Plans. For example, in 2015 the San Diego Association of Governments ("SANDAG") used them as a threshold of significance in the EIR for its most recent RTP/SCS. Specifically, Impact GHG-4 of that EIR asked whether the project would "[b]e inconsistent with the State's ability to achieve the Executive Order B-30-15 and S-3-05 goals of reducing California's GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050." See SANDAG's 2015 RTP/SCS EIR at 4.8-33, Section 4.8 attached as Exhibit 11; see also *Cleveland National Forest Foundation v. SANDAG* (November 24, 2014) 180 Cal.Rptr.3d 548 (Review Granted, 343 P.3d 903).

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The SANDAG RTP/SCS EIR evaluated the project's impacts by calculating a 40 percent and 80 percent reduction from the region's 1990 emissions and using those

figures as a target reference point for the RTP. It then compared the region's expected GHG emissions in the years 2035 and 2050 to the emissions necessary to meet the Executive Orders' trajectories. It included charts showing that the Plan will not come close to meeting the Executive Orders' goals. It concluded: "Because the total emissions in the San Diego region of 25.5 MMT CO<sub>2</sub>e in 2035 would exceed the regional 2035 GHG reduction reference point of 14.5 MMT CO<sub>2</sub>e (which is based on Executive Order-B-30-15 and Executive Order S-3-05), the proposed Plan's 2035 GHG emissions would be inconsistent with state's ability to achieve the Executive Orders' GHG reduction goals. Therefore, this impact (GHG-4) in the year 2035 is significant." Exhibit 11 at 4.8-35. It reached a similar conclusion for the year 2050 goal. This straightforward analysis is easily adaptable to the projected emissions under SCAG's proposed Plan.

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The PEIR's failure to compare the RTP/SCS's emissions against the long-term GHG emission reduction policies set forth in Executive Orders S-3-05 and B-30-15 is unlawful, and SANDAG's recent example demonstrates that there is no excuse for the omission. SCAG has access to the state's GHG reduction goals, which reflect the emissions decreases that climate scientists have concluded are needed to provide a 50-50 chance of limiting global average temperature rise to 2°C above pre-industrial levels. The PEIR should reveal the nature and extent of the Plan's sharp inconsistency with these clear goals. Because the PEIR nowhere discloses how far off course the Plan will set the region from state climate targets, it fails to satisfy CEQA's most basic informational purpose. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment").

**E. The SR-710 North Project Impedes the Plan's Goals for GHG Emission Reductions and Increasing Sustainable Transportation.**

The SR-710 North Project would impede the Plan's goals because it will increase highway capacity and induce travel rather than ensure a sustainable regional transportation system. As we explained in our comment letter on the SR-710 North Project DEIR/S (*see* Exhibit 3), the evidence suggests that the Freeway Tunnel Alternative would significantly increase GHG emissions. Specifically, total VMT would increase in the Project area as a result of the Freeway Tunnel Alternative by as many 460,000 miles per day. *See* Exhibit 3 (citing the Project DEIR/S Transportation Technical Report). Per capita VMT would also increase as a result of the Freeway Tunnel Alternative. *Id.* These impacts directly contradict and undermine SCAG's efforts to reduce GHG emissions in its RTP, as the increase in VMT from operation of the Freeway Tunnel Alternative would lead to substantial increases in GHG emissions.

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The link between increased VMT and increased GHG emissions is well-established. Multiple studies and a report by the California Air Resources Board (“CARB”) demonstrate that increases in VMT overwhelm planned improvements in vehicle efficiency, thus making reductions in GHG emissions impossible without concomitant reductions in VMT. *See* Growing Cooler: Evidence on Urban Development and Climate Change at 3, excerpts attached as Exhibit 12; “Increases in Greenhouse-gas Emissions From Highway-widening Projects,” Sightline Institute, October 2007, attached as Exhibit 13. In fact, under almost any set of plausible assumptions, increasing highway capacity in a congested urban area, as the Freeway Tunnel Alternative would do, will substantially increase GHG emissions over the long term. *See* Exhibit 4.

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CARB provides strong evidence on the relationship between increases in highway capacity, induced travel, and increased GHG emissions. In its recent report entitled “Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions,” CARB confirmed that increased capacity induces additional VMT.” *See* Exhibit 14 at 3. As CARB explains, “[a]ny induced travel that occurs reduces the effectiveness of capacity expansion as a strategy for alleviating traffic congestion and offsets any reductions in GHG emissions that result from reduced congestion.” *Id.* at 2. Accordingly, the Freeway Tunnel Alternative, which will increase VMT and therefore increase GHG emissions, is incompatible with the Plan’s goals for emissions reductions.

Moreover, as discussed above, the Freeway Tunnel Alternative, which will increase freeway capacity at the expense of transit, rail, and active transportation options, contravenes the following RTP/SCS PEIR’s statement:

The Plan would not conflict with the recommendation to increase investment in expanded transit and rail services, active transportation, and other VMT reduction strategies in the Scoping Plan Update. From 2016 to 2040, the Plan includes increased investment in transit and rail services, active transportation, and other VMT reduction strategies.

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PEIR at 3.8-39. By increasing highway capacity to the exclusion of transit, rail, and active transportation alternatives, the Freeway Tunnel Alternative precludes modes of transportation capable of reducing GHG emissions.

Similarly, the RTP/SCS PEIR lists “climate change mitigation strategies” to reduce GHGs in the SCAG region,” which include, among other things, “Reducing automobile dependence” and “Increasing transit options.” PEIR at 3.8-30. Yet the

Freeway Tunnel Alternative undermines and controverts these key strategies for emission reduction by *increasing* automobile dependence and building more freeway capacity. The RTP/SCS PEIR ignores this conflict, in violation of CEQA.

Without fully informing the public of the severity of the Plan’s climate change impacts, or analyzing the extent to which individual Projects—such as the Freeway Tunnel Alternative —would impede the Plan’s GHG reduction efforts, the PEIR fails as an informational document.

52 cntd

**F. There Is No Evidence that the SR-710 North Project Was Included in the GHG Inventory for the Plan.**

Given the Freeway Tunnel Alternative’s inconsistency with the Plan’s GHG emission reduction goals and sustainable transportation goals, it is alarming that the PEIR’s technical report on GHGs (Appendix C) makes no mention of the SR-710 North Project. In fact, there is no evidence that the PEIR included the emissions from the SR-710 North in the Plan’s GHG inventory at all.

In explaining its methodology, the PEIR states simply, “GHG emissions and transportation data were projected to 2040 using SCAG’s Regional Travel Demand Model, and ARB’s EMFAC2014 emissions model.” Appendix C at 71. The document does not bother to describe the model, its assumptions, or whether and how it took emissions from individual projects, such as the SR-710 North Project, into account. Without this critical information, the public cannot evaluate the adequacy of the PEIR’s GHG analysis, and the PEIR fails as an informational document.

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**V. Conclusion**

In summary, the 5-Cities Alliance respectfully requests that SCAG eliminate the SR-710 North Project from the 2016 RTP/SCS. First, the Freeway Tunnel Alternative is flawed and unnecessary, failing to provide a real solution to the region’s transportation needs. Second, the Freeway Tunnel would be inconsistent with the RTP/SCS’s goal that transportation projects be sustainable and environmentally protective. Third, there are viable alternatives to the Freeway Tunnel that improve mobility and expand transportation options while limiting dependence on personal vehicles. Finally, the PEIR’s evaluation of environmental impacts from the RTP/SCS’s transportation projects generally, and from the SR-710 North Project specifically, fails to comply with CEQA.

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Courtney Aguirre and Lijun Sun  
January 29, 2016  
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In the event that SCAG does not eliminate the SR-710 North Project from the RTP/SCS, it will need to prepare and recirculate a revised PEIR correcting the problems identified in this letter.

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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Rachel B. Hooper



Laurel L. Impett, AICP, Urban Planner

ccs: La Cañada Flintridge City Council  
Glendale City Council  
Pasadena City Council  
Sierra Madre City Council  
South Pasadena City Council

**List of Exhibits:**

- Exhibit 1 Nelson Nygaard Report (Transportation).
- Exhibit 2 Dr. Phyllis Fox Report (Air Quality and Health Risk).
- Exhibit 3 Letter to G. Damrath, Chief Environmental Planner, July 9, 2015.
- Exhibit 4 Surface Transportation Policy Project, *Build It and They'll Come*.
- Exhibit 5 California Department of Transportation, *California's 2040 Transportation Plan*, March 2015.
- Exhibit 6 Letter from J. Blumenfeld to C. Bowe, August 27, 2015.
- Exhibit 7 Emails between C. Aguirre and M. Lin.
- Exhibit 8 City of South Pasadena's NOP Letter to L. Sun (SCAG), April 7, 2015.
- Exhibit 9 Letter from I. MacMillan to G. Damrath, August 5, 2015.
- Exhibit 10 Los Angeles County Public Health, *Air Quality Recommendations For Local Jurisdictions*, January 22, 2013.
- Exhibit 11 San Diego Association of Governments (SANDAG), *Regional Plan EIR: Section 4.8, Greenhouse Gas Emissions*, October 2, 2015.
- Exhibit 12 R. Ewing, et al., Urban Land Institute, *Growing Cooler: The Evidence on Urban Development and Climate Change*, excerpts.
- Exhibit 13 Sightline Institute, *Increases in Greenhouse-gas Emissions From Highway-widening Projects*, October 2007.
- Exhibit 14 S. Handy and M. Boarnet, California Air Resources Board, *Policy Brief in the Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions*, September 30, 2014.

Shute, Minhaly & Weinberger LLP

5-Cities Alliance

Re: 2016 Draft Regional Transportation Plan/Sustainable Communities Strategy and Draft  
Program Environmental Impact Report

Exhibit 1



## MEMORANDUM

To: Five Cities Alliance  
From: Paul Moore, Jeffrey Tumlin, Rogelio Pardo  
Date: January 12, 2016  
Subject: DRAFT Nelson\Nygaard Review of 2016 RTP/SCS

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### PURPOSE OF REVIEW

This memorandum provides a summary of our review of SCAG’s Draft 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and its accompanying Draft Program Environmental Impact Report (PEIR), as the documents relate to the proposed I-710 extension (FTIP ID 18790). Because the PEIR provides a holistic environmental analysis of the impact the RTP/SCS is expected to have region-wide, the PEIR does not identify the impacts directly attributed to the I-710 extension. As a result, this review focuses on the I-710 project’s conflicts with the overarching goals adopted by the RTP/SCS.

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### CONFLICTING RTP/SCS GOALS

Of the nine regional goals identified by the 2016 RTP/SCS, the four following goals can be seen as conflicting with the impacts of the I-710 extension:

- Maximize mobility and accessibility for all people and goods in the region
- Preserve and ensure a sustainable regional transportation system
- Maximize the productivity of our transportation system
- Protect the environment and health of our residents by improving air quality and encouraging active transportation

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Conflicts are explained in the following sections.

#### **Maximize mobility and accessibility for all people and goods in the region**

The RTP/SCS is intended to develop a scenario that maximizes mobility and accessibility to transportation options to as many individuals as possible. However, the I-710 extension brings only minimal benefits to residents of the San Gabriel Valley area.

As shown in Figure 1, only 13.7% of peak hour congestion on arterials within the I-710 study area is projected to be caused by “cut-through,” traffic travelling between adjacent cities. The project EIR estimates a reduction of cut-through traffic to a rate between 7.3% and 10.6% in the peak period.

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In addition, 7-13% of motorists in the study area will see a travel time benefit of 2.5 minutes or better. For 87-93% of motorists, no significant travel time savings will result from the I-710 expansion.

Considering the cost of the proposed tunnel to connect the I-710 gap is approximately \$5.5 billion, it is likely that funds would be more efficiently spent improving mobility via alternative modes and methods, as outlined in the Beyond the I-710 Proposal.

Alternatives that restrict trucks from the tunnel will produce little or no benefits for goods movements.

None of the I-710 tunnel options provide significant benefits for pedestrians, bicycle riders, or transit riders.

To the extent that the tunnel options provide some travel time benefits for a small number of motorists, the travel time savings in the tunnel are available only to those who can afford to pay the yet-undefined tolls.

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**Figure 1 2035 Cut-Through Traffic and Improved Travel Time<sup>1</sup>**

	No Build (2035)	Freeway Tunnel Alt. (2035)	
		Low	High
PM Peak Period Percent Cut-Through Traffic Using Arterials in Study Area	13.7%	7.3%	10.6%
Percent AM and PM Peak Period trips more than 2.5 minutes faster than No Build	-	7.0%	13.0%

## Preserve and ensure a sustainable regional transportation system

### Prioritizing Funds for Preservation and Sustainability

Preservation of the existing transportation system, particularly the highway network, is identified as a key priority in the RTP/SCS. The cost of the I-710 project is equal to about 8% of the funds made available for state highway maintenance in the RFP/SCS expenditure plan. As noted above, these funds could be better utilized to provide sustainable alternatives within the study area, or to maintain existing infrastructure.

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### Ensuring Sustainability

When discussing sustainability of the transportation system, reducing VMT per capita is a significant metric, as it identifies a shift from dependence on personal vehicles, and a reduction of stress on our congested arterial and highway networks. With this in mind, it is critical to note that the findings of the I-710 Transportation Technical Report show an increase of localized VMT in

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<sup>1</sup> Transportation Technical Report, SR 710 North Study, Table 4-9, pg 4-18.

the build-out scenario, when compared to a no-build scenario, as seen in Figure 2. Building the I-710 extension is predicted to increase VMT by as much as 460,000 miles per day.

The I-710 extension results in increased demand of the localized highway network, as evident in the VMT projections below. As a result, an increase in VMT of 2% as a result of project build-out highlights a step backwards in promoting sustainable alternatives to driving. A no-build scenario, however, is consistent with the goals of SCAG’s RTP/SCS, reducing VMT by 11%.

**Figure 2 Study Area VMT: No Build and Freeway Tunnel Alternatives**

	No Build (2035)	Freeway Tunnel Alt. (2035)	
		Low	High
Daily Study Area VMT per Day	25,120,000	25,300,000	25,580,000
Study Area Population	1,330,000	1,330,000	1,330,000
Study Area per capita VMT per Day	18.89	19.02	19.23
Estimated Increase in Total Daily VMT Compared to No-Build <sup>2</sup>	-	180,000	460,000
Increase in per capita Daily VMT Compared to No-Build	-	+1%	+2%

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## Maximize the productivity of our transportation system

Extending the I-710 adds to the existing transportation network, before maximizing the system on a local level. As noted by SCAG, the arterial and highway network provide the backbone that supports transportation in the region. However, this does not mean that all opportunities to expand the backbone network should be pursued, especially to accommodate vehicular traffic, as the I-710 expansion would do.

Instead, it is important to identify alternative tools and strategies that can be employed to maximize current network utility, without expanding capacity and inducing more vehicular traffic. The New Initiative for Mobility and Community, developed by Nelson\Nygaard<sup>3</sup>, provides a comprehensive look at an alternative approach to improving mobility and accessibility in the San Gabriel Valley. The approach utilizes funds to strengthen the following networks instead of constructing a highway extension:

- Transit – Bringing rapid service, including missing north-south linkages, to provide an alternative mode for regional trips
- Active Transportation – Reducing conflicts between people and vehicles to create safer environments for residents to walk and bike within their community

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<sup>2</sup> The EIR’s analysis does not state how VMT is calculated, and no details about modeling have been provided, despite repeated requests. So we have estimated VMT difference as follows:

975 = hourly lane capacity

11,700 = lane capacity over 12-hour period (for argument’s sake)

180,000 / 11,700 = 15.4

460,000 / 11,700 = 39.3

<sup>3</sup> Nelson\Nygaard. New Initiative for Mobility and Community, Retrieved from: [http://www.beyondthe710.org/the\\_bt710\\_proposal](http://www.beyondthe710.org/the_bt710_proposal)

- Managing Demand – Using travel demand management strategies to encourage individuals to leave their vehicles at home
- Congestion – Spending efficiently to employ transportation system management strategies to address congestion for trips that simply must be made in a vehicle.

SCAG’s preferred scenario states that, “best practices for increasing transportation choices; reducing our dependence on personal automobiles,<sup>4</sup>” are incorporated throughout the region. The I-710 study area provides an opportunity to highlight the benefits of choosing alternatives to capacity expansion to improve mobility.

60 cntd

## **Protect the environment and health of our residents by improving air quality and encouraging active transportation**

The RTP/SCS showcases a continued emphasis on greenhouse gas emissions reduction statewide, necessary to continue the region’s progress in meeting emission goals set by SB 375, and Governor Brown’s Executive Order B-30-15, establishing a reduction target of 40% below 1990 levels by 2030.<sup>5</sup>

While the 710 project EIR/S shows a slight decrease in greenhouse gas emissions in the study area<sup>6</sup> as a result of some I-710 tunnel alternatives, the EIR findings do not reconcile the previously identified increases in VMT within the study area. As a result, the increased VMT and resulting greenhouse gas emissions, provide direct conflicts with SCAG and state goals for emission reductions.

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In addition, utilizing funds for the I-710 extension limits the ability of funds to be used in alternative ways as identified by Nelson\Nygaard to improve conditions for active transportation, and as a result, the overall health of residents.

## **PRIORITIZING PUBLIC OPINION**

SCAG takes pride in its public outreach efforts during the RTP/SCS process, in order to develop a “bottoms up planning effort,” that incorporates the needs and concerns of residents throughout the region. Key findings from the 2016 RTP/SCS survey results, identifying participant priorities, are as follows<sup>7</sup>:

- Expansion of transportation choices
- Protection and preservation of existing transportation infrastructure via a “fix it first,” policy (identified as priority by most respondents)
- Achievement of maximum productivity through system management and demand management (identified as priority by most respondents)
- Less focus on new road/lane construction to expand capacity
- Preference for creating more public transportation options, constructing bikeways, and improving traffic flow (in order)

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<sup>4</sup> SCAG, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, Pg. 65

<sup>5</sup> SCAG, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, Pg. 60

<sup>6</sup> Transportation Technical Report, SR 710 North Study, Table 4-9 and Table 4-10, pg 4-100

<sup>7</sup> SCAG, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, Pg. 64

Based on the public feedback received by SCAG, the public prefers managing and maximizing the utility of the current transportation system, over the expansion of road/highway infrastructure. The strategies proposed by Nelson\Nygaard as alternatives to the I-710 expansion better meet the public's priorities.

62 cntd

## REFUTING THE NEED FOR AN I-710 “GAP CLOSURE”

### Current Bottleneck locations

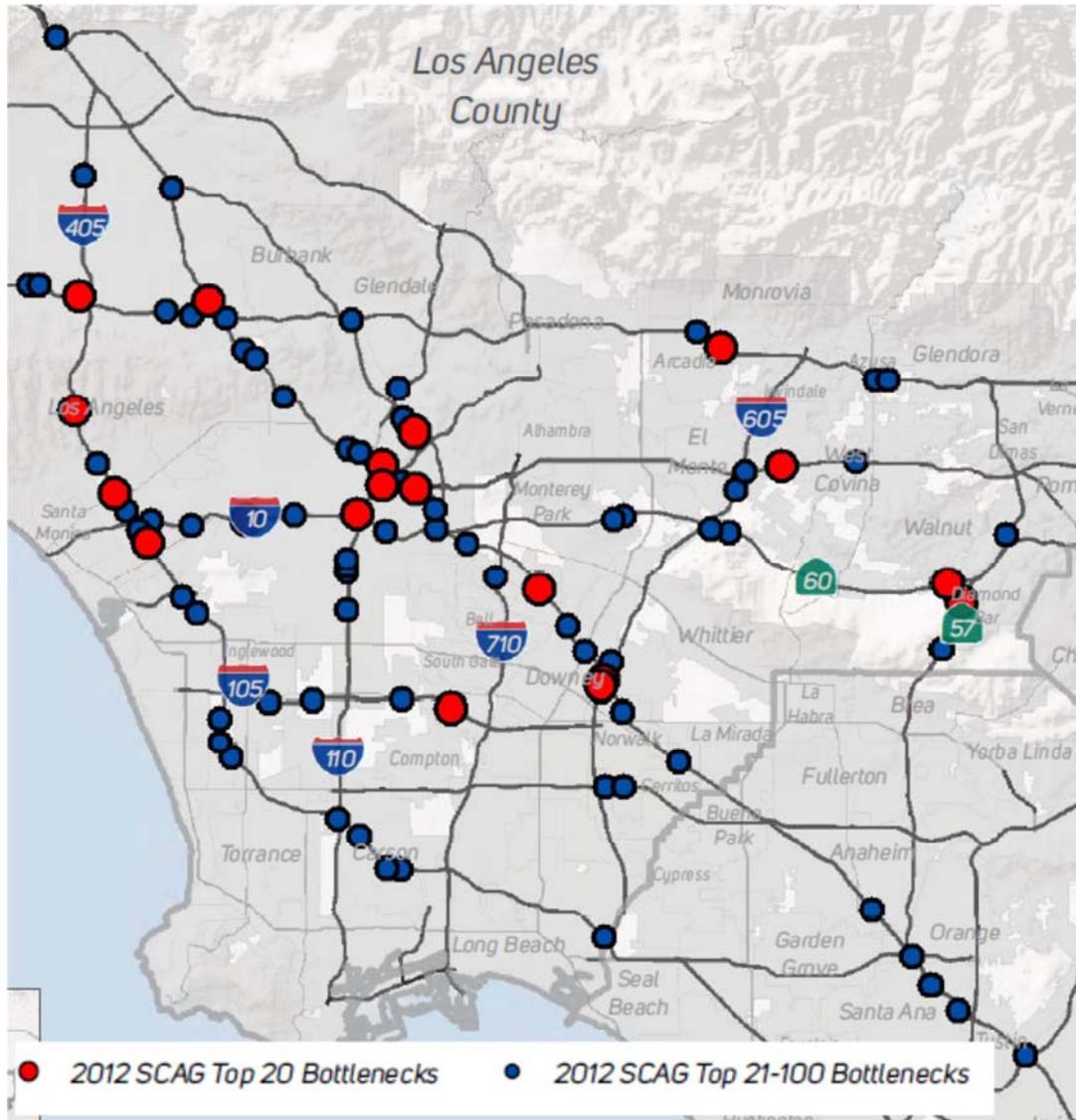
Of the top 100 “Road Bottlenecks” in the region, only one occurs along the I-710 corridor (at Washington Blvd), and is ranked 98<sup>th</sup>, as seen in the Congestion Management Appendices of the 2016-2040 RTP/SCS.<sup>8</sup> The results of the RTPs analysis suggest that the I-710 extension project should not be prioritized over identified bottleneck problems in the SCAG region. More importantly, the tunnel project EIR shows that it will in fact *exacerbate* the congestion bottleneck at I-710 and Washington by inducing between 1,330 and 2,180 additional vehicles per peak hour on I-710 through that interchange (see Figures 3-5 below).

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<sup>8</sup> SCAG, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy – Appendix: Congestion Management, Pg. 10

Figure 3 Major Road Bottlenecks in the SCAG Region<sup>9</sup>



## Redistribution of Traffic

One of the major goals of the I-710 extension is improving congestion on the regional highway network. However, analysis of projected (2035) traffic patterns produced by the project EIR, show that overall performance of the highway network does not improve. Instead, traffic is observed to shift from some sections (ex. I-605 and SR-2), to others (I-5, I-10, I-210, and I-710), resulting in increased congestions in areas already at capacity, such as along the I-5. All proposed tunnel options result in roughly the same amount of traffic on all highways, with only the I-605 and SR-2 seeing benefits.

<sup>9</sup> SCAG, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy – Appendix: Congestion Management, Exhibit 1, Page 11

Figure 4 and Figure 5 highlight the change in AM and PM peak period congestion, comparing expected congestion for the No-Build and Dual-Bore tunnel alternative. Figure 6 shows how the RTP/SCS incorporates the tunnel project congestion findings. Key findings of this analysis are as follows:

- Connecting the I-710 to I-210 succeeds in shifting a significant amount of traffic off the I-605 and onto the I-710 and I-210, as well as inducing new north-south driving. Total traffic increases by about 1,350 vehicles in the peak hour on the I-710 south of I-10, and about 2,600 vehicles per hour north of I-10. Traffic on the I-210 increases by about 380 vehicles per hour through La Canada Flintridge, and by about 400 vehicles per hour through Pasadena.
- The significant increase in congestion on I-210 means that many drivers would avoid using SR-2, and instead stay on the I-5, exacerbating existing traffic congestion on the I-5.
- The tunnel alternative results in significant induced north-south travel demand, adding traffic to both the I-5 and I-210 freeways. Where those freeways join, in the bottleneck south of the SR-14 split, there would likely be a significant increase in traffic congestion, with an additional 650 vehicle in the peak hour. While the project would result in significant increases in congestion in this segment, the EIR/S does not acknowledge these impacts.

The lack of improvement to the highway network shown by the model, suggest that the I-710 expansion project does not have the capability to provide the desired relief. As such, SCAG should identify alternatives to provide strategic expansion of mobility options in the area.

Figure 6, taken from the Highways and Arterials Appendix of the RTP/SCS, shows that building the I-710 project as part of the RTP preferred scenario simply shifts congestion from one place to another. More importantly, compared to the 2040 baseline, the RTP scenario, with inclusion of the I-710 project, significantly worsens congestion and delay on portions of the I-710 and I-210 freeways.

64 cntd

Figure 4 2035 Change in AM Peak Period Congestion (Build vs. No Build Alternatives)

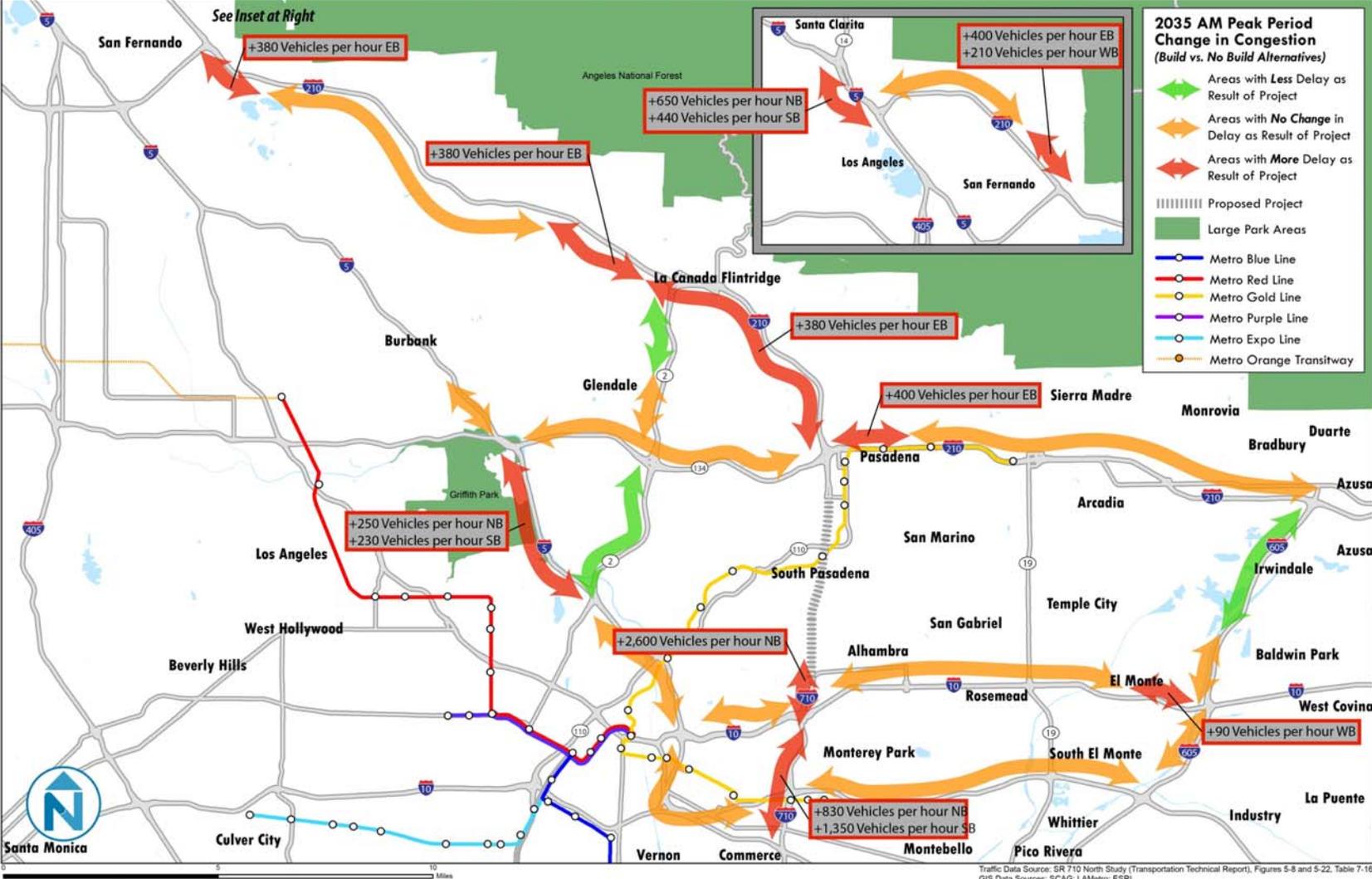


Figure 5 2035 Change in PM Peak Period Congestion (Build vs. No Build Alternatives)

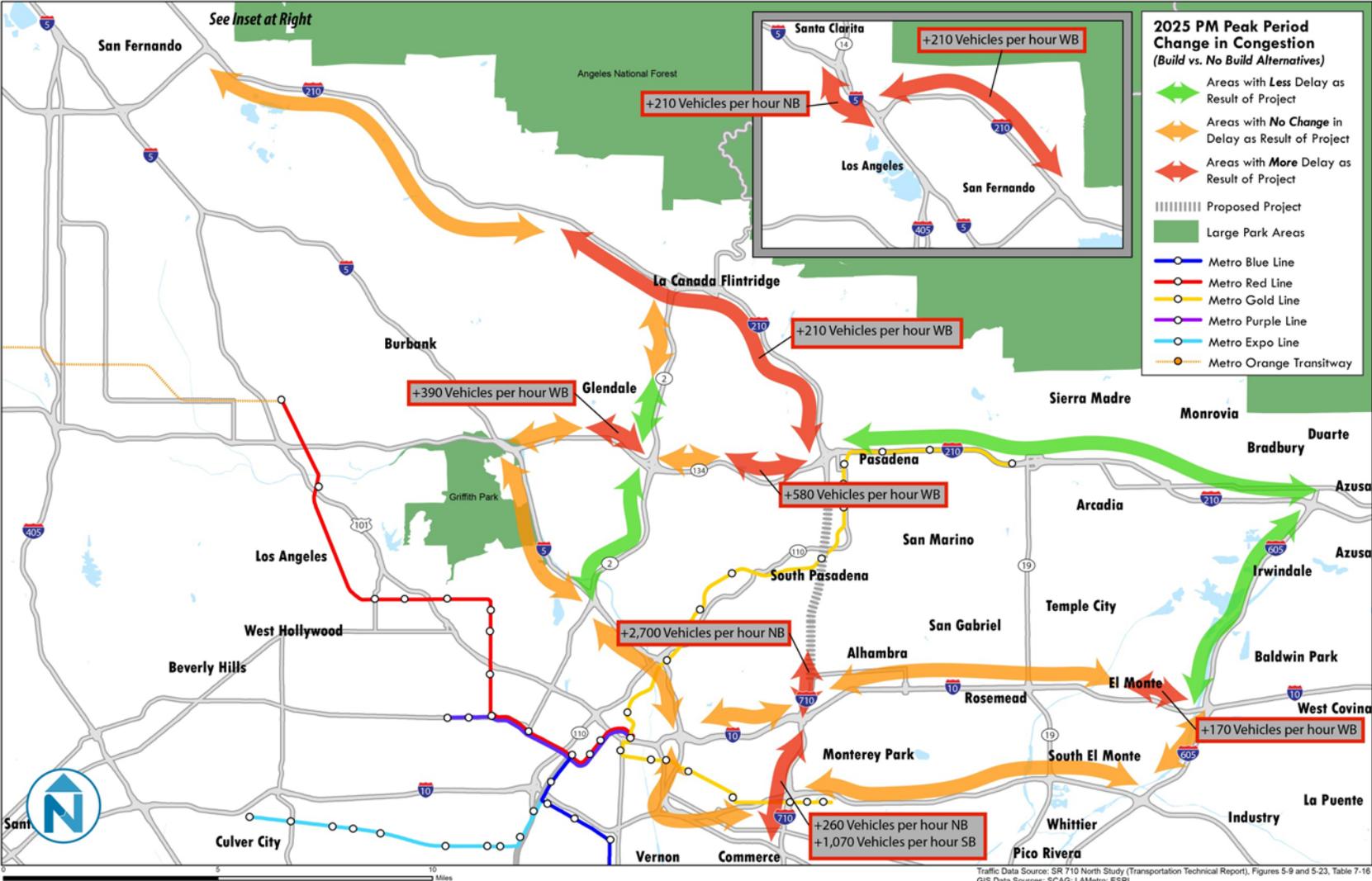
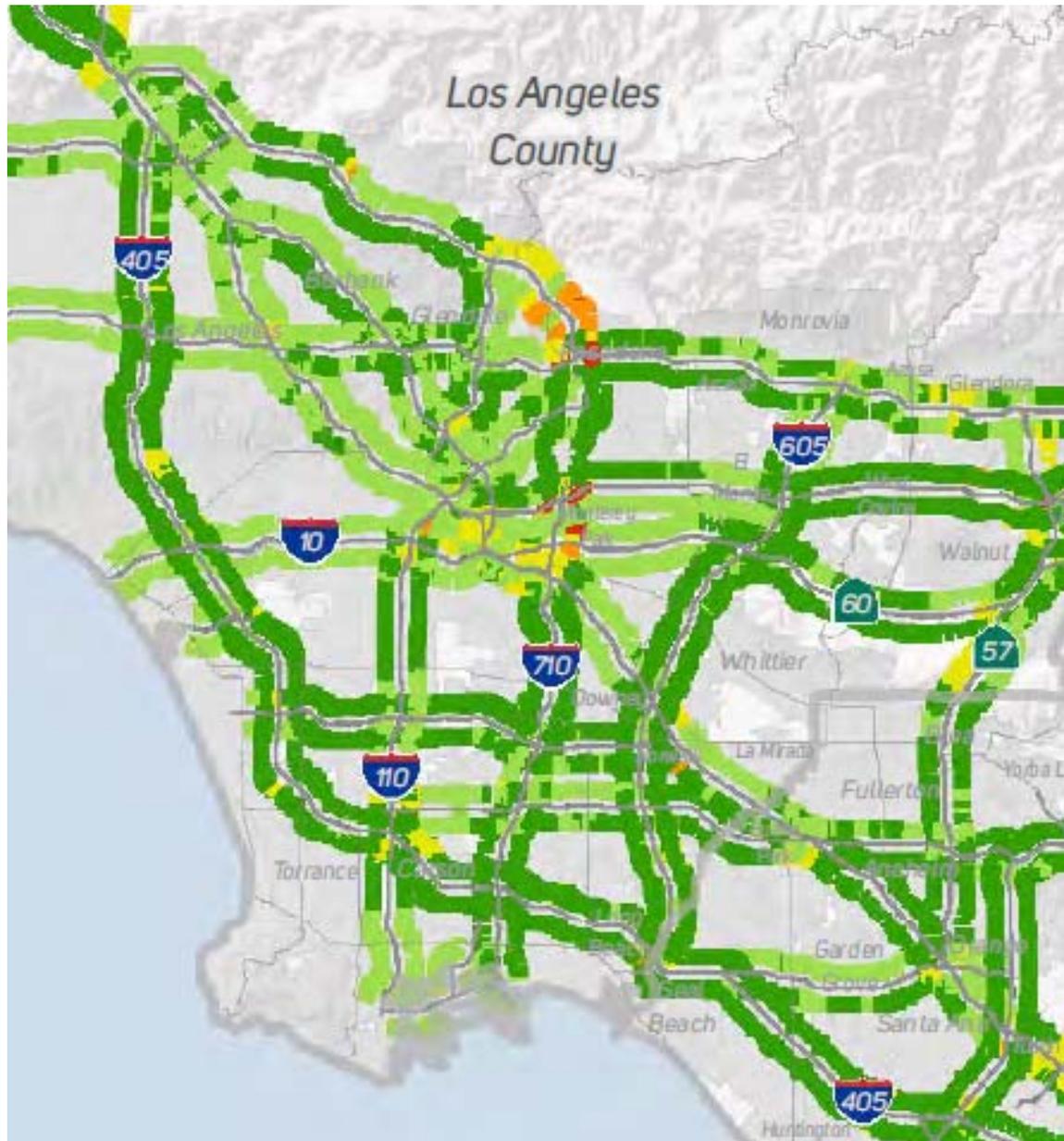


Figure 6 Baseline 2040 to Preferred Scenario 2040: Freeway Speed Changes – PM Peak <sup>10</sup>



Speed in Miles Per Hour

Greater than 10.0 decrease 5.0 to 10.0 decrease 0.0 to 4.9 decrease 0.0 to 4.9 increase 5.0 or greater increase

## Investment Effectiveness

The RTP/SCS process developed a series of four evaluation categories to evaluate the cost-effectiveness of the Plan's outcome. The categories were as follows<sup>11</sup>:

<sup>10</sup> SCAG, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy – Appendix: Highways and Arterials, Exhibit 12, Page 47

- Savings resulting from reduced travel delayed
- Air quality improvements
- Safety improvements
- Reductions in vehicle operating costs

If applying these categories to the I-710 extension project individually, it is likely that the benefits of time savings and air quality improvements would be minimal (if existent), due to the lack of time savings, and the likely increase in pollutant emissions as previously discussed. Additionally, the lack of funds to develop competitive alternatives to driving, and improving conditions for active transportation in the I-710 study area, would also result in limited positive impacts on safety improvements and reductions in vehicle operation costs.

65 cntd

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<sup>11</sup> SCAG, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, Pg. 158

# NEW INITIATIVE FOR MOBILITY AND COMMUNITY

[www.nelsonnygaard.com](http://www.nelsonnygaard.com)

## SUMMARY

The San Gabriel Valley is an area of diverse cities and neighborhoods that trace the history of Southern California. New homes mingle with historic downtowns and educational institutions to create a lively sub-region. All of that activity, however, creates demand for ever-increasing mobility and access. The economic might of our region means we will continue to have opportunities to invest in transportation. Doing so in ways that serve our economy and environment, while supporting our health and quality of life, will require sound decisions. This initiative is a starting point that changes the conversation to focus on the transportation needs of the area and the opportunities that may be explored by the local community as they develop their vision for community mobility.



**Transit** – Building out the area’s rapid transit network (particularly some missing north-south options) will make car ownership an option rather than a necessity – potentially improving life quality and household finance.



**Active Transportation** – Every trip starts by walking, and the people of this community deserve to be able to walk safely and comfortably. What better use of dollars is there than those spent to reduce injuries and deaths while taking cars off our congested roads?



**Managing Demand** – Sometimes it costs less to convince people not to drive than it does to accommodate driving with more road construction. Five-Hundred Million well spent dollars can take more cars off the roads than could be carried on a comparably priced new facility.



**Congestion** – While spending to create more choice, we can’t lose sight of the fact that sometimes you just need to drive. Dollars spent smartly can help make those drives less miserable without encouraging the development sprawl that can result from less focused projects.

# DIVERSE COMMUNITY, DIVERSE SOLUTIONS

For many years, the idea of a 710 freeway connection has been misleadingly touted as a solution to the transportation woes of the San Gabriel Valley. The publication of the 710 Environmental Impact Report has made clear, however, that this 50-year old project is no solution. It does not help a community craving transit access. It does not address east-west mobility problems. It prohibits trucks, bikes, pedestrians and charges tolls for cars. Perhaps most importantly, it will consume all of the available financial resources for this area.

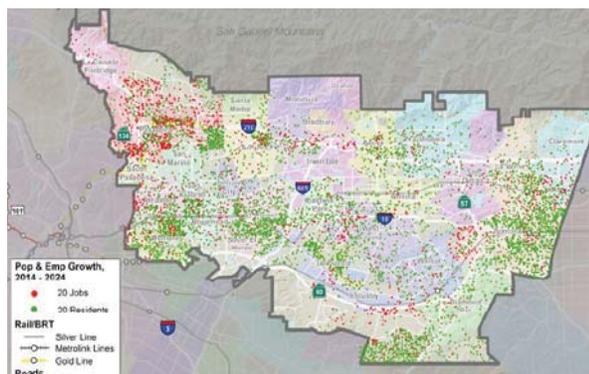
Problems with the tunnel proposal include:

- The tunnel does not “pay for itself” through tolls as some have asserted.
- According to the EIR, the tunnel does not address congestion issues in Alhambra.
- The tunnel bypasses the very destinations people want to go to.

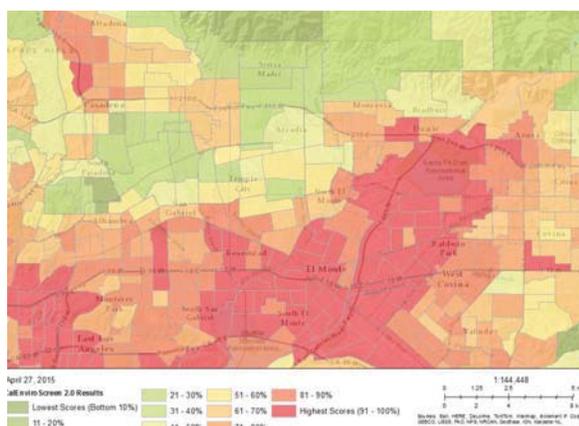
The San Gabriel Valley is a community of diverse people, with widely varying commute patterns. Employees need to make short commutes to Pasadena and long commutes to Burbank (Metro has found that 70 percent of study area vehicle trips start and end within the San Gabriel Valley). Students attending Cal State LA and East LA College need ways to make short commutes to school. Communities need to be able to walk safely to transit and want to be able to invest in ways that can improve air quality.

The set of ideas outlined in the pages that follow are intended as a starting point for the development of a real, community-based transportation vision. This is a compilation of many good ideas that have emerged from community and agency processes over the years. This diverse set of solutions should be refined based on community input and community needs in order to accommodate community aspirations. A community-based solution represents the best investment of our transportation dollars to connect and create community in the San Gabriel Valley.

It strains credibility that, despite holding scores of public open houses filled with community comment, no changes of substance have been made to any of the alternatives under evaluation. The 710 tunnel is not a community solution.



The addition of a 710 freeway linkage could bring the same level of environmental risk to local residents as that faced by residents in corridors such as I-605.



Analysis by Metro indicates the greatest population growth in the San Gabriel Valley will be in Pasadena - a community that has passed a resolution against 710 tunnel.

# THE NORTH STUB

For fifty years this community has been held hostage to the wrong-headed idea of a freeway extension – an idea which has precluded all sensible solutions. Allowing these “complete street” connections to happen would improve access and reconnect neighborhoods as the land relinquished by Caltrans is put back into productive use. The plan could even facilitate a trail connection from Pasadena, along the Arroyo to the LA river.

As an example of the kind of solution that can be developed from the grass roots community, this vision of Pasadena’s future stands in stark contrast to the 710 tunnel envisioned by planners (not influenced by community input).

This vision of reconnected streets supporting redevelopment would bridge the gap between downtown and West Pasadena.

## QUICK COMPARISON

OPTION A:  
FILL THE DITCH

OPTION B:  
RETAIN CURRENT GRADES

	+	East-West Connections		
	+	Reducing Traffic Impacts		
	+	Developable Land		
	+	Grade Issues for Buildings		
	+	Grade Issues for Access		
		Maintaining Bridges	X	
	+	Front/Back/Serviceing		
	+	Civic Open Space Plan		
	?	Costs		?
	←	MORE VALUE		

# THE SOUTH STUB

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The 710 freeway stub north of the 10 is over-scaled, and dumps all its traffic onto Valley Blvd, creating a congestion bottleneck. Converting the freeway into a boulevard allows us to solve its traffic problems by providing direct access to Cal State LA, and a 2-lane complete street connection to Alhambra Ave/Mission Rd, allowing traffic to be distributed into the arterial grid while protecting residential neighborhoods. A complete street connection through the emerging "Biotech Triangle" can reduce traffic at Fremont/Mission and cut-through along Concord Ave.

These changes also allow the restoration of Arroyo Rosa de Castilla, the year-round creek that runs alongside and under the 710, and the creation of over 30 acres of new parklands, three regular soccer fields, and a 2.5 mile bike path connecting Alhambra, El Sereno, and South Pasadena.

The boulevard also allows the creation of a new front door for Cal State LA, including 6.7 acres of flat, developable campus land.

Changing the disconnected south 710 Freeway stub into a connected boulevard would free up space for Cal State LA campus expansion, more efficiently disperse area traffic, provide space for premium transit including the opportunity to expand Dash service to El Sereno and Cal State LA. Perhaps more importantly it would connect communities, provide needed greenspace.

## LEGEND

- New Rapid Bus
- Restored Arroyo Rosa de Castilla
- Golden Eagle Boulevard Complete Street
- Bike Path



# THE NORTH STUB

Offers the potential to create 35 “new acres” of developable land to link the vibrant West Pasadena neighborhoods with Old Pasadena. This could create as much as 2.5 million square feet of new housing, retail, and office space.



Nearly 1,300  
Residential units

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Retail equivalent of expanding  
Old Pasadena by one-third



New Parks and Open Space

## JOB CREATION

Building this development program will create more than 8,000 construction job years and more than \$275 million in wages. Property and sales taxes are estimated to be more than \$12 million per year.

Commercial space in the north stub could potentially house more than 4,000 on-going office and retail jobs.





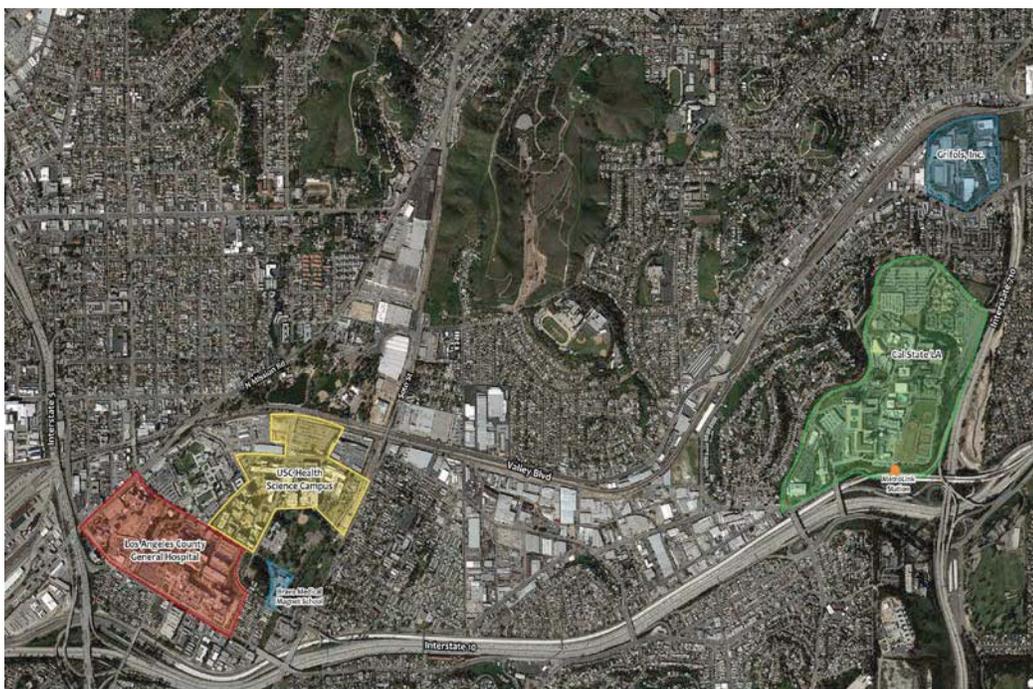
# THE SOUTH STUB

Enhanced quality of life and home values from proximity to parks, open space, and transit.

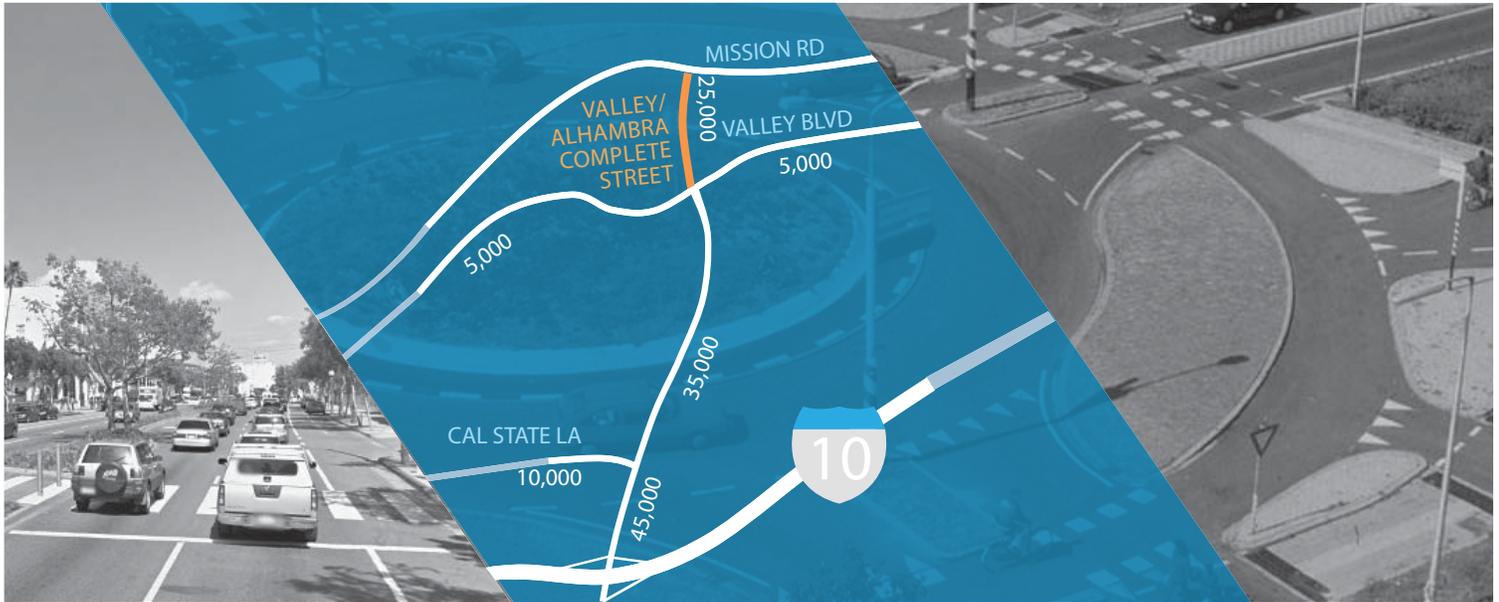


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Construction jobs from the development of a gateway for Cal State LA and buildout of the bus rapid transit system.



Support for the emerging Valley Boulevard Biosciences Corridor, connecting LAC/USC Medical Center, Keck School of Medicine, Bravo Medical Magnet High School, Grifols, Inc. and other private sector biotech firms.



SCALE OF GOLDEN EAGLE BLVD 45,000 VEHICLES PER DAY

SCALE OF GOLDEN EAGLE BLVD/ MISSION RD

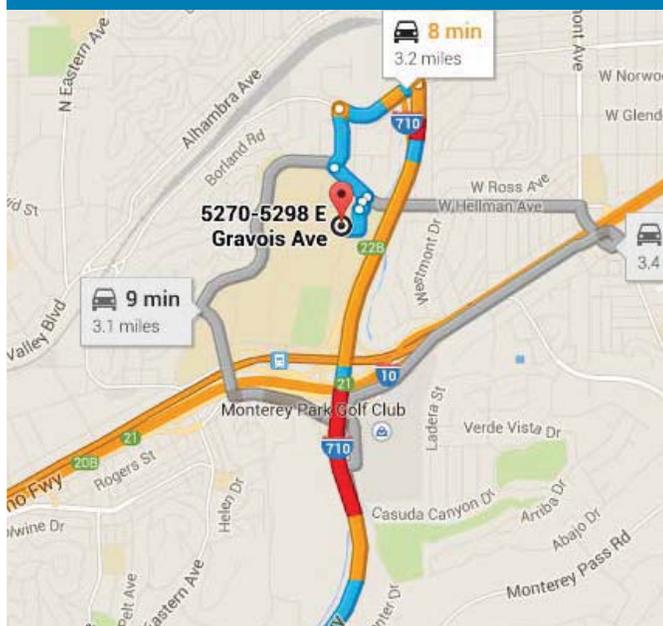
# CONGESTION RELIEF

## DISAPPEARING TRAFFIC

By replacing the freeway stub with a connected local street, “Golden Eagle Boulevard” would allow drivers to reach their destinations sooner – reducing traffic on the northern connector so much that a two-lane complete street (potentially ending in a traffic calming roundabout) could handle the reduced traffic. Measure R tax money was set aside for improvements to this corridor, but has gone unused so that the idea of a tunnel wouldn’t be harmed. The citizens have already paid the taxes – it’s time to get the benefit.

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### CAL STATE LA TRAFFIC



Currently, a query to Google would send a driver on a round about trip to Cal State LA, adding miles to the roads and congestion to local streets.



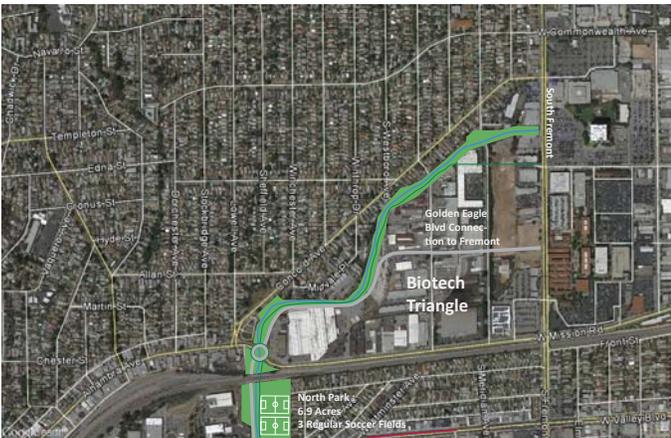
Changing the Freeway stub to a connected street and adding a complete street link to Mission Road is the real solution to area congestion.

# RESTORATION



Restoration of the Arroyo Rosa de Castilla will provide local residents with increased open space, beautiful vistas, opportunities for active mobility, areas for community gatherings and overall improved quality of life.

# BIOTECH TRIANGLE



Rebuilding the stub as a complete street would allow the restoration of the Arroyo Rosa de Castilla – a natural waterway that was piped and channelized to make room for the freeway stub.

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The new street connection will provide a link between the University and the emerging “Biotech Triangle.” Connecting these minds to the investment outcomes of their thinking allows this cycle of creativity to happen in the San Gabriel Valley. The new network along “Golden Eagle Boulevard” can reduce traffic at Fremont/ Mission and cut-through traffic along Concord Ave. The resulting complete street intersection on Mission will have such a manageable level of traffic entering that it could likely be handled by a single lane roundabout.

# ON-GOING COMMUNITY DEVELOPMENT BENEFITS



**Creation of a diverse mobility plan provides long-term economic benefits that cannot be duplicated with the tunnel solution.**

- Thousands of permanent transit jobs for operators, maintenance workers, and administrators

## **Opportunities for transit oriented development at each transit station**

- Phase 1 of the Gold Line to Pasadena has already generated \$1.4B in private investment, with a potential of many times this amount as the light rail system develops regionally.
- Phase 2A and B is estimated to generate over twice the investment of Phase 1.
- The Gold Line Eastside Extension, proposed BRT, and increased Metrolink service create significant additional opportunities for sustainable community development.



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# ADDITIONAL BENEFITS

## PUBLIC HEALTH

- Reduces air pollution and greenhouse gases
- Increases physical activity through walking and biking
- Reduces traffic-related injuries and fatalities
- Provides access to medical facilities
- Reduces the stress of commuting



## QUALITY OF LIFE

- Open space and recreation promote healthy lifestyles
- Access to transit makes regional destinations more accessible
- Parks and complete streets reduce the noise, stress, and vibration associated with living near a freeway.

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## ECONOMIC OPPORTUNITIES

- The average transit pass holder in Los Angeles saves about \$11,000 per year on commuting costs
- Transit access and nearby parks create a premium for housing values
- Transit supports sustainable community development and more opportunities for housing



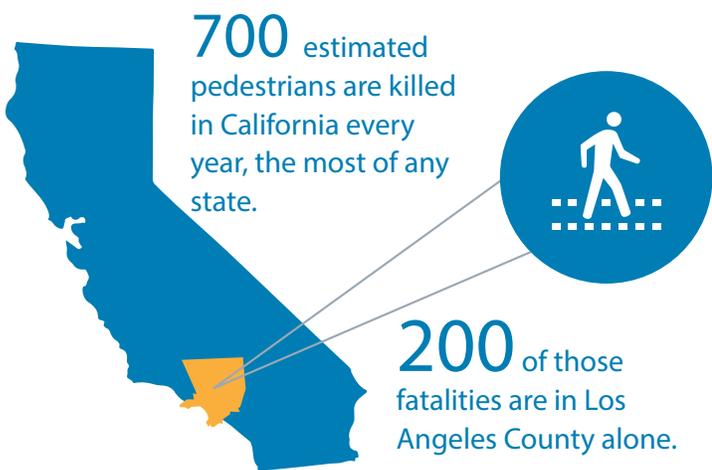


# WALKING

SUPPORTED BY ENHANCED PRIORITY CROSSINGS

This budget could improve safety for pedestrians throughout the San Gabriel Valley. Crossings of major arterials, accessibility improvements to intersections and dignified transit stops could all be achieved.

## PEDESTRIAN FATALITIES IN CALIFORNIA



## COLLISIONS IN LA

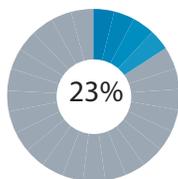
**5,000** collisions involving pedestrians, in an average year in LA County

\$25 M

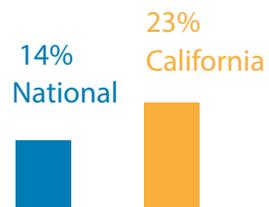


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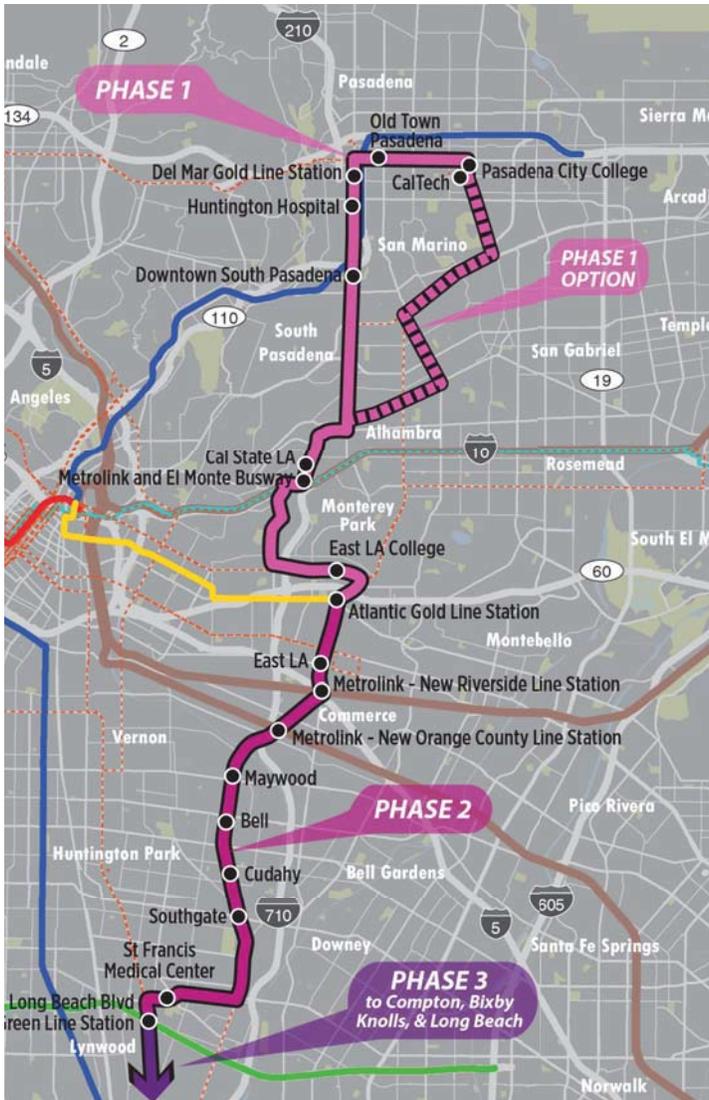
## CAR CRASHES AND PEDESTRIANS IN CALIFORNIA



In 2014, 23% of those killed in car crashes in California were pedestrians – well above the national average of 14%.



# NORTH-SOUTH CONNECTIONS

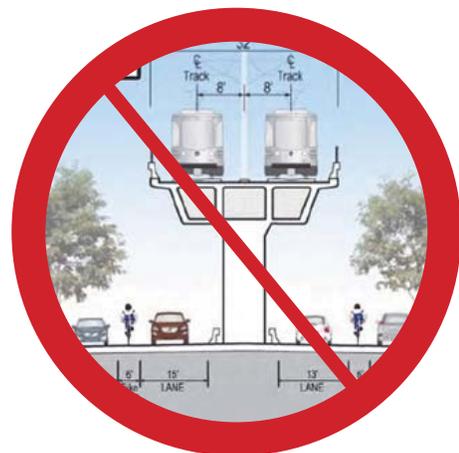


**LEGEND**  
 ● Activity Centers

This option would be different from the transit alternative shown in the EIR. Rather than a disruptive aerial structure, this would be a fast, surface, community-serving alternative.

This area's great east-west transit connectivity could be supplemented by a north-south corridor that would connect both legs of the Gold Line, MetroLink's San Bernardino, Riverside and Orange County Lines, the El Monte Busway, the Green Line and the Blue Line. In addition to all those transit linkages, activity centers along the line such as Huntington Hospital, Cal State LA, East LA College, St. Francis Medical Center and the communities of Bell, Maywood and Southgate and Long Beach would all become better connected. As ridership continues to grow, the community may explore the possibility of a light rail option that could further enhance the existing transit network.

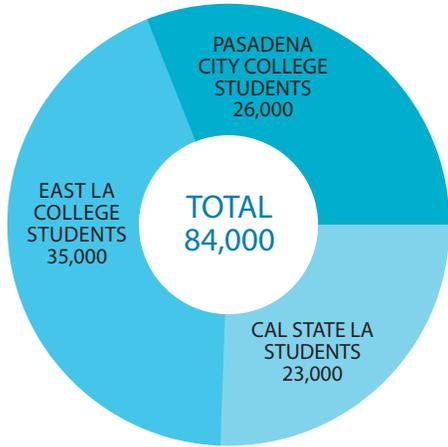
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The community supports an enhanced, surface transit solution that connects to employment centers, recreational opportunities and educational institutions, not a disruptive aerial structure as proposed in the EIR.

# DEMAND MANAGEMENT

## CAN TDM SOLVE THE PROBLEM?



**20%**  
VEHICLE TRIP  
REDUCTION ESTIMATE

**33,600** TRIPS  
SAVED PER DAY

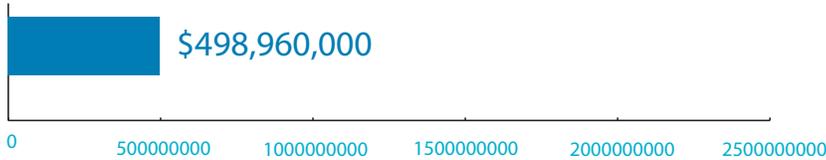
**302,400** TRIPS  
SAVED PER YEAR

**YES**

**COST**  
**\$500 M**

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### 30 YEAR COST AT MARGINAL COST RATE

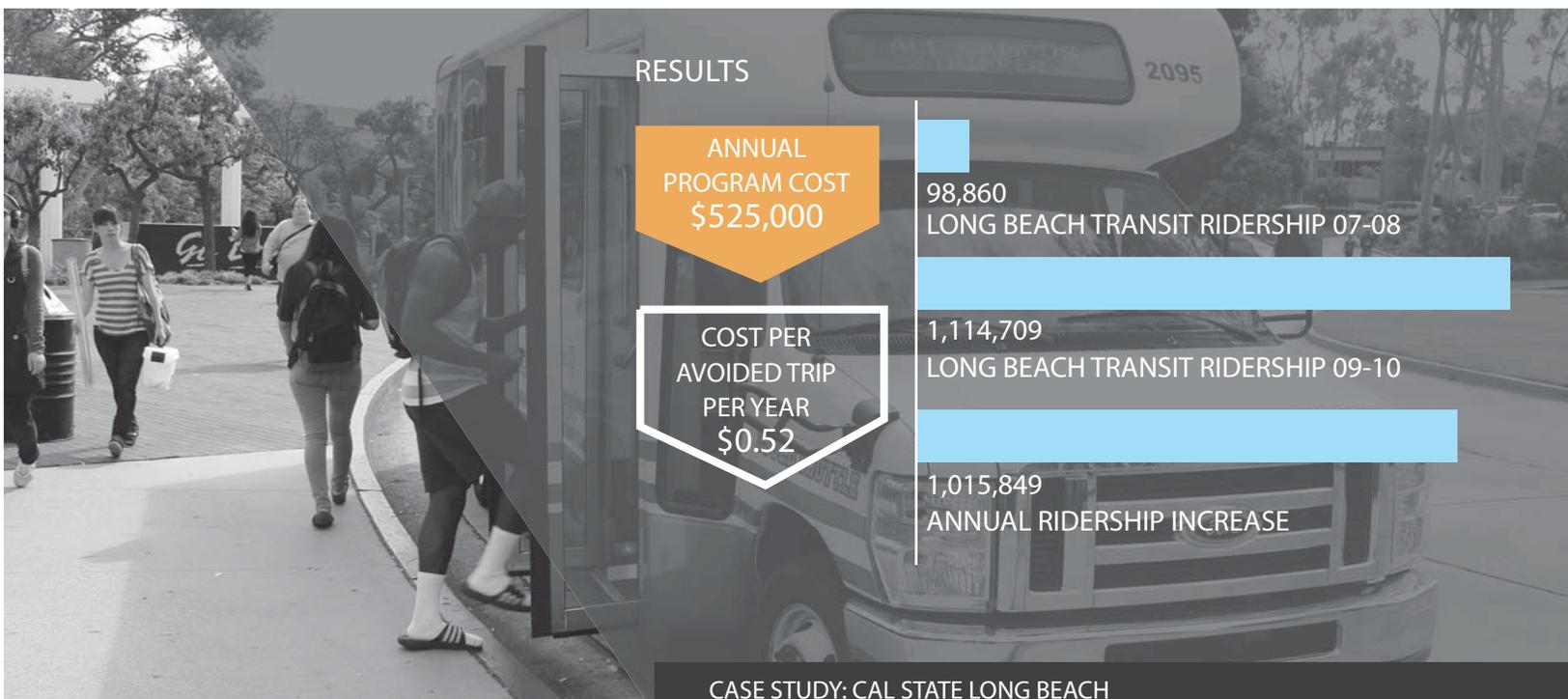


**\$73.00**

COST PER YEAR PER  
RIDER - MARGINAL

### CASE STUDY:

Cal State Long Beach has offered unlimited free rides on Long Beach Transit to all faculty, staff and students since 2008, achieving great results.



### RESULTS

ANNUAL  
PROGRAM COST  
**\$525,000**

COST PER  
AVOIDED TRIP  
PER YEAR  
**\$0.52**

98,860  
LONG BEACH TRANSIT RIDERSHIP 07-08

1,114,709  
LONG BEACH TRANSIT RIDERSHIP 09-10

1,015,849  
ANNUAL RIDERSHIP INCREASE

# WHAT CAN HAPPEN NOW?

	<p>Remove the South Stub and build “Golden Eagle Boulevard,” including a connection to Mission Road, as a “complete street.” (bus lanes and separated bike path included)</p>	<p>\$200 M</p>
	<p>Expanded DASH service to CalState LA</p>	<p>\$15 M</p>
	<p>Rebuild street connections to stitch together the North Stub</p>	<p>\$95 M</p>
	<p>Add 30 safe, pedestrian arterial crossings, 10 miles of new sidewalks and build the planned network of bike lanes and paths within one mile of either side of the 710 alignment</p>	<p>\$25 M</p>
	<p>Deliver real Rapid Surface Transit (Improved Route 762) north-south service to include greater frequency, longer hours, weekend service and some dedicated bus lanes</p>	<p>\$170 M</p>
	<p>Rosemead Boulevard is the main north-south street in the San Gabriel Valley, connecting the City of Rosemead to Temple City, East San Gabriel and East Pasadena. It is also served by Metro Lines 266 and 489, and a segment in Temple City features the region’s first protected bike lanes.</p>	<p>\$200 M</p>

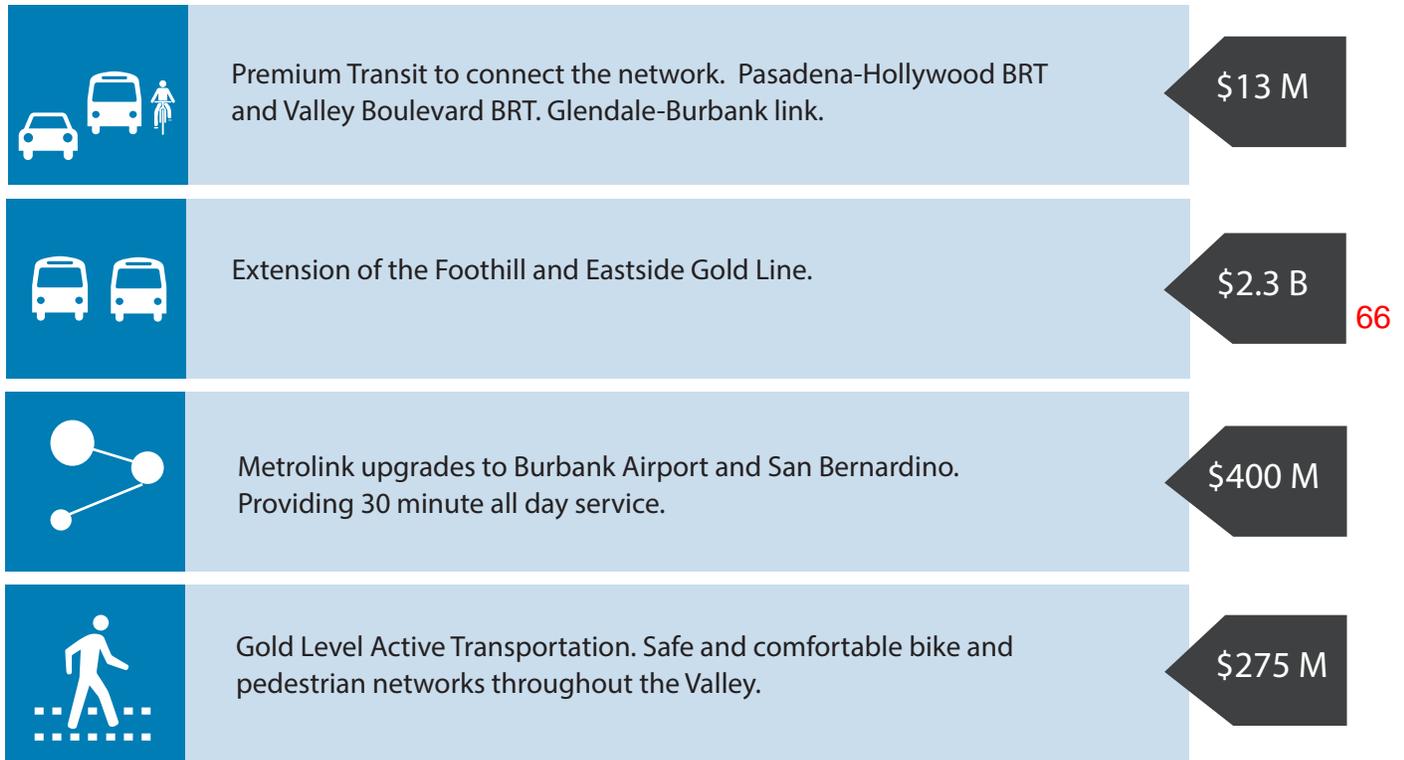
66

**FUTURE PHASES:** Moving forward the sale of surplus Caltrans properties could generate up to an additional \$250 million to fund effective approaches such as student transit passes in the corridor:

	<p>Transit passes for 10 years for students of Pasadena City Collage, Cal State LA and East LA Collage</p>	<p>\$170 M</p>
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# WHAT COULD HAPPEN WITH MORE FUNDING

With an initiative such as Measure R2, the following projects can address the regional transportation issues throughout the area.

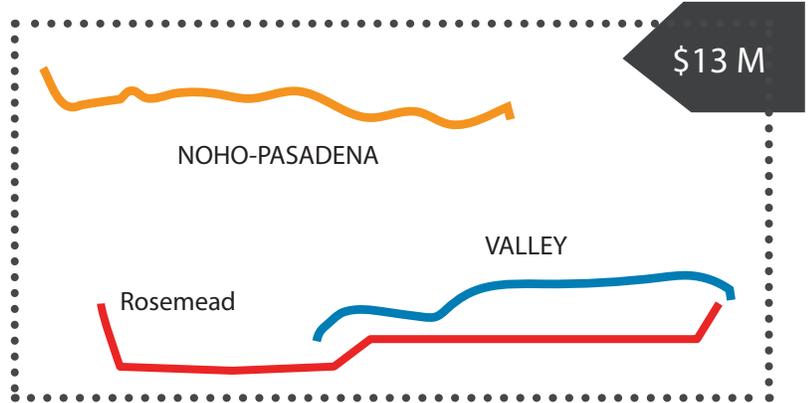


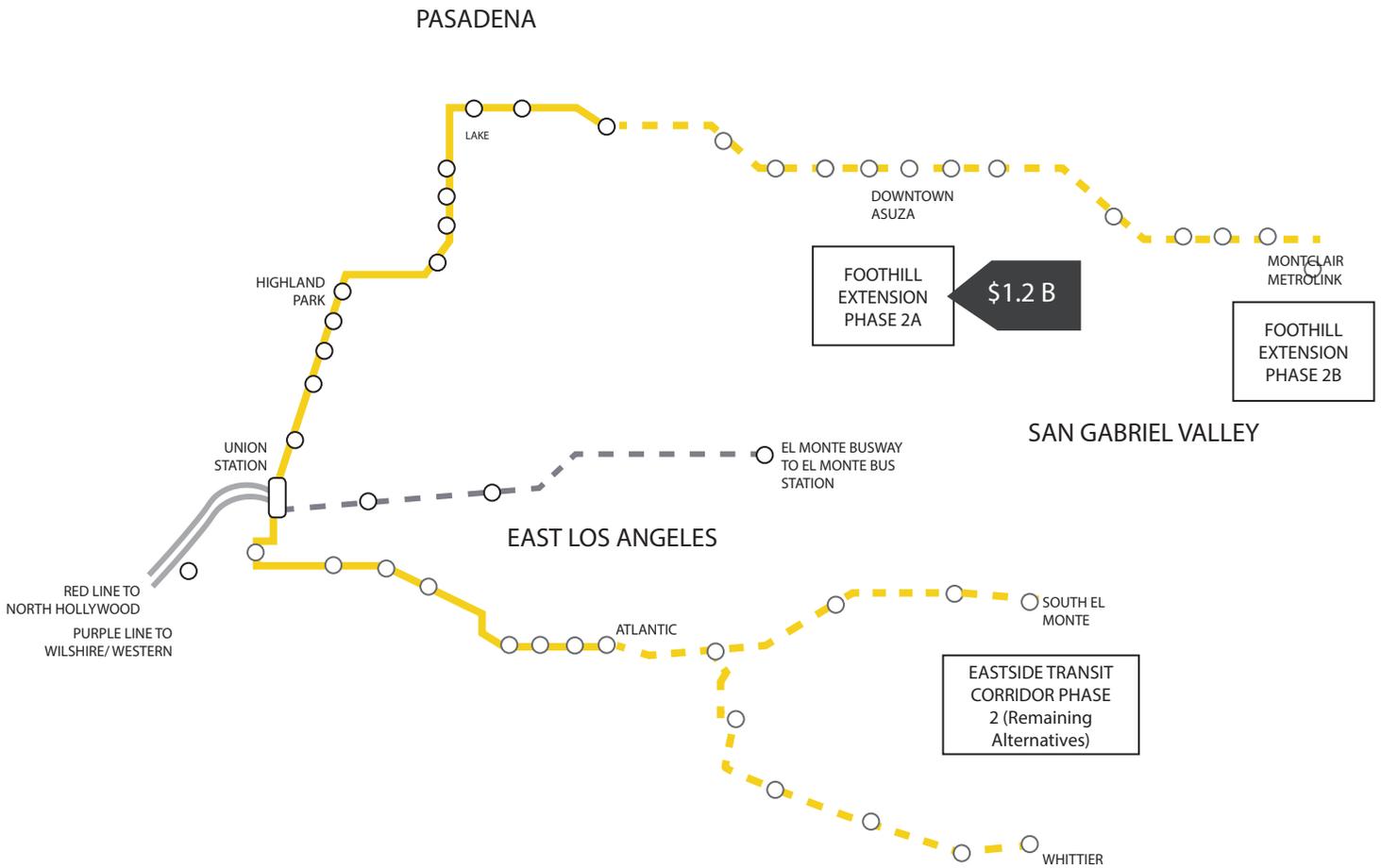
# PREMIUM TRANSIT CONNECTIVITY

- North Hollywood to Pasadena BRT (including Burbank and Glendale)
- Valley Boulevard BRT (Downtown LA to El Monte Transit Center)
- Rosemead BRT (Boyle Heights to El Monte Station)

Rapid Bus Transit along the sub-region's key corridors can connect communities that are a bit farther from the rail network. These corridors involve more than just buses. Improvements to transit stops/stations can assure that all riders have a safe and dignified experience. Improvement of sidewalk connectivity and quality can assure people can get to the system and safely cross streets at stations. Once the sidewalks are improved, consolidating stations can make the ride much faster and more reliable.

As illustrated in this 1990 Metro Rail Plan, there has always been a "V" shaped missing link in rail planning that bypasses Glendale and Burbank. The time has come to bridge the missing link and connect communities.





# GOLD LINE COMPLETION

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Premium Transit Access for the east end of the San Gabriel Valley will connect many more residents to jobs throughout Los Angeles County.

The long-planned completion of the Gold Line will connect the eastern San Gabriel Valley into the rest of the region’s rapidly expanding transit network.

All day, frequent service to Burbank Airport, San Bernardino and points between will represent a significant improvement to quality of life.

\$400 M



## METROLINK UPGRADES

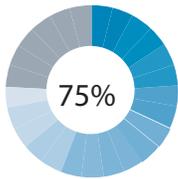
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Upgrades to service on the Ventura County Line could provide 30 minute all day (and evening) service to the Burbank Airport. It might also make sense to supplement the current Glendale station (which is closer to Atwater Village) with an infill station closer to downtown Glendale. Improvements to the San Bernardino Line could provide hourly reverse commute and mid-day service. Both would represent a tremendous improvement to the usability of these valuable existing systems.

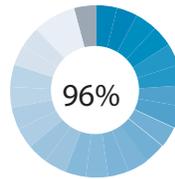
# GOLD LEVEL ACTIVE TRANSPORTATION

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This budget would be enough to create a premier, nationally-competitive bike network connecting the entire San Gabriel Valley. This system would focus on "low-stress" facilities that are comfortable to a wide range of potential users.

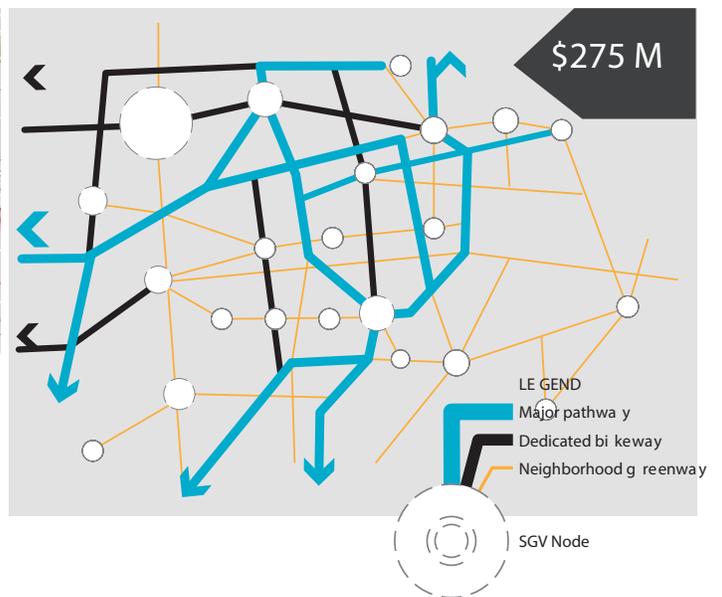
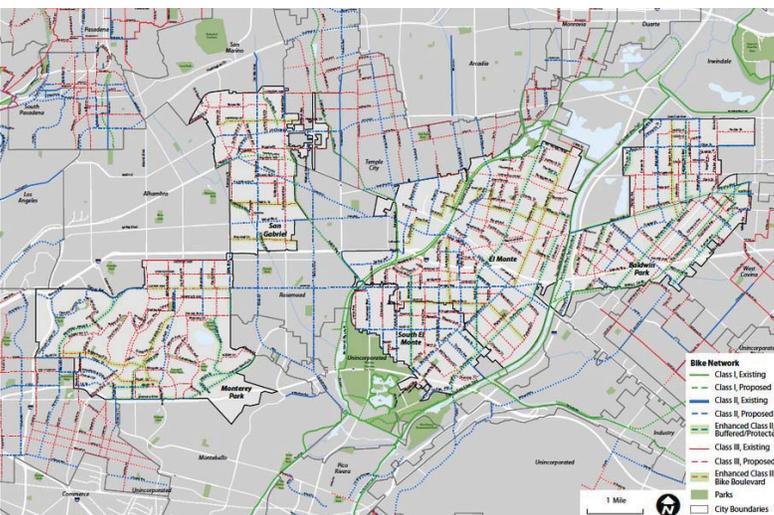


In its first year, a protected bike lane increases bicycle traffic on a street by an average of 75%



Most people riding in protected bike lanes feel safer on the street because of the lanes

## SGV ACTIVE TRANSPORTATION FRAMEWORK



## NETWORK PRINCIPLES



## BIKING

NEIGHBORHOOD GREENWAYS EVERY 1/2 MILE

SEPARATED BACKBONE - EVERY 1 MILE

Since the initial release of the Beyond the 710: New Initiative for Mobility and Community during the May 28, 2015, press conferences at Gateway Plaza, the Connected Cities and Communities has met with numerous stakeholders to refine the projects and strategies identified in the Initiative to build consensus, provide opportunities for stakeholder engagement and collaboration.

Future revisions and refinements will be provided to reflect ongoing public input of impacted communities and interested stakeholders.

*The Beyond the 710: New Initiative for Mobility and Community and associated economic analysis was produced in conjunction with the internationally recognized transportation firm Nelson\Nygaard Consulting Associates, and The Maxima Group LLC, Real Estate and Business Solutions.*

**For more information:**

**<http://www.beyondthe710.org/>**

**[info@beyondthe710.org](mailto:info@beyondthe710.org)**

**(626) 788-5231**

Shute, Minhaly & Weinberger LLP

5-Cities Alliance

Re: 2016 Draft Regional Transportation Plan/Sustainable Communities Strategy and Draft  
Program Environmental Impact Report

Exhibit 2

Phyllis Fox, Ph.D., PE, BCEE  
745 White Pine Ave.  
Rockledge, FL 32955  
321-626-6885

Laurel Impett, AICP, Urban Planner  
Shute Mihaly Weinberger LLP  
396 Hayes Street  
San Francisco, CA 94102

Dear Ms. Impett:

As you requested, I have reviewed the air quality section (Sec. 3.3) of the Draft Programmatic Environmental Impact Report (DPEIR) for the Southern California Association of Governments' (SCAG) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS).<sup>1</sup> My comments are summarized below.

### **AIR QUALITY IMPACT ANALYSIS IS FLAWED**

The DPEIR evaluated the impact of emissions of nitrogen oxides (NOx), reactive organic gases (ROG), carbon monoxide (CO), sulfur oxides (SOx), particulate matter less than 10 microns (PM10), and particulate matter less than 2.5 microns (PM2.5) from the transportation projects in Appendix B (the Project) on ambient air quality. The DPEIR concluded, based on this analysis, that Project emissions had the “potential” to violate air quality standards or contribute substantially to an existing or projected air quality violation and concluded this impact was significant and unavoidable,<sup>2</sup> even though its emission analysis showed a decrease in emissions.<sup>3</sup>

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### **The Air Quality Emission Analysis Is Unsupported**

A project with the potential to violate any air quality standard or contribute substantially to an existing or projected air quality violation results in a significant air quality impact. This determination is normally made by estimating the increase in emissions from the project and

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<sup>1</sup> Southern California Association of Governments (SCAG), Draft Program Environmental Impact Report, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, December 2015; <http://scagrtpscs.net/Pages/DRAFT2016PEIR.aspx>.

<sup>2</sup> DPEIR, Figure ES.4-1 and pp. 3.3-40/41 (Impact Air-2).

<sup>3</sup> DPEIR, Table 3.3.4-1.

using an air dispersion model, such as AERMOD, to determine if the emissions will cause or contribute to violations of air quality standards.

This impact is considered under Impact Air-2 in the DPEIR. The results of this analysis are summarized in Table 3.3.4-1 (criteria pollutant emissions by county) and in Figures 3.3.4-1 (PM2.5 emission changes) and 3.3.4-2 (CO emission changes). The source of Table 3.3.4-1 is cited as “SCAG Transportation Modeling, 2015.” However, this modeling is not included in the DPEIR nor otherwise cited with specificity. The DPEIR fails to explain what this modeling entailed, the assumptions used in the calculations, and how the emissions in Table 3.3.4-1 and the emission changes in Figures 3.3.4-1 and -2 were calculated. One cannot determine from inspection of this information, for example, how the various transportation projects would affect traffic and thus emissions nor what future regulations are assumed.

68 cntd

Further, the analysis for PM2.5 and CO in Figures 3.3.4-1 and 3.3.4-2 are described in one manner in the text and another on the figures, creating significant confusion. The text at page 3.3-41 indicates the information plotted on these figures is standard deviations (SDs), but fails to note standard deviations from what. A standard deviation is a measure of how spread out replicate measurements of a single value are, *i.e.*, the amount of variation in measurements used to compute an average. However, the figures themselves indicate the plotted values are “emission changes,” not standard deviations. A standard deviation in the context of this discussion makes no sense. Because the DPEIR contains no support whatsoever for these figures, *i.e.*, the assumptions and calculations used to generate them are not disclosed, this contradictory information cannot be resolved. In these comments, I have assumed the figure notation, “emission changes,” are what is actually plotted, as standard deviations make no sense in the content of the baseline discussion, which involves comparing a future condition with a baseline, in which emission changes are calculated by subtracting baseline average emissions from the future average emissions.

Emissions from transportation projects are normally calculated using computer models such as the SCAG Transportation Demand Model and Scenario Planning Model, the U.S. EPA MOVES2014 model, and the CARB EMFAC2014 model. The emission increases in grams per second from these analyses are then used as input to an air dispersion model, such as AERMOD, to determine if the emission changes will cause or contribute to a violation of an air quality standard.

69

These models require many inputs, which ultimately determine air quality impacts. The input and output files from these models are normally included in an appendix to an EIR, the input assumptions are discussed and justified, and the electronic files are cited, indicated as available from the lead agency, and provided on a compact disc upon request. The DPEIR

includes an air quality appendix, Appendix C, “Air Quality and Greenhouse Gas Emissions and Climate Change Technical Report”, where supporting calculations would ordinarily be found. However, in this case, the appendix is just a nearly verbatim repetition of the text found in the main body of the DPEIR,<sup>4</sup> with no further disclosure of how the emissions and emission changes were calculated. Thus, Impact Air-2 is unsupported.

69 cntd

This is important because the DPEIR concludes simultaneously that Impact Air-2 is significant and unavoidable (and proposes mitigation) and less than significant.<sup>5</sup> This makes no sense; an EIR must clearly and consistently come to a determination as to the extent of a project’s environmental impacts. Had the DPEIR included supporting documentation, I would have been able to determine which of the document’s significance determinations was accurate.

Assuming that the project’s impacts are significant, in order to comply with the Clean Air Act’s conformity requirements, all emission increases of nonattainment pollutants must be fully mitigated. To satisfy CEQA, all feasible mitigation must be proposed and the resulting emissions and related air quality impacts, after mitigation, must be disclosed. An accurate estimate of emission changes is required to assure full mitigation.

70

### **The Air Quality Analysis Uses A Misleading Baseline**

The Project consists of over 5,000 individual transportation projects valued at 556 billion dollars that would be implemented between 2015 and 2040.<sup>6</sup> The significance of air quality impacts of this Project is evaluated in the DPEIR by comparing annual air emissions by county from traffic in 2040 to annual air emissions from traffic under “existing conditions” in 2012.<sup>7</sup> This analysis erroneously suggests the Project would result in a reduction or no change in annual emissions of all criteria pollutants in all counties,<sup>8</sup> thus misleading the public and decision makers.

71

The decrease in annual county-wide emissions compared to the existing baseline shown in Table 3.3.4-1 is not due to the Project, but rather to regulatory changes that reduce emissions from vehicles.<sup>9</sup> The use of the existing baseline to evaluate Project significance transfers credit

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<sup>4</sup> DPEIR, Appx. C, pp. 73-75.

<sup>5</sup> DPEIR, p. 3.3-40 and 3.3-50/52.

<sup>6</sup> DPEIR, Executive Summary and Appx. B, Impact Air-2.

<sup>7</sup> DPEIR, Table 3.3.2-6.

<sup>8</sup> DPEIR, p. 3.3-40 and Table 3.3.4-1.

<sup>9</sup> See, e.g., DPEIR, p. 3.3-41.

for these regulatory reductions to the Project, when they are due to unrelated state and federal regulatory changes to vehicle emissions. This hides the true impacts of the Project.

Many things besides the Project will take place over this period (2012 to 2040) that will affect emissions from transportation projects. These include regulations that govern the amount of pollution allowed from on-road vehicle;<sup>10</sup> the fraction of the on-road vehicle population that complies with these regulations; and the impact of the Project on vehicle miles traveled (“build it and they will come”). Thus, determining the significance of air quality impacts based on existing conditions (2012) is uninformative and misleading, leaving the false impression that the Project will significantly reduce emissions, *i.e.*, improve air quality, when the Project will likely increase emissions in many areas and at various times over the planning horizon of 2012 to 2040, compared to conditions at buildout in 2040.

72 cntd

The DPEIR also includes a geographic, segment-by-segment comparison of 2040 conditions with and without the Project for CO and PM2.5, but declines to use this analysis to evaluate significance.<sup>11</sup> This comparison appears to demonstrate that the Project would increase emissions of PM2.5 and CO in many areas (those colored yellow, pink and brown in Figures 3.3.4-1/2), including most of Los Angeles County, an area with some of the worst air quality in the United States. Many of these areas are currently in nonattainment with the state PM2.5 air quality standard.<sup>12</sup> Thus, the Project would result in significant PM2.5 impacts by contributing to existing violations of the state PM2.5 air quality standard.

73

The DPEIR failed to perform a similar 2040 with and without Project analysis for NOx and ROG, which are ozone precursors. The Project area is nonattainment for ozone.<sup>13</sup> Further, NOx and ROG are also emitted in large amounts by on-road vehicles. In fact, on-road vehicles are the major source of both NOx and ROG in the Project area. In the South Coast Air Quality Management District (SCAQMD), for example, on-road vehicles emit 35% of the ROG and 61% of the NOx.<sup>14</sup> If a similar analysis to that shown in Figures 3.3.4-1/2 was performed for ROG

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<sup>10</sup> See, *e.g.*, DPEIR, p. 3.3-14 (Heavy-duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements) and 3.3-18 (Emission Reduction Plan for Ports and Goods Movement).

<sup>11</sup> DPEIR, p. 3.3-41 and Figures 3.3.4-1/2.

<sup>12</sup> DPEIR, p. 3.3-28 and Figure 3.3.2-1.

<sup>13</sup> DPEIR, Figure 3.3.2-2 and Table 3.3.2-4.

<sup>14</sup> See, *e.g.*, SCAQMD, Air Quality Management Plan, Appendix III. Base and Future Year Emission Inventory, December 2012, Table III-2-IA available at: <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2012->

and NOx, it would show that the Project would increase NOx and ROG emissions throughout most of the Project area. As most areas in the SCAG region currently exceed the 8-hour national ambient air quality standard for ozone,<sup>15</sup> the Project would contribute to existing exceedances and likely in some areas, cause new exceedances of the federal and state ozone air quality standards. Thus, the Project would also result in significant NOx and ROG impacts that were not disclosed in the DPEIR. Therefore, the Project does not satisfy conformity requirements in 40 CFR Part 93, Subpart B and is not eligible for federal funding.

74 cntd

### **The DEIR Omits An Analysis of Interim Years**

The DPEIR understates impacts because it does not evaluate air quality conditions during interim years. The significance of air quality impacts is evaluated in the DPEIR by comparing total annual air emissions from traffic in 2040 to total annual air emissions from traffic under “existing conditions” in 2015, assuming full buildout of the Project by 2040. However, as noted above, the Project consists of over 5,000 individual projects that would come on line at different times between 2016 and 2040.<sup>16</sup> These projects include those that would reduce daily vehicle miles traveled and thus emissions, *e.g.*, public transit projects, and those that would increase vehicle miles traveled, *e.g.*, freeway expansion projects, such as the 710 North project. If capacity expansion projects are operational before the public transit and other projects that remove people from their cars, vehicle miles traveled and hence emissions would increase due to Project staging. This could occur, for example, if some of the public transit projects are unfunded and/or delayed due to right-of-way issues or cost escalation. Thus, the Project has the potential to create local air quality hot spots due to Project staging, between 2014 and 2040, that were not acknowledged and evaluated in the DPEIR.

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### **Data Presentation Is Confusing**

The public and decision makers must be able to understand an EIR in order to comment on it and make effective use of it. The presentation of the air quality analyses fails this fundamental test.

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First, as explained elsewhere, the text discussing Figures 3.3.4-1 and 3.3.4-2 and notes on the figures disagree. The first asserts that standard deviations are plotted. The second asserts differences are plotted. Neither explains how the graphed values were calculated.

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[air-quality-management-plan/final-carb-epa-sip-dec2012/2012-aqmp-carb-epa-sip-submittal-appendix-iii.pdf](#).

<sup>15</sup> NOx and ROG form ozone in the atmosphere and thus are ozone precursors.

<sup>16</sup> DPEIR, Executive Summary and Appx. B.

Second, an air dispersion model, such as AERMOD, is normally used to convert emissions into ambient concentrations so they can be compared with ambient air quality standards. This is particularly critical for the Project area, as large portions of it already violate state and federal ambient air quality standards.<sup>17</sup> The results of this modeling are normally displayed on maps that show the points of maximum impact and isopleths which allow impacted parties and decision makers to determine where the impacts would occur. An isopleth is a line of equal or constant concentration (or cancer risk) on a map. An isopleth map plots isopleths (or contour lines) for increments of ambient concentration from the modeling, in micrograms per cubic meter. This allows interested parties to determine the geographic location and extent of significant impacts. No isopleth maps are included in the DPEIR.

77 cntd

### **Air Quality Impacts Are Cumulatively Considerable**

The DPEIR includes a section entitled “cumulative impacts” (Impact Air-3), concluding the impacts are not significant as to nonattainment pollutants PM2.5 and ozone because Project emissions, when compared to existing conditions, would result in either no change or a decrease in projected long-term emissions.<sup>18</sup> This is wrong.

First, as discussed above, the reported emission decreases are due to changes in regulations, rather than reductions due to the Project. Because the Project consists of thousands of individual transportation projects that will be built out between 2015 and 2040, Project emissions may either increase or decrease at a given place and point in time between 2015 and 2040, depending upon the phasing of the projects. The impact of the Project can only be determined by comparing emissions in 2040 with and without the Project. As Figures 3.3.4-1 and 3.3.4-2 clearly demonstrate, CO and PM2.5 emissions will increase in many areas.

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Second, Impact Air-2 concludes that emissions from the Project have the “potential” to violate air quality standards and classified the impact as significant and unavoidable. In the event that this is an accurate assessment, the cumulative impacts are also significant. In determining the significance of a project’s incremental contribution, the question is not the relative amount of the project’s contribution to the existing cumulative problem (i.e., does the project contribute the same, less, or more than other projects), but rather whether the addition of the project’s impact is significant in light of the serious existing problem (i.e., is the project’s contribution to the existing problem cumulatively considerable). Thus, the greater the existing environmental problem is, the lower the threshold of significance should be for considering a

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<sup>17</sup> DPEIR, Figures 3.3.2-1, 3.3.2-2.

<sup>18</sup> DPEIR, pp. 3.3-41/42.

project's contribution to the cumulative impact.<sup>19</sup> Since the RTP would cause air pollutant emissions to increase in a region that already suffers from extreme air pollution, the Project's incremental contribution is clearly cumulatively considerable.

79 cntd

Third, the DPEIR does not even analyze the Project's cumulative air quality impacts. The DPEIR does not identify other current and proposed projects that may cumulatively contribute to the Project's impact. Thus, even if one were to assume Project impacts were not significant, the DPEIR does not contain a proper cumulative impact analysis.

80

### **DPEIR Omits An Analysis of Construction Emissions**

Construction equipment emits significant amounts of particulate matter and the ozone precursors, NO<sub>x</sub> and ROG, for which most of the study area currently violates ambient air quality standards. These pollutants can cause severe cardiovascular and respiratory illnesses, asthma attacks, acute bronchitis, and even premature death.

The DPEIR concludes that “[t]he construction and operation of individual transportation projects and anticipated development as result of the proposed transportation and land use strategies in the 2016 RTP/SCS are expected to have the potential to violate air quality standards or contribute substantially to an air quality violation, thus requiring the consideration of mitigation measures.”<sup>20</sup> The DPEIR proposes construction mitigation<sup>21</sup> and concludes the impact (Air-2) would remain significant and unavoidable.<sup>22</sup>

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However, the DPEIR fails to describe the existing regulatory framework for off-road construction equipment,<sup>23</sup> fails to estimate unmitigated and mitigated construction emissions, and fails to compare emissions to CEQA significance thresholds. In addition, contrary to CEQA, the document provides no detail about the effectiveness of the construction-related mitigation measures. Further, to assure the Project complies with the requirements in 40 CFR Part 93, Subpart B, construction emissions must be reduced to zero for the Project to be eligible for

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<sup>19</sup> CEQA Guidelines, Sections 15064(h)(1), 15130, 15355(b); [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art9.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art9.html) ).

<sup>20</sup> DPEIR, p. 3.3-40.

<sup>21</sup> DPEIR, pp. 3.3-51/52.

<sup>22</sup> DPEIR, p. 3.3-54.

<sup>23</sup> See CARB, In-Use Off-Road Diesel Vehicle Regulation, Overview, Revised February 2014, Available at: [http://www.arb.ca.gov/msprog/ordiesel/faq/overview\\_fact\\_sheet\\_dec\\_2010-final.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/overview_fact_sheet_dec_2010-final.pdf).

federal funding. Therefore, the DPEIR must estimate construction emissions before and after mitigation and demonstrate that such emissions would be reduced to zero.

81 cntd

### **Air Quality Mitigation Is Not Enforceable**

Mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments.<sup>24</sup> The DPEIR proposes several mitigation measures but many of the measures are vague, optional, directory, or otherwise unenforceable. A few examples follow (*emphasis added*):

#### MM-Air-2(a)(1):

- Unidentified programs (items I, VII, VIII, IX, X, SI, SII, XIV, XV, XVI).
- Program that *encourages* the *voluntary* removal from use and the marketplace of pre-1980 model year light duty vehicles and pre-1980 model light duty trucks (XVI).
- Programs to *encourage* the installation of personal electric vehicle charging stations, and other alternative fuel sources (XVII).

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#### MM-Air-2(a)(2):

- *Discretionary* participation in various work groups.

#### MM-Air-2(b):

- *As appropriate* require portable engines and portable engine-driven equipment units...obtains CARB...Arrange *appropriate* consultations...

#### MM-Air-4(b):

- A list of CARB’s strategy to reduce emissions without any specific implementation programs that represent a firm, enforceable commitment to mitigate Project impacts
- *Proposed* new transportation-related SIP measures, without any specific implementation programs or firm commitment to implement these measures to mitigate Project impacts, regardless of SIP outcome.

### **All Feasible Construction Mitigation Is Not Required**

The DPEIR concludes construction emissions are “significant and unavoidable” yet does not require all feasible mitigation. An EIR may conclude that an impact is significant and unavoidable only if all available and feasible mitigation measures have been proposed, but are inadequate to reduce the impact to a less than significant level.<sup>25</sup> If supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the

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<sup>24</sup> Pub.Res.Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).

<sup>25</sup> See Cal. Code Regs. Titl. 14 (“CEQA Guidelines”), § 15126.2.

project in spite of the significant and unavoidable impact(s). However, the lead agency cannot simply conclude that an impact is significant and unavoidable without any analysis whatsoever, pick a random subset of mitigation measures, and move on, as here.

83 cntd

### Construction Diesel-Exhaust Mitigation

Off-road and on-road equipment, such as dozers and trucks, will be required to support Project construction. This equipment is a major source of NOx, ROG, and CO emissions. Construction exhaust emissions for many individual projects within the Plan, such as the 710 North project, are typically significant. The DPEIR identifies only five mitigation measures directed at these emissions – properly tune/maintain engines, limit idling time to 5 minutes, use existing power sources or clean fuel generators, traffic plan, and use electric power or clean fuel generators.<sup>26</sup>

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Additional feasible construction exhaust mitigation measures are included in CEQA guidelines of various air quality management districts, have been required in recent CEQA documents,<sup>27,28,29,30,31</sup> or are recommended by the U.S. EPA.<sup>32</sup> Some additional feasible construction exhaust mitigation measures from these sources are as follows:

- Implement EPA’s National Clean Diesel Program,<sup>33,34,35</sup>

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<sup>26</sup> DPEIR, p. 3.3-52.

<sup>27</sup> SWCA Environmental Consultants, Draft Initial Study and Mitigated Negative Declaration for the California American Water Slant Test Well Project, Prepared for City of Marina, May 20 (IS/MND).

<sup>28</sup> MBUAPCD 2008, Table 8-2 to 8-4, and 8-7.

<sup>29</sup> Chevron Refinery Modernization Project EIR, March 2014, Chapter 4.8, Greenhouse Gases; Available at: [http://chevronmodernization.com/wp-content/uploads/2014/03/4.8\\_Greenhouse-Gases.pdf](http://chevronmodernization.com/wp-content/uploads/2014/03/4.8_Greenhouse-Gases.pdf) and Chapter 5, Mitigation Measure Monitoring and Reporting Program; Available at: [https://s3.amazonaws.com/chevron/Final+EIR/5\\_MMRP.pdf](https://s3.amazonaws.com/chevron/Final+EIR/5_MMRP.pdf).

<sup>30</sup> San Luis Obispo County Air Pollution Control District, CEQA Air Quality Handbook, April 2012, [http://www.slocleanair.org/images/cms/upload/files/CEQA\\_Handbook\\_2012\\_v1.pdf](http://www.slocleanair.org/images/cms/upload/files/CEQA_Handbook_2012_v1.pdf).

<sup>31</sup> Bay Delta Conservation Plan RDEIR/SDEIS, 2015; [http://baydeltaconservationplan.com/RDEIRS/Ap\\_A\\_Rev\\_DEIR-S/App\\_22E\\_Gen\\_Conform\\_Determin.pdf](http://baydeltaconservationplan.com/RDEIRS/Ap_A_Rev_DEIR-S/App_22E_Gen_Conform_Determin.pdf).

<sup>32</sup> Verified Technologies List; [http://baydeltaconservationplan.com/RDEIRS/Ap\\_A\\_Rev\\_DEIR-S/App\\_22E\\_Gen\\_Conform\\_Determin.pdf](http://baydeltaconservationplan.com/RDEIRS/Ap_A_Rev_DEIR-S/App_22E_Gen_Conform_Determin.pdf).

<sup>33</sup> Northeast Diesel Collaborative, Best Practices for Clean Diesel Construction. Successful Implementation of Equipment Specifications to Minimize Diesel Pollution;

- Diesel- or gasoline-powered equipment shall be replaced by lowest emitting feasible for each piece of equipment from among these options: electric equipment whenever feasible, gasoline-powered equipment if electric infeasible;
- On-site electricity shall be used in all construction areas that are demonstrated to be served by electricity;
- If cranes are required for construction, they shall be rated at 200 hp or greater equipped with Tier 4 or equivalent engines;
- Use alternative diesel fuels, such as Clean Fuels Technology (water emulsified diesel fuel) or O2 diesel ethanol-diesel fuel (O2 Diesel) in existing engines;<sup>36</sup>
- Convert part of the construction truck fleet to natural gas;<sup>37</sup>
- Include “clean construction equipment fleet”, defined as a fleet mix cleaner than the state average, in all construction contracts;
- Fuel all off-road and portable diesel powered equipment with ARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

84 cntd

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<http://www2.epa.gov/sites/production/files/2015-09/documents/best-practices-for-clean-diesel-construction-aug-2012.pdf>.

<sup>34</sup> U.S. EPA, Cleaner Diesels: Low Cost Ways to Reduce Emissions from Construction Equipment, March 2007; <http://www2.epa.gov/sites/production/files/2015-09/documents/cleaner-diesels-low-cost-ways-to-reduce-emissions-from-construction-equipment.pdf>.

<sup>35</sup> NEDC Model Contract Specification, April 2008; <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>.

<sup>36</sup> SCAQMD, Mitigation Measure Resources, Construction Emissions Mitigation Measures, <https://www.google.com/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=scaqmd%20ceqa%20construction%20mitigation>.

<sup>37</sup> This is a mitigation measure used by PG&E to offset NOx emissions from its Otay Mesa Generating Project. See: GreenBiz, Natural Gas Trucks to Offset Power Plant Emissions, September 12, 2000; Available at: <http://www.greenbiz.com/news/2000/09/12/natural-gas-trucks-offset-power-plant-emissions>.

- Use electric fleet or alternative fueled vehicles where feasible including methanol, propane, and compressed natural gas;
- Use diesel construction equipment meeting ARB’s Tier 4 certified engines or cleaner off-road heavy-duty diesel engines and comply with State off-road regulation;
- Use on-road, heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road diesel engines, and comply with the State on-road regulation;
- Use idle reduction technology, defined as a device that is installed on the vehicle that automatically reduces main engine idling and/or is designed to provide services, e.g., heat, air conditioning, and/or electricity to the vehicle or equipment that would otherwise require the operation of the main drive engine while the vehicle or equipment is temporarily parked or is stationary;<sup>38</sup>
- Minimize idling time either by shutting off equipment when not in use or limit idling time to 3 minutes (5 minutes proposed in the DPEIR is required by 13 CCR 2449[d][3], 2485, so it is not “mitigation”). Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 3 minute idling limit. The construction contractor shall maintain a written idling policy and distribute it to all employees and subcontractors. The on-site construction manager shall enforce this limit.
- Prohibit diesel idling within 1,000 feet of sensitive receptors;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time;
- The engine size of construction equipment shall be the minimum practical size;
- Catalytic converters shall be installed on gasoline-powered equipment;
- Signs shall be posted in designated queuing areas and job sites to remind drivers and operators of the idling limit;

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<sup>38</sup> <http://www3.epa.gov/smartway/forpartners/technology.htm#tabs-3>.

- Construction worker trips shall be minimized by providing options for carpooling and by providing for lunch onsite;
- Use new or rebuilt equipment;
- Maintain all construction equipment in proper working order, according to manufacturer's specifications. The equipment must be checked by an ASE-certified mechanic and determined to be running in proper condition before it is operated;
- Use low rolling resistance tires on long haul class 8 tractor-trailers;<sup>39</sup>
- Suspend all construction activities that generate air pollutant emissions during air alerts;
- Install a CARB-verified, Level 3 emission control device,<sup>40</sup> e.g., diesel particulate filters, on all diesel engines.<sup>41</sup>

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To assure the construction mitigation program is carried out, the construction mitigation program should also require that exhaust emissions from off-road diesel-powered equipment do not exceed 20% opacity for more than 3 minutes in any hour. Any equipment found to exceed 20% opacity must be repaired immediately. A visual inspection of all in-operation equipment must be made at least weekly by the contractor and witnessed monthly or more frequently by the District or County, and a periodic summary of the visual survey results must be submitted by the contractor throughout the duration of the project to the County. The summary should include the quantity and type of vehicles inspected and dates.

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#### Construction Fugitive Dust Mitigation

The DPEIR recommends 14 mitigation measures to reduce fugitive dust (PM10, PM2.5) emissions from Project construction.<sup>42</sup> Several agencies have conducted comprehensive studies

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<sup>39</sup> <http://www3.epa.gov/smartway/forpartners/technology.htm#tabs-3>.

<sup>40</sup> CARB, Off-Road Diesel Vehicle Regulation and Verified Diesel Emissions Control Strategies (VDECS), June 23, 2014, Available at: <http://www.arb.ca.gov/msprog/ordiesel/vdecs.htm#currentdevices>.

<sup>41</sup> CARB, Heavy-Duty Diesel Emission Control Strategy Installation and Maintenance, April 4, 2014, Available at: <http://www.arb.ca.gov/msprog/decsinstall/decsinstall.htm>.

<sup>42</sup> DPEIR, pp. 3.3-51/52.

of fugitive dust control measures to bring their region into compliance with national ambient air quality standards on PM10. For example, SCAQMD has sponsored research, passed regulations (e.g., Rule 403<sup>43</sup>), and published guidelines that identify best management practices for controlling fugitive dusts at construction sites. The Rule 403 Implementation Handbook<sup>44</sup> contains a comprehensive list of such measures. The SCAQMD also maintains a list of mitigation measures, including for fugitive dust sources.<sup>45</sup>

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Clark County, Nevada, has also sponsored research, passed regulations (Rule 94), and published best management practices for controlling fugitive dust from construction activities.<sup>46</sup> Clark County's *Construction Activities Notebook* contains a comprehensive list of best management practices. Similarly, Arizona has developed guidance to control fugitive PM10 emissions.<sup>47</sup>

Several of the measures included in these agency guidelines are feasible and much more effective, especially for PM2.5, than the mitigation measures included in the DPEIR. The DPEIR mitigation measures are too generalized to implement and do not require any monitoring to verify. For example, grading would be suspended when wind gusts exceed 25 miles per hour, unless the soil is wet enough to prevent dust plumes. The DPEIR does not require the collection of on-site wind speed data or soil moisture data to confirm these conditions are met. Further, an on-site monitor is not required to assure the measures are implemented. Therefore, the additional feasible measures I list below should be considered for adoption here under CEQA Guidelines §§15126.4 and 15091. Further, additional feasible measures have recently been required in the

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<sup>43</sup> South Coast Air Quality Management District ("SCAQMD"), Revised Final Staff Report for Proposed Amended Rule 403—Fugitive Dust and Proposed Rule 1186—PM10 Emissions from Paved and Unpaved Roads, and Livestock Operations, February 14, 1997.

<sup>44</sup> South Coast Air Quality Management District ("SCAQMD"), January 1999.

<sup>45</sup> SCAQMD, Mitigation Measure Resources, Available at: [http://webcache.googleusercontent.com/search?q=cache:CNeTjv1E5d8J:www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/particulate-matter-\(pm\)-2.5-significance-thresholds-and-calculation-methodology/pm2-5-working-group-meeting-2-construction-mitigation-measures.doc%3Fsfvrsn%3D2+&cd=1&hl=en&ct=clnk&gl=us](http://webcache.googleusercontent.com/search?q=cache:CNeTjv1E5d8J:www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/particulate-matter-(pm)-2.5-significance-thresholds-and-calculation-methodology/pm2-5-working-group-meeting-2-construction-mitigation-measures.doc%3Fsfvrsn%3D2+&cd=1&hl=en&ct=clnk&gl=us).

<sup>46</sup> P.M. Fransioli, PM10 Emissions Control Research Sponsored by Clark County, Nevada, Proceedings of the Air & Waste Management Association's 94<sup>th</sup> Annual Conference & Exhibition, Orlando, FL, June 24-28, 2001.

<sup>47</sup> Arizona Department of Environmental Quality ("ADEQ"), Air Quality Exceptional and Natural Events Policy PM10 Best Available Control Measures, June 5, 2001.

Chevron Modernization EIR.<sup>48</sup> Examples of such feasible mitigation measures not included in the DPEIR are also listed below:

- For backfilling during earthmoving operations, water backfill material or apply dust palliative to maintain material moisture or to form crust when not actively handling; cover or enclose backfill material when not actively handling; mix backfill soil with water prior to moving; dedicate water truck or large hose to backfilling equipment and apply water as needed; water to form crust on soil immediately following backfilling; and empty loader bucket slowly; minimize drop height from loader bucket. (CCHD)<sup>49</sup> This is more effective than the DPEIR’s measure, which only requires “stabilize the surface of dirt piles if not removed immediately.”<sup>50</sup>
- During clearing and grubbing, prewet surface soils where equipment will be operated; for areas without continuing construction, maintain live perennial vegetation and desert pavement; stabilize surface soil with dust palliative unless immediate construction is to continue; and use water or dust palliative to form crust on soil immediately following clearing/grubbing. (CCHD). This is more effective than the DPEIR’s measure: “revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.”<sup>51</sup>
- While clearing forms, use single stage pours where allowed; use water spray to clear forms; use sweeping and water spray to clear forms; use industrial shop vacuum to clear forms; and avoid use of high pressure air to blow soil and debris from the form. (CCHD)
- During cut and fill activities, prewater with sprinklers or wobblers to allow time for penetration; prewater with water trucks or water pulls to allow time for penetration; dig a test hole to depth of cut to determine if soils are moist at depth and continue to prewater if not moist to depth of cut; use water truck/pull to water soils to depth of

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<sup>48</sup> Chapter 5, Mitigation Measure Monitoring and Reporting Program; Available at: [https://s3.amazonaws.com/chevron/Final+EIR/5\\_MMRP.pdf](https://s3.amazonaws.com/chevron/Final+EIR/5_MMRP.pdf).

<sup>49</sup> The following acronyms are used in this listing of mitigation measures: ADEQ = Arizona Department of Environmental Quality; BCAQMD = Butte County Air Quality Management District; CCHD = Clark County (Nevada) Health Department; MBUAPCD = Monterey Bay Unified Air Pollution Control District; SBCAPCD = Santa Barbara County Air Pollution Control District; SJVUAPCD = San Joaquin Valley Unified Air Pollution Control District; SLOCAPCD = San Luis Obispo County Air Pollution Control District.

<sup>50</sup> DPEIR, p. 3.3-52.

<sup>51</sup> DPEIR, p. 3.3-52.

cut prior to subsequent cuts; and apply water or dust palliative to form crust on soil following fill and compaction. (CCHD)

- For large tracts of disturbed land, prevent access by fencing, ditches, vegetation, berms, or other barrier; install perimeter wind barriers 3 to 5 feet high with low porosity; plant perimeter vegetation early; and for long-term stabilization, stabilize disturbed soil with dust palliative or vegetation or pave or apply surface rock. (CCHD, Chevron) In addition, the Chevron measure requires that the wind breaks be installed on the windward side(s) of actively disturbed area and that wind breaks have 50% porosity.
- In staging areas, limit size of area; apply water to surface soils where support equipment and vehicles are operated; and limit ingress and egress points. (CCHD).
- For stockpiles, maintain at optimum moisture content; remove material from downwind side; avoid steep sides or faces; and stabilize material following stockpile-related activity (CCHD).
- To prevent trackout, pave construction roadways as early as possible; install gravel pads; install wheel shakers or wheel washers, and limit site access. (CCHD). This is more effective than the DPEIR's measure, which only requires: "limit vehicular paths on unpaved surfaces and stabilize any temporary roads."<sup>52</sup>
- When materials are transported off-site, in addition to covering all material and maintaining at least 6 inches of freeboard space from the top of the container shall be maintained, assure all material is effectively wetted to limit visible dust emissions (BAAQMD, SJVUAPCD, Rule 403 Handbook, ADEQ). This is much more effective than the DPEIR's measure which only requires: "Cover trucks when hauling dirt."<sup>53</sup>
- Where feasible, use bedliners in bottom-dumping haul vehicles. (Rule 403 Handbook)
- Grade each phase separately, timed to coincide with construction phase or grade entire project. (Rule 403 Handbook)
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (BAAQMD) (*The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust*

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<sup>52</sup> DPEIR, p. 3.3-52 ("Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.").

<sup>53</sup> DPEIR, p. 3.3-51 ("Cover trucks when hauling dirt.").

*emissions.) (Use of blower devices is expressly forbidden.).* (SJVUAPCD) This is more effective than the DPEIR's sweeping measure, which only requires: "Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway."<sup>54</sup>

- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. (SJVUAPCD, ADEQ). This is more effective than the DPEIR's dirt pile measure which only requires: "Stabilize the surface of dirt piles if not removed immediately."<sup>55</sup>
- During initial grading, earth moving, or site preparation, projects 5 acres or greater may be required to construct a paved (or dust palliative treated) apron, at least 100 ft in length, onto the project site from the adjacent site if applicable. (BCAQMD)
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hrs (48 hrs in the DEIR, MM 4.10-1a, p. 4.10-23). (BCAQMD, MBUAPCD, CCHD, Chevron)
- Prior to final occupancy, the applicant shall demonstrate that all ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions. (BCAQMD)
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering and other controls, as necessary, to prevent transport of dust offsite. (SBCAPCD, SLOCAPCD). This is more effective than the DPEIR's measure,<sup>56</sup> which only requires sufficient monitoring to confine dust plumes to the project work areas, without designating a person to monitor the dust control program to assure this measure is achieved.
- Prior to land use clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements This misleads as to the true impacts of the Project. This is difficult to determine from the PDEIR This misleads as to the true impacts of the Project. This is difficult to determine from the PDEIR shall be shown on grading and building plans. (SBCAPCD, SLOCAPCD)

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<sup>54</sup> DPEIR, p. 3.3-52 ("Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.").

<sup>55</sup> DPEIR, p. 3.3-52 ("Stabilize the surface of dirt piles if not removed immediately.").

<sup>56</sup> DPEIR, p. 3.3-51 ("Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas.").

- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. (SLOCAPCD)
- Barriers with 50% or less porosity located adjacent to roadways to reduce windblown material leaving a site. (Rule 403 Handbook)
- Limit fugitive dust sources to 20% opacity. (ADEQ)
- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12%. Moisture content can be verified by lab samples or moisture probe. (Chevron)
- Plant native species to replace any plants or trees slated for removal. Vegetation shall only be removed after the new vegetation has reached maturity and has mass similar to the removed vegetation (11/24/14 SLOAPCD)<sup>57</sup>
- All excavation, grading, and/or demolition activities shall be superseded when average wind speeds exceed 20 mi/hr. (Chevron). This is more effective than the DPEIR's limit of 25 mph.<sup>58</sup>
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. (Chevron) This is more effective than the DPEIR's measure, which does not require revegetation "as soon as possible" nor watering.<sup>59</sup>
- The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surface at any one time. (Chevron)
- Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. (Chevron)
- Apply non-toxic chemical soil stabilizers according to manufacturer's specifications, to all inactive construction areas (previously graded area inactive for 10 days or

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<sup>57</sup> Letter from A. A. Genet, SLOAPCD, to San Luis Obispo Department of Planning and Building, Re: Recirculated Draft Environmental Impact Report (RDEIR) for the Phillips 66 Rail Spur Project, November 24, 2014.

<sup>58</sup> DPEIR, p. 3.3-51 ("Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes").

<sup>59</sup> DPEIR, p. 3.3-52 ("Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.").

more). (SCAQMD). This is more effective than the DPEIR's measure, which only requires that the surface of dirt piles be stabilized, without disclosing how.<sup>60</sup>

- Enclose, cover, water twice daily, or apply non-toxic soil binders, according to manufacturer's specifications, to exposed stockpiles (i.e., gravel, sand, dirt) with 5% or greater soil content. (SCAQMD)
- Monitor for particulate emissions according to District-specified procedures. (SCAQMD)
- Construction activities that will generate dust should be limited to periods when good air quality is forecast. (11/24/14 SLOAPCD)
- Designate a Visible Emission Evaluation certified person or persons to monitor fugitive dust emissions and enhance the implementation of the fugitive dust mitigation measures as necessary to minimize nuisance violations from dust complaints and to assure opacity does not exceed 20% for greater than 3 minutes in any 60 minute period. (11/24/14 SLOAPCD)

All of these measures are feasible and various combinations of them are routinely required elsewhere to reduce fugitive PM10 and PM2.5 emissions. See the fugitive dust control program for the Big Dig<sup>61</sup>, for the El Toro Reuse Draft EIR<sup>62</sup>, and for the Padres Ballpark Final EIR<sup>63</sup>. The implementation of all of these measures likely would not reduce fugitive PM10 and PM2.5 emissions below significance thresholds. Thus, all of these measures, which are feasible construction mitigation, must be required in the PEIR.

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<sup>60</sup> DPEIR, p. 3.3-52 (“Stabilize the surface of dirt piles if not removed immediately”).

<sup>61</sup> A. Kasprak and P.A. Stakutis, A Comprehensive Air Quality Control Program for a Large Roadway Tunnel Project, Proceedings of the Air & Waste Management Association's 93<sup>rd</sup> Annual Conference & Exhibition, June 18-22, 2000.

<sup>62</sup> County of Orange, Draft Environmental Impact Report No. 573 for the Civilian Reuse of MCAS El Toro and the Airport System Master Plan for John Wayne Airport and Proposed Orange County International Airport, Draft Supplemental Analysis, Volume 1, April 2001, pp. 2-121 to 2-123.

<sup>63</sup> City of San Diego, Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, V. IV. Responses to Comments, September 13, 1999, pp. IV-254 to IV-256.

## HEALTH RISK ASSESSMENT IS FLAWED

The DPEIR includes a health risk assessment (HRA) to assess the cancer risks from emissions of diesel particulate matter (DPM) on major freeways and transportation corridors in impact Air-4.<sup>64</sup> This analysis is incomplete, poorly supported, and poorly presented.

### Construction Emissions Were Omitted From the HRA

The DPEIR is silent on health impacts from construction of the Project. Construction of major transportation projects requires the use of diesel-fueled, off-road equipment such as backhoes, bulldozers, paving equipment, and cranes. This equipment emits large amounts of DPM, much more per mile traveled than on-road vehicles, such as those analyzed in the HRA, *e.g.*, “big rigs”.<sup>65</sup>

Construction is well known to result in significant health impacts in surrounding communities. In a study of construction health impacts in California, the South Coast air basin (encompassing most of the Project study area) ranked first in California with the greatest construction health impacts, including more than 700 premature deaths, more than 650 hospitalizations for respiratory and cardiovascular illness, more than 1,700 cases of acute bronchitis, nearly 21,000 incidents of asthma attack and other lower respiratory symptoms, and over 300,000 days of lost work and school absences. This loss of life and productivity cost South Coast residents an estimated \$5.9 billion.<sup>66</sup>

The Project encompasses over 5,000 individual projects that will be built out over a 25 year period, including many very large, long-term construction projects, such as the 710-North project. These projects will result in individual and cumulatively significant health impacts in the surrounding communities. These significant health impacts should be quantified, impact isopleths presented on maps, and the significant impacts mitigated. The PDEIR should be recirculated with this new information.

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<sup>64</sup> DPEIR, p. 3.3-42, Impact Air-4 and Appendix D.

<sup>65</sup> Don Anair, Union of Concerned Scientists, Digging Up Trouble. The Health Risks of Construction in California, 2006, Figure 1. Available at: [http://www.ucsusa.org/sites/default/files/legacy/assets/documents/clean\\_vehicles/digging-up-trouble.pdf](http://www.ucsusa.org/sites/default/files/legacy/assets/documents/clean_vehicles/digging-up-trouble.pdf).

<sup>66</sup> *Id.*, pp. 1, 12, and Table 1.

## The Health Risk Assessment Uses A Misleading Baseline

The HRA (included in DEIR Appendix D) followed the same baseline approach described above for air quality impacts, comparing Project impacts in 2040 with 2012 baseline conditions. This baseline approach, *i.e.*, comparing 2040 conditions with 2012 conditions, is misleading for health impacts for the same reasons described above for air quality as it gives the false impression that the Project, when fully implemented, will significantly decrease cancer risk by taking credit for state and federal regulations that lower DPM. In addition, it is difficult to even determine the DPEIR's baseline because summary Table 3.3.4-3 is not adequately annotated. First, the column labeled "2016 RTP/SCS" is ambiguous. A review of tables in Appendix D indicates it is the proposed Project in 2040.<sup>67</sup> Second, the existing condition cancer risk for segments 14, 15, and 16 are substantially higher than the values reported in the HRA appendix and should be changed to 125 (810), 82 (165), and 664 (832) per one million, respectively.<sup>68</sup>

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The HRA Table ES-1 also reports the no Project alternative (Simulation 2) compared to the proposed Project (Simulation 3). This comparison, which is more relevant and consistent with CEQA because it compares future no project conditions to future with project conditions, shows a significant increase in cancer risk in Segment 13 (SB I-15 VIC), from 48 to 64 cancer risk per million exposed or a 33% increase in cancer risk.

## All Freeway Segments Were Not Evaluated

The SCAG regional transportation system that the Project would affect includes about 70,904 lane miles.<sup>69</sup> The HRA evaluated cancer risks along only 16 "representative" segments, each about one mile long, or only 0.025% of the system. This small sample size is not adequate to evaluate regional health impacts. How many additional freeway segments, not included among the 16 analyzed, would also result in increased health risk? The reviewer is left to guess. If one out of 16 or 6.25% of the entire Project freeway network of 70,904 lane miles<sup>70</sup> experienced a similar increase as Segment 13, 4,432 additional miles of freeway would experience significant increases in cancer risk due to the Project. This is significant and must be disclosed and mitigated.

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<sup>67</sup> See Appx. D, Table 3-1, column: "Simulation 3 (Proposed Project)".

<sup>68</sup> DPEIR, Appx. D, Table 3-1.

<sup>69</sup> DPEIR, Appx. D, p. 4.

<sup>70</sup> DPEIR, Appx. D, p. 4.

Further, the analysis used to select these 16 segments is not in the record, but rather, the selection methodology is only very generally described.<sup>71</sup> There should be an analysis for all freeway segments with the potential to increase traffic.

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### **All Emission Sources and Health Endpoints Were Not Evaluated**

The DPEIR only evaluated the cancer risk of a single pollutant, diesel particulate matter (DPM). DPM originates only from on-road mobile sources that burn diesel fuel, or primarily trucks. Trucks make up a very small fraction of the total on-road vehicle fleet and vehicle miles traveled. Thus, the HRA has only evaluated the health risks of one pollutant from a tiny slice of on-road vehicles, trucks, that would be affected by the Project.

Passenger cars do not emit diesel exhaust and thus were not included in the DPEIR's analysis.<sup>72</sup> However, they do emit many other hazardous air pollutants, including benzene, formaldehyde, and acrolein,<sup>73</sup> which are potent carcinogens, as well as many HAPs that are acutely and chronically toxic. While the cancer potency factor of DPM is higher than any of the HAPs present in car exhaust, because there are many more cars than diesel-fueled vehicles in the study area, the cancer, acute and chronic risks could be even higher for non-diesel-fueled sources than diesel sources.

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The DPEIR's Appendix D (p. 31) asserts that an analysis was done to determine the contribution of cars to total cancer risk and that, when cars are included, DPM is still responsible for 96.1% to 96.3% of the cancer risk. The DPEIR does not provide any support for this assumption other than a reference to the prior RTP and a letter from James Dill and Russell Erbes, Feb. 3, 2015. The revised PEIR should provide sufficient documentation for this assumption so that the public and decision makers are able to verify its accuracy.

In addition, the DPEIR did not evaluate all health endpoints. Acute and chronic health impacts and cancer risks of pollutants other than DPM are likely to be significant. While the DPEIR argues that "cancer risk is used as a corollary for general respiratory health,"<sup>74</sup> air

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<sup>71</sup> DPEIR, Appx. D, p. 4.

<sup>72</sup> DPEIR, Appx. D, Appx. B, DPM Emissions for each Transportation Segment and Evaluation Simulation.

<sup>73</sup> ENVIRON International Corporation, Expanding and Updating the Master List of Compounds Emitted by Mobile Sources – Phase III, Report EPA420-R-06-005, February 2005; Available at: <http://www3.epa.gov/otaq/regs/toxics/420r06005.pdf>.

<sup>74</sup> DPEIR, p. 3.3-43.

pollution is known to result in other non-respiratory health endpoints, including cardiovascular disease, stroke, and premature death.

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### **All Potentially Affected Sensitive Receptors Were Not Evaluated**

The HRA limits its analysis to only 500 feet from 16 freeway segments, asserting that “only a small portion of the total number of existing sensitive receptors in the six counties are affected by the transportation projects...”<sup>75</sup>. Only 1% to 5% of the sensitive receptors – locations where people reside as well as schools, medical facilities, senior centers, nursing homes, etc. – are within 500 feet of the 16 freeway segments.<sup>76</sup> Significant cancer risk, greater than 10 in one million exposed, extends far beyond 500 feet from the freeway, into densely populated areas where many more people are located.<sup>77</sup>

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Elsewhere, the HRA demonstrates that significant cancer risk occur at over 1300 meters (4,264 feet) from the freeway. This much larger significant risk area is consistent with other studies in the Project area that demonstrate that cancer risk from DPM extends many miles beyond a freeway. The 100 per million risk isopleth for freeway segments near the Ports of Los Angeles and Long Beach encompassed 10.85 square miles.<sup>78</sup> The DPEIR should be modified to include a map that identifies, at a minimum: (1) the point of maximum impact; (2) the maximally exposed individual at a residence (MEIR); and (3) the 10 in one million cancer risk significance isopleth, as required by OEHHA risk assessment guidance.

### **Data Presentation Is Misleading**

The DPEIR admits that cancer health risks remain significant after the Project is implemented.<sup>79</sup> Further, it shows that the Project causes significant increases in cancer risk in two of the 16 evaluated segments: (1) Segment 10, RIV I-15 (Riverside/Temecula) and (2) Segment 13, SB I-15 VIC (San Bernardino/Victorville), compared to the 2040 No Project

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<sup>75</sup> DPEIR, p. 3.3-42.

<sup>76</sup> DPEIR, p. 3.3-42 and Table 3.3.4-2.

<sup>77</sup> See, for example, Lindsey Nicole Sears, Diesel Trucks: Health Risk and Environmental Equity, Master of Arts in Geography Thesis, California State University, Northridge, December 2012 and County of Los Angeles Public Health Air Quality Recommendations for Local Jurisdictions; <http://preservecalavera.org/wp-content/uploads/2015/01/AQinFreeways.pdf>.

<sup>78</sup> Sears 2012, Section 4, Table 4.1 and Figure 4.1.

<sup>79</sup> DPEIR, p. 3.3-44.

alternative.<sup>80</sup> However, it fails to explain what this means so that decision-makers and the public understand the actual and specific health risks of the Project.

The presentation of the DPM cancer analysis downplays its geographic extent and the affected population. As discussed above, the results of the HRA are presented only as excess cancer cases per one million people exposed, only within 500 feet of 16 1-mile-long freeway segments.<sup>81</sup> This hides the true impact of Project. The significance of the impact cannot be determined without knowing the geographic area that is impacted, i.e., where the impact occurs, and the number of excess cancer cases that would result from the Project as a whole, not a tiny subset of the Project.

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A typical resident, for example, would not be able to tell whether they would be impacted by the Plan by reviewing the DPEIR. The geographical distribution of cancer risk is normally conveyed using isopleth maps which show the boundary of the 10 in one million cancer significance threshold. The DPEIR does not include any isopleth maps and thus fails to disclose the true impact of the Project.

In addition, the true impact of the Project depends on the number of excess cancer cases, not the cancer risk expressed per million exposed. The affected population must be compiled from U.S. Census data and used to calculate the increase in the number of cancer cases due to the Project. This type of analysis is known as a “cancer burden analysis”.

Neither of these graphical displays – isopleth maps and cancer burden analysis -- were presented to summarize the health risk assessment in terms understandable to potential users of the DPEIR. Thus, the true impacts of the Project are not adequately disclosed.

### **Health Risk Mitigation Is Inadequate**

The DPEIR concludes the Project would expose sensitive receptors to substantial pollutant concentrations and harm public health outcomes substantially (Impact Air-4), and that direct, indirect and cumulative impacts would remain significant and unavoidable after mitigation.<sup>82</sup> The DPEIR identifies mitigation (MM-Air-2(a)(1) and MM-Air-2(a)(2)) for these impacts, but as discussed above, the measures are vague, optional, directory, or otherwise unenforceable.

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<sup>80</sup> DPEIR, Appx. D, Tables 3-1, 3-2, 3-3, 3-4, 3-5, 3-6.

<sup>81</sup> DPEIR, Table 3.3.4-3 and Appx. D, Tables 3-1 to 3-7.

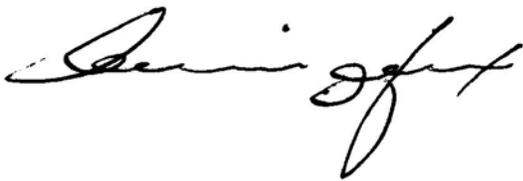
<sup>82</sup> DPEIR, p. 3.3-54.

In addition, the DPEIR lists certain “project-level mitigation measures” that it claims are within the jurisdiction and authority of air quality management districts to enforce. However, most of these measures cannot be implemented by lead agencies and require state or federal rulemaking, including:

- Set technology forcing new engine standards
- Reduce emissions from in-use fleet
- Reduce petroleum dependence
- Proposed new transportation-related SIP measures

For the reasons discussed above, the DPEIR is factually inadequate and should not serve as the basis for approving the RTP/SCS.

Sincerely,

A handwritten signature in black ink, appearing to read "Phyllis Fox". The signature is fluid and cursive, with a large, stylized 'P' and 'F'.

Phyllis Fox, Ph.D., PE

749850.1



City of Anaheim  
**PLANNING AND BUILDING DEPARTMENT**

February 1, 2016

Hasan Ikharta  
Executive Director  
Southern California Association of Governments  
818 West Seventh Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90017-3435

by email to: [2016PEIR@scag.ca.gov](mailto:2016PEIR@scag.ca.gov)  
and via on-line commenting form

**Subject: Draft 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and Related Program Environmental Impact Report (PEIR)**

Dear Mr Ikharta,

The City of Anaheim appreciates the opportunity to comment on the Draft 2016 RTP/SCS and PEIR. Anaheim staff was actively involved with the Orange County Council of Governments (OCCOG) ad hoc committee for the review of these two documents. Therefore, Anaheim staff supports and concurs with the comment letter provided by OCCOG. Please consider the OCCOG comments as Anaheim's comments, as if provided in full with this letter. 1

In addition, please consider the following comments:

1. RTP/SCS, Executive Summary, Page 4, Passenger Rail: The description for the California High-Speed Train system should include its Phase 1 terminus in Anaheim. Please add Anaheim and its anticipated timing to this section and any other descriptions of the California High-Speed Train throughout the RTP/SCS and PEIR. 2
2. PEIR, Section 3.18 Utilities and Service Systems, Page 3.18-13, Table 3.18.2-2 Active Water Treatment Facilities in the SCAG Region: Anaheim's Lenain Treatment Plant, with design flow of 15mgd, is not listed in this table. Please revise the table to include Anaheim's facility. 3

Please contact me at (714) 765-4414 or [skim@anaheim.net](mailto:skim@anaheim.net) with any questions or concerns regarding the above comments.

Sincerely,

Susan Kim  
Principal Planner

**2016 PEIR**

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**From:** Mark Tomich <mtomich@ci.colton.ca.us>  
**Sent:** Thursday, January 28, 2016 4:22 PM  
**To:** 2016 PEIR  
**Cc:** Victor Ortiz; Tomich, Mark; David Kolk  
**Subject:** City of Colton: Comments on Draft PEIR for 2016 RTP/SCS  
**Attachments:** Table 3.18.2-1.pdf

Dear Ms. Lijin Sun:

City of Colton staff has reviewed the Draft PEIR for the 2016 RTP/SCS and concurs with the environmental analysis, identified significant impacts, mitigation measures, and remaining unavoidable adverse impacts contained therein. However, we do request one minor correction to Chapter 3.18 (Utilities & Service Systems), Table 3.18.2-1 (Major Active Wastewater Treatment Facilities in the SCAG Region). Please see attached Table 3.18.2-1 with notated corrections.

1

Thank you for the opportunity to comment on the PEIR.

Sincerely,

Mark R. Tomich, AICP  
Development Services Director

**TABLE 3.18.2-1  
MAJOR ACTIVE WASTEWATER TREATMENT FACILITIES IN THE SCAG REGION**

County	Design Flow (mgd)
SOCWA Aliso Creek Ocean Outfall	34.37
SOCWA Coastal TP	34.37
SOCWA Regional TP	34.37
SOCWA San Juan Creek Ocean Outfall	38.78
<b>Riverside</b>	<b>128.4</b>
Beaumont WWTP No. 1	4
Coachella SD WWTP	2.4
Coachella Valley WD WWTP	7
Corona WWRF No. 1	11.5
Corona WWRF No. 3	1
EVMWD Regional WWRF	8
Riverside City WWRF	46
Temescal Creek Outfall	26
Valley SD WWTP	8.5
WRCRWA Regional WWRF	14
<b>San Bernardino</b>	<b>413</b>
Colton WRF	8.0
Colton/San Bernardino STP, RIX	40
Henry N. Wochholz WWRF	6.7
IEUA Carbon Canyon WWRF	84.4
IEUA Regional Plant No. 1	84.4
IEUA Regional Plant No. 4	84.4
IEUA Regional Plant No. 5	84.4
Margaret H Chandler WWRF	4.5
Rialto WWRF	11.7
Victor Valley Wastewater Reclamation Authority WTP	12.5
<b>Ventura</b>	<b>85.45</b>
Camarillo WRP	7.25
Camrosa Water Reclamation Facility	1.5
Hill Canyon WWTP	14
Moorpark WWTP	1.5
Ojai Valley WWTP	3
Oxnard Wastewater Treatment Plant	31.7
Simi Valley WQCP	12.5
Ventura WRF	14
<b>Grand Total</b>	<b>3,018.17</b>

**SOURCE:**

California Environmental Protection Agency, State Water Resources Control Board. Accessed 16 September 2015. *Regulated Facility Report (Detail)*. Available at:  
<https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportID=2281746&inCommand=drilldown&reportName=RegulatedFacilityDetail&program=NPDES&majorminor=Major>

1  
cntd

421  
8.0

3,026.17

**Anita Au**

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**From:** David Liu <DLiu@DiamondBarCA.Gov>  
**Sent:** Monday, February 1, 2016 4:49 PM  
**To:** 2016 PEIR  
**Cc:** James DeStefano; Ryan McLean  
**Subject:** City of Diamond Bar's Comments on the Draft Program Environmental Impact Report for the 2016 Regional Transportation Plan  
**Attachments:** 2016 RTP Comments 2-1-16.pdf

Good afternoon Ms. Sun,

The written comments from the City of Diamond Bar are hereby submitted in accordance with the Notice of Availability. Should you have any questions, please feel free to contact me.

**David G. Liu, P.E.** | Director of Public Works/City Engineer  
**City of Diamond Bar | Public Works Department**  
21810 Copley Drive | Diamond Bar, CA 91765  
909.839.7041 | 909.839.3117 (f)  
dliu@diamondbarca.gov | www.DiamondBarCa.gov

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# City of Diamond Bar

21810 Copley Drive • Diamond Bar, CA 91765-4178

(909) 839-7000 • Fax (909) 861-3117

[www.DiamondBarCA.gov](http://www.DiamondBarCA.gov)

February 1, 2016

Ms. Lijin Sun, Senior Regional Planner  
Southern California Association of Governments  
818 W. Seventh Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90017-3435

Re: Draft Program Environmental Impact Report for the 2016 Regional  
Transportation Plan and Sustainable Communities Strategy

Dear Ms. Sun:

The City of Diamond Bar recognizes the importance of the Southern California Association of Governments ("SCAG") Draft 2016 Regional Transportation Plan ("2016 RTP") and Draft Program Environmental Impact Report ("PEIR"). The City is supportive of strategies that improve the regional transportation system within the SCAG region.

Nancy A. Lyons  
Mayor

Jimmy Lin  
Mayor Pro Tem

Carol Herrera  
Council Member

Ruth M. Low  
Council Member

Steve Tye  
Council Member

While the overall goal to reduce both the congestion impacts and environmental impacts is admirable, we continue to have concerns regarding the component of the 2016 RTP to designate only the Pomona (SR-60) Freeway as an East-West Freight Corridor ("Corridor") and the continued focus on the placement of 4 lanes of truck traffic within the San Jose Creek Wash ("SJC") which is located immediately adjacent to homes and business of many cities, including Diamond Bar. 1

We still believe it is premature to identify the State Route 60 and the San Jose Creek Wash alignments as a viable East-West Freight Corridor Project in the 2016 RTP. We have the following specific concerns:

- No studies have been conducted regarding the localized air, noise, vibration, or visual impacts of an elevated facility along the Corridor. Such studies may conclude that the impacts are significant, resulting in objections from surrounding communities and the need for costly mitigation (including ROW acquisition). 2
- While the SR-60 and the SJC are identified as "preferred" alignments, further studies may find it more practical/beneficial to select another alignment. There are pros/cons to each alignment, but selecting a final alignment will need to consider the results of 3

the detailed studies for SR-60 and SJC, which have not yet been performed. Many of the possible routes were rejected in the planning process due to excessive ROW impacts. Further studies may find that the ROW impacts along SR-60 and the SJC (due to air, noise, vibration and/or visual) are as great, or greater than other corridors.

3 cntd

- The “preferred” alignments could potentially conflict with other vital transportation projects that include the SR-57/60 Confluence Project, missing freeway connectors between SR-60 and SR-57, SR-57 HOV lanes, I-605/SR-60 Mixed Flow and HOV direct connectors and the Gold Line light rail extension from East Los Angeles to South El Monte near I-605. These are all high priority projects that will be realized in the coming decades and are essential to all residents and businesses in Southern California that utilize public infrastructure on a daily basis.
- Lack of comprehensive review of the use of San Jose Creek Wash, as part of the “preferred” alignment for an East-West Freight Corridor from agencies such as L.A. County Public Works and the Army Corps of Engineers.
- The desired electric or zero-emission goods movement technology does not have any large-scale application to verify that it is feasible for this vision.

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Given the above facts regarding the significant unknowns and that further studies are needed, it is our assertion that SCAG has under-stated the environmental impacts of the RTP by:

1. Inappropriately including the East-West Freight Corridor in the financially-constrained plan, with an estimated project cost of over \$23 billion, **it is not reasonable to assume the Corridor can be afforded within the constrained monies.** The “constrained” plan should only include projects that, in aggregate, can be demonstrated as affordable within the available revenues. The costs of the Corridor cannot be estimated with any credibility, given the lack of technical studies and corresponding lack of knowledge regarding right-of-way or mitigation costs. How the proposed Corridor connects to the SR-57/60 interchange is also undefined, which has potentially enormous cost. Much of the segment east of SR-57, within the SR-60 corridor, is severely constrained. It is not clear how the truck lane would be accommodated in this stretch; therefore, no reasonable estimate of

7

cost can be derived. We understand that SCAG is currently conducting a Financial Study focusing on determining an initial viable operation segment. We look forward to seeing the results of this study.

7 cntd

2. The PEIR air quality analysis assumes that all trucks using the proposed east/west facility will be zero-emissions. **This is too speculative, given the discussion above, to take as fact in evaluating the air quality impacts of the RTP. Consequently, the emissions are understated in the PEIR.**

8

We respectfully request the 2016 RTP and PEIR to consider all possible routes to serve the ever-increasing demands of the east-west goods movement between I-710 and I-15. It is premature to conclude SR-60 is physically or financially feasible, and that better options may materialize through further studies.

9

Thank you in advance for your attention to our concerns. Should you have any questions regarding this letter, please contact Mr. David G. Liu, Director of Public Works/City Engineer at (909) 839-7041.

Sincerely,



James DeStefano  
City Manager

c: City Council  
David G. Liu, Director of Public Works/City Engineer

**Anita Au**

---

**From:** Marc Donohue <mdonohue@eastvaleca.gov>  
**Sent:** Monday, February 1, 2016 5:01 PM  
**To:** 2016 PEIR  
**Cc:** Lorimore, Clint; Nissen, Michele; George Alvarez; Norris, Eric  
**Subject:** SCAG RTP/SCS Comment Letter  
**Attachments:** City of Eastvale Comment Letter.pdf

Good Afternoon,

Attached is the City of Eastvale's comment letter pertaining to the Draft 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (2016 RTP/SCS).

Please let me know if you have any questions.

Thank you,

**Marc Donohue, CMC | City Clerk**

**City of Eastvale**

12363 Limonite Ave., Suite 910

Eastvale, CA 91752

(951) 703-4421

[www.eastvaleca.gov](http://www.eastvaleca.gov)

[Facebook](#) | [Twitter](#)





Ike Bootsma  
Mayor

February 1, 2016

Joseph Tessari  
Mayor Pro Tem

Southern California Association of Governments

William Link  
Councilmember

Attn: Courtney Aguirre  
818 W. 7th Street, 12th Floor  
Los Angeles, CA 90017

Clint Lorimore  
Councilmember

Adam Rush  
Councilmember

Subject: Comments on the Draft 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy

Michele Nissen  
City Manager

Dear Ms. Aguirre:

Thank you for the opportunity to review and comment on the Draft 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (2016 RTP/SCS).

City of Eastvale staff has reviewed the 2016 RTP/SCS and its related Program Environmental Impact Report (PEIR). Our comments are attached.

While the document is overall very thorough and well-thought-out, we do have concern with some of the items, as noted in our comments.

Eastvale is excited to be a part of this dynamic region and looks forward to working with SCAG to implement our part of the vision set forth in the 2016 RTP/SCS.

Sincerely,

Michele Nissen  
Eastvale City Manager

Cc: Clint Lorimore, Councilmember  
Eric Norris, Planning Director  
George Alvarez, Manager of Public Works

## Eastvale Comments

### Comments on the plan:

The 2016 RTP/SCS is comprehensive and correctly reflects the land use and population data that Eastvale provided to SCAG over the last few years.

The 2016 RTP/SCS Project List includes as future Eastvale projects several items that have already been completed, under construction, or are not located within Eastvale city limits, as follows:

1. Archibald Avenue between the San Bernardino County Line and 65<sup>th</sup> Street will be constructed to widen from 2 to 6 lanes.
2. Schleisman Road between the San Bernardino County Line/City of Chino and Harrison Avenue will be constructed as a 6-lane road throughout that segment within the next four years as conditions of approval for adjacent proposed project.
3. The ramp improvements identified on the 60 at Milliken in Eastvale may be misidentified and should be changed to Etiwanda in Jurupa Valley because Harrel and Iberia are both located in Jurupa Valley off Etiwanda. Eastvale staff has no knowledge of ramp improvements on the 60 Freeway at Milliken in Eastvale by 2020.
- 4.

Financially Constrained RTP Projects			Route	From	To	Project	??	
LOCAL HIGHWAY	EASTVALE	3A01WT124	ARCHIBALD AVE	SAN BERNARDINO COUNTY LINE	65TH ST	WIDEN FROM 2 TO 6 LANES	2020	\$36,308 (is this in ten thousand ds?)
LOCAL HIGHWAY	EASTVALE	3A04WT186	SCHLEISMAN RD	SAN BERNARDINO COUNTY LINE	HARRISON AVE	WIDEN FROM 4 TO 6 LANES	2030	\$22,643 (is this in ten thousand ds?)
STATE HIGHWAY	EASTVALE	3A04A30	SR-60 (PM SBD 9.46 TO 10.46)	AT MILLIKEN AVE	BTWN HARREL AVE & IBERIA	RECONSTRUCT/WIDEN IC, RAMPS, AND CHANNELIZATION IMPROVEMENTS <b>THIS PROJECT IS NOT LOCATED IN EASTVALE</b>	2020	\$4,133 (is this in ten thousand ds?)

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### Comments on PEIR:

As written, several Project Level mitigation measures (MM TRA 1(b), MM TRA 2(b), MM TRA 5(b) and MM GHG 3(b)) may be interpreted to compel local Lead Agencies to incorporate 2016 RTP/SCS mitigation measures or establish “other comparable measures” for each item in the RTP/SCS mitigation measure.

This is onerous and unnecessary. It also assumes that each jurisdiction would somehow create “comparable measures” for mitigation strategies which are entirely inappropriate for the agency (for instance, strategies related to “valet parking” would not be applicable to Eastvale—what would a “comparable” strategy be)?

The City of Eastvale suggests as shown within the example below, that the mitigation measures listed above be modified to clarify that not all the listed measures are required to have a “comparable” measure created by the local agency. Clear and workable guidance to local agencies on how to select those strategies which are feasible and which can be excluded would also be helpful.

The mitigation measures and the analysis in the document should also be clear that it is not expect that all of the strategies will be implemented in each jurisdiction. If the EIR assumes that all measures *will* be implemented in *every* local jurisdiction, the analysis is flawed and should be rewritten.

The following example includes 21 measures with 49 different items listed. A specific measure might apply somewhere in the region, but it should be very clear in each mitigation measure that only some of the listed strategies may be relevant and feasible in a given jurisdiction.

Please change the language as shown below in strike-through/underline. This may also need to be clarified in text elsewhere in the PEIR .

### EXAMPLES OF REQUESTED CHANGE (Not All-inclusive):

~~MM-TRA--2(b)~~Consistent with the provisions of Section 15091 of the State CEQA Guidelines, SCAG has identified mitigation measures, capable of avoiding conflict with an applicable congestion management program that are within the jurisdictions of the lead agencies, including, but not limited to, VMT, VHD and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways. Where the Lead Agency has identified that a project has the potential for significant effects, the Lead Agency can and should consider mitigation measures to ensure compliance with the adopted Congestion Management Plan, and other adopted local plans and policies, as applicable and feasible. Compliance can be achieved through adopting transportation mitigation measures such as those set forth below, or through other relevant and feasible comparable measures identified by the Lead Agency. Not all measures and/or options within each measure may apply to all jurisdictions:

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1. Encourage a comprehensive parking policy that prioritizes system management, increase rideshare, and telecommute opportunities, including investment in non-motorized transportation and discouragement against private vehicle use, and encouragement to maximize the use of alternative transportation.
2. Advocate for a regional, market-based system to price or charge for auto trips during peak hours.
3. Ensure that new developments incorporate both local and regional transit measures into the project design that promote the use of alternative modes of transportation.
4. Coordinate controlled intersections so that traffic passes more efficiently through congested areas. Where traffic signals or streetlights are installed, require the use of Light Emitting
5. Encourage the use of car-sharing programs such as ZipCar. Accommodations for such programs include providing parking spaces for the car-share vehicles at convenient locations accessible by public transportation.
6. Reduce VHDs, especially daily heavy-duty truck vehicle hours of delay, through goods movement capacity enhancements, system management, increasing rideshare and work-at-home opportunities to reduce demand on the transportation system, investments in non-motorized transportation, maximizing the benefits of the land use-transportation connection and key transportation investments targeted to reduce heavy-duty truck delay.
7. Determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. Develop a construction management plan that includes ~~at least~~ the following items and requirements, if determined feasible and applicable by the Lead Agency:
  - o A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
  - o Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
  - o Location of construction staging areas for materials, equipment, and vehicles at an approved location.
  - o A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Lead Agency shall be informed who the Manager is prior to the issuance of the first permit.
  - o Provision for accommodation of pedestrian flow.

4 cont.

- o As necessary, provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on street spaces.
- o Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the project sponsor's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the Lead Agency (or other appropriate government agency) and/or photo documentation, at the sponsor's expense, before the issuance of a Certificate of Occupancy.
- o Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- o No materials or equipment shall be stored on the traveled roadway at any time.
- o Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- o All equipment shall be equipped with mufflers.
- o Prior to the end of each work-day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.
- o Promote "least polluting" ways to connect people and goods to their destinations.

8. Create an interconnected transportation system that allows a shift in travel from private passenger vehicles to alternative modes, including public transit, ride sharing, car sharing, bicycling and walking, by incorporating the following, if determined feasible and applicable by the Lead Agency:
- o Ensure transportation centers are multi-modal to allow transportation modes to intersect;
  - o Provide adequate and affordable public transportation choices, including expanded bus routes and service, as well as other transit choices such as shuttles, light rail, and rail;
  - o To the extent feasible, extend service and hours of operation to underserved arterials and population centers or destinations such as colleges;
  - o Focus transit resources on high-volume corridors and high-boarding destinations such as colleges, employment centers and regional destinations;
  - o Coordinate schedules and routes across service lines with neighboring transit authorities;
  - o Support programs to provide "station cars" for short trips to and from transit nodes (e.g., neighborhood electric vehicles);
  - o Study the feasibility of providing free transit to areas with residential densities of 15 dwelling units per acre or more, including options such as removing service from less dense, underutilized areas to do so;

4 cont.

- o Employ transit-preferential measures, such as signal priority and bypass lanes. Where compatible with adjacent land use designations, right-of-way acquisition or parking removal may occur to accommodate transit-preferential measures or improve access to transit. The use of access management shall be considered where needed to reduce conflicts between transit vehicles and other vehicles;
  - o Provide safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets;
  - o Use park-and-ride facilities to access transit stations only at ends of regional transit ways or where adequate feeder bus service is not feasible.
9. Upgrade and maintain transit system infrastructure to enhance public use if determined feasible and applicable by the Lead Agency, including:
- o Ensure transit stops and bus lanes are safe, convenient, clean and efficient;
  - o Ensure transit stops have clearly marked street-level designation, and are accessible;
  - o Ensure transit stops are safe, sheltered, benches are clean, and lighting is adequate;
  - o Place transit stations along transit corridors within mixed-use or transit-oriented development areas at intervals of three to four blocks, or no less than one-half mile.
10. Enhance customer service and system ease-of-use if determined feasible and applicable by the Lead Agency, including:
- o Develop a Regional Pass system to reduce the number of different passes and tickets required of system users;
  - o Implement “Smart Bus” technology, using GPS and electronic displays at transit stops to provide customers with “real-time” arrival and departure time information (and to allow the system operator to respond more quickly and effectively to disruptions in service);
  - o Investigate the feasibility of an on-line trip-planning program.
11. Prioritize transportation funding to support a shift from private passenger vehicles to transit and other modes of transportation, if determined feasible and applicable by the Lead Agency including:
- o Give funding preference to improvements in public transit over other new infrastructure for private automobile traffic;
  - o Before funding transportation improvements that increase roadway capacity and VMT, evaluate the feasibility and effectiveness of funding projects that support alternative modes of transportation and reduce VMT, including transit, and bicycle and pedestrian access.
12. Promote ride sharing programs if determined feasible and applicable by the Lead Agency, including:
- o Designate a certain percentage of parking spaces for ride-sharing vehicles;
  - o Designate adequate passenger loading, unloading, and waiting areas for ride-sharing vehicles;
  - o Provide a web site or message board for coordinating shared rides;
  - o Encourage private, for-profit community car-sharing, including parking spaces for car share vehicles at convenient locations accessible by public transit;
  - o Hire or designate a rideshare coordinator to develop and implement ridesharing programs.

4 cont.

13. Support voluntary, employer-based trip reduction programs, if determined feasible and applicable by the Lead Agency including:
  - o Provide assistance to regional and local ridesharing organizations;
  - o Advocate for legislation to maintain and expand incentives for employer ridesharing programs;
  - o Require the development of Transportation Management Associations for large employers and commercial/ industrial complexes;
  - o Provide public recognition of effective programs through awards, top ten lists, and other mechanisms.
14. Implement a “guaranteed ride home” program for those who commute by public transit, ride-sharing, or other modes of transportation, and encourage employers to subscribe to or support the program.
15. Encourage and utilize shuttles to serve neighborhoods, employment centers and major destinations.
16. Create a free or low-cost local area shuttle system that includes a fixed route to popular tourist destinations or shopping and business centers.
17. Work with existing shuttle service providers to coordinate their services.
18. Facilitate employment opportunities that minimize the need for private vehicle trips, including:
  - o Amend zoning ordinances and the Development Code to include live/work sites and satellite work centers in appropriate locations;
  - o Encourage telecommuting options with new and existing employers, through project review and incentives, as appropriate.
19. Enforce State idling laws for commercial vehicles, including delivery and construction vehicles.
20. Organize events and workshops to promote GHG-reducing activities.
21. Implement a Parking Management Program to discourage private vehicle use, including:
  - o Encouraging carpools and vanpools with preferential parking and a reduced parking fee;
  - o Institute a parking cash-out program;
  - o Renegotiate employee contracts, where possible, to eliminate parking subsidies;
  - o Install on-street parking meters with fee structures designed to discourage private vehicle use;
  - o Establish a parking fee for all single-occupant vehicles.

4 cont.

**Additional Comments on Summary of Environmental Consequences:**

- **Work with school districts to improve pedestrian and bicycle to schools and restore school bus service**
- **Encourage the use of bicycles to transit facilities by providing bicycle parking lockers facilities and bike lane access to transit facilities.**
- **Monitor traffic congestion to determine where and when new transportation facilities are needed to increase access and efficiency**
- **Develop and implement a bicycle and pedestrian safety educational program to teach drivers and riders the laws, riding protocols, safety tips, and emergency maneuvers.**
- **Synchronize traffic signals to reduce congestion and air quality**
- **Work with community groups and business associations to organize and publicize walking tours and bicycle events**
- **Support legislative to increase funding for local street repair.**



February 2, 2016

Ms. Lijin Sun, Senior Regional Planner  
Southern California Association of Governments  
818 W. Seventh Floor  
Los Angeles, CA 90017

**Re: Environmental Impact Report for the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy**

Dear Ms. Sun:

The City of El Centro commends the preparation of the Environmental Impact Report (EIR) for SCAG's 2016 Regional Transportation Plan/Sustainable Communities Strategy, a long regional transportation plan that provides a vision for regional transportation investments. The EIR includes mitigation measures to minimize or avoid environmental impacts and serves as a first tier document for CEQA review. The City appreciates that the EIR serves as a first-tier document for later CEQA review of individual projects as this can provide significant cost savings for future City projects.

The City of El Centro thanks SCAG for the opportunity to comment on the Draft Environmental Impact Report and we look forward to the continuance of regional cooperation in the Southern California Region.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

Norma V. Villicaña, AICP  
Director of Community Development

*Community Development Department  
Planning & Zoning Division  
1275 W. Main Street, El Centro, CA 92243 (760) 337-4545 Fax (760) 337-4564  
www.cityofelcentro.org*

**City of El Centro**  
**Department of Planning & Zoning**  
1275 Main Street  
El Centro, CA 92243

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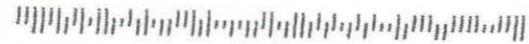
SCAG

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MAIL RECEIVED

**Ms. Lijin Sun, Senior Regional Planner**  
**SCAG**  
**818 W. Seventh Floor**  
**Los Angeles, CA 90017**

90017346175



SHUTE MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

JOSEPH D. PETTA  
Attorney  
petta@smwlaw.com

January 11, 2016

**Via E-Mail and U.S. Mail**

Southern California Association of Governments  
Attention: Ms. Lijin Sun  
818 7th Street, 12th Floor  
Los Angeles, CA 90017  
[2016PEIR@scag.ca.gov](mailto:2016PEIR@scag.ca.gov)

Re: Request For Extension of Public Comment Deadline – SCAG 2016-2040  
Regional Transportation Plan/Sustainable Communities Strategy and  
Program Environmental Impact Report (SCN: 2015031035)

To Whom It May Concern:

We submit this letter on behalf of the City of El Segundo to request a 14-day extension of the deadline to provide comments on the 2016-2040 RTP/SCS and “Program” EIR (“PEIR”) for the proposed RTP/SCS. On December 23, 2015 we submitted, on our client’s behalf, a request for public records relating to SCAG’s preparation of the RTP/SCS and PEIR, including:

- records demonstrating how SCAG calculated the year 2040 “million annual passenger” (“MAP”) forecast for Los Angeles International Airport
- SCAG’s methodology for evaluating the noise impact of this forecast, and
- correspondence with Los Angeles World Airports officials or their agents regarding these calculations or analysis.<sup>1</sup>

On January 7, 2016, SCAG responded that it would require an extension of 14 days (until January 21, 2016) to process our request. *See* SCAG Correspondence re PRCA122915VJ5524, enclosed as Attachment A. Assuming SCAG provides the

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<sup>1</sup> This request for extension of the public comment period does not modify or supersede our December 23, 2015 request for records under the California Public Records Act.

Ms. Lijin Sun  
January 11, 2016  
Page 2

requested records on this date, our client would have a total of 10 days to review and comment on the responsive records in the context of the entire RTP/SCS and PEIR.

Because our ability to submit meaningful comments depends on fully understanding how SCAG developed the projections and conclusions in the RTP/SCS and PEIR, we would appreciate SCAG providing us with the requested records as soon as possible, and extending the comment period for 14 days (to February 15, 2016) to allow us to evaluate the adequacy of the RTP/SCS's "MAP" forecast and associated noise analysis.

1 Cont.

We appreciate your consideration of this request.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Joseph "Seph" Petta

cc: Greg Carpenter, City of El Segundo

747276.1

## David H. Weibel

---

**From:** Tess Rey-Chaput <REY@scag.ca.gov>  
**Sent:** Thursday, January 07, 2016 6:33 AM  
**To:** David H. Weibel  
**Cc:** Joseph D. Petta  
**Subject:** RE: Public Records Act Request (PRCA122915VJ5524)

Dear Mr. Weibel,

The Southern California Association of Governments (SCAG) is currently in the process of searching for and collecting records responsive to your subject request, received by SCAG on December 28, 2015.

Pursuant to the California Public Records Act, California Government Code Section 6253(c), SCAG requires an extension of 14 days (until January 21, 2016) to process this request. The extension of time is needed to search for and collect responsive records from consulting firms; and to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

Thank you for your understanding with respect to this necessary extension.

Sincerely,

Tess Rey-Chaput

**Anita Au**

---

**From:** Joseph D. Petta <petta@smwlaw.com>  
**Sent:** Monday, February 1, 2016 5:00 PM  
**To:** Tess Rey-Chaput; 2016 PEIR  
**Cc:** Joseph D. Petta  
**Subject:** Comments on SCAG 2040 RTP/DEIR  
**Attachments:** El Segundo Comments on SCAG 2040 RTP DEIR.pdf

To Whom It May Concern,

Please find attached the comments of the City of El Segundo on SCAG's 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy and Draft Program Environmental Impact Report. Attachments referenced in the letter will follow by email and a hard copy of the letter and attachments will follow by U.S. mail.

Yours,  
Joseph Petta

Joseph ("Seph") Petta  
Shute, Mihaly & Weinberger LLP  
396 Hayes Street  
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JOSEPH D. PETTA  
Attorney  
petta@smwlaw.com

February 1, 2016

**Via E-Mail and U.S. Mail**

Draft 2016 RTP/SCS PEIR Comments  
Attention: Ms. Lijin Sun  
Southern California Association of  
Governments  
818 W. 7th Street, 12th Floor  
Los Angeles, CA 90017  
[2016PEIR@scag.ca.gov](mailto:2016PEIR@scag.ca.gov)

Draft 2016 RTP/SCS Comments  
Attention: Ms. Courtney Aguirre  
Southern California Association of  
Governments  
818 W. 7th Street, 12th Floor  
Los Angeles, CA 90017

**Re: SCAG 2016-2040 Regional Transportation Plan / Sustainable  
Communities Strategy and Program EIR**

Dear Ms. Sun and Ms. Aguirre:

We submit this letter on behalf of the City of El Segundo to comment on the Southern California Association of Government's ("SCAG") 2016 Regional Transportation Plan and Sustainable Communities Strategy ("RTP" or "Plan") and the Draft Program Environmental Impact Report ("DEIR") for the RTP. El Segundo recognizes the critical role that Southern California airports play in the region's economy and thus has been on the forefront of promoting a regional air transport system.

The City is concerned that the RTP demonstrates a shift in SCAG policy away from regionalization as a means of distributing aviation demand and its impacts, toward inducing, and thus centralizing demand at LAX by funding removal of existing ground access constraints and generally encouraging greater growth. Indeed, unlike previous RTPs, the 2016 RTP's core aviation strategy appears to be centralization of the region's aviation activity at LAX. Such a strategy will ensure that the burdens of heightened demand on communities like El Segundo surrounding the airport persist well into the 21st century, while depriving other communities, like those near Ontario International Airport, of the airport growth they desire.

The City also has serious concerns about the RTP's 2040 forecast of "constrained" demand at LAX: between 82.9 million annual passengers ("MAP") and 96.6 MAP, representing a nearly *30 percent increase* over documented passenger levels for 2015. Disturbingly, this MAP forecast assumes the approval and completion of local ground access projects that are still in the early planning and environmental review stages. These projects include the massive, controversial Landside Access Modernization Program ("LAMP") proposed at LAX, for which no environmental impact report ("EIR") has been released,<sup>1</sup> and the proposed Airport Metro Connector. *See* RTP Project List, Table 2 at 157, 162.

The City strongly urges SCAG not to assume completion of local airport ground access projects and other capacity enhancing projects at LAX as they are years away from realization and may never be implemented due to potential opposition by the airport's stakeholders, including the City of El Segundo. Los Angeles World Airports ("LAWA"), which has approval authority over projects at LAX, has completed no environmental review of operations above 78.9 MAP—the airport's operational capacity as set forth in the LAX Master Plan, the 2006 Stipulated Settlement Agreement that resulted from Master Plan litigation, and the Specific Plan Amendment Study ("SPAS") LAWA prepared pursuant to the Settlement.

SCAG's RTP commitment of over \$2 billion toward ground access projects at LAX is premature and inappropriately pre-ordains that the airport will expand continuously for the next quarter-century. Such a move by SCAG is particularly inappropriate because LAWA itself has consistently committed to the community that it is planning for 78.9 MAP, nothing more. *See* LAX Master Plan (2004) at 2-1 ("Alternative D" designed to serve "approximately 78 MAP, which is similar to the activity level identified in the scenario adopted by SCAG for LAX"), excerpted at Attachment A and available at [http://www.lawa.org/uploadedFiles/OurLAX/pdf/Final\\_LAX\\_MP/009\\_MainDocument\\_Ch\\_2.00.pdf](http://www.lawa.org/uploadedFiles/OurLAX/pdf/Final_LAX_MP/009_MainDocument_Ch_2.00.pdf); LAX Master Plan Final EIR (2004), Executive Summary available at [http://www.lawa.org/uploadedFiles/OurLAX/Past\\_Projects\\_and\\_Studies/Past\\_Publications/FEIS\\_EIR\\_Part1-01\\_ExecutiveSummary.pdf](http://www.lawa.org/uploadedFiles/OurLAX/Past_Projects_and_Studies/Past_Publications/FEIS_EIR_Part1-01_ExecutiveSummary.pdf); 2006 Stipulated Settlement at 9, attached as Attachment B; Final LAX SPAS Report (2013) at 1-1 (identifying

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<sup>1</sup> Los Angeles World Airports issued an initial study and notice of preparation of an EIR for the LAMP project on February 5, 2015. *See* [http://connectinglax.com/files/LAX.LAMP.Initial.Study\\_2015.pdf](http://connectinglax.com/files/LAX.LAMP.Initial.Study_2015.pdf); [http://connectinglax.com/files/LAX.LAMP.NOP\\_2015.pdf](http://connectinglax.com/files/LAX.LAMP.NOP_2015.pdf) (last visited February 1, 2016).

amendments to the LAX Specific Plan that plan for “a practical capacity of 78.9 [MAP]”), excerpted at Attachment C and available at <http://www.lawa.org/uploadedFiles/SPAS/PDF/LAX%20SPAS%20Final%20SPAS%20Report%20Document%20Final%20CD-Web%20Version%2001%2030%202013.pdf>; City of Los Angeles LAX Specific Plan (2005) at 12 (requiring LAWA to initiate a new specific plan amendment study if annual passenger forecast is anticipated to exceed 78.9 MAP), available at <http://planning.lacity.org/complan/specplan/pdf/LAX.pdf>.<sup>2</sup> As LAWA has not completed the public, environmental, and political processes necessary to evaluate such massive growth beyond 78.9 MAP, SCAG should not be relying on numbers as high as 96.6 MAP and the proposed RTP funding for ground access projects at LAX should be reduced accordingly.<sup>3</sup>

4 cntd

**I. SCAG Should Adopt 78.9 MAP as the 2040 Constrained Demand Forecast for LAX.**

Purporting to calculate existing “airfield” and “terminal” capacity constraints at each “constrained” airport in the region, the RTP concludes that “the [2040] capacity of LAX is in the range of 82.9 MAP to 96.6 MAP, limited by the airfield, based on the runway configuration described . . . in the SPAS.” RTP Aviation & Ground Access Appendix 22. *See also id.* at 19 (“airfield” constraint looks at runways’ and taxiways’ overall aircraft capacity; “terminal” constraint looks at passenger gates as a limiting factor on demand). This forecast is as much as 30 percent higher than documented

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<sup>2</sup> All Web addresses last visited February 1, 2016. All documents, including draft and final versions, attachments, appendices, and addenda, are incorporated by reference herein. The 2006 Stipulated Settlement was signed by LAWA and City of Los Angeles, County of Los Angeles, Alliance for Regional Solution to Airport Congestion, City of El Segundo, City of Culver City and City of Inglewood.

<sup>3</sup> On December 23, 2015 the City submitted a request under the California Public Records Act for various SCAG documents relating to, among other things, SCAG’s method for calculating the 2040 constrained demand forecast for LAX and the DEIR’s basis for concluding the forecast would not result in certain significant environmental impacts. On January 7, 2016, SCAG indicated it would need an additional 14 days to respond, and on January 21, provided some responsive documents. On February 1, we followed up regarding the missing documents and requested a more complete response. Given this delay of critical documents and information, the City hereby repeats its request for a two-week extension of the comment deadline. SCAG has not responded to this request. This letter therefore contains the City’s comments to date, which the City may supplement after the deadline with additional comments responding to the records SCAG disclosed.

passenger levels in 2015, and 25 percent higher than LAWA's current planned capacity of 78.9 MAP, all using the same airport facilities (i.e., gates and airfield) that LAWA's own recent environmental review documents consistently conclude would result in serving 78.9 MAP.<sup>4</sup>

The Master Plan, SPAS, and the 2006 Settlement establish a maximum operational capacity of 78.9 MAP. The Master Plan's design for a total of 153 gates is based on a maximum capacity of 78.9 MAP. *See* SPAS Draft EIR (2012) at 2-4, excerpted at Attachment E. LAWA's recent environmental review of all airport development projects consistently assumes this capacity for the purpose of evaluating projects' environmental impact. *See, e.g.*, Draft EIR, Midfield Satellite Concourse ("MSC") (March 2014) at 4-16 fn. 10 (stating project would comply with LAX Master Plan gate cap limit), excerpted at Attachment F; "MSC North FAQs," available at <http://www.lawa.org/mscnorth/faq.aspx> (stating MSC Program will comply with 2006 Stipulated Settlement "at all times").<sup>5</sup> These documents are not mere paper exercises, but rather official representations to the public regarding LAWA's plans for the future of LAX as it relates to surrounding residential and other sensitive land uses. The City of El Segundo and the public generally have participated actively in the evaluation of LAX development plans and relied in good faith on LAWA's representations about constrained growth at LAX, one of the busiest airport in the United States.

5 cntd

Thus, the sudden and unprecedented increase in the LAX passenger forecast is a blow to the public's faith in SCAG as the region's foremost planning agency, and in LAWA as the operator of LAX. Increasing the airport's capacity for planning purposes is a public process that must begin at LAWA and involve the full LAX stakeholder

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<sup>4</sup> The MAP forecast for LAX fails to include an important third constraint: existing ground access. The purpose of the RTP is to identify and address existing (and future) ground access constraints, not assume their removal before the RTP or any local ground access project is approved. By adopting this approach, SCAG attempts to avoid responsibility for evaluating any growth in LAX operations by claiming they would have occurred with or without ground access improvements. We recognize that during the 2016 RTP process, SCAG asserted that "current research has demonstrated that access to the airport is not a barrier for capacity" because "passengers will continue to purchase tickets even if airport access is challenging (for example drive an alternate route or stay at an adjacent airport hotel.)" Report from Ryan Hall to SCAG Transportation Committee, July 23, 2015 at 9, excerpted at Attachment D. This "research" is insufficiently documented to demonstrate that ground access at LAX is not a demand constraint.

<sup>5</sup> *See supra*, footnote 2.

community. Furthermore, SCAG's prior statements regarding the importance of the 78.9 MAP cap call into question the proposed RTP's compliance with SCAG's mandate under State law to "prepare and adopt a regional transportation plan directed at achieving a *coordinated and balanced regional transportation system*, including, but not limited to . . . aviation facilities and services." Gov. Code § 65080(a) (emphasis added).<sup>6</sup> The public could reasonably assume that SCAG has been listening to LAWA, to the exclusion of other interested stakeholders.<sup>7</sup>

LAWA, not SCAG, must take principal responsibility for an open, public process to evaluate any potential increase in the passenger forecast for LAX beyond the 78.9 MAP number currently contained in LAWA's approved plans for LAX. For example, LAWA could elect to update the LAX Master Plan and SCAG could then include the resulting capacity numbers in a future RTP. SCAG should not, as currently proposed, "get out ahead" of LAWA on this important issue, as doing so would improperly and prematurely give credence to LAWA's new plan to abruptly depart from its historic assurances to the public before conducting proper environmental analysis of the actual impacts of increased passenger forecast.

## II. The DEIR Fails to Analyze the Environmental Impacts of Implementing the 2016 RTP.

If the RTP proceeds as currently proposed, it will induce growth at LAX by removing existing ground access constraints so that LAX can realize a passenger forecast of 82.9–96.6 MAP. As explained above, this induced growth will far exceed the present

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<sup>6</sup> Not only did SCAG adopt 78.9 MAP as the 2035 forecast in the previous RTP, but SCAG also states, in a report from the current RTP planning process, that "an important issue to consider in the future demand forecast would be whether to continue assuming the 78.9 MAP capacity constraint even beyond 2020. *Lifting the cap at LAX could have a profound impact on the ability of regional airports, particularly ONT, to fulfill its full potential in the foreseeable future.*" Report from Rich Macias to SCAG Transportation Committee, June 6, 2013 at 101 (emphasis added), excerpted as Attachment G.

<sup>7</sup> Although it is evident that LAWA and other airports provided extensive input on the MAP forecasts during the RTP's preparation (including, among other things, data on airport layout, gate and terminal configurations, and historic passenger levels), the extent of LAWA's political influence on the RTP's forecasts is not yet fully clear. SCAG's January 21 response to the City's records request contained SCAG communications to LAWA regarding the latter's comments on MAP forecast calculations, but did not include LAWA's comments. The City will continue to seek this and other information apparently missing from SCAG's records disclosure.

operations capacity of 78.9 MAP established in LAWA's planning documents for LAX, and any level previously analyzed by LAWA under the California Environmental Quality Act ("CEQA") or National Environmental Policy Act ("NEPA").

6 cntd

Taken together, the RTP and DEIR suffer from a distinct internal inconsistency: while the RTP assumes approval and construction of local ground access projects for the purpose of calculating its constrained demand forecasts, the DEIR avoids analyzing the local impacts of those forecasts, evidently because SCAG considers these impacts the local agencies' responsibility. DEIR at 3.13-32 (concluding noise impacts "less than significant" because "major public airports have an airport land use plan that provides guidance on noise levels and land use in adjacent areas"). CEQA, however, requires that every EIR be detailed, complete, and reflect a good faith effort at full disclosure. CEQA Guidelines § 15151. The document should provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decision-makers to make intelligent judgments. *Id.* Consistent with this requirement, the information regarding the project's impacts must be "painstakingly ferreted out." *Environmental Planning & Information Council of Western El Dorado County v. County of El Dorado* ("EPIC") (1982) 131 Cal.App.3d 350, 357.

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SCAG attempts to excuse the DEIR's lack of detail based on the fact that it is merely a "program" EIR that may be general in nature. The "program" nature of the DEIR, however, is no excuse for its lack of detailed analysis, particularly of the RTP's impacts on noise and air quality at and around LAX. CEQA requires that even a program EIR provide an in-depth analysis of a large-scale project, looking at effects "as specifically and comprehensively as possible." Guidelines § 15168(a), (c)(5). While programmatic review allows an agency to avoid speculating, the practice "does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later EIR." § 15152(b). Clearly SCAG does not consider ground access projects at LAX merely "speculative," as it assumes their completion to arrive at the 2040 MAP forecast.

Whether a lead agency prepares a "program" EIR or a "project-specific" EIR under CEQA, the requirements for an adequate EIR remain the same. Guidelines § 15160. "Designating an EIR as a program EIR also does not by itself decrease the level of analysis otherwise required in the EIR." *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 533; *see also* Guidelines § 15146 (degree of specificity required in program EIR varies not with "program" label, but rather with degree of specificity in underlying activity). Even a program-level EIR must contain "extensive detailed evaluations" of a plan's effects on the existing

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environment. *See EPIC*, 131 Cal.App.3d at 358. *See also Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692,723-24 (where the record before an agency contains information relevant to environmental impacts, it is both reasonable and practical to include that information in an EIR).

8 cntd

The DEIR's reliance on future, project-level environmental review by LAWA or other local agencies is also misplaced. Again, CEQA's policy favoring early identification of environmental impacts does not allow agencies to defer analysis of a plan's impacts to some future EIR for specific projects contemplated by that plan. *See Bozung v. Local Agency Formation Comm.* (1975) 13 Cal.3d 263, 282-84; *Christward Ministry v. Superior Court* (1986) 84 Cal.App.3d 180, 194; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409. Because the RTP as currently proposed identifies passenger growth at LAX as part of the project, the DEIR must analyze the potential environmental impacts resulting from it.<sup>8</sup> If such analysis were performed, it would necessarily disclose the additional noise, air quality, and traffic impacts that would be experienced by the already heavily-impacted communities around LAX, including El Segundo. *See, e.g.*, LAX Final Noise Exposure Map Report (2015) Exhibit 5-2 (showing impact of airport noise on City of El Segundo), available at [http://www.lawa.org/pdf/14CFRPart150\\_FinalNEMReport\\_LAX\\_Entire%20Report\\_read\\_Redacted.pdf](http://www.lawa.org/pdf/14CFRPart150_FinalNEMReport_LAX_Entire%20Report_read_Redacted.pdf); LAX Air Quality & Source Apportionment Study (2013) at 6-52 (summarizing airport's air quality impacts on City of El Segundo), available at <http://www.lawa.org/uploadedFiles/OurLAX/pdf/Vol%202%20-%20LAX%20AQSAS%202014%2003%2011s.pdf>; *id.* at 7-18 (identifying South Airfield, adjacent to El Segundo, as a "main source area[] for SO2").<sup>9</sup>

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For the foregoing reasons, the City of El Segundo requests that SCAG delay further action on the proposed 2016 RTP until the Plan is revised to reflect the capacity for LAX established and analyzed in LAWA's planning documents; in other words, 78.9 MAP. If SCAG does not revise its MAP forecast for LAX, then SCAG must revise and

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<sup>8</sup> The DEIR is flawed for the additional reason that it improperly assumes that certain impacts, including noise, will be less than significant merely because the 2016 RTP's regional MAP forecast is lower than the previous RTP's forecast. DEIR at 3.13-32. This is patently impermissible under CEQA. In *EPIC*, for example, the court found an EIR for a proposed general plan amendment inadequate on grounds that the EIR should have compared the plan amendment to the existing state of the *physical environment*, not to the existing *plan*. 131 Cal.App.3d at 358.

<sup>9</sup> *See supra*, footnote 2.

Ms. Lijin Sun and Ms. Courtney Aguirre  
February 1, 2016  
Page 8

recirculate the DEIR to adequately evaluate all of the foreseeable environmental impacts of approving the RTP, including local noise, air quality, and traffic impacts at and around LAX.

10 cntd

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Joseph "Seph" Petta

749764.2

## 2016 PEIR

---

**From:** Joseph D. Petta <petta@smwlaw.com>  
**Sent:** Monday, February 01, 2016 11:02 PM  
**To:** 2016 PEIR  
**Cc:** Ping Chang; Tess Rey-Chaput  
**Subject:** RE: Comments on SCAG 2040 RTP/DEIR  
**Attachments:** El Segundo Attachments re SCAG 2040 RTP DEIR.PDF

As referenced in my email below, attached is a PDF of attachments to the City of El Segundo's comments on the 2040 RTP and Draft EIR. Hard copies were postmarked and mailed earlier today. Please note that "Attachment E" in the attachment hereto replaces the Attachment E in the mailed hard copy (which was included inadvertently).

Yours,  
Joseph Petta

---

**From:** 2016 PEIR [<mailto:2016PEIR@scag.ca.gov>]  
**Sent:** Monday, February 01, 2016 5:25 PM  
**To:** Joseph D. Petta  
**Cc:** Ping Chang; Tess Rey-Chaput; 2016 PEIR  
**Subject:** RE: Comments on SCAG 2040 RTP/DEIR

Thanks very much for your comments.

Sincerely,

**Lijin Sun, J.D., Esq.**

Senior Regional Planner  
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS  
818 W. 7th Street, 12th Floor  
Los Angeles, CA 90017  
T: (213) 236-1882 | F: (213) 236-1963  
E: [SunL@scag.ca.gov](mailto:SunL@scag.ca.gov) | W: [www.scag.ca.gov](http://www.scag.ca.gov)

Stay Connected 

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**From:** Joseph D. Petta [<mailto:petta@smwlaw.com>]  
**Sent:** Monday, February 01, 2016 5:00 PM  
**To:** Tess Rey-Chaput; 2016 PEIR  
**Cc:** Joseph D. Petta  
**Subject:** Comments on SCAG 2040 RTP/DEIR

To Whom It May Concern,

Please find attached the comments of the City of El Segundo on SCAG's 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy and Draft Program Environmental Impact Report. Attachments referenced in the letter will follow by email and a hard copy of the letter and attachments will follow by U.S. mail.

Yours,

Joseph Petta

Joseph ("Seph") Petta  
Shute, Mihaly & Weinberger LLP  
396 Hayes Street  
San Francisco, CA 94102-4421  
v: 415/552-7272 x269  
f: 415/552-5816  
[www.smwlaw.com](http://www.smwlaw.com)

# **Attachment A**

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## 2 Alternative D Development and Refinement

Alternative D was developed as a new alternative in response to public comment on Master Plan Alternatives A, B, C, and the No Action/No Project Alternative. **Figure 2.0-1** presents the relationship between Alternative D and the Master Plan alternatives described in the 2001 documents.

To ensure that the communities' full range of priorities were represented, Alternative D would be developed to offer a regional airport development alternative for LAX. Alternative D would be designed to serve approximately 78 MAP, which is similar to the activity level identified in the scenario adopted by SCAG for LAX. The Alternative D design would encourage other airports in the region to develop facilities to accommodate regional demand beyond the level served at LAX. In the short term, LAX would continue to serve as the region's predominant airport for international passenger and cargo operations due to the specialized facilities developed over time to serve the international demand.

In response to increased security threats, Alternative D would protect all airport users and critical airport infrastructure from security threats, incorporate Transportation Security Administration (TSA) recommendations, avoid concentrations of people in public areas, enhance on-airport law enforcement presence and surveillance capabilities, and enhance emergency response. Protection of people is paramount in all areas of the airport. The facilities in the CTA and the surrounding ground access network have been identified as infrastructure components critical to airport operations. The objective of Alternative D is to provide a facility that can continue to operate under the highest security levels with minimal impacts to the passenger processing experience. The facilities in the CTA and the surrounding ground access network have been identified as infrastructure components critical to airport operations. Refer to **Appendix I** for a detailed assessment of the security and safety features of Alternative D.

As a result, the ground access network would be redeveloped to limit vehicle access to the CTA and to remove vehicle parking from this area. All facilities would be designed to minimize vulnerability of people to security threats. Passengers and employees would access the CTA via the Landside Automated People Mover (APM) system that would be developed as part of Alternative D.

# **Attachment B**

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FILED  
SUPERIOR COURT OF CALIFORNIA

FEB 17 2006



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE

CITY OF EL SEGUNDO, a California  
municipal corporation,

Petitioner,

v.

CITY OF LOS ANGELES; CITY COUNCIL  
OF THE CITY OF LOS ANGELES; JAMES  
K. HAHN, Mayor of the City of Los Angeles;  
LOS ANGELES WORLD AIRPORTS a/k/a  
DEPARTMENT OF AIRPORTS OF THE  
CITY OF LOS ANGELES; and BOARD OF  
AIRPORT COMMISSIONERS OF THE  
CITY OF LOS ANGELES,

Respondents.

Case No. RIC 426822  
(Los Angeles Superior Court Case No. BS094279;  
transferred and consolidated with related cases Los  
Angeles Superior Court Nos. BS094320, BS094359  
and BS094503)

[Assigned To The Honorable Stephen D. Cunnison  
For All Purposes]

**[PROPOSED] JUDGMENT PURSUANT TO  
STIPULATED SETTLEMENT**

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COUNTY OF LOS ANGELES,  
CALIFORNIA, a political subdivision of the  
State of California; CITY OF INGLEWOOD,  
CALIFORNIA, a chartered municipal  
corporation; and CITY OF CULVER CITY,  
CALIFORNIA, a chartered municipal  
corporation,

Petitioners and Plaintiffs,

v.

THE CITY OF LOS ANGELES,  
CALIFORNIA, a chartered municipal  
corporation; CITY COUNCIL OF THE CITY  
OF LOS ANGELES; JAMES K. HAHN,  
Mayor, City of Los Angeles; LOS ANGELES  
WORLD AIRPORTS a/k/a DEPARTMENT  
OF AIRPORTS OF THE CITY OF LOS  
ANGELES; LOS ANGELES BOARD OF  
AIRPORT COMMISSIONERS and DOES 1  
through 100, inclusive,

Respondents and Defendants.

Petition Filed: January 6, 2005

ALLIANCE FOR A REGIONAL SOLUTION  
TO AIRPORT CONGESTION,

Petitioner,

v.

CITY OF LOS ANGELES, a Municipal  
Corporation; CITY COUNCIL OF THE CITY  
OF LOS ANGELES; JAMES K. HAHN,  
Mayor, City of Los Angeles; BOARD OF  
AIRPORT COMMISSIONERS; LOS  
ANGELES WORLD AIRPORTS;  
CALIFORNIA COASTAL COMMISSION, a  
California state agency; and DOES 1-X,

Respondents.

Petition Filed: January 6, 2005

**[PROPOSED] JUDGMENT PURSUANT TO STIPULATED SETTLEMENT**

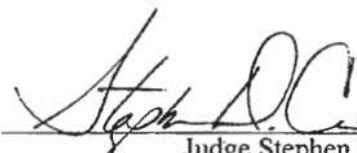
WHEREAS, Petitioners City of El Segundo, City of Inglewood, City of Culver City, County of  
Los Angeles, and Alliance for a Regional Solution to Airport Congestion ("Petitioners") and  
Respondents Los Angeles World Airports, City of Los Angeles, Los Angeles City Council, Mayor of

1 the City of Los Angeles, and the Los Angeles Board of Airport Commissioners ("Respondents") have  
2 agreed to, and this Court has reviewed, the Stipulated Settlement, which is attached hereto as Exhibit A  
3 and incorporated herein by this reference.

4 Good cause appearing, it is ORDERED that the Stipulated Settlement is entered as the Final  
5 Judgment in this matter. The Stipulated Settlement is intended to serve in lieu of any determination by  
6 this Court as to the merits of Petitioners' allegations in the litigation. Petitioners' actions are hereby  
7 dismissed with prejudice, except that jurisdiction is retained for the limited purposes set forth in  
8 Section XIII of the Stipulated Settlement. Notwithstanding any current, applicable provisions of Part  
9 II, Title VIII, Chapter 1.5 of the Code of Civil Procedure regarding dismissal for delay in prosecution,  
10 this Court shall retain jurisdiction over this case and the parties thereto until expiration of the  
11 Stipulated Settlement.

12 It is further ORDERED that the individual cases filed by Petitioners shall be consolidated for  
13 all such further purposes. Upon the Parties' stipulation and this Court's approval pursuant to Rule 244  
14 of the California Rules of Court, any and all judicial enforcement proceedings shall be conducted  
15 before a judicial officer pursuant to the terms of Section XIII of the Stipulated Settlement.

16  
17 Dated: Feb. 17, 2006

  
\_\_\_\_\_  
Judge Stephen D. Cunnison  
Riverside County Superior Court

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## STIPULATED SETTLEMENT

This Stipulated Settlement (this "Settlement") is made and entered into as of this 16<sup>th</sup> day of February, 2005, by and among Petitioners City of El Segundo ("El Segundo"), City of Inglewood ("Inglewood"), City of Culver City ("Culver City"), County of Los Angeles (the "County"), and Alliance for a Regional Solution to Airport Congestion ("ARSAC") and Respondents Los Angeles World Airports ("LAWA"), City of Los Angeles, Los Angeles City Council, Mayor of the City of Los Angeles, and the Los Angeles Board of Airport Commissioners ("BOAC"). This Settlement is entered into by the Parties for the purpose of resolving the litigation filed by Petitioners challenging Respondents' approval of the LAX Master Plan Program. This Settlement is intended to serve in lieu of any determination by the Court as to the merits of Petitioners' allegations, and, upon execution of this Settlement by all Parties, the Parties shall request, pursuant to Code of Civil Procedure section 664.6, that the Court (a) dismiss all causes of action brought by Petitioners challenging the LAX Master Plan Program and (b) retain jurisdiction over this case solely for the purpose of enforcing the mutual obligations incurred by the Parties as specified by the enforcement provisions in this Settlement.

### RECITALS

A. Los Angeles International Airport ("LAX") is the primary commercial air transportation hub of the Los Angeles region. LAX is owned and operated by the City of Los Angeles, whose BOAC oversees the policy, management, operation and regulation of LAX. The Executive Director and the staff of LAWA administer the day-to-day operations of LAX under the direction of BOAC.

B. LAWA has sought for a number of years to improve and modernize LAX. Commencing in 1994, LAWA undertook the drafting of a new LAX Master Plan to serve as a conceptual framework for future improvements at LAX. In 1997, LAWA and the FAA initiated the preparation of an Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") to evaluate the potential environmental effects of each alternative being considered for the LAX Master Plan.

C. Petitioners have long been concerned about the ongoing and projected impacts of LAX operations on traffic, noise, air quality, human health risks and the quality of life in communities surrounding LAX. During the public review period for the EIS/EIR, Petitioners submitted extensive comments on issues including mitigation measures to offset the potentially significant environmental effects of the LAX Master Plan. Petitioners' comments also addressed the need to limit future growth of activity at LAX in conjunction with a broad regional effort to satisfy growing air transportation demand at other airports in the Southern California region.

D. LAWA has indicated that in response to public comments and in light of the greatly elevated issue of airport security following the events of September 11, 2001, LAWA formulated an LAX Master Plan alternative, Alternative D, to be considered within the range of options for the LAX Master Plan. LAWA has indicated that Alternative D was designed to accommodate passengers and cargo activity levels at LAX comparable to activity levels that would likely result without any LAX Master Plan improvements, thereby encouraging other airports in the region to absorb a greater share of the regional demand. LAWA has indicated that Alternative D was also designed with an emphasis on airport safety and security.

E. On or about December 7, 2004, the Los Angeles City Council approved the LAX Master Plan (Alternative D), the LAX Plan, the LAX Specific Plan, and related entitlements. The LAX Plan is the Los Angeles' general plan for the airport, setting out goals, policies, objectives and programs for the long-term development and use of the airport. The LAX Specific Plan provides a procedural mechanism by which the broad goals and objectives of the LAX Plan will be achieved.

F. In January of 2005, Petitioners filed lawsuits challenging the approval of the LAX Master Plan Program and the Final EIR under CEQA in State Court against, among others, the City of Los Angeles, the Los Angeles City Council, the Mayor of the City of Los Angeles, LAWA and BOAC. In July of 2005, El Segundo, Inglewood, Culver City and the County filed lawsuits challenging the ROD under NEPA and the Clean Air Act in the Ninth Circuit Court of Appeals.

### DEFINITIONS

As used in this Settlement, the following capitalized terms will have the following meanings. All definitions include both the singular and plural form.

**"Aircraft Noise Mitigation Program"** or **"ANMP"** means the noise mitigation program operated by LAWA in accordance with the Land Use Mitigation Program as adopted by Board Resolution No. 21481.

**"Airport Layout Plan"** means the narrative description and graphic depiction of existing and proposed airport layouts for runways, roadways, parking, and other airport facilities at LAX, as approved by the FAA's Record of Decision.

**"Alternative D"** means the LAX Master Plan Alternative D as described and evaluated in the LAX Master Plan EIR.

**"ALUC"** means Los Angeles County Airport Land Use Commission.

**"Avigation Easement"** means an easement that conveys the right to subject a property to noise, vibrations, fumes, smoke, fumes and soot, and other effects which are inherent in the operation of aircraft.

**"Board of Airport Commissioners"** or **"BOAC"** means the head of the Los Angeles Department of Airports created under Charter Section 600 *et seq.*

**"CEQA"** means the California Environmental Quality Act.

**"FAA"** means the Federal Aviation Administration.

**"General Fund"** means the City of Los Angeles fund for deposit of general receipts which are not restricted, such as property, sales and business taxes and various fees; also functions as a set of subfunds (primarily by departments) to track appropriations and expenditures.

**"LAX Master Plan"** means the document approved by the Los Angeles City Council on or about December 7, 2004 as a conceptual strategic framework for future improvements at LAX through 2015.

**“LAX Master Plan EIR”** means the Final Environmental Impact Report (State Clearinghouse No. 1997061047) for the LAX Master Plan Program, dated April 2004, as supplemented by four Environmental Impact Report Addenda prior to certification of the Environmental Impact Report by the Los Angeles City Council on December 7, 2004.

**“LAX Master Plan EIS”** means the Final Environmental Impact Statement approved by the FAA in connection with its approval of the Airport Layout Plan in May of 2005.

**“LAX Master Plan EIS/EIR”** means the LAX Master Plan EIS and the LAX Master Plan EIR.

**“LAX Master Plan Program”** means the entire program that comprises the approval by both the Los Angeles City Council and the FAA in its ROD, and subsequent implementation of Alternative D, including the initial approval of all entitlements and other actions in conjunction with the Los Angeles City Council’s approval of the LAX Master Plan, including, but not limited to, the following:

- LAX Master Plan;
- LAX Plan;
- LAX Specific Plan;
- Other associated general plan amendments;
- LAX Zone and zone changes;
- Tentative Tract Map Nos. 54407, 54408 and 54409;
- LAX Master Plan EIS/EIR;
- Mitigation Monitoring and Reporting Program for the LAX Master Plan;
- CEQA Findings;
- Statement of Overriding Considerations;
- Land Use Findings;
- Conceptual Approval of the Draft Relocation Plan;
- Airport Layout Plan;
- ROD for the Airport Layout Plan;
- ALUC Override Findings;
- ALUC inconsistency determination override approvals; and
- ALUC “impasse” appeal process and determination.

The LAX Master Plan Program includes subsequent LAWA, BOAC, and/or Los Angeles City Council approvals of all entitlements and other actions for any of the specific project components and activities that implement Alternative D.

**“LAX Plan”** means the City of Los Angeles’ general plan component for LAX, setting out goals, policies, objectives and programs for the long-term development and use of the airport consistent with the vision established by the LAX Master Plan Program.

**“LAX Specific Plan”** means Ordinance No. 176345, adopted by the Los Angeles City Council on December 14, 2004, which establishes zoning and land use regulations and procedures for the processing of future specific projects and activities that are anticipated under the LAX Master Plan Program.

**“Los Angeles World Airports” or “LAWA”** means the Los Angeles Department of Airports created under Charter Section 600 *et seq.*

**“NEPA”** means the National Environmental Policy Act.

**“Petitioners”** means El Segundo, Inglewood, Culver City, the County, and ARSAC.

**“Party”** means any Petitioner or any Respondent.

**“Record of Decision” or “ROD”** means the FAA’s record of decision for the proposed LAX Master Plan, dated May 20, 2005, as well as all documents supporting or relied on for the FAA’s record of decision approving the Airport Layout Plan, including, but not limited to, the agency actions constituting the basis for the Clean Air Act general conformity determination, the Endangered Species Act biological opinion of no jeopardy, and the Coastal Zone Management Act consistency determination and consistency certification.

**“Released Claims”** mean any and all state and/or federal law based suits, petitions, claims or causes of action challenging the sufficiency or legal validity of the LAX Master Plan Program, the Tom Bradley International Terminal Improvement Project, the In-Line Baggage Screening Implementation Project, and/or the associated environmental documents for those projects. Notwithstanding the foregoing, the Released Claims shall not include any state law based suits, petitions, claims or causes of action challenging the sufficiency or legal validity of the Yellow Light Projects. For purposes of clarification, the Released Claims include, but are not limited to, any and all claims challenging the South Airfield Improvement Project and the West Satellite Concourse.

**“Respondents”** mean the City of Los Angeles, the Los Angeles City Council, the Mayor of the City of Los Angeles, LAWA and BOAC.

**“Yellow Light Projects”** for the purposes of this Settlement mean:

- (a) Development of the Ground Transportation Center (“GTC”), including the baggage tunnel, associated structures and equipment;
- (b) Construction of the Automated People Mover (“APM”) from the GTC to the Central Terminal Area (“CTA”), including its stations and related facilities and equipment;
- (c) Demolition of CTA Terminals 1, 2 and 3;
- (e) Reconfiguration of the north airfield as contemplated in the LAX Master Plan, including center taxiways; and
- (f) Improvements to on-site roadways associated with (a) and (b) above.

## STIPULATED SETTLEMENT PROVISIONS

NOW, THEREFORE, in consideration of the mutual covenants, promises and undertakings set forth in this Settlement and other consideration, the receipt and adequacy of which the Parties acknowledge, the Parties stipulate and agree as follows:

### **SECTION I. SETTLEMENT OVERVIEW**

**A. No Admission of Liability.** This Settlement is entered into by the Parties without any admission of liability by any Party.

**B. Recitals True and Correct.** The above recitals are true and correct and are incorporated as a part of this Settlement.

**C. Mutual Consideration.** The commitment by each of Petitioners to abide by the terms of this Settlement is consideration for LAWA's commitment to abide by the terms of this Settlement. LAWA's commitment to abide by the terms of this Settlement is consideration for the commitment by each of Petitioners to abide by the terms of this Settlement.

**D. Term of Settlement.** This Settlement shall be operative from the date of its approval by the Parties through December 31, 2015, except that this Settlement's passenger gate provisions set forth in Section IV shall be operative through December 31, 2020.

**E. No City Expenditure Required.** Under no circumstances may any of LAWA's obligations under this Settlement require any expenditure from the City's General Fund or any other City-controlled source of funds, except LAWA funds.

**F. Regulation of LAX.** The Parties acknowledge that the operation of LAX is regulated by state and federal legislation. The intention of the Parties is that this Settlement complies with all applicable state and federal legal requirements, including requirements imposed by the FAA and other regulatory authorities. The Parties, recognizing the significance of the FAA's involvement in this process, pledge their full support and cooperation to endorse and implement the terms of this Settlement subject to FAA approval.

**G. FAA and Other Regulatory Determinations.** Notwithstanding any provision of this Settlement, LAWA shall not be required to take any actions or to expend any funds (i) that are prohibited or disapproved by an FAA determination or any other regulatory agency or (ii) for which the FAA or any other federal agency makes a determination that the actions or fund expenditures will result in withholding or demand for remittance of federal funds. When such a determination is made, LAWA shall fulfill requirements of this Settlement consistent with the FAA determination and the determination of any other regulatory agency. Prior to execution of this Settlement, the Parties, cooperating and working together, sought and obtained the FAA's review and written statement regarding the effect of the passenger gate provisions set forth in Section IV on FAA's environmental obligations and matters under FAA's statutory authority ("Statement"). Based on such review, the FAA did not object to the passenger gate provisions set forth in Section IV.

**H. Rescission of Impasse Appeal Proceeding.** The City of El Segundo and the County of Los Angeles shall request that the Los Angeles County Airport Land Use Commission rescind its April 20, 2005 decision upholding the "impasse" administrative appeals regarding the LAX Master Plan Program. All of LAWA's obligations to perform under this Settlement are conditioned on the Los Angeles County Airport Land Use Commission's prior rescission of its April 20, 2005 decision. Petitioners shall promptly notify LAWA of such rescission.

## **SECTION II. DISMISSAL OF PENDING ACTIONS AND RELEASE OF CLAIMS**

**A. Dismissal of Pending Actions.** Upon execution of this Settlement by all Parties, Petitioners shall thereupon dismiss with prejudice any pending judicial and/or administrative proceedings including (i) the consolidated litigation challenging the LAX Master Plan Program in Riverside County Superior Court (Case No. RIC 426822), (ii) the federal litigation in the Ninth Circuit Court of Appeals (Case Nos. 05-74051 and 05-74272), and (iii) any action that may have been initiated challenging the South Airfield Improvement Project. Upon execution of this Settlement by all Parties, the Parties shall request that the Riverside County Superior Court (a) dismiss all causes of action brought by Petitioners challenging the LAX Master Plan Program and (b) retain jurisdiction over this case solely for the purpose of enforcing the mutual obligations incurred by the Parties as specified by the enforcement provisions in this Settlement set forth in Section XIII. For all such further purposes, the Parties shall request that the individual cases filed by the various Petitioners shall be consolidated.

**B. Release of Claims.** Upon execution of this Settlement by all Parties, Petitioners shall thereupon waive, release, and forever discharge Respondents and the FAA from all Released Claims in full and final settlement of the Released Claims. The Parties intend and agree that this Settlement shall be effective as a full and final accord and satisfaction and general release of and from all Released Claims. In furtherance thereof, each Party acknowledges that it is familiar with Section 1542 of the Civil Code of the State of California, which provides as follows:

"A general release does not extend to claims which the creditor did not know or suspect to exist in his favor at the time of executing the release, which if known by him, must have materially affected his settlement with the debtor."

Except as otherwise specifically set forth in this Settlement, Petitioners waive any and all rights they have or may have under California Civil Code Section 1542 and/or any successor section to it with respect to the Released Claims. In connection with this waiver, Petitioners acknowledge that they are aware that they may hereafter discover claims presently unknown or unsuspected or facts in addition to or different from those that they now know or believe to be true with respect to the subject matter of this Settlement. Nevertheless, Petitioners intend by this Settlement, and with and upon the advice of their own independently selected counsel, to release fully, finally and forever all Released Claims. In furtherance of such intention, the releases set forth in this Settlement shall be and shall remain in effect as full and complete releases notwithstanding the discovery or existence of any such additional or different claims or facts relevant hereto.

**C. Covenant Not to Bring Any Released Claims.** Petitioners will not directly or indirectly file, prosecute, bring, encourage, participate in, facilitate or advance any suit, claim or legal action of any kind against Respondents or the FAA based upon any Released Claims. Petitioners covenant

against filing any administrative proceedings and to dismiss or cause to be dismissed any administrative proceedings and/or appeals already brought as of the date of this Settlement.

**D. Defense Against Released Claims.** This Settlement may be pleaded as a defense to, and may be used as the basis for an order of specific performance ordering the dismissal by Petitioners of any Released Claims in any judicial or administrative proceeding against Respondents or the FAA.

### **SECTION III. FAA DETERMINATION REGARDING LAWA EXPENDITURES**

In order to secure an FAA approval or FAA determination regarding LAWA's funding of the provisions and/or mitigation measures set forth in this Settlement:

**A.** Prior to any LAWA expenditure under this Settlement, LAWA may prepare and present a letter to the FAA requesting an advisory opinion on whether the proposed expenditure is an acceptable use of airport revenues under federal statutes, regulations and FAA policy guidance. The letter may request an expedited decision by the FAA and that, if the FAA determines that the use of airport revenue for a specific program or programs is not acceptable, the FAA include in its written advisory opinion the grounds upon which the Agency has made this determination.

**B.** If the FAA's advisory opinion indicates that use of airport revenues for any particular LAWA program or action would constitute revenue diversion or other impropriety, then LAWA, with Petitioners' consent, shall in good faith revise the language of this Settlement in order to meet the FAA criteria. LAWA is not obligated to obtain the consent of any Petitioner that would not be materially benefited by the provisions and/or mitigation measures subject to revision. If the proposed expenditure cannot be made consistent with FAA criteria, LAWA will have no further obligation to make such expenditure.

### **SECTION IV. PASSENGER GATE PROVISION**

**A.** LAX currently has 163 total passenger aircraft gates available for loading and unloading of passengers during scheduled aircraft operations. Gates are defined as specific locations where passengers are enplaned and deplaned. Except as provided in Subsection B.1 below, LAWA will operate no more than 163 passenger gates at LAX throughout the term of this Settlement. As noted in the FAA's Record of Decision for the Proposed LAX Master Plan Improvements ("ROD") (May 20, 2005) on page 17, one objective of the LAX Master Plan is to improve the efficiency of passenger operations while also, "encouraging, but not requiring, other airports in the Los Angeles Basin to increase capacity." According to the ROD "[t]his is accomplished by restricting the overall availability of gates where passengers will board and exit an aircraft." The FAA's ROD identifies a number of projects that comprise the LAX Master Plan and notes that these improvements will be implemented in phases. Appendix C of the ROD lists the proposed project phasing and notes that, "[t]he listing of these projects is not necessarily the order in which these projects may be implemented." The following minimum criteria will be used by LAWA to implement the proposed LAX improvements in a timely manner in order to achieve the local and regional benefits described in the LAX Master Plan and in the ROD while also maintaining LAX's operational efficiency.

**B.** With respect to passenger gates at LAX, LAWA will accomplish the following:

1. Having received the FAA's Statement regarding the effect of this provision on FAA's environmental obligations and matters under FAA's statutory authority, and consistent therewith, commencing in 2010, LAWA will discontinue passenger operations at two narrow body equivalent gates ("NBEG") per year at LAX until LAWA has discontinued passenger operations by a total of 10 NBEG. By December 31, 2015, the total number of passenger gates (including remote gates) shall be reduced to no more than 153 passenger gates. These reductions will be achieved through the build out of improved contact passenger gate facilities and the elimination of remote gate facilities as approved in FAA's ROD. Implementation of this Settlement will not restrict access at LAX to levels below those disclosed in FAA's Final EIS and ROD for the No Action and the approved project scenario in 2015.

2. If LAWA discontinues passenger operations at any gate during the period of time before 2010, LAWA shall receive an NBEG credit which may be used to offset any obligations to reduce NBEG at any time during this Settlement, and LAWA shall also receive an NBEG credit for any annual NBEG reduction after 2009 in excess of two NBEG, such that LAWA will not be required to reduce the existing number of NBEG by more than a total of 10 NBEG.

**C.** Subsection B.1 above shall not apply if either (1) total passenger operations at LAX are below 75 million annual passengers or (2) the LAX Master Plan Program is substantially revised pursuant to the LAX Specific Plan Amendment Process such that the total number of gates is reduced to 153 or less.

**D.** Subsection B.1 above shall not apply either (1) during cases of emergency as declared by LAWA's Executive Director or a duly authorized law enforcement official or (2) during peak periods of passenger activity when LAWA needs operational flexibility to use additional gates, but under no circumstances shall LAWA exceed the NBEG requirement of Subsection B on more than 30 calendar days per year for such peak periods.

**E.** Subsection B.1 above shall not apply to general aviation flights, charter flights, presidential flights, cargo flights, military flights or any other unscheduled passenger activity at LAX.

**F.** LAWA shall determine which combination of gates is to be operated at any given time, and shall, upon determining to change which gates are to be non-operational, notify Petitioners of such changes. No more than four times per year total, Petitioners shall have the right to conduct physical inspections at LAX to verify LAWA compliance with this Section IV. Petitioners shall provide LAWA with reasonable written notice of their intent to inspect, no less than 24 hours prior to the proposed inspection, to the office of the Deputy Executive Director of the Office of Quality and Compliance. LAWA shall provide Petitioners' representative with the appropriate security clearance and on-airport transportation to conduct such physical inspections.

**G.** The Parties agree that the West Satellite Concourse and associated Automated People Mover segments shall no longer be subject to the "yellow light" provisions of the LAX Specific Plan. To effectuate this change, the City of Los Angeles may amend the LAX Specific Plan to delete subpart

(d) of Section 7.H.1. If requested, Petitioners will support this amendment to the LAX Specific Plan.

#### **SECTION V. LAX SPECIFIC PLAN AMENDMENT STUDY PROCESS**

**A.** Within 60 days of the date of this Settlement, LAWA will commence the LAX Specific Plan Amendment Study Process as identified in Section 7.H of the LAX Specific Plan approved by the Los Angeles City Council on December 14, 2004. In approving the LAX Specific Plan, the Los Angeles City Council required a Specific Plan Amendment Study be undertaken at certain decision points in the LAX Master Plan implementation process (see Section 7.H.1, 7.H.2, and 7.H.3 of the LAX Specific Plan). However, the City Council did not provide detailed requirements for the conduct of the Specific Plan Amendment Study. The intent of this section of the Settlement is to provide a clear definition of the nature, scope, timing and procedural elements of the LAX Specific Plan Amendment Study that will be performed in fulfillment of Section 7.H of the LAX Specific Plan.

**B.** During an initial phase, LAWA will undertake such tasks as selecting a contractor and preparing a budget and scope of work for an LAX Specific Plan Amendment Study. LAWA will make a good faith effort to complete the initial phase within six months of the commencement date.

**C.** Upon the completion of the initial phase, LAWA will prepare a proposed LAX Specific Plan Amendment Study and prepare all necessary environmental documents. LAWA will make a good faith effort to complete the LAX Specific Plan Amendment Study Process within 24 months of the commencement date of this second phase. The LAX Specific Plan Amendment Study will, consistent with previous local and federal approvals, identify Specific Plan amendments that plan for the modernization and improvement of LAX in a manner that is designed for a practical capacity of 78.9 million annual passengers while enhancing safety and security, minimizing environmental impacts on the surrounding communities, and creating conditions that encourage airlines to go to other airports in the region, particularly those owned and operated by LAWA.

**D.** To fulfill the intent of Section 7.H of the LAX Specific Plan, LAWA will focus the LAX Specific Plan Amendment Study on the following:

1. Potential alternative designs, technologies, and configurations for the LAX Master Plan Program that would provide solutions to the problems that the Yellow Light Projects were designed to address consistent with a practical capacity of LAX at 78.9 million annual passengers (the "Alternative Projects"). The West Satellite Concourse and associated Automated People Mover segments shall not be considered Yellow Light Projects for the purposes of this Settlement.
2. Security, traffic and aviation activity of such alternative designs, technologies, and configurations for the Alternative Projects.
3. Potential environmental impacts that could result from replacement of the Yellow Light projects with the Alternative Projects, and potential mitigation measures that could provide a comparable level of mitigation to that described for the Yellow Light Projects in the LAX Master Plan Program EIR.

E. The Parties agree that LAWA shall have discretion to determine an appropriate methodology to conduct the LAX Specific Plan Amendment Study. The LAX Specific Plan Amendment Study will be prepared pursuant to CEQA and may, in consultation with FAA, also be prepared to comply with applicable federal environmental laws.

F. While the LAX Specific Plan Amendment Study is being processed, LAWA may continue to process and develop projects that are not Yellow Light Projects, consistent with the LAX Specific Plan Compliance Review procedures.

G. The environmental review of potential traffic impacts for the Alternative Projects will be conducted in consultation with all affected local jurisdictions and the Los Angeles Department of Transportation ("LADOT"). After LAWA has determined the appropriate scope of the traffic study in consultation with all affected local jurisdictions and LADOT, LAWA will provide Petitioners with a list of the intersections/roadways that LAWA plans to analyze for the LAX Specific Plan Amendment Study. The Parties agree that Petitioners may elect to add a maximum of 15 intersections to the traffic study. For any new significant traffic impact that is identified as a result of the traffic study, LAWA will propose feasible mitigation measures, if any, to mitigate the potentially significant impact. If, as the result of the LAX Specific Plan Amendment Study, an LAX Specific Plan Amendment is approved by the Los Angeles City Council, LAWA shall fund or diligently seek funding for the applicable mitigation measures and will implement them as quickly as feasible pursuant to a phasing plan. Where LAWA is not the implementing agency, LAWA will contribute its fair share for each mitigation measure to the implementing agency.

H. Should the Los Angeles City Council approve at a future time an LAX Specific Plan Amendment, LAWA will be required to seek FAA review and approval of, at a minimum, changes to the LAX Airport Layout Plan. LAWA will seek such review and approval from FAA. FAA has made clear in its Record of Decision for the LAX Master Plan Program that any such future decision by the Los Angeles City Council to amend any aspect of the project approved in FAA's Record of Decision will require further review by FAA of the proposed changes and compliance with all applicable federal laws, including NEPA and the conformity requirements under the Clean Air Act.

I. The evaluation of security for the Alternative Projects will be conducted in consultation with security experts. LAWA will select appropriate security experts in consultation with Petitioners.

J. An LAX Specific Plan Amendment Process Advisory Committee shall be created consisting of representatives of the City of Los Angeles, County of Los Angeles, El Segundo, Inglewood, Culver City, and ARSAC. LAWA shall consult with the Committee during each significant step of the LAX Specific Plan Amendment Process.

## **SECTION VI. FUNDING OF ADDITIONAL MITIGATION MEASURES**

LAWA will fund the cost of implementing the measures set forth in **Exhibit A** to mitigate the impacts of LAX and its operations, so long as the FAA approves the use of airport revenue funds for this purpose pursuant to Section III.

## **SECTION VII. REGIONAL AIRPORT WORKING GROUP**

LAWA shall invite the FAA, the Southern California Association of Governments ("SCAG"), the Counties of Los Angeles, Orange, Ventura, Riverside, and San Bernardino, and airport operators in the Los Angeles Region to participate in a regional airport working group to discuss and make recommendations regarding current and future plans to achieve a regional distribution of air traffic demand. The regional working group will consider a common framework for coordinating all airport master planning and facility construction consistent with the adopted SCAG Regional Aviation Plan. For the purposes of encouraging, coordinating and effectuating a regional approach to Southern California's air transportation needs, the regional working group shall consider: (1) coordinating with the Southern California Regional Airport Authority, or its successor; (2) the feasibility of entering into a joint powers agreement to create a regional airport authority; and/or (3) supporting legislative efforts to create such an authority. Notwithstanding the formation of the regional working group, the potential formation of a joint powers authority or any other aviation authority, LAWA and the City of Los Angeles will maintain financial and operational control of LAX, Ontario International Airport, Palmdale Regional Airport, and Van Nuys Airport.

## **SECTION VIII. REGIONAL STRATEGIC PLANNING**

LAWA shall develop a regional strategic planning initiative to encourage the growth of passenger and cargo aviation activity at underutilized LAWA-owned commercial airports in the region (currently Ontario International Airport and Palmdale Regional Airport). The regional strategic planning initiative will be prepared annually and will describe potential marketing strategies, potential opportunities for increased utilization of under-utilized facilities, and other techniques by which LAWA can coordinate and support regional strategic planning for LAWA-owned commercial airports within the region. The first regional strategic planning initiative will be prepared by December 31, 2006.

## **SECTION IX. OUTREACH TO AIRPORT NEIGHBORS**

LAWA shall join a Working Group with ARSAC and Council District 11, seeking input from other Petitioners, airport neighbors, and interested parties, to make recommendations to BOAC on how LAWA can improve and better coordinate efforts to hear from and address the concerns of airport neighbors.

The objectives of the Working Group shall be to make recommendations that facilitate:

- Obtaining information from LAWA and LAX projects and programs, and communicating them to the communities surrounding LAX in an effective and understandable form, including through the use of articles in local newspapers, information on a website, and the use of leaflets;
- Identifying concerns of the surrounding communities about LAX operations and communicating them effectively to LAWA;
- Coordinating with various LAWA staff with responsibilities for responding to community complaints, such as noise, and assuring that the community concerns are addressed; and

- Working with the surrounding communities, LAWA, and locally elected officials in attempting to resolve LAX-related problems experienced by the communities.

The Working Group shall review the position of stakeholder liaison as well as other LAWA community outreach functions, and make structural recommendations, including proposed LAX Specific Plan amendments, to BOAC and the Los Angeles City Council, as appropriate.

## SECTION X. AVIGATION EASEMENTS

A. Except as provided in Subsection B below, LAWA shall not require the dedication of avigation easements, noise easements, easements of right-of-way, or any other easements (collectively "easements") in return for funding of, or participation in, the residential acoustical treatment portion of LAWA's Airport Noise Mitigation Program.

B. Where applicable sections of the California Airport Noise Standards (Cal. Code Regs. tit. 21, section 5000 *et seq.*) deem acoustical treatments alone insufficient to convert residential land uses to compatibility with airport operations, the following conditions apply:

1. In the case of residences constructed on or after January 1, 1989, LAWA may require the dedication of an easement in return for acoustical treatment funding from LAWA.

2. In the case of residences constructed before January 1, 1989 exposed to a noise level of 75 dB CNEL or above, and having an exterior normally cognizable private habitable area such as a backyard, patio or balcony, LAWA may condition the provision of acoustical treatment funding from LAWA on the property owner's agreement to LAWA's acquisition of an easement for Fair Market Value. LAWA's Fair Market Value valuation and good faith negotiations with eligible property owners will be in compliance with the provisions of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (49 CFR Part 24). In the event that the parties cannot agree on the value of the easement through these negotiations, LAWA may require the dedication of an easement in return for acoustical treatment.

3. Under those circumstances in which LAWA requires the dedication of an easement in return for acoustical treatment pursuant to Subsections B.1 and B.2 above, LAWA shall require the dedication of a noise easement in substantially the form attached as **Exhibit B**, to the extent that the California Department of Transportation accepts the use of such noise easement in lieu of an avigation easement to render incompatible land uses to compatible land uses under the California Airport Noise Standards. If the California Department of Transportation determines that a noise easement is insufficient for the purpose described above, LAWA may require an avigation easement or any other easement. Under those circumstances in which LAWA acquires an easement through good faith negotiations as provided in Subsection B.2 above, LAWA may acquire any type of easement from the property owner.

C. All homeowners receiving LAWA provided or funded acoustic insulation will be required to provide to the local jurisdiction, among other things, authorization to proceed with the installation, a written acknowledgement that the homeowner is aware of the proposed level of noise reduction, and

after installation, acknowledgement that the improvements have been installed and meet an interior CNEL due to aircraft noise of 45 dB or less in all habitable rooms per California Airport Noise Standards.

D. This Settlement shall neither enlarge nor diminish any rights of the Parties existing prior to the effective date of this Settlement, and LAWA expressly reserves and the Parties agree that LAWA may continue to rely upon, any and all prescriptive rights, aviation easements and other entitlements for the operation of LAX.

E. If the County of Los Angeles, Inglewood, El Segundo, or Culver City approve any zoning or other land use amendment that has the effect of converting a property that was compatible under the California Airport Noise Standards at the time of this Settlement into an incompatible property, such jurisdictions shall condition that approval on the property owner granting LAWA an aviation easement satisfying compatibility requirements under California Airport Noise Standards.

#### **SECTION XI. FURTHER STUDY REGARDING WEST EMPLOYEE PARKING STRUCTURE**

Before the Executive Director of LAWA recommends approval of the West Employee Parking Structure pursuant to the LAX Specific Plan Compliance Review procedures, LAWA will prepare a project-specific EIR that includes consideration of (a) alternative locations for the West Employee Parking Structure, and (b) the appropriate size of the structure needed to serve only the employees working in the western areas of LAX and associated visitors for official business.

#### **SECTION XII. STUDY OF LAX CONNECTION TO GREEN LINE**

LAWA will study feasible methods to connect LAX to the Green Line in ways that will maximize the use of public transit to LAX. Within one year from the date of this Settlement, LAWA will compile the results of this study into a report and provide such report to the Petitioners.

#### **SECTION XIII. ENFORCEMENT OF THIS SETTLEMENT**

##### **A. Mutual Desire to Avoid Further Litigation and Jurisdiction to Enforce Settlement.**

1. The Parties have entered this Settlement for the purpose of avoiding litigation. Enforcement of this Settlement is to be brought solely through the procedures set forth in this section, which are designed to avoid resorting to court enforcement in the first instance, and, if resort to court is necessary, to provide simple, straightforward and predictable relief.

2. The Parties shall request that the Riverside County Superior Court retain jurisdiction of this case solely for the limited purpose of enforcing the mutual promises of this Settlement pursuant to the procedure set forth in this section.

##### **B. Preliminary Enforcement Procedures.**

1. **Right to Cure.** If any Party believes that another Party's performance is in default of that Party's obligations under this Settlement, the Party shall provide written notice to the other Party of the alleged default; offer to meet and confer in a good faith effort to resolve

the issue; and provide the other Party 60 days to cure the alleged default commencing at the time of receipt of the notice of a properly detailed written default notice. Any notice given pursuant to this provision will specify in reasonable detail the nature of the alleged default and, where appropriate, the manner in which the alleged default satisfactorily may be cured. If the FAA or any other regulatory authority determines that LAWA's performance under this Settlement is prohibited or would result in the withholding or demand for remittance of federal funds, LAWA's failure to perform shall not constitute a default under this Settlement.

**2. Mediation.** If an alleged default in performance has not been cured during the 60-day period provided in Section XIII.B.1 above, either Party may request that the dispute first be submitted to mediation prior to judicial enforcement. The Party requesting mediation will pay for the services of the mediator. If mediation is requested by any Party, all Parties shall make a good faith effort to first resolve through mediation any dispute about another Party's alleged default in performance. If the Parties cannot agree on the identity of the mediator, the judicial officer shall designate the mediator. The Parties will commence mediation within 15 days after notice of the mediation and designation of the mediator and shall conclude mediation within 45 days after commencement. Each Party shall bear its own fees and costs relating to the mediation.

### **C. Judicial Enforcement of This Settlement.**

**1.** In order to provide a simple, straightforward and predictable method of enforcement of this Settlement, within 60 days of the execution of this Settlement, the Parties will select a judicial officer provided by the JAMS service or a comparable service. If they cannot agree on the identity of a mutually agreeable judicial officer, they will use the applicable JAMS selection procedure to identify and select such a person. LAWA shall pay any fees associated with the initial selection of a judicial officer. Said judicial officer shall be appointed by the Riverside County Superior Court to be the sole judicial officer who entertains any and all enforcement proceedings brought pursuant to this Settlement, provided that a non-prevailing Party may appeal a final enforcement ruling to the Court of Appeals in Riverside and, under the appellate rules, to the Supreme Court. The judicial officer so appointed shall remain as the judicial officer until such time as he or she shall resign or shall become unable to serve. If so, the Parties shall select a new judicial officer pursuant to the above procedure.

**2.** The Parties agree that, unless modified by the mutual agreement of the Parties, the judicial officer presiding in the enforcement action shall follow the rules of procedure and evidence that would otherwise be applicable in the Riverside County Superior Court, and such discovery procedures as the Parties may agree or that may be permitted by the judicial officer.

**3.** The sole procedural relief that a Party may request from the judicial officer to enforce this Settlement shall be an affirmative order enforcing the obligation of another Party. The judicial officer will have the power to order affirmative equitable and/or affirmative injunctive relief, temporary or permanent, requiring the other Party to comply with this Settlement. The judicial officer will normally issue a final enforcement ruling that (1) clarifies the Parties' respective obligations under this Settlement, (2) if a Party is determined

to have breached an obligation under this Settlement, orders affirmative performance of the obligation, and (3) determines and allocates the costs of the judicial officer's fees and costs incurred. No Party may seek judicial relief ordering, and the judicial officer will not have the power to order, LAWA to cease, suspend or modify operation at LAX, implementation of the LAX Master Plan Program or any other LAWA program or activity. The judicial officer shall have authority, if necessary, to order LAWA to comply with its obligation under section IV above to operate LAX with specified numbers of gates. No order relating to specified numbers of gates may direct LAWA to operate any particular configuration of gates at any time or contrary to any FAA directive. No Party may seek judicial relief ordering, and the judicial officer will not have power to direct, any Party to undertake any action except for those actions provided for by this Settlement. No Party may seek judicial relief ordering, and the judicial officer will not have power to award, any money damages. Each Party will bear its own fees and costs of such court enforcement. The Party seeking an enforcement ruling shall initially post and pay for any required fees and costs payable for the judicial officer's services. The judicial officer will have the authority to order that his or her fees and expenses incurred as the judicial officer shall be paid by the non-prevailing Party. The standard for imposition of such costs on the non-prevailing Party shall not be whether the non-prevailing Party's enforcement action was frivolous, but whether the judicial officer determines it to be appropriate in his or her discretion.

#### **SECTION XIV. EXTRAORDINARY FINANCIAL SITUATIONS.**

**A.** LAWA's financial obligations under this Settlement shall be suspended in any of the following circumstances:

- 1.** An extraordinary financial situation exists that was caused by circumstances outside of LAWA's normal budgetary control (a) such that LAX-derived airport revenues in excess of LAX's basic operating budget and any debt service and other financial obligations do not exist in an amount sufficient to fund the obligations set forth in this Settlement; and (b) that the situation may likely result in a decline in annual LAX-derived operating revenue in excess of five percent of the then current fiscal year's operating budget, or \$50 million, whichever is less;
- 2.** An extraordinary financial situation exists such that performing its obligations under this Settlement would necessarily result in a violation of the financial covenants LAX has made to its creditors and lienholders in return for the extension of credit in the form of bonds, loans, letters of credit and other forms of financing necessary to maintain LAWA's overall financial stability; or
- 3.** An extraordinary financial situation exists such that LAWA is financially unable to enter into any construction contract for a New LAX Master Plan Project while also concurrently performing its obligations under this Settlement. For the purposes of this section, a "New LAX Master Plan Project" means any substantial component of the LAX Master Plan Program that has not yet been approved pursuant to the LAX Specific Plan, but does not include completion of previously approved projects that have commenced construction. LAWA agrees that financial obligations under this Settlement are an integral component of the LAX Master Plan Program and that these obligations will have the same budgetary

priority as LAX Master Plan Program project costs, such that New LAX Master Plan Projects shall not go forward while financial obligations of this Settlement are suspended.

**B.** LAWA shall consult with Petitioners about the necessity for the suspension of its obligations and the estimated time period of the suspension. During the suspension period, LAWA shall consult with Petitioners each quarter regarding the status of its efforts to resolve pertinent financial problems and to develop outside sources of revenue to fund LAWA's financial obligations including grants from federal, state or regional agencies or from foundations or other third parties.

**C.** "Extraordinary financial situation" as used in this Section means circumstances that include, but are not limited to, the type of financial circumstances that LAWA experienced following the events of September 11, 2001; a natural disaster such as an earthquake; or extended increased security deployments in response to external threats.

**D.** Upon the conclusion of these extraordinary circumstances, LAWA will promptly resume performance of its financial obligations under this Settlement.

**E.** Following the conclusion of any period during which LAWA's financial obligations under this Settlement were suspended due to an extraordinary financial situation ("Suspension Period"), LAWA shall return to compliance with its financial obligations. In addition, the term of this Settlement shall be extended by an amount of time equal to the Suspension Period with respect only to aviation easements set forth in Section X and aircraft noise mitigation set forth in Exhibit A, Section A. The term of this Settlement shall not be extended with respect to any other obligation under this Settlement.

#### **SECTION XV. MISCELLANEOUS**

**A. Notices.** All notices and other communications required or permitted under this Settlement will be in writing and will be deemed to have been duly given on the date of delivery when delivered personally or when transmitted by telefacsimile or email to the Parties as specified below, or three days following the date of deposit in the United States mail. In the case of a notice or communication by telefacsimile or email, the notice or communication will be sent to the number or email address listed below, and a written copy will be mailed or personally delivered to the address below within three days of the transmittal of the telefacsimile or email. All notices or communications sent by United States mail will be sent postage prepaid by certified first class mail, return receipt requested to the address specified below.

If to LAWA:

Lydia Kennard  
Executive Director  
1 World Way  
P.O. Box 92216  
Los Angeles, CA 90009-2216  
Fax: (310) 646-0523  
lkennard@lawa.org

With a copy to:

Raymond S. Ilgunas  
Assistant City Attorney, Airport Division  
1 World Way  
P.O. Box 92216  
Los Angeles, CA 90009-2216  
Fax: (310) 646-9617  
rilgunas@lawa.org

If to City of El Segundo:

Jeff Stewart  
City Manager  
City of El Segundo  
350 Main Street  
El Segundo, CA 90245  
Phone: (310) 524-2334  
Fax: (310) 322-7137  
jstewart@elsegundo.org

With a copy to:

E. Clement Shute, Jr.  
Osa L. Wolff  
Shute, Mihaly & Weinberger LLP  
396 Hayes Street  
San Francisco, CA 94102  
Phone: (415) 552-7272  
Fax: (415) 552-5816  
wolff@smwlaw.com  
shute@smwlaw.com

If to City of Inglewood:

Barbara E. Lichman, Ph.D.  
Berne C. Hart  
Ricia R. Hager  
Chevalier, Allen & Lichman, LLP  
695 Town Center Drive, Suite 700  
Costa Mesa, CA 92626  
Phone: (714) 384-6520  
Fax: (714) 384-6521  
cal@calairlaw.com

With a copy to:

Anita Willis, City Attorney  
City of Inglewood

1 Manchester Blvd., Suite 860  
City of Inglewood, CA 90301  
Phone: (310) 412-5372  
Fax: (310) 412-8865  
awillis@cityofinglewood.org

If to Culver City:

Barbara E. Lichman, Ph.D.  
Berne C. Hart  
Ricia R. Hager  
Chevalier, Allen & Lichman, LLP  
695 Town Center Drive, Suite 700  
Costa Mesa, CA 92626  
Phone: (714) 384-6520  
Fax: (714) 384-6521  
cal@calairlaw.com

With a copy to:

Carol Schwab, City Attorney  
City of Culver City - City Hall  
9770 Culver Boulevard  
Culver City, CA 90232  
Phone: (310) 253-5660  
Fax: (310) 253-5664  
carol.schwab@culvercity.org

If to County of Los Angeles:

Barbara E. Lichman, Ph.D.  
Berne C. Hart  
Ricia R. Hager  
Chevalier, Allen & Lichman, LLP  
695 Town Center Drive, Suite 700  
Costa Mesa, CA 92626  
Phone: (714) 384-6520  
Fax: (714) 384-6521  
cal@calairlaw.com

With a copy to:

Raymond G. Fortner, Jr., County Counsel  
Richard D. Weiss, Assistant County Counsel  
Thomas J. Faughnan, Principal Deputy County Counsel  
648 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012-2713

Phone: (213) 974-1810  
Fax: (213) 617-7182  
tfaughnan@counsel.co.la.ca.us

If to Alliance for a Regional Solution to Airport Congestion:

Jennifer Dakoske Koslu  
224 Redlands Street  
Plaza Del Rey, CA 90293  
Phone: (310) 306-4651  
Fax: (310) 306-4651  
dakoske@aol.com

With a copy to:

Jan Chatten-Brown  
Chatten-Brown & Carstens  
3250 Ocean Park Boulevard, Suite 300  
Santa Monica, CA 90405  
Phone: (310) 314-8040  
Fax: (310) 314-8050  
jcb@cbcearthlaw.com

Any Party may designate different notice information by providing written notice to the other Parties as provided in this section. The change of contact information will not be considered an amendment to this Settlement.

**B. Severance.** If any part of this Settlement is invalidated, set aside, modified or disapproved as a result of a judicial or administrative ruling or determination, the remainder of the Settlement shall remain in full force and effect, and the Parties shall fulfill their obligations under this Settlement consistent with the remainder of this Settlement.

**C. Relationship to Other Obligations.** LAWA's performance of its obligations under this Settlement may constitute satisfaction of other LAWA obligations outside of this Settlement. Notwithstanding any such other obligations outside of this Settlement, subject to the provisions of Section XIV above, LAWA shall perform its obligations in this Settlement.

**D. Litigation Legal Fees.** Upon the dismissal of pending actions and release of claims as set forth in Section II, LAWA will pay Petitioners' reasonable attorneys' fees and costs related to the consolidated litigation challenging the LAX Master Plan Program in Riverside County Superior Court (Case No. RIC 426822) of \$1.5 million. LAWA will pay such attorneys' fees and costs within 45 days of Petitioners' reporting to LAWA of their attorneys' fees and costs in reasonable detail including the basis of their lodestar amount being in excess of \$1.5 million, but in no event shall LAWA be required to pay such attorneys' fees until 45 days after execution of this Settlement.

**E. Legal Fees and Costs for Preparation and Enforcement of this Settlement.** Subject to Section XV.D above, each Party will bear its own legal fees and costs resulting from the preparation, negotiation, execution and enforcement of this Settlement.

**F. Waiver.** The waiver by any Party of any breach or violation of any provision of this Settlement will not be deemed to be a waiver of any breach or violation of any other provision or of any subsequent breach or violation of the same or other provisions.

**G. Successors.** This Settlement will be binding on any successors of the Parties.

**H. No Third-Party Beneficiaries.** This Settlement has no third party beneficiaries and no one other than the Parties will have any rights to enforce any of the obligations created in this Settlement.

**I. Amendments to Settlement.** The Parties may change, modify or amend this Settlement only by a written amendment that is executed by all Parties. In the event one Party desires to amend the Settlement, it will notify the other Parties as specified in Section XV.A and designate the issues it wants an amendment to address. The Parties will meet and confer in good faith concerning proposed amendments.

**J. Representations of Counsel.** Each of the Parties has been represented by counsel in the negotiation and drafting of this Settlement. Accordingly, this Settlement will not be strictly construed against any Party, and the rule of construction that any ambiguities be resolved against the drafting Party will not apply to this Settlement.

**K. California Law.** This Settlement will be construed in accordance with the laws of the State of California.

**L. Interpretation.** Specific provisions of this Settlement will take precedence over conflicting general provisions.

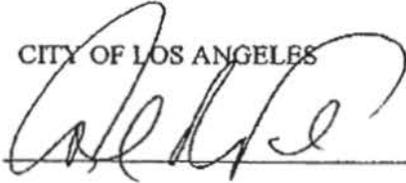
**M. Headings Not Limiting.** Section and subsection headings contained in this Settlement are included for convenience only and will not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section or subsection in this Settlement.

**N. Entire Settlement.** This Settlement represents the entire agreement of the Parties with respect to the subject matter of the Settlement. No prior written or oral statements, proposals or agreements will alter any term or provision of this Settlement.

**O. Authority of Signatories.** Each Party represents and warrants that it has taken all legally required actions to authorize its representative to execute this Settlement and that the individual executing this Settlement on that Party's behalf has the authority to sign on behalf of said Party.

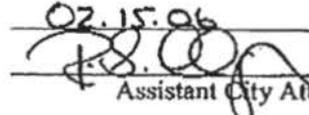
IN WITNESS WHEREOF, the Parties here cause this Settlement to be duly executed by their respective signatures.

Dated: February 16, 2006  
By: Antonio R. Villarreal  
Title: Mayor, City of Los Angeles

CITY OF LOS ANGELES  
  
\_\_\_\_\_

APPROVED AS TO FORM:

Rockard J. Delgadillo, City Attorney

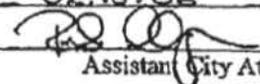
Date: 02.15.06  
By:   
\_\_\_\_\_ Assistant City Attorney

Dated: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

LOS ANGELES WORLD AIRPORTS

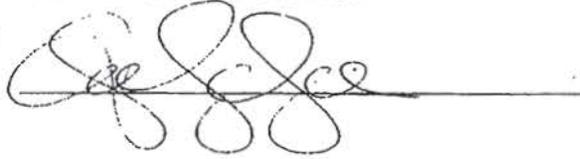
A large, stylized handwritten signature in black ink, written over a horizontal line.

APPROVED AS TO FORM:  
Rockard J. Delgadillo, City Attorney

Date: 02.15.06  
By:   
Assistant City Attorney

Dated: 01.20.06  
By: Jennifer Dakoske Koslu  
Title: President ARSAC

ALLIANCE FOR A REGIONAL SOLUTION  
TO AIRPORT CONGESTION

A handwritten signature in black ink, appearing to read "Jennifer Dakoske Koslu", written over a horizontal line.

Dated: FEBRUARY 15, 2006

COUNTY OF LOS ANGELES

By: THOMAS J. FAUGNAN

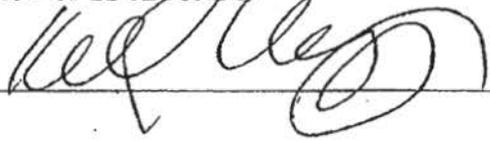
A handwritten signature in black ink, appearing to read 'Tom Faugnan', written over a horizontal line.

Title: PRINCIPAL DEPUTY COUNTY COUNSEL

3562 . . . .

Dated: 30 January 2006  
By: Kelly McDowell  
Title: Mayor

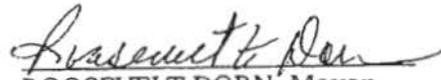
CITY OF EL SEGUNDO

  
\_\_\_\_\_

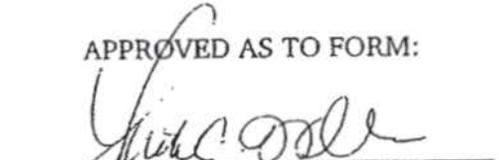
ATTEST:   
Deputy City Clerk

Dated: January \_\_\_\_\_, 2006

CITY OF INGLEWOOD

  
ROOSEVELT DORN, Mayor

APPROVED AS TO FORM:

  
ANITA C. WILLIS, City Attorney

Dated: February 15, 2006

By: 

Title: Mayor Albert Vera

CITY OF CULVER CITY

  
Albert Vera

Approved As To Form

  
City Attorney

**EXHIBIT A**  
**ADDITIONAL MITIGATION MEASURES**

**A. Aircraft Noise Mitigation.**

**1. 2006-2007 Funding for ANMP.** Upon Petitioners' dismissal of pending actions and release of claims, as provided for in Section II of this Settlement, LAWA shall provide Aircraft Noise Mitigation Program ("ANMP") funding to the County of Los Angeles and Cities of El Segundo and Inglewood in the following amounts covering calendar years 2006 and 2007 in two annual installments.

County of Los Angeles:	\$20.6 million
City of El Segundo:	\$14.9 million
City of Inglewood:	\$24.5 million

The first installment will be made within 60 days of the execution of this Settlement and the remainder of each jurisdiction's allocation will be provided one year after the first installment. The first installment will be made for one half of the total listed above for each jurisdiction, except in the case of the County of Los Angeles, which shall receive \$15 million of its total allocation in the first year. LAWA's expenditure of funds under this Section A.1 is contingent on the County of Los Angeles and Cities of El Segundo and Inglewood complying with all requirements established in BOAC Resolution No. 21481 except to the extent that such requirements are superceded by the terms of this Settlement, and with FAA regulations.

**2. Unused Funds.** It is up to each jurisdiction to make good use of the funds provided, and with respect to Airport Improvement Program or Passenger Facility Charge ("PFC") funds, use of those funds as approved by the FAA. A status report from each jurisdiction to LAWA is required on January 15, 2007 as to the number of units made compatible under this section and the number of homes with an executed sound insulation contract in place for construction. This report will aid LAWA's effort to apply to the FAA for additional PFC authority for future funding. This report will also be used by LAWA to determine any adjustments to the second installment under Section A.1 above. LAWA will make such determination and make any appropriate allocation of funds within 60 days of the report being provided to LAWA, but in no event will such allocation of funds be required prior to March 1, 2007. If a jurisdiction has used all of its 2006 allocation as evidenced by its status report, that jurisdiction will receive its 2007 funding allocation. If a jurisdiction has not used all of its 2006 allocation, an amount equal to the unused portion will be deducted from their 2007 allocation and that deducted portion will be reallocated to the remaining jurisdiction(s) that used all of their 2006 allocation. If no jurisdiction has used all of their 2006 allocation then the deducted amounts from each jurisdictions 2007 allocation will be allocated by LAWA for use in 2008. The same reallocation procedure described above for unused Section A.1 funds shall apply for the 2009 allocation. This annual funding rollover and reallocation process is applicable to funds provided in Section A.1 and will only extend through calendar year 2009. Any remaining unused funds under Section A.1 after 2009 will revert back to LAWA's ANMP program, with a priority for Petitioners' use in sound insulation projects.

**3. Future Funding.** The purpose of the ANMP is to achieve compatibility. LAWA has limited funds to apply to this goal. Future funding under this section for the County of Los Angeles and the Cities of El Segundo and Inglewood is capped at \$22.5 million per year for calendar year 2008 through calendar year 2015 for a maximum total of \$180 million. This funding cap under this Settlement will not affect the ability of each jurisdiction to demonstrate its ability to effectively use additional ANMP funding. LAWA will consider each of these requests on a case-by-case basis through the existing ANMP process. Similar to Section A.2 above, an annual status report from each jurisdiction to LAWA will be required on or before the 15th day of January of each year through 2015. The annual proportion of funds allocated to the County of Los Angeles and the Cities of El Segundo and Inglewood under this section will be determined by the number of units made compatible under this section and the number of homes with an executed sound insulation contract in place for construction. The maximum annual proportion allocated to any one jurisdiction under this section will not exceed 41 percent of the calendar year total. If any jurisdiction is unable to use its annual allocation of funds, the unused funds shall be allocated to the other jurisdictions to the extent that (a) the jurisdictions have used all of their allocation for the year, and (b) the jurisdictions have established that they are capable of using such funds for sound insulation, as determined by the number of homes made compatible under this section and the number of homes with an executed sound insulation contract in place for construction. Any unused funds at the conclusion of each year under this section will be allocated by LAWA for use in the ANMP, with a priority for use by the County of Los Angeles and the Cities of El Segundo and Inglewood in sound insulation projects.

**4. Sound Insulation for Traditional Places of Worship.** Inglewood has identified 15 traditional places of worship that will require sound attenuation for a total of approximately \$2.5 million. Inglewood will be seeking money from the FAA as well as permission to use its portion of the money identified in Sections A.1 through A.3 for this purpose. LAWA agrees to support Inglewood's request to the FAA. LAWA will also support any similar request to the FAA by El Segundo and/or County of Los Angeles. In the event the FAA denies such requests, LAWA will submit an application to the FAA to amend the PFC to allow for the sound attenuation of traditional places of worship at the conclusion of the residential soundproofing component of the ANMP.

**5. Land Recycling.** Inglewood represents that it will be seeking FAA approval for its use of FAA discretionary funds for Darby Dixon and open space projects. LAWA agrees to support Inglewood's request to the FAA for this purpose.

**6. Noise Mitigation in Lennox.** The County of Los Angeles has identified 215 units outside of the 1992 4th quarter ANMP contour, in an area located just south of the contour and north of the 105 freeway in Lennox, that the County would like to provide noise mitigation. LAWA agrees to support the County's request to the FAA for permission to use its portion of money identified in Sections A.1 through A.3 for this purpose.

**7. Code Violations.** Inglewood, El Segundo, and the County of Los Angeles may request that FAA allow them to use their portion of money identified in Sections A.1 through A.3 for incidental rehabilitation or corrections necessary to proceed with sound insulation. For example, the County of Los Angeles has represented that it needs no more than \$1000 per unit to fix code violations for certain properties in order to proceed with sound insulation

under its ANMP program. LAWA agrees to support these requests to the FAA for permission to use its portion of money identified in Sections A.1 through A.3 for incidental rehabilitation or corrections necessary to proceed with sound insulation.

**8. Pilot Program for Noise Insulation of Certain Inglewood Residences.** On a pilot project basis, LAWA and Inglewood will study certain areas where residences do not otherwise qualify for sound insulation. For mutually agreed-upon special circumstances and unique reasons that apply to specific residential areas, LAWA and Inglewood may agree that it is necessary and appropriate to provide noise insulation benefits in order to reduce interior noise levels to certain mutually agreed-upon levels. LAWA and Inglewood will cooperate in seeking to obtain, where necessary, federal approval for the expenditure of airport-related funds in connection with such noise mitigation measures. Subject to this approval, LAWA will make available up to \$10 million during the term of this Settlement to fund this pilot program. LAWA and Inglewood will prepare a schedule and work program by which this pilot program will be implemented.

**9. End-of-Block Soundproofing.** El Segundo, Inglewood, and the County of Los Angeles may seek FAA approval to commence an end-of-block soundproofing program, under which, if any residence on a particular block falls within the applicable noise contour for that block, then each residence on that block will be eligible for soundproofing. LAWA agrees to support the jurisdictions' request(s) to the FAA for permission to use their portion of money identified in Sections A.1 through A.3 for this purpose.

**10. Part 161 Noise Study.** LAWA has initiated a Part 161 study to the feasibility of implementing restrictions on departures between the hours of midnight and 6:30 a.m. over the communities to the east of LAX. Upon completion of the study, LAWA will seek FAA approval of various penalties that can be imposed on airlines whose flights violate night-time over-ocean policies and procedures. LAWA will expedite processing of this study.

#### **B. Construction Noise Mitigation for the SAIP.**

**1. Noise Control Plan.** LAWA shall implement a mandatory Construction Noise Control Plan that includes sufficient feasible measures to mitigate South Airfield Improvement Project ("SAIP") significant construction noise impacts on El Segundo to below the applicable level of significance. LAWA shall consult with El Segundo regarding potentially feasible measures to mitigate significant construction noise impacts. Measures to be considered for inclusion in the plan shall include, without limitation, temporary sound barriers and enclosures, equipment mufflers, and work curfews.

**2. Noise Monitoring and Hotline.** LAWA shall implement a noise monitoring and hotline program during SAIP construction, not to exceed \$20,000 per month for staffing and hotline expenses, consisting of the following components:

**a.** LAWA shall prepare monthly construction noise monitoring reports and shall provide these reports to Petitioners and interested members of the public.

**b.** LAWA shall establish a construction noise hotline and shall staff the hotline during all work hours, investigate complaints within 60 minutes of receipt, and

communicate the results of investigations to complainants as soon as such results are obtained.

### **C. Air Quality Mitigation.**

**1. FlyAway Service.** LAWA shall develop at least eight FlyAway sites with service similar to the service provided by the Van Nuys FlyAway currently operated by LAWA. The intent of these FlyAway sites will be to reduce the number of vehicles going to and from LAX by providing regional locations where LAX employees and passengers can pick up an LAX-dedicated, clean-fueled bus that will transport them from a FlyAway closer to their home or office into LAX and back. Final selection of the FlyAway sites must be completed on a schedule that allows for property acquisition or leasing, terminal design, construction, and implementation of all sites by 2015. LAWA shall also implement a public outreach program to inform potential users of the terminals about their existence and their locations.

**2. Conversion of Ground Support Equipment.** LAWA shall develop and implement a phased program to convert ground support equipment ("GSE") at LAX to extremely low emission technology (such as electric power, fuel cells, or other future technological developments). The phased program will apply to all GSE in use at LAX, including both LAWA-owned equipment and tenant-owned equipment. The goal of the phased program shall be to complete the conversion of GSE to extremely low emission technology by 2015.

**3. Electrification of Passenger Gates.** LAWA shall ensure that all LAX passenger gates, defined for this section as structures used to transfer passengers from a terminal area to an aircraft, are equipped and able to provide electricity sufficient for aircraft needs under the following schedule:

- a. All passenger gates for which new construction (excluding maintenance) is completed after the execution of this Settlement shall be equipped and able to provide electricity to parked aircraft from the date of initial operation and at all times thereafter.
- b. Three years from the execution of this Settlement, and at all times thereafter, at least fifty percent of passenger gates at LAX shall be equipped and able to provide electricity to parked aircraft.
- c. Five years from the execution of this Settlement, and at all times thereafter, one hundred percent of the passenger gates at LAX shall be equipped and able to provide electricity to parked aircraft.

### **D. Construction Air Quality Mitigation for the SAIP.**

**1. Best Available Emission Control Devices Required.** LAWA shall require all construction equipment for the SAIP to be equipped with best available emission control devices verified or certified by the California Air Resources Board ("CARB"). The focus of emission control shall be PM<sub>10</sub>, PM<sub>2.5</sub>, and nitrogen oxides. Devices certified or verified for mobile engines may be effective for stationary engines and that technology from CARB on-

road verification lists may be used in the off-road context. LAWA shall not be required to use best available emission control devices under either of the following circumstances:

- a. The construction equipment operator provides a written finding, based upon appropriate market research and approved by LAWA, that best available emission control devices for reducing emissions of pollutants are unavailable for the construction-related equipment, and the construction equipment operator uses appropriate technology, if any, to reduce the emission of pollutants from the construction-related equipment.
- b. The construction-related equipment is used for fewer than 20 calendar days per calendar year.

Any and all exemptions under this Section D.1 approved by LAWA shall be reported in writing to Petitioners prior to use of the equipment in question.

**2. Ultra-Low Sulfur Diesel Fuel.** All construction equipment used for construction of the SAIP shall use only Ultra-Low Sulfur Diesel fuel (15 ppm or lower), so long as there are adequate supplies of ULSD in the Southern California area. Prior to September 1, 2006, if ULSD is unavailable, then all construction equipment may utilize emission control devices that do not require ULSD for only the same period of time that ULSD is unavailable. On or after September 1, 2006, if adequate supplies of ULSD are not available in the Southern California area, then other fuels may be used, provided that the other fuels do not result in a greater emissions of PM<sub>10</sub>, PM<sub>2.5</sub> or nitrogen oxides than that which would be produced by use of ULSD at 15 ppm or lower. Any and all exemptions under this Section D.2 shall be reported in writing to Petitioners prior to use of the equipment in question.

#### **E. Air Source Apportionment Study.**

1. LAWA shall fund a study by an independent expert of toxic air contaminants and criteria air pollutant emissions from jet engine exhaust and other airport-related emission sources ("Source Apportionment Study"). The study shall identify the concentration of toxic air pollutants from airport-related sources based on updated draft protocols developed for the "Air Quality and Source Apportionment Study" described in LAWA, *Air Quality and Source Apportionment Study of the Area Surrounding Los Angeles International Airport, Technical Workplan*, November 17, 2000, and all associated documents, as listed in part in **Exhibit C**. The protocols used will be those specified by EPA following LAWA's consultation with EPA regarding any needed updating or revision to the November 17, 2000 draft protocol.
2. LAWA shall require the selected contractor to provide written annual progress reports to LAWA. LAWA shall promptly forward these reports to the Petitioners. Within 15 days of completion of the Source Apportionment Study, LAWA will provide the Source Apportionment Study to Petitioners, and shall make it available to the public.
3. LAWA shall make a good faith effort to initiate the Source Apportionment Study by December 31, 2006. LAWA will consult with Petitioners regarding the duration of the Source Apportionment Study, and will inform Petitioners of the likely date for completion following the EPA's identification of the updated protocols to be used in the Source

Apportionment Study. LAWA will meet and confer with Petitioners' representatives regarding the study's results and regarding such further studies and steps to be taken with respect to toxic air pollutants as the Parties may mutually agree.

**F. Traffic Mitigation.**

**1. Roadway Improvements.** Upon Petitioners' dismissal of pending actions and release of claims, as provided for in Section II of this Settlement, El Segundo will provide appropriate justification for roadway improvements set forth below. Upon FAA approval pursuant to Section III, LAWA shall provide traffic mitigation funding to El Segundo in the following amounts for improvements to the following roadways:

Douglas Street:	\$750,000
Nash Street:	\$675,000
Imperial Highway:	\$1 million
Sepulveda Boulevard:	\$910,000

**2. Extension of Century Boulevard Traffic Corridor.** LAWA and Inglewood will cooperate to study a potential extension of the Century Boulevard traffic corridor into Inglewood from La Cienega Boulevard to Crenshaw Boulevard. LAWA and Inglewood will cooperate in seeking to obtain on an expedited basis any necessary federal approvals for LAWA's funding participation in this extension project. Subject to this approval, LAWA will make available up to \$10 million during the term of this Settlement in order to fund such improvements. LAWA and Inglewood will prepare a schedule and work program by which the extension project will be implemented. Upon completion of the traffic study set forth in Section V.F of this Settlement, LAWA will support Inglewood's application to the FAA for discretionary funds for an additional \$23 million to fund traffic improvements for designated segments of Century Boulevard. LAWA will also support Inglewood's application to the FAA for discretionary funds for traffic improvements to designated segments of La Cienega Boulevard and of Imperial Highway.

**G. Aesthetic Mitigation.**

**1. Landscaping in the Dunes.** In the northern portion of the Los Angeles/El Segundo Dunes, LAWA shall, in consultation with Petitioners, implement a plan for a project that does not exceed \$3 million to: (1) remove as much existing pavement as possible from abandoned streets and sidewalks, and (2) plant appropriate native vegetation in that area. All work associated with this plan shall be accomplished under the supervision of a registered biologist to ensure minimal disruption to the existing habitat areas. This plan shall only extend to areas outside of the El Segundo Blue Butterfly Preserve. LAWA will consult with the California Coastal Commission, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and any other applicable agencies as appropriate. LAWA will coordinate with the FAA to ensure that the plan is consistent with aviation safety requirements and site requirements for navigational aids located in the subject area.

**2. Street Lighting.** LAWA shall establish a fund of \$1 million from which LAWA will participate in street lighting projects affecting residential neighborhoods immediately adjacent to the northern boundary of LAX property. LAWA shall consult with

representatives of Council District 11 regarding proposed street lighting projects. Any participation by LAWA in the funding of street lighting projects shall be subject to FAA approval and shall be based on establishment of a clear nexus between the property and airport impacts.

#### **H. Job Training.**

**1. Funding for Job Training.** Beginning in fiscal year 2006-2007, LAWA shall provide \$500,000 per year for five years to fund a job training program at the South Bay Workforce Investment Board in Inglewood to fund job training for airport jobs at LAX, aviation-related jobs related to LAX, and for pre-apprenticeship programs. Any funds unspent in a particular year shall be rolled over to the subsequent year. At the conclusion of the five-year period, any unused funds shall revert to LAWA.

**2. Job Training Programs.** Jobs operating Transportation Charter Party limousines, non-tenant shuttles, or taxis shall not be considered airport jobs. Pre-apprenticeship programs are defined as job readiness and job training programs designed to prepare individuals to enter apprenticeships in the construction and building trades for LAX Master Plan Program related construction.

**3. LAX Gateway Program.** LAWA shall undertake outreach efforts to ensure the inclusion of Inglewood high school and college students in the existing LAX Gateway Program.

**I. SAIP Hydrology Mitigation.** In order to address drainage concerns raised by the County of Los Angeles with respect to the SAIP, LAWA shall: (1) prepare a study to determine peak flows and Hydraulic Grade Line ("HGL") related to the South Airfield according to the County's new hydrology methodology; (2) consult and coordinate the results of the study with the County's Department of Public Works; and (3) incorporate reasonable modifications required to mitigate increased flows into the Dominguez Channel, if necessary. LAWA agrees to provide information on existing hydrologic conditions and the proposed design of the SAIP to the County before commencing the above study. The County of Los Angeles shall review and comment on the results of the above study within 30 days of receipt. The Parties agree that under no circumstances shall LAWA's obligations under this provision delay construction and/or completion of the SAIP.

**EXHIBIT B  
NOISE EASEMENT**

**GRANT OF EASEMENT**

(Civil Code Section 1468; Public Utilities Code Section 21652)

This NOISE EASEMENT (Easement) is executed and delivered as of this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by Property Owner(s)] \_\_\_\_\_ (Grantor) and the LOS ANGELES WORLD AIRPORTS (Grantee);

WHEREAS, Grantors are the owners in fee simple of certain real property located at [address] and more particularly described in attached Exhibit "A," incorporated by this reference (Grantors' Property);

WHEREAS, Grantors have been offered the opportunity to participate in a publicly funded program (Noise Insulation Program), which will cause changes to be made to Grantors' Property that may result in the reduction of aircraft noise currently being imposed on the interior of the structure or structures located on Grantors' Property;

WHEREAS, the funding source for this Noise Insulation Program will include funding from the Grantee, in its capacity as the owner and operator of the Los Angeles International Airport (LAX), and may include funding from the United States Government pursuant to the Aviation Safety and Noise Abatement Act of 1979 (commencing at 49 U.S.C. Section 2101);

WHEREAS, Grantee requires as a condition precedent to its participation in the Noise Insulation Program that Grantors provide Grantee with an easement upon Grantors' Property to permit noise, vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, on the Grantor's Property all due to the operation of aircraft to and from

WHEREAS, Section 21652 of the Public Utilities Code of the State of California authorizes Grantee to obtain this Easement,

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES TO THIS AGREEMENT THAT:

1. Grantors do hereby, grant, convey and assign to Grantee, and its successors and assigns, a permanent and perpetual easement for the purpose of permitting the imposition of noise, vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, all due to noise caused by the operation of aircraft to and from LAX upon Grantors' Property.
2. This Easement shall become effective upon the execution of this document by Grantors and Grantee and payment to Grantors, or on their behalf, by Grantee, of the sum agreed upon as the cost of the Noise Insulation Program with respect to Grantors' Property.
3. The Community Noise Equivalent Level (CNEL) map and boundaries produced by flight operations to and from LAX for the quarter-year ending December 31, 1992 (Fourth Quarter 1992 CNEL Map) filed with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations, shall be the basis for determining the baseline noise level for the Grantors' Property.

4. Pursuant to this Easement, Grantee may impose upon Grantors' Property noise levels up to and including 3 dB CNEL above the CNEL noise level shown for Grantors' Property on the Fourth Quarter 1992 CNEL Map.
5. Grantee will not be deemed to have exceeded the allowable level of imposition of noise, applicable to Grantors' Property, identified in Paragraph 4, unless that level is shown to have been exceeded in three of the four most recent quarterly CNEL maps for LAX filed with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations.
6. Grantee may further impose upon Grantees' Property any other adverse impacts arising from the allowable level of imposition of noise, applicable to Grantors' Property, identified in Paragraph 4, including, but not limited to, any resulting vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value.
7. Any change in the noise level reported on a quarterly CNEL map for LAX filed with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations, which results from the temporary increased use of certain runways, due to construction or repair of other runways, or due to any other cause beyond the control of Grantee (e.g., weather or wind conditions, but not flight pattern shifts authorized by the Federal Aviation Administration) shall not be used to compute the noise level imposed on Grantors' Property for purposes of Paragraph 4.
8. This Easement shall neither enlarge nor diminish any rights of either party existing prior to the effective date of this Easement, and Grantee expressly reserves and may continue to rely upon, any and all prescriptive rights, avigation easements and other entitlements for the operation of LAX.
9. Grantors covenant that Grantors are the owners in fee simple of the Grantors' Property, and that at the time of executing this Grant of Easement, Grantors have full ownership rights and powers to convey this Grant of Easement free and clear from all other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature.
10. All easements, promises, covenants, conditions and reservations contained in this Grant of Easement are made and entered into for the benefit of the LAWA lands described in attached Exhibit "B" and for the Grantee and its successors and assigns to the maximum extent now or hereafter permitted by statute or case law, and are intended by the parties to comply with California Civil Code Section 1468. Grantors for himself/herself/themselves and his/her/their successors and assigns waive all rights under Civil Code section 1542. "Successors and assigns" as used here includes without limitation: invitees, licensees, permittees, tenants, lessees, and others who may use the Easement rights reserved in this Easement or use or be upon Grantors' Property or the lands described in Exhibit "B," as the case may be, and/or their respective officers, agents and employees.
11. Grantors release Grantee from any present and future liability and promises not to sue Grantee for damages or any other relief directly or indirectly based on noise vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value upon Grantors' Property, occurring as a result of lawful aviation or airport or airport-related operations, if any, at or otherwise associated with LAX. The release and covenant includes, but is not limited to claims (known or unknown) for damages for physical or emotional injuries, discomfort, inconvenience, property damage, death, interference with the use and enjoyment of property, nuisance, or inverse condemnation, or for injunctive or other extraordinary or equitable relief. Grantor agrees that Grantee shall not have any duty to avoid or mitigate the damages.

Grantor further agrees to defend at his/her/their own cost, hold harmless and indemnify Grantee from any claims, demands or liability for or based upon the exercise of the Easement rights granted in this Easement.

12. No violation or breach of any provision of this Grant of Easement may be waived unless in writing. Waiver of any one breach of any provision of this Grant of Easement shall not be deemed to be a waiver of any other breach of any provision of this Grant of Easement.

13. In the event that one or more covenant, condition, right or other provision contained in this Grant of Easement is held to be invalid, void or illegal by any court of competent jurisdiction, that covenant, condition, right or other provision shall be deemed severable from the remainder of this Grant of Easement and shall in no way affect, impair or invalidate any other covenant, condition, right or other provision of this Grant of Easement.

14. This Grant of Easement has been negotiated and entered into in the State of California, and shall be governed by, construed and enforced in accordance with the statutory, administrative and judicial laws of the State of California.

15. Grantee shall cause this conditional Grant of Easement to be recorded in the office of the Recorder of the County of Los Angeles within 30 days of the date of its acceptance by Grantee.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this \_\_\_\_ day of \_\_\_\_\_, 200\_.

**GRANTORS**

\_\_\_\_\_  
[Owner 1]

\_\_\_\_\_  
[Owner 2]

\_\_\_\_\_  
[Owner 3]

**GRANTEE**

Los Angeles World Airports

By: \_\_\_\_\_

[ADD NOTARY PUBLIC BLOCK]

Exhibit "A": Legal Description of Grantors' Property

Exhibit "B": Legal Description of Lands Within the jurisdiction of LAWA

## EXHIBIT C

Documents Related to:  
Air Quality & Source Apportionment Study of the Area Surrounding  
Los Angeles International Airport

- Technical Workplan, November 17, 2000
- Pilot Study Monitoring Plan, February 5, 2001
- Preliminary Draft Emission Inventory Protocol, April 20, 2001
- Pilot Study Quality Assurance Project Plan, September 4, 2001
- Draft Quality Assurance Project Plan  
Appendix - Standard Operating Procedures, July 6, 2001:

--Standard Operating Procedures Provided by Tracer Environmental:

TECO Model 42C Oxides of Nitrogen Analyzer  
API 400 Ozone Analyzer  
TECO Model 48C CO Analyzer  
TECO Model 43C SO2 Analyzer  
Calibration Procedure for TECO 146 Calibrator  
ESC 8816 Data Acquisition System  
Met One 010C Wind Direction Sensor  
Met One 020C Wind Direction Sensor

--Standard Operating Procedures Provided by Desert Research Institute (DRI)

1-207.10- Sequel Filter Sampler: Operation, Maintenance, and  
Field Calibration  
1-209.3 - Portable PM10 Survey Sampler Field Operations  
1-210.1 - Portable PM10 or PM2.5 Survey Sampler Field Operations  
1-701.4 - Canister Cleaning and Certification  
1-702b.3 - Operation of DRI 3-Canister Sampler  
1-702c.3 - Operation of DRI 6-Canister Sampler  
1-710.3 - DRI Carbonyl Sampler  
1-720.2 - Procedure for Collecting Tenax Samples  
1-720.3 - Procedure for Collecting Tenax Samples  
1-750.4 - 4 Channel Sequential FP/SVOC Sampler  
2-102.3 - Gravimetric Analysis

-- Standard Operating Procedures Provided by DRI (continued)

- 2-106.3 - Pre-firing of Quartz-Fiber Filters for Carbonaceous Material Sampling
- 2-108.3 - Sectioning of Teflon and Quartz Filter Samples
- 2-109.4 - Extraction of Ionic Species from Filter Samples
- 2-110.4 - Filter Pack Assembly, Disassembly, and Cleaning
- 2-111.4 - Sample Shipping, Receiving, and Chain-of-Custody
- 2-203.4 - Anion Analysis of Filter Extracts and Precipitation Samples by Ion Chromatography
- 2-204.6 - Thermal/Optical Reflectance Carbon Analysis of Aerosol Filter Samples
- 2-206.3 - Analysis of Filter Extracts and Precipitation Samples by Atomic Absorption Spectroscopy
- 2-207.5 - Analysis of Filter Extracts and Precipitation Samples for Ammonium by Automated Colorimetric Analysis
- 2-703.4 - Analysis of VOC in Ambient Air by Gas Chromatography with Cryogenic Concentration
- 2-704.1 - Analysis of VOC in Ambient Air by Gas Chromatography and Mass Spectrometry
- 2-710.1 - Analysis of Carbonyl Compounds by High Performance Liquid Chromatography
- 2-720.4 - Analysis of VOC in C8 - C20 Range Collected on Tenax by GC with FID or MSD/FTIR Detection
- 2-750.4 - Analysis of Semi-Volatile Organic Compound by GC/MS  
X-Ray Fluorescence (XRF) Analysis of Aerosol Filter Samples

# **Attachment C**

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# 1. INTRODUCTION

This Final Los Angeles International Airport (LAX) Specific Plan Amendment Study (SPAS) Report identifies potential amendments to the LAX Specific Plan that plan for the modernization and improvement of LAX in a manner that is designed for a practical capacity of 78.9 million annual passengers while enhancing safety and security, minimizing environmental impacts on the surrounding communities, and creating conditions that encourage airlines to go to other airports in the region, particularly those owned and operated by Los Angeles World Airports (LAWA). The Final LAX SPAS Report identifies the LAWA Staff-Recommended Alternative and the proposed amendments to the LAX Specific Plan and LAX Plan associated with the SPAS alternatives, including the LAWA Staff-Recommended Alternative.

LAWA prepared the Preliminary LAX SPAS Report to identify potential LAX Specific Plan amendments consistent with the requirements of the LAX Specific Plan and the LAX Master Plan Stipulated Settlement. The Preliminary LAX SPAS Report also documented the planning process used to identify potential LAX Specific Plan amendments and potential alternative designs, technologies, and configurations for the LAX Master Plan Program in accordance with the SPAS Process defined in Section 7.H of the LAX Specific Plan and Section V of the LAX Master Plan Stipulated Settlement. The amendments and alternatives identified in this Final LAX SPAS Report were addressed in the Final Environmental Impact Report (EIR) prepared for the LAX SPAS. The Final EIR and the Final LAX SPAS Report together make up the Specific Plan Amendment Study.

The SPAS is required under Section 7.H of the LAX Specific Plan and Section V of the Stipulated Settlement, as discussed in more detail in Section 1.2 of the Preliminary LAX SPAS Report. Through the SPAS process, nine alternatives were formulated to provide a broad range of options for improvements to the north airfield, terminals, and the ground transportation system at LAX, all of which are identified in the Preliminary LAX SPAS Report. As further described below in Chapter 2, a detailed description of the proposed project, including the proposed alternatives, is provided in Section 1.4 and Chapter 6 of the Preliminary LAX SPAS Report. The LAWA Staff-Recommended Alternative, which was derived from the range of alternatives discussed in Section 1.4 and Chapter 6 of the Preliminary LAX SPAS Report, is discussed below in Chapter 2.

LAWA has identified a range of potential improvements at LAX in conjunction with completion of the LAX SPAS. The SPAS process includes the identification and evaluation of potential alternative designs, technologies, and configurations for the LAX Master Plan Program that would provide solutions to the problems that certain improvements within the Master Plan, referred to as "the Yellow Light Projects," were designed to address. The SPAS process also includes identification of potential amendments to the LAX Specific Plan that plan for the modernization and improvement of LAX in a manner that is designed for a practical capacity of 78.9 MAP while enhancing safety and security, minimizing environmental impacts on the surrounding communities, and creating conditions that encourage airlines to go to other airports in the region, particularly those owned and operated by LAWA. Presented herein is the Final LAX SPAS Report, as further described below.

On July 27, 2012, LAWA published the Preliminary LAX SPAS Report, which was made available for public review in conjunction with the SPAS Draft EIR, published on the same date. The SPAS Draft EIR was circulated for public review for 75 days, providing an expanded opportunity for public review and input beyond the 45-day review period required by Section 15105 of the State CEQA Guidelines, with the SPAS Draft EIR review period closing on October 10, 2012. Additional means for public involvement during the SPAS Draft EIR review and comment period were provided through three public meetings, held during the comment period on August 25, 2012, August 28, 2012, and August 29, 2012, as well as through a "virtual meeting" available online between September 10, 2012 and October 10, 2012, and through a project website ([laxspas.org](http://laxspas.org)). A total of 251 unique commentors submitted comments in conjunction with the SPAS Draft EIR public review period, through written correspondence and e-mails to LAWA, oral testimony and video-taped comments at the aforementioned public meetings, and comments on the virtual meeting and project website. A total of 2,063 individual comments were received by LAWA.

# **Attachment D**

# REPORT

characteristics/schedules/turn times, load factors (percentage of occupied seats), and the size of gate hold rooms and the flexibility for different airline/aircraft types. The terminal capacity in general is more subjective to determine than airfield capacity. Current research has demonstrated that access to the airport is not a barrier for capacity. Passengers will continue to purchase tickets even if airport access is challenging (for example drive an alternate route or stay at an airport adjacent hotel). The capacity numbers were presented and have subsequently been updated to reflect additional comments received from the airports. Note that legal constraints are not taken into account during this task. The following table summarizes the capacity to handle passengers at each of these four capacity constrained/urbanized airports.

## Airport Capacity Constraints

MAP (Million Annual Passengers)

AIRPORT	CONSTRAINT			
	AIRFIELD	TERMINAL	POLICY	OVERALL
<b>BUR</b>	7.3	12.2	--	7.3
<b>LAX</b>	82.9- 96.6	103.6	78.9 <sup>a</sup>	78.9- 96.6
<b>LGB</b>	9.5	6.6	5.0 <sup>b</sup>	5.0
<b>SNA</b>	16.2 <sup>c</sup>	15.4	12.5 <sup>d</sup>	12.5

<sup>a</sup>LAX Settlement Agreement expires in 2015. The number of gates is limited to 153.  
<sup>b</sup>Grandfathered noise control ordinance permits 41 commercial and 25 "commuter" (GTW < 75,000 lbs) per day.  
<sup>c</sup>With minor airfield infrastructure improvements the capacity can increase to 16.9 MAP (County of Orange JWA Settlement Agreement, Alternative C).  
<sup>d</sup>Although Settlement Agreement expires in 2030, County Board action would be required to increase MAP limit

The future demand for flights from residents and non-residents, that are traveling for business/leisure/visiting friends and relatives is determined based on population growth, the U.S. GDP (plus the world economic outlook as well as the California and SCAG region economies [including jobs, income, personal wealth]) and historical trends. Using these inputs, the overall regional demand is generated as a total number of potential passengers for the SCAG region as a whole. In Southern California more than half of the passengers using our airports are visitors to the region- the U.S. GDP is by far the most important predictor of potential visitors to our region. Furthermore, unlike many other regions in the U.S. there is a relatively long-term positive outlook for continued growth in our region, which should bode well for greater future air travel demand to and from our region.

Using this approach, in 2040, the total regional aviation demand is forecast to be approximately 136.2 MAP (million annual passengers). As a reference, the regional total demand was 88 MAP in 2013. So the projected growth in air travel demand between 2013 and 2040 is approximately 55%, which is equivalent to a 1.6% annual growth rate, consistent with aviation forecasts being conducted in other large



# **Attachment E**

## **2. Project Description**

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improvements (i.e., Crossfield Taxiway Project), terminal improvements (i.e., Bradley West Project), and other related improvement underway at the time, will create 39,900 jobs over the course of the program, or an average of 5,500 to 6,000 jobs per year. Of these, between 3,500 and 4,000 jobs will be in construction industries.<sup>27</sup>

It is LAWA's desire to provide improvements that further enable LAX to support and advance the economic growth and vitality of the Los Angeles region.

### **4. Plan Improvements That Do Not Result in More Than 153 Passenger Gates at 78.9 MAP**

In identifying and evaluating alternatives to the demolition of Terminals 1, 2, and 3, LAWA is seeking to maintain consistency with the LAX Master Plan design for a total of 153 passenger gates, which was based on a future passenger activity level of 78.9 million annual passengers (MAP) at LAX in 2015. The need to demolish portions of Terminals 1, 2, and 3 is due to the reconfiguration of the north airfield as contemplated in the LAX Master Plan. As described in Section 1.1, the demolition of those terminals and the reconfiguration of the north airfield are both Yellow Light Projects being addressed in SPAS. The formulation of alternatives for reconfiguration of the north airfield includes various options for moving runways and associated taxiways northward or southward, each of which has implications relative to Terminals 1, 2, and 3. The formulation of potential alternatives to the demolition of Terminals 1, 2, and 3 is substantially influenced by the alternatives for the north airfield reconfiguration. While the extent to which terminals are reconfigured under each terminal alternative will vary depending on which airfield reconfiguration alternative it is linked to, LAWA is seeking to maintain consistency between all terminal alternatives such that none of them results in more than 153 passenger gates at the projected passenger activity level of 78.9 MAP.

### **5. Enhance Safety and Security at LAX**

During the preparation of the LAX Master Plan, which began in the 1990s, Alternative D was formulated following the events of September 11, 2001 and integrated into the CEQA review process for the LAX Master Plan as the "Enhanced Safety and Security Plan." In now identifying and evaluating alternatives to the Yellow Light Projects, which are key elements of the LAX Master Plan, LAWA is seeking to maintain the ability of the LAX Master Plan, if and as modified by the outcome of the SPAS process, to enhance safety and security at LAX.

### **6. Minimize Environmental Impacts on Surrounding Communities**

LAX is a major international airport located within a very urbanized area, with established communities situated directly to the north, east, and south. These communities are affected to varying degrees by existing operations at the airport. Recognizing that these existing effects to the surrounding communities may change based on the alternatives being considered in SPAS, LAWA seeks to identify and apply ways to avoid, reduce, or minimize environmental impacts on surrounding communities.

### **7. Produce an Improvement Program that is Efficient, Sustainable, Feasible, and Fiscally Responsible**

The nature and scope of improvements associated with the Yellow Light Projects are substantial. Each of those projects represents a major undertaking, requiring substantial funding; considerable planning, engineering, and design; and major construction activities. The costs for each of these major improvement projects would be financed primarily by Airport Improvement Program grants, Passenger Facility Charges (PFCs), and bond sales, all of which are subject to federal requirements regarding expenditure of airport funds, and which will also be utilized to finance other airport improvements outside of the scope of SPAS. The ability to successfully fund such improvements is, to a large extent,

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<sup>27</sup> Los Angeles Economic Development Corporation, Economic Impact Analysis - LAX Airfield and Terminal Construction Projects, 2011.

# **Attachment F**

## 4.1 Air Quality

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### Operations

The operational air quality assessment was conducted in accordance with the *L.A. CEQA Thresholds Guide*<sup>8</sup> and the SCAQMD's *CEQA Air Quality Handbook*<sup>9</sup> for evaluating air quality impacts. The methodology for estimating airport-related emissions and assessing the significance of impacts followed standard practices for determining impacts of aviation sources that have been found acceptable by USEPA, CARB, and SCAQMD; this methodology is summarized below.

Regional and localized operational air quality impacts were assessed based on the incremental increase in emissions for: the 2012 With Project scenario compared to 2012 existing conditions, and the 2019 With Project compared to the 2019 Without Project scenario. In accordance with the State *CEQA Guidelines* and the *L.A. CEQA Thresholds Guide*, the impacts of the proposed Project were compared to baseline conditions to determine significance under CEQA.

### Emission Source Types

#### Aircraft

Information on the number and types of aircraft operations considered at LAX for 2012 and 2019 was developed specifically for the MSC North Project. The aircraft activity levels for the existing conditions are from calendar year 2012. The aircraft activity levels for future conditions were based on aircraft activity growth forecasts for LAX in the year 2019.<sup>10</sup> These data were used to develop airport simulation models (SIMMOD) of aircraft operations for existing and future conditions, with and without the Project. The SIMMOD used information about facilities and operations to predict specific timing, volume, and location (e.g., runway used) for aircraft operations.

The analysis of aircraft emissions was conducted by estimating taxi and idle times without and with the proposed MSC North Project using the LAX MSC North Project SIMMOD results. The completion of the proposed MSC North Project would have a slight beneficial impact on taxi/idle times of aircraft moving around the airfield at LAX (compared to Without Project conditions), based on analysis of arriving and departing passenger aircraft that could use the new gates at MSC North instead of having to use the West Remote Gates/Pads. As no other phases of the landing-takeoff (LTO) cycle (approach, taxi/idle, takeoff, and climbout) would be affected by the

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<sup>8</sup> City of Los Angeles, *L.A. CEQA Thresholds Guide*, (2006) B-1.

<sup>9</sup> South Coast Air Quality Management District, *CEQA Air Quality Handbook*, 1993, as updated by *SCAQMD Air Quality Significance Thresholds*, March 2011, Available: <http://www.aqmd.gov/CEQA/handbook/signthres.pdf>.

<sup>10</sup> The approved LAX Master Plan includes a gate cap limit at LAX, which effectively limits the number of aircraft passengers that can be processed/accommodated at LAX. This was established in the Final EIS/EIR for the LAX Master Plan, which showed forecasted activity levels for the No Action/No Project alternative essentially the same as for the approved Alternative D. The MSC, while providing modern aircraft gates, does not increase the passenger processing capabilities of the airport and would have no effect on the number or type of aircraft operations at LAX. Therefore, the MSC North Project and the future phase(s) of the MSC Program will comply with the gate cap as discussed in the LAX Master Plan. The MSC North Project will allow LAWA to modernize the existing terminal area without having to reduce the number of available gates and will reduce the number of operations at the West Remote Gates/Pads. Once the future phase(s) of the MSC Program is completed, the West Remote Gates/Pads would be eliminated.

# **Attachment G**

- Projected demand for the SCAG Region airports in 2035 is approximately 146 million annual passengers (MAP).
- Approximately 5.61 million tons of air cargo will be handled by the SCAG Region airports in 2035.
- A decline of general aviation traffic by approximately 32% through the year 2035.
- Implement market based ground transportation disincentives to change passenger behavior.
- Support legislation that allows for more flexible use of airport revenues.
- Promote increased coordination between airport planning and land use planning on both regional and local levels.

## **CURRENT POLICY RELATED CHALLENGES AND OPPORTUNITIES:**

As the federally designated metropolitan planning organization (MPO) for the SCAG region, one of SCAG's key mandates is to develop a long-term multi-modal transportation investment plan called the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The RTP/SCS must address all modes of transportation, including adequate means of ground transportation to access our regional airports. As part of this regional planning work, SCAG develops a regional aviation demand at each of the current and future regional airports for both passenger and air cargo. This forms the basis for ensuring adequate provisions for airport ground transportation at each of the regional airports as required under the federal regulations. There is no other agency that takes a more comprehensive and regional approach to developing airports in our region. While SCAG continues to fulfill its role as an MPO in ensuring regional aviation planning is integrated into the overall regional transportation planning process, there are new and emerging challenges and opportunities that may require SCAG to be more active and engaged in this process. As a regional planning agency, SCAG can be a facilitator of a sustained and sustainable development of our regional airports to maximize their benefits and at the same time minimize impacts in a way that is fair, equitable and efficient to most of our residents. The following describes some of the key challenges and opportunities where SCAG may play a role to maximize the potential of our regional airports.

**Airport Capacity Constraints:** Our region's airports, particularly those that are located in highly urbanized settings, are very much constrained. Although the region enjoys a relatively large number of established air carrier airports, the collective acreage of the six (6) established air carrier airports is very small, totaling only 7,900 acres. This is barely more than the acreage of Chicago O'Hare, less than half that of Dallas-Ft. Worth, and less than one-quarter that of Denver International. At 3,500 acres, LAX is a very small international airport, despite being the 3rd busiest in the country and 5th busiest in the world, in terms of passengers served. San Diego International, the busiest one-runway airport in the world, is also facing capacity limits that will eventually impact the SCAG region if San Diego cannot find substantial additional airport capacity to serve its needs. Like San Diego International, the urban air carrier airports in the SCAG Region, including LAX, Bob Hope, Long Beach, and John Wayne have been encroached by incompatible development for decades and have little room to expand. Further, Long Beach and John Wayne Airports are the only two (2) commercial airports in the country that have legally-enforceable capacity constraints that can be continued in perpetuity, and LAX has a 78.9 million air passenger (MAP) settlement agreement constraint that expires in 2020. An important issue to consider in the future demand forecast would be whether to continue assuming the 78.9 MAP capacity constraint even beyond 2020. Lifting the cap at LAX could have a profound impact on the ability of the regional airports, particularly ONT, to fulfill its full potential in the foreseeable future. The forecast will also need to reflect how air passengers choose airports when they have a variety of airports to choose from in a multi-airport system.

Anita Au

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**From:** Debra Langford <dlangford@ci.irvine.ca.us>  
**Sent:** Monday, February 1, 2016 4:05 PM  
**To:** 2016 PEIR  
**Cc:** Hasan Ikhata; Naresh Amatya; Huasha Liu; Jianhong Sun; Courtney Aguirre; Barry Curtis; Jacobs, Bill; Marika Poynter; 'edocog@gmail.com'  
**Subject:** City of Irvine Comments on the Draft 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy and Draft Program  
**Attachments:** Comments on the Draft 2016-2040 Regional Transportation Plan Sustainable Communities.pdf; Attachment - City of Irvine 2016 RTP-SCS Comments.pdf

Attached are the City of Irvine's comments on the Draft 2016-2040 RTP/SCS and Draft PEIR.

Regards,

*Debra Langford*

Administrative Coordinator, Community Development Dept.  
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Steven S. Choi, Ph.D., Mayor

cityofirvine.org

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575

949-724-6233

February 1, 2016

Mr. Hasan Ikhata  
Executive Director  
Southern California Association of Governments  
818 West Seventh Street, 12<sup>th</sup> Floor  
Los Angeles, California 90017-3435

**Subject: Comments on the Draft 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy and Draft Program Environmental Impact Report**

Dear Mr. Ikhata:

The City of Irvine appreciates the opportunity to review and provide comments on the Draft 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS) and Draft Program Environmental Impact Report (PEIR). The City of Irvine commends the Southern California Association of Governments (SCAG) staff for the tremendous amount of work and effort in preparing the documents. The following general comments and recommendations are offered by the City of Irvine on the 2016-2040 RTP/SCS, associated appendices, and the PEIR. In support of this letter, please find attached more specific detailed comments from the City of Irvine that are consistent with the comments provided by the Orange County Council of Governments (OCCOG). The City of Irvine requests that this letter and all of its attachments be included in the public record as our collective comments on the 2016-2040 RTP/SCS, PEIR, all associated appendices and documents, and online inventory of maps.

### RTP/SCS

- **The City of Irvine concurs with the Orange County Council of Governments (OCCOG) and Orange County Transportation Authority (OCTA) comments.**

The City of Irvine concurs with the comments SCAG will receive from the OCCOG and the OCTA. The City requests that SCAG respond to all of the comments detailed in the OCCOG and OCTA letters and to act upon any changes advocated by OCCOG, of which the City is a member agency.

1

- **Growth Forecasts**

Overall, the City of Irvine supports the 2016-2040 RTP/SCS growth forecast and the adoption of the growth forecast at a geographic level no lower than the jurisdictional level. The 2016-2040 RTP/SCS growth forecast accurately reflects the City of Irvine data that was incorporated into the Orange County Projections 2014. The 2016-2040 RTP/SCS growth forecast reflects all entitlements, development agreements, and projects recently completed or under construction in the City of Irvine.

Pages 4-6 of the PEIR, state that Alternative 3: Intensified Land Use Alternative "is based on a transportation network for the 2016-2040 RPT/SCS (Scenario 3 of the Draft Scenario Planning Matrix), plus more aggressive densities and land use patterns of Scenario 4, in the Draft Scenario Planning Matrix." The PEIR further states "The land use pattern in this Alternative builds on the land use strategies as described in the 2016-2040 RTP/SCS and beyond. Specifically, it increases densities and intensifies land use patterns of the Plan, especially around high quality transit areas (HQTAs) in an effort to maximize transit opportunities. The growth pattern associated with this Alternative optimizes urban areas and suburban town centers, transit oriented developments (TODs), HQTAs, livable corridors, and neighborhood mobility areas."

The City of Irvine has completed a comprehensive review of Alternative 3: Intensified Land Use growth forecast at the Traffic Analysis Zone (TAZ) level and it appears that it was built upon the June 24, 2015 Policy Growth Forecast and NOT the 2016-2040 RTP/SCS as stated in the PEIR. The City of Irvine has expressed concern through written correspondence and at various meetings of the Community, Economic and Human Development Committee and Regional Council, that the June 24, 2015 Policy Growth Forecast has significant errors and does not accurately reflect existing development agreements, entitlements, and projects recently completed or under construction. I have requested at various SCAG meetings, and at our meeting on September 3, 2015, that the 2016-2040 RTP/SCS and all alternatives be based on the Policy Growth Forecast that includes the technical corrections provided by the Center for Demographic Research, on behalf of the City of Irvine. The growth forecast included in the Intensified Land Use alternative is not based on the technically corrected Policy Growth Forecast, is in conflict with the local growth forecast provided to SCAG through Orange County Projections 2014, and is inconsistent with the City of Irvine General Plan. The Intensified Land Use alternative (Alternative 3 in the PEIR) is, therefore, unrealistic and unlikely to occur.

Examples of the Intensified Land Use Alternative growth forecast of concern to the City of Irvine include:

1. Reduction of approximately 5,000 planned housing units from the City of Irvine's Northern Sphere and Great Park Neighborhoods development areas. These units are approved and fully vested through legally binding Development Agreements. A reduction of intensity is outside the legal control of the City of Irvine. These areas are being developed in a manner that SCAG would classify as "complete communities," with the Great Park Neighborhoods specifically being located adjacent to the multimodal Irvine Station (TAZ: 33117200, 33112400, 33112200, 33112100, 33116200, 33116100, 33109400, 33109300, 33109500, 33110100, 33106100).
2. Reduction of approximately 1,000 planned housing units from Planning Area 18/39. These units are approved and fully vested through legally binding Development Agreements and are under construction or entitled (TAZ: 32788200, 32788100).
3. Reduction of approximately 4,000 planned housing units from the Irvine Business Complex. These units are approved and fully vested through legally binding Development Agreements and are under construction or entitled. The Irvine Business Complex features medium to high density housing that is located within one of the business centers of Irvine in an area served by a short headway transit system with direct access to the Tustin Metrolink Station (TAZ: 32773200, 32772400, 32772300, 32772200, 3273100, 33078200, 33079700, 33079400, 33079300).
4. Reallocation of a portion of the above-described units to: existing fully built-out single-family neighborhoods and multi-family neighborhoods where several thousand lots are owned by individual homeowners. Larger lots within these areas are occupied by the Jeffery Office Park, the Chinese Cultural Center, the Cypress Village Shopping Center, and Southern California Edison easements (TAZ: 33105300, 33105400, 33105600, 33105200, 33099200, 33099100, 33094300, 33091200, 33095400, 33100200, 33100300, 33097200, 33097300, 33097400, 33097600).

2 Cont.

**The City of Irvine recommends that the PEIR Alternative 3: Intensified Land Use Alternative should include language indicating that the land use pattern was built upon a policy growth forecast that does not take into consideration existing development agreements, entitlements, projects recently completed or units under construction and may be inconsistent with existing General Plans. The land use pattern identified in the alternative is both unlikely to occur and unrealistic. This should be noted for any reference of Alternative 3: Intensified Land Use Alternative throughout the 2016-2040 RTP/SCS, PEIR, and associated appendices.**

- **Maintain Unbiased, Objective Tone**

Language throughout the 2016-2040 RTP/SCS and the associated appendices has a tendency to be leading and dramatic in its emphasis of certain key issues such as active transportation and public health. While these issues are important, it is recommended that the document utilize an unbiased, objective tone. The City of Irvine recommends the removal of "Our Vision" and "Our Overarching Strategy" from the Executive Summary of the document. These two sections are highly speculative and are not necessary to the document. "Our Vision" and "Our Overarching Strategy" go above and beyond the requirements of the RTP. Additional examples of overly emphatic language are outlined in the enclosed matrix.

3

### **General Comments**

- **"Can and Should"**

As indicated in the PEIR, state law provides that it is appropriate to indicate in mitigation measures that they "can and should" be implemented where the authority to implement the measures rest with agencies other than SCAG. The language conveys to local agencies an affirmative obligation to address each mitigation measure, irrespective of whether such agencies deem the measures applicable to a particular project or duplicative of their own or other governmental agencies' regulatory measures. The City of Irvine recognizes SCAG's use of the words "can and should" are derived from the California Environmental Quality Act (CEQA), at Public Resources Code sections 21081 and 2155.2(b)(5)(B)(ii) and the CEQA Guidelines, including section 15091(a)(2). Given the express limitation of SB 375 upon respective local agencies' land use authority, the City of Irvine deems any language seemingly imposing affirmative obligations contrary to SB 375 to be inappropriate. The use of the language "can and should" for mitigation measures addressed to local agencies should be revised as follows:

4

**"Can and Should" Recommendations: Change language in all project level mitigation measures to read "~~can and should~~ consider where applicable and feasible." This change will clarify that the project level mitigation measures are a menu of options.**

- **500 foot “Buffer”**

The 2016-2040 RTP/SCS assumes that almost no new growth will occur within 500 feet of a freeway or busy transportation corridor. The 2016-2040 RTP/SCS states that a “buffer” is consistent with the California Air Resources Board’s 2005 advisory guidance that housing be discouraged within 500 feet of high volume roadways such as freeways. It is important to note that CARB’s guidance is not a prohibition of development near high-volume roadways. SCAG’s “buffer” strategy eradicates growth in these areas that are otherwise rich in connections to jobs, retail and housing accessible by many transportation modes. The proposed “buffer” does not reflect the availability of mitigation measures to address near-roadway emissions that remain despite a dramatic reduction of diesel emissions in the last decade. This strategy is a short-term response and problematic because it prevents the kind of density and proximity between land uses that actually reduce trips and associated vehicle mileage traveled (VMT). As vehicle engines and fuels become cleaner, the “buffer” strategy will become obsolete yet will leave behind a legacy of inefficient land use patterns. Throughout the SCAG Region, the prevailing existing land use patterns include residential and sensitive receptor uses within 500 feet of major transportation corridors. In many cases, these areas demonstrate compact development form and serve as affordable housing. Removing this massive portion of land from availability for use is premature and counter to the overarching principles of SB 375 to locate housing near job centers and previously urbanized areas.

5

There needs to be consistency throughout all the documents regarding the 500 foot “buffer.” Specifically:

- The word “buffer” should not be used.
- The amount of distance should be clarified (the documents have various ranges from 500 feet to 1,000 feet).
- Where the distance is measured from should be clarified (e.g., centerline, edge of roadway, edge of right of way) should be included.
- The types of transportation corridors being identified should be clarified (e.g., freeways, high quality transit corridors, high volume corridors, rail etc.).
- Clarify that the emphasis should be on mitigation not prohibition of development.
- Clarify there is a conflict with discouraging development within 500 feet of these transportation corridors now and that with changes in emissions reductions and fleet changes over time that development within 500 feet will not need to be discouraged in the future. A mitigation approach will allow for flexibility with the changing fleet mix in the future.

- **Remain Neutral on Technology**

Throughout the documents, there are specific examples of technology identified. It should be noted these are only examples and future technologies should not be ignored or excluded from meeting the goals of the 2016-2040 RTP/SCS. This will allow the document, including mitigation measures, to be more flexible. At the 2016 Consumer Electronics Show, the Ehang 184 was showcased. The all-electric drone developed by Chinese UAV manufacturer Ehang, is capable of carrying a 100kg person for 23 minutes at speeds of 100 kph. It is unknown if this type of technology will reach general use, but a technology that would have the potential to significantly reduce VMT, traffic congestion, and emissions should not be excluded from the plan.

6

**PEIR**

- **City of Irvine – Financially Constrained 2016-2040 RTP/SCS Project**

On page 163 of Appendix B to the PEIR, the following change should be made to 2016-2040 RTP/SCS Project ID 2120006:

“Project feasibility study of six two miles of new roadways including Trabucco Road, O Street, and Marine Way.” The modification is consistent with information submitted by the City of Irvine to OCTA.

7

- **PEIR Mitigation Measures**

a. Please state that in the event a state law referenced in the mitigation measure is updated or changed, the most current state law requirements prevails.

8

b. For all “Project-level Mitigation Measures,” replace the word “require” with “encourage” or “it is recommended.” Examples include: MM-AES-3(b), MM-Air-2(b), MM-Air-4(b), MM-BIO-1(b), MM-BIO-2(b), MM-BIO-3(b), MM-BIO-4(b), MM-BIO-5(b), MM-GHG-3(a)(11), MM-TRA-1(b), MM-TRA-2(b), MM-USS-6(b).

9

A redline version identifying the location of the exact language is provided in the matrix of comments enclosed.

c. **Priority and Funding Preference for Transportation Projects:**  
To address the significant impacts of increasing VMT and traffic congestion, the PEIR for SCAG’s 2016-2040 RTP/SCS proposes project-level mitigation measures that include language allowing for:

(1) Giving priority to transportation projects that would contribute to a reduction in vehicle miles traveled per capita [Mitigation Measure MM-TRA-1(b)]; and,

10

- (2) Giving funding preference to improvements in public transit over other new infrastructure for private automobile traffic [Mitigation Measure MM-TRA-2(b)].

Please delete these provisions in Mitigation Measure MM-TRA-1(b) and Mitigation Measure MM-TRA-2(b), unless the language in these provisions is modified to recognize it only be considered if it is found by the Lead Agency to be appropriate and consistent with local transportation priorities.

The language in these provisions implies a specific emphasis towards policy consideration to the prioritization, selection and funding of transportation projects that, to our knowledge, has not been discussed nor endorsed by SCAG's Transportation Committee, or Regional Council, as a regional strategy for the implementation of the 2016-2040 RTP/SCS.

10 Cont.

The language in these provisions fails to recognize several counties in the SCAG region implement transportation projects and programs that are mandated through voter-approved sales tax measures (i.e., Renewed Measure M2 in Orange County), and that are identified through long-range transportation plans.

The language in these provisions could compromise the delivery of committed transportation projects, by creating opportunities for potential delay and legal challenge. To avoid these kinds of potential, unintended consequences, we request SCAG either delete these provisions, or modify these provisions to make it abundantly clear they are only for consideration when determined to be appropriate by the Lead Agency.

- **Fees and Taxes**

Several mitigation measures indicate that local jurisdictions or other entities should implement new fees or propose taxes to pay for a variety of programs or for acquisition of land for preservation. Increases to fees or taxes are issues that could require voter approval and, therefore, it should not be assumed they will be approved.

**Fees and Taxes Recommendations: a) Reword measures to indicate that a new or increased fee, new tax, or other increase is only an option of a means to implement the mitigation; b) Clarify whether it was assumed that these additional fees were considered feasible and if the new fees that are suggested were considered in the financial plan or economic analysis of the RTP.**

11

- **Duplicative/Existing Regulations**

It is noted that many of the mitigation measures are duplicative of existing regulation or processes (e.g., CEQA review requirements). Under CEQA, it is intended that measures be identified that will mitigate impacts of the project. Existing regulations are already assumed to be abided by in the evaluation of the impact, and the significance of the impact is after all existing regulation is applied. Mitigation measures should address those actions that need to be undertaken in addition to existing regulation in order to mitigate the impact. Mitigation measures that simply restate existing regulation are not valid mitigation for purposes of CEQA. It is possible for regulations to change over time. Because of this, restatement of the regulation in the mitigation measures could result in future conflict between the stated mitigation and regulation. It has become common practice to state that existing regulation will be implemented. When this is done, it is common practice when compliance is used as a mitigation measure to simply state that the responsible entity will simply comply with the regulation. If mitigation measures that restate existing regulation are not removed, then it is requested that the wording of the measures be restated to simply read that compliance with all applicable laws and regulations will be undertaken. Language that could be used is: "Local jurisdictions, agencies, and project sponsors shall comply, as applicable, with existing federal, state, and local laws and regulations." Similar language is already included in some mitigation measures.

12

Examples of existing regulations included as mitigation measures are found within the Hydrology section of the PEIR. For example, Section 3.10.6, Mitigation Measures (page 3.10-56): Parts of this section list mitigation measures that are already being required by municipal storm water programs across the region. Instead of listing specific mitigation measures, the PEIR should make reference to these programs. In Orange County, for example, this program is detailed in the Drainage Area Master Plan (DAMP)/Model Water Quality Master Plan (WQMP). The Model WQMP describes the process that cities and County employ for requiring a WQMP, which is a plan for minimizing the adverse impacts of urbanization on site hydrology, runoff flow rates, and pollutant loads at the project level. A reference to the Model WQMP and equivalent documents in the region's other counties, should replace the last ten bullet points of section MM-HYD-1(b).

There are specific mitigation measures included in the Hydrology section that may be in conflict with Storm Water Permits issued by Regional Water Quality Control Boards. In the SCAG region, there are five water quality control boards each with its own Municipal NPDES Storm Water Permit. The regulations and requirements contained in these permits vary from each other. By listing specific measures in the PEIR that are not included in a project's applicable Municipal NPDES Storm Water Permit, the PEIR creates conflicting compliance requirements. To eliminate potential conflict with existing regulations, the mitigation measures regarding specific best management practices (BMPs) should be removed and replaced with a single requirement that each project must comply with its applicable Municipal NPDES Storm Water Permit.

13

The City of Irvine appreciates your consideration of all comments provided in this letter and its attachments and looks forward to your responses. It is a shared goal to have a Regional Transportation Plan and Sustainable Communities Strategy adopted on April 7, 2016 that represents the best in regional planning developed collaboratively with local jurisdictions and stakeholders in a manner that is credible and defensible on all levels. If you have any questions, please do not hesitate to contact me.

Sincerely,



Steven S. Choi, Ph.D.  
Mayor

Enclosure: Detailed Comments on the 2016-2040 RTP/SCS, PEIR, and Related Appendices – City of Irvine

cc: Irvine City Council  
Sean Joyce, City Manager  
Sharon Landers, Assistant City Manager  
Eric Tolles, Assistant City Manager, Great Park  
Susan Emery, Director of Community Development  
Manuel Gomez, Director of Public Works  
Barry Curtis, Manager of Planning Services  
Katie Berg-Curtis, Project Development Administrator  
Bill Jacobs, Principal Planner  
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Marnie Primmer, Interim Executive Director OCCOG (email)  
Naresh Amatya, Acting Director, Transportation Planning, SCAG (email)  
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**DETAILED COMMENTS ON THE 2016 RTP/SCS, PEIR, AND  
RELATED APPENDICES – CITY OF IRVINE**

**2016 RTP/SCS**

#	TOPIC	PAGE REFERENCE	RTP NARRATIVE, COMMENT & RECOMMENDATION
1	General Comment	p.2	Delete Our Vision & Our Overarching Strategy strategies. These sections are highly speculative and not necessary for the rest of the document.
2	Clarification	p.3, column 2, bullet 5	“Millions of people are in poor health... Millions of more people live with chronic diseases, such as asthma, every day.”  Define ‘poor health’ Cite numbers or share of population for region instead of saying “millions”. Provide reference to what chronic diseases include.
3	Clarification	P. 4, column 2, paragraph 2	“Among the milestones: a one-year demonstration of the <u>tolled</u> Express Lanes in Los Angeles County along Interstate 10 and Interstate 110 was made permanent in 2014...”
4	Clarification	p. 7, column 2, paragraph 1	“In many instances, <u>the additional</u> <del>these</del> <u>chargers will create the opportunity to increase</u> <del>may double</del> the electric range of PHEVs, reducing vehicle miles traveled that produce tail-pipe emissions.”
5	Clarification	p. 13, column 2, paragraph 2	“Since 2009, every MPO <u>in California</u> has been required to develop a Sustainable Communities Strategy...Once implemented along with the rest of the Plan, it will improve the <u>overall</u> quality of life for all residents of the region.”
6	Clarification	p. 13, column 2, paragraph 3	“But these advances in mobility also have the potential to help Baby Boomers, <u>and the generations that follow them, maintain their independence as they age.</u> ”
7	Clarification	p. 14, column 1, paragraph 2	“In Southern California, striving for sustainability <u>includes will require</u> achieving state-mandated targets for reducing greenhouse gas emissions from vehicles and federal air quality conformity requirements, and also adapting wisely to a changing environment and climate.”
8	Clarification	p. 14, column 2, paragraph 5	“It is particularly important that the Plan consider <u>and minimize</u> the <u>negative impacts consequences</u> of transportation projects, <u>especially</u> on low-income and minority communities <del>and minimize negative impacts.</del> ”

14

#	TOPIC	PAGE REFERENCE	RTP NARRATIVE, COMMENT & RECOMMENDATION
9	Clarification	p. 16, column 2	<p>"2. Collaborating with Member Agencies, Jurisdictions and Stakeholders. Implementing the Plan will require SCAG to continue working closely with its <u>all jurisdictions member-agencies...</u>"</p> <p>"The agency will also have to work with key stakeholders to ensure the Plan benefits the economy and <u>promotes ensures</u> social equity. To ensure that the region makes progress on its goals, SCAG will monitor its own progress toward achieving its targets and will share this information with <u>its relevant</u> partners and the public."</p>
10	Clarification	p. 20, column 1, paragraph 3	<p>"However, of the remaining developable land, only a small portion of it can be developed <u>as transit-ready infill sustainably</u> – meaning it can be reached via planned transit service and that it can readily access existing infrastructure (water resources, sewer facilities, etc.). According to SCAG land use data <u>collected by SCAG</u>, only two percent of the total developable land in the region is located in High Quality Transit Areas (HQTAs). <u>A more compact land development strategy is needed, which will be discussed in Chapter 5.</u>"</p>
11	Clarification	p. 20, column 1, paragraph 4	<p><del>"SCAG supports the fact that local jurisdictions conduct much of the planning for land use in our region. However, as the agency prepared the 2016 RTP/SCS, it needed to organize the many different land use types and classifications of land uses in..."</del></p>
12	Clarification	p. 20, column 1, paragraph 5	<p>"To accurately represent land uses throughout the region, SCAG <u>aggregated reviewed</u> information from jurisdictions and simplified the types and classifications of land use <u>into a consolidated set of land use types</u>. The agency <u>then converted these consolidated land uses into identified 35 "Place Types"</u>... the Urban Footprint <u>Scenario Sustainability Planning Model (SPM)</u>, <u>to demonstrate which guided and evaluated</u> urban development in the Plan in terms of form, scale and function in the built environment."</p>
13	Clarification	p. 20, column 2, paragraph 2	<p>"SCAG then <u>classified sorted</u> the 35 Place Types into three Land Development Categories. The agency used these categories to: describe the general conditions that exist and/or are likely to exist within a specific area; <del>SCAG did not intend to have them represent detailed policies for land use, development or growth. Rather, they and</del> reflect the varied conditions of buildings and roadways, transportation options, and the mix of housing and employment throughout the region."</p>

14 Cont.

#	TOPIC	PAGE REFERENCE	RTP NARRATIVE, COMMENT & RECOMMENDATION
14	Clarification	p. 21, column 1, paragraph 3	<p><del>Conversely, s</del> Some areas, especially near the edge of existing urbanized areas, do not have plans for conservation and <u>may be slated for development</u> are susceptible to development pressure. ... – meaning these are areas that are home to a high number of species and serve as highly functional habitats.”</p> <p>“Some key habitat types are underrepresented within the 35 percent of the region already under protection.” Clarify why does there need to be an equal share of types of protected land? If not, delete sentence.</p>
15	Clarification	p. 22, column 1, paragraph 1	<p>“However, although these housing units are planned and zoned for, historical data shows that less than ten percent of the needed affordable housing has been built. In contrast, housing construction measured by building permits issued meets nearly 90 percent of projected market rate housing needs.”</p> <p>What is the data source that reports on building finals by income category? What is the time frame for the “less than ten percent”? What is the time period for the data on the market rate housing?</p>
16	Clarification	p. 22, column 2, paragraph 1	<p>“... of our region’s jurisdictions have <u>certified adopted</u> housing elements.”</p>
17	Define	p. 22, column 2, paragraph 3	Define “high quality” housing
18	Define	p. 23, Figure	Define “demand response” in “Passenger Miles by Mode” figure
19	Clarification	p. 25, column 2, paragraph 2	<p>“This network includes fixed-route local bus lines, community circulators, express and rapid buses, Bus Rapid Transit (BRT), <del>demand-response</del> <u>paratransit</u>,<sup>3</sup> light rail transit, heavy rail transit (subway) and commuter rail.<sup>4</sup>”</p>
20	Clarification	p. 26, column 1, paragraph 2	<p>“<u>Transit users directly typically</u> pay <u>about 25</u> percent of the operating and maintenance cost of their travel, with the remaining 75 percent paid for by state and local public subsidies. Most capital expenditures are also funded <u>through various taxes and with</u> public subsidies, including a larger share of federal grants.”</p>

14 Cont.

#	TOPIC	PAGE REFERENCE	RTP NARRATIVE, COMMENT & RECOMMENDATION
21	Clarification	p. 28, column 1, paragraph 2	<p>"The regional bike network is <u>expanding</u> <del>evolving</del> but remains fragmented. Nearly 500 additional miles of bikeways were built since SCAG's 2012 RTP/SCS, but only 3,919 miles of bikeways exist regionwide, of which 2,888 miles are bike paths/ lanes (see EXHIBIT 2.3). This is compared with more than 70,000 roadway lane miles. <del>One way to quantify bikeway quality and density is to calculate a ratio of bike path to lane miles. SCAG's ratio of bike path/lane miles ratio is 0.039. To put this in perspective, Portland, Oregon and San Francisco have bike path/lane ratios to lane miles at 0.054 and 0.078, which are 38 percent and 100 percent higher than the SCAG region, respectively. Our region's lack of consistent infrastructure discourages all but the most fearless people to bike.</del>"</p> <p>Comment: There is typically only one bike lane in each direction whereas there could be multiple traffic lanes in each direction. It is not appropriate to compare lane miles to bike lane miles. Comparison, if any, should be to centerline miles.</p> <p>Comparison of bike path/lane miles ratio for SCAG region to individual cities is not appropriate.</p>
22	Clarification	p. 28, column 1, paragraph 2	<p>"Most walk trips (83 percent) are less than one half mile; walkers are <u>less likely to travel</u> <del>often discouraged from traveling</del> farther. Routes to <u>bus</u> stops and stations are often..."</p>
23	Delete	p. 33, column 1, paragraph 2	<p>"A significant amount of travel in the region is still by people who choose to drive alone (42 percent of all trips and nearly 77 percent of work trips). <del>So, the challenge of getting individuals to seek more environmentally friendly alternatives of travel remains.</del>"</p>
24	Clarification	p. 54, column 2, paragraph 4	<p>"<del>Certainly, t</del>The overall quality of life <u>is expected to will</u> increase for many people."</p>
25	Clarification	p. 55, column 1, paragraph 3	<p>"Chronic diseases including heart disease, stroke, cancer, chronic lower respiratory disease and diabetes are responsible for 72 percent of all deaths in our region. <del>Millions of more people live with chronic diseases every day.</del>"</p> <p>Cite number and source or delete sentence.</p>
26	Clarification	p. 56, column 1, paragraph 1	<p>"<u>California is experiencing o</u><del>Ongoing drought conditions, water shortages due to less rainfall as well as declining snowpack in our mountains, and an agriculture industry in crisis have become hard realities in recent years.</del>"</p>

14 Cont.

#	TOPIC	PAGE REFERENCE	RTP NARRATIVE, COMMENT & RECOMMENDATION
27	Clarification	p. 61, column 1, paragraph 2	Add statement that says <u>"These preliminary scenarios are not the ones modeled in the PEIR."</u>
28	Clarification	p. 64, column 1, paragraph 1	Clarification should be made that attendance was self-selected as was the survey participation. Attendees were strongly encouraged by SCAG staff to fill out a survey. A more detailed description should be included that explains that these results are not scientific.
29	Clarification	p. 64, column 2, paragraph 2	"...was also a principal concern, as was access to healthy food."  What percentage of respondents elevates an item to a 'principle concern'?
30	Clarification	p. 64, column 2, paragraph 4	"Collectively, the survey responses offered an invaluable guide to help finalize the Plan's investments, strategies and priorities. They reflect how regional stakeholders want us to address priority areas such as transit and roadway investments, system management, active transportation, land use and public health."  Did the survey responses change the Plan? Clarify if a higher priority in making changes was afforded to survey respondents' feedback over jurisdictional and CTC input?
31	Clarification	p. 65, column 1, paragraph 4	<del>"Jurisdictions were asked to provide input on the growth scenario, including information on specific planned development projects with entitlements, other planned projects, or recently completed developments."</del>  Comment: During the local input process, SCAG requested feedback on the distribution of new households and employment. SCAG did not request information from jurisdictions on specific planned development projects with entitlements, other planned projects, and recently completed developments. During review of the draft policy growth forecast (PGF) in summer 2015, technical errors throughout the draft PGF were identified. These "technical errors" in the dataset were that entitlements, development agreements, and projects currently under construction or recently completed were not properly reflected. It was then that SCAG stated that jurisdictions could provide the information if jurisdictions wanted corrections made to the PGF.

14 Cont.

#	TOPIC	PAGE REFERENCE	RTP NARRATIVE, COMMENT & RECOMMENDATION
32	Clarification	p. 65, column 2, bottom note	<p>“*With the exception of the 6 percent of TAZs that have average density below the density range of local general plans.”</p> <p>Please clarify the footnote. Did SCAG lower the growth or is General Plan buildout expected after 2040?</p>
33	Clarification	p. 70, column 1, paragraph 1	<p>“In addition, local jurisdictions <u>are encouraged to should</u> pursue the production of permanent affordable housing through deed restrictions or development by non-profit developers, which will ensure that some units will remain affordable to lower-income households.”</p>
34	Clarification	p. 70, Table 5.1	Add note to table “Adopted in 2013”
35	Define	p. 73, column 2, paragraph 4	Define “riparian”.
36	Clarification	p. 76, paragraph 1	How many of these trips are alone vs. with others? Are these linked trips/trip segments?
37	Clarification	p. 76, paragraph 3	The narrative implies that Neighborhood Mobility Areas (NMAs) are needed for Neighborhood Electric Vehicles (NEVs). If this is not true, reword section to allow for flexibility that one is not tied exclusively to the other.
38	Clarification	p. 77	Figure needs title.
39	Clarification	p. 79, Figure 5.2	Clarify if the preservation and operations expenditures apply to the SCAG region or California State.
40	Clarification	p. 83, column 2, paragraph 5	<p>“Bus lanes are even more effective at increasing speeds, however in our region there is a dearth of such lanes. <del>Transit agencies should heavily lobby SCAG</del> <u>encourages transit agencies and</u> local jurisdictions <del>in which they operate</del> to implement them, <u>where appropriate at least for peak period operation.</u>”</p>
41	Clarification	p. 88, column 1, paragraph 4	“The <del>2016 Active Transportation</del> <u>portion of the 2016 Plan</u> updates the 2012 <del>Active Transportation Plan...</del> ”
42	Clarification	p. 89, column 2, paragraph 2	“SCAG has <u>identified</u> <del>developed</del> 12 regionally significant bikeways that connect the region.”
43	Clarification	p. 92, column 1, paragraph 2	“The launch date coincided with the <u>end of daylight savings time</u> <del>decline in daylight hours</del> , a period when bicycle and pedestrian collisions peak during the year.”
44	Define	p. 93, column 1, paragraph 4	Define “no-maintenance exercise spots”
45	Clarification	p. 103, column 1, paragraph 3	<p>“...figure “2040 Airport Demand Forecasts” on the previous page...”</p> <p>Properly label figure and page reference.</p>

14 Cont.

#	TOPIC	PAGE REFERENCE	RTP NARRATIVE, COMMENT & RECOMMENDATION
46	Clarification	p. 105, column 1, paragraph 1	<p>"In recent years, airport operators, CTCs and SCAG have all undertaken their own initiatives to improve ground access at the region's aviation facilities."</p> <p>Clarify what initiatives SCAG has undertaken.</p>
47	Clarification	p. 111, column 1, paragraph 2	<p>"Building on its strong commitment to the environment as demonstrated in the 2012 RTP/SCS, SCAG's mitigation program is intended to function as a resource for lead agencies to consider in identifying mitigation measures to reduce impacts anticipated to result from future <u>transportation projects</u> as deemed applicable and <u>feasible</u> by such agencies."</p>
48	Clarification	p.111-119 & PEIR	Update language on the mitigation measures to be consistent with any language changes to the PEIR document.

14 Cont.

**ACTIVE TRANSPORTATION APPENDIX**

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
1	General Comment	all	<p>Needs to include statement saying that pedestrians and bikes are also responsible (e.g. distracted walking by cell phones; bikers with headphones) and isn't always vehicles as cause</p> <p>Everyone needs to be educated and follow the rules and enforcement needs to happen for all modes</p>
2	General Comment	all	Acknowledge the improvement over time of AT usage and the lowering of accident and death rates
3	Clarification	p. 5	<p>"Class I Bikeways</p> <p>...A Class I Bikeway provides a completely separated <u>right-of-way</u> designated for the exclusive use of bicycles and/or pedestrians with cross flows by motorists minimized. Some of the region's rivers include Class 1 Bikeways. Increasing the number of bikeways <u>in along rivers, utility corridors, and flood control channels</u> may provide additional opportunities for "interested but concerned" cyclists."</p>
4	Clarification	p.6, column 1	<p>"INTERSECTION TREATMENTS</p> <p>...In the SCAG region, nearly 44 percent of all pedestrian injuries are at intersections."</p> <p>Define how far away from the intersection an accident may occur to be included in the count of pedestrian injuries at intersections</p>

15

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
5	Clarification	p.6, column 1	<b>"COMPLETE STREETS</b> In recognition of the need to accommodate various types and needs of roadway users, the State of California adopted the Complete Streets Act of 2008 (AB 1358) requiring cities and counties to incorporate the concept of Complete Streets to any <del>general plan's substantive update to their General Plan's circulation element.</del> "
6	Clarification	p.8, column 1	<b>"COLLISIONS AND FATALITIES</b> While the numbers of bicyclists and pedestrians are increasing, so are injuries and fatalities, although not as fast as the growth in active transportation. In California, 64,127 pedestrians were injured and 3,219 were killed between 2008 and 2012. In 2012 alone, <del>702 pedestrians were killed and</del> 13,280 pedestrians were injured <u>and 702 pedestrians were killed.</u> "
7	Clarification	p. 17, Table 5	Create separate tables for columns 1 to 3 and columns 3 to 10.
8	Define	p. 24, column 1, paragraph 1	<b>"2012 RTP/SCS PROGRESS</b> The <del>2016 Active Transportation</del> <u>portion of the Plan</u> ... The Plan examined access to transit, noting that 95 percent of SCAG residents would be within walking (0.5 mile) or biking (2 mile) distance from a transit station."  Define what constitutes a 'transit station'
9	Clarification	P. 25, second column, top bullet (last under #4)	"Success of this program depends on cities and counties conducting these counts and providing the data to SCAG."  Identify funding source and acknowledge that this is voluntary effort and may not be a priority, especially without funding
10	Add bullet	P. 25, second column, Bullet 6	Add 4 <sup>th</sup> bullet under #6: " <u>OCCOG is working on a comprehensive Complete Streets design manual for the entire county which will be completed in 2016.</u> "
11	Correction	P.26, Table 9	Change language for Orange County: <del>Not yet Planned. In Process</del>
12	Clarification	p. 27, column 1, and any other references	Clarify that the '2016 Action Transportation Plan' is not a standalone plan, but is a portion within the RTP.
13	Clarification	P.66-67, Tables 16 & 17	Add note to Table: "These draft scenarios are not the alternatives that were evaluated in the PEIR."
14	Clarification	P. 71	Delete "Strategic Plan Beyond 2040" section. The inclusion of this section is not consistent with other appendices. It creates confusion as to what the RTP's Strategic Plan is.

15 Cont.

**DEMOGRAPHICS/GROWTH FORECAST APPENDIX**

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
1	General Comment	All	Label Y axis on all figures
2	Clarification	P. 2, column 1, paragraph 3	Add text: <u>“The forecasted land use development patterns shown are based on Transportation Analysis Zone (TAZ) level data utilized to conduct required modeling analyses. Data at the TAZ level or at a geography smaller than the jurisdictional level are advisory only and non-binding, because SCAG sub-jurisdictional forecasts are not to be adopted as part of the 2016 RTP/SCS. The advisory sub-jurisdictional data shall not be required for purposes of qualifying for future grant funding or other incentives or for determining a proposed project’s consistency with the 2016 RTP/SCS for any impact analysis required pursuant to the California Environmental Quality Act (CEQA).”</u>

16

**GOODS MOVEMENT**

#	TOPIC	PAGE REFERENCE	RTP NARRATIVE, COMMENT & RECOMMENDATION
1	Clarification	p. 4, Exhibit 2	Exhibit is labeled warehouse & distribution centers but shows manufacturing firms total employment. Correct.

17

**PERFORMANCE MEASURES APPENDIX**

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
1	Clarification	P.8-10, Table 4	Label all Performance Measures that were new in 2016 Plan
2	Clarification	P.11	Add definition of HQTA to map.
3	Clarification	p.20	LSPT was used for 2012 RTP. Add information on the SPM.
4	Clarification	p. 31, Table 12	Add model sources to bottom of table.

18

**PUBLIC HEALTH APPENDIX**

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
1	General Comment	All	Final document should contain hyperlinks to other documents.
2	General Comment	All	Spell out Acronyms in Tables/Figures Titles e.g. CHIS

19

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
3	Clarification	p.1, column 1	<del>"Public health is increasingly an area of emphasis for Metropolitan Planning Organizations (MPOs) and Departments of Transportation (DOTs) across the country, have an opportunity to impact due to the prevalence of chronic diseases such as obesity, hypertension, asthma and heart disease through transportation planning which promotes increased physical activity."</del>
4	Clarification	p.2, column 1	Introduction- first paragraph sentence beginning with "Public health outcomes are the product of Social Determinants of Health....." consider adding "and other factors.
5	Clarification	p.1, column 2	"Climate Adaptation: Support efforts to <del>prevent</del> <u>mitigate</u> climate change and make the region more resilient to future changes with reductions in VMT and greenhouse gas emissions."
6	Correction	p.2, Figure 1	Arrows should go both ways.
7	Clarification	p.3, column 1, paragraph 2	"Evidence shows that healthier lifestyles and improved air quality can improve outcomes, and built environment factors <u>and related conditions</u> can play a role in supporting healthy behaviors."
8	Clarification	p.3, column 2, paragraph 3	"Access to healthy food environments such as grocery stores, farmers' markets and community gardens <del>decreases</del> <u>can play an important role in</u> food insecurity and obesity."
9	Define	p.7, column 1, first line	Define "weather insurance"
10	Clarification	p.7, column 2, paragraph 2	"... Providing access to <u>education and job training aligned with job opportunities in the region</u> <del>jobs with a living wage</del> is critical to ensuring communities become and stay healthy."
11	Clarification	p.7, column 2, paragraph 3	"...Creating infrastructure <u>policies and community conditions</u> and facilities that encourage active transportation such as biking and walking provides opportunities for residents to increase their daily physical activity."
12	Clarification	p.8, paragraph 3	Consider adding the recommendations for children which has a higher standard of one hour per day. This is valuable as jurisdictions look at health co-benefits of safe routes to school infrastructure changes and related programming.

20

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
13	Clarification	p.9, all figures	Recommend using the more current 2014 data. Also, it might be helpful to look at these metrics on a smaller level of geography and/or by poverty and/or by race/ethnicity. Especially since there are often funding set asides to reach disadvantaged communities, it might be interesting to see what each of these indicators looks like at a more refined level. The need is not equally distributed throughout any jurisdiction.
14	Clarification	p.9	Add table with data for walking.
15	Clarification	p.10, column 2	Consider including funding as both a challenge and an opportunity.
16	Clarification	p.10, column 1, last sentence	"Much of our local arterial system is also in need of pavement improvements, as local roadways in the SCAG region average a score of 69 out of 100 in the Pavement Condition Index (PCI), where a score of 70 or less typically translates to conditions that are <u>inadequate more costly to repair.</u> "
17	Clarification	p.10, column 2, paragraph 4	"With more than 18 million people, 191 cities, six counties and hundreds of local and regional agencies, Southern California is <u>one of the most complex regions on earth a diverse region.</u> Within the region, health outcomes vary widely based on <u>many things, such as geography, income and race.</u> "
18	Clarification	p. 15, column 2, paragraph 3; & throughout all	"500 foot buffer"- be consistent with usage and description throughout all documents in whether this is adjacent to just freeways or freeways, rail, and high frequency transit corridors.
19	Clarification	p. 16, column 1, paragraph 1	"Region-wide, about ten percent of the land area within HQTAs is also within the 500 <del>feet</del> <u>feet</u> buffer of the freeway. To balance regional policy goals, the Plan accommodates the vast majority of growth within HQTAs <u>but beyond outside of</u> the 500 feet buffer of freeways..."
20	Clarification	p. 17, column 1	"Water Consumption" and "Land Consumption" Specify the time period for the change or difference in numbers. Compare this to 2040 Baseline.
21	Clarification	p. 19, column 2	"Public Health Work Program" Clarify if this work program was approved by the RC or SCAG staff is pursuing these tasks under direction of RC to incorporate more public health into RTP.

20 Cont.

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
22	Clarification	p. 22-29	Are these all "best practices" or are they local examples of promising practices? Since some of these are in process, are the results there to show that this particular practice has proven efficacy over another? These may have the potential to be best practices. If the project is based upon a best practice, it is recommended to link to the best practice so other jurisdictional leaders could consider for replication. If it is not already a proven practice, suggest calling it something different such as "local promising practices". Add the Complete Streets Guidelines that are being developed in Orange County (which integrates in best practices.)

20 Cont.

### SCS BACKGROUND DOCUMENTATION APPENDIX

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
1	Clarification	P.42-43	How do the SPM Place Types nest into the Land Development Categories?
2	General Comment	All maps	"Note: The forecasted land use development patterns shown are based on Transportation Analysis Zone (TAZ) level data utilized to conduct required modeling analyses. Data at the TAZ level or at a geography smaller than the jurisdictional level are advisory only and non-binding, because SCAG sub-jurisdictional forecasts are not to be adopted as part of the 2016 RTP/SCS. <u>The advisory sub-jurisdictional data shall not be required should not be used for purposes of qualifying for future grant funding or other incentives. The data is controlled to be within the density ranges of local general plans and/or input received from local jurisdictions. the purpose of or for determining a proposed project's consistency with the 2016 RTP/SCS for any impact analysis required pursuant to the California Environmental Quality Act (CEQA) streamlining, lead agencies have the sole discretion in determining a local project's consistency with the 2016 RTP/SCS.</u> "
3	Clarification	p.6/43	Move the definitions of Urban, Compact Walkable, and Standard Suburban from page 43 to page 6 before the maps
4	Clarification	p. 41, column 1, paragraph 4	"Scenario modeling with UrbanFootprint brings meaningful, comprehensible, and timely results to those <u>local jurisdictions</u> wanting to understand how growth and development choices will impact their community, city, or region in the coming years and decades."

21

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
5	Correction	p. 41, column 2, paragraph 2	"Since 2012... Developers of UrbanFootprint have also met with regional agencies, such as SCAG, Sacramento Area Council of Governments (SACOG), and San Diego Association of Governments (SANDAG); <del>Orange County Council of Governments (OCCOG).</del> "
6	Clarification	p. 50, 51, 54, 56 maps	Clarify in map legends if growth refers to population, housing and/or employment.
7	Correction	p. 56 column 1, last paragraph	<del>"The scope of t</del> <u>These four scenarios were developed in early 2015 by SCAG and their consultant and shared, which were developed in consultation with the CEHD Committee and the SCAG's Technical Working Group (TWG), evolved throughout the first five months of 2015."</u>
8	Clarification	p. 56 column 2, paragraph 2	"Conversely, growth focused in urban areas often takes advantage of existing infrastructure and more efficient service to higher concentrations of jobs and housing, <u>but sometimes modernization of utilities needs to be considered and completed to accommodate the additional usage.</u> "
9	Clarification	P. 58, column 2, paragraph 4	"Saving water also saves on costs, and the RTP/SCS saves about \$1.2 billion over the span of the plan, and saves households in the SCAG region \$93 million on annual water bills."  <u>Add "Notwithstanding, infrastructure operations and maintenance costs require continued funding; further, these costs could offset ratepayer savings resulting from the implementation of RTP/SCS policies, conservation efforts, or installation and use of efficient appliances."</u>
10	Clarification	P. 83, column 2, paragraph 2	"The SPM includes a suite of tools and analytical engines that help to quickly illustrate alternative plans and policies and to estimate their transportation, environmental, fiscal, <u>and public health and community regional impacts.</u> "
11	Clarification	P. 83, column 2, last sentence	<del>"SPM will serve as a common platform for communications between SCAG and local jurisdictions in the process of local input and public outreach, providing local planners advanced analytical capabilities."</del>

21 Cont.

**PEIR**

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
1	General Comment	All	Any changes to mitigation measure language should be updated in both the Executive Summary and the chapters throughout the PEIR, as well as the RTP/SCS document.

22

#	TOPIC	PAGE REFERENC E	NARRATIVE, COMMENT & RECOMMENDATION
2	General Comment	All	Cite original source data, not other documents, e.g. SCAG's Local Profiles
3	Clarification	ES-14	"MM-AES-1(b): Consistent ... the Lead Agency <del>can and</del> should consider mitigation measures..."
4	Clarification	ES-14 & 15	"MM-AES-3(b): Consistent ...the Lead Agency <del>can and</del> should consider mitigation measures... •Require <u>Encourage</u> development of design guidelines... •Require <u>Encourage</u> that sites are kept in a... ""
5	Define	ES-16	Define 'Natural Resource Inventory Database and Conservation Framework & Assessment'
6	Define	ES-16	Define 'Conservation Plan'
7	Define	ES-16	Define 'mitigation banks'
8	Clarification	ES-19	MM-Air-2(b): "•Require <u>Encourage</u> contractors to assemble... •As appropriate <u>require encourage</u> that..."
9	Clarification	ES-19	MM-Air-4(b): "•Require <u>Encourage</u> clean fuels, and reduce petroleum dependency."
10	Clarification	ES-19	"MM-Air-4(b): Consistent with the provisions of Section 15091 of the State CEQA Guidelines, SCAG has identified mitigation measures that are within the jurisdiction and authority of the air quality management district(s) where proposed 2016 RTP/SCS <u>transportation projects or development projects resulting from the land use patterns in the 2016 RTP/SCS</u> would be located."
11	Clarification	ES-20	MM-BIO 1(b): •Require <u>Encourage</u> project design to avoid occupied habitat, potentially suitable habitat, and designated critical habitat, wherever practicable and feasible."
12	Clarification	ES-22	MM-BIO-2(b): "•Require <u>Encourage</u> project design to avoid sensitive natural communities and riparian habitats, wherever practicable and feasible."
13	Clarification	ES-22	MM-BIO-3(b): "•Require <u>Encourage</u> project design to avoid federally protected wetlands consistent with the provisions of Section 404..." "•Require <u>Encourage</u> review of construction drawings by a certified wetland delineator..."
14	Clarification	ES-23	MM-BIO-4(b): "•Require <u>Encourage</u> review of construction drawings and habitat connectivity mapping provided by the CDFW or CNDDB..."

22 Cont.

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
15	Clarification	Appendix B Page 163	On page 163 of Appendix B to the draft Program Environmental Impact Report, the following change should be made to RTP Project ID 2120006: "Project feasibility study of six two miles of new roadways including <del>Trabuco Road, O Street, and</del> Marine Way." The modification is consistent with information submitted by the City of Irvine to the Orange County Transportation Authority.
15	Clarification	ES-24	MM-BIO-5(b): <p>"•-Require <u>Ensure</u> that no change in existing ground level occur from the base of any protected tree at any time. Require <u>It is recommended</u> that no burning or use of equipment with an open flame occur near or within the protected perimeter of any protected tree."</p> <p>"•-Require <u>Encourage</u> that no storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees occur from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. Require <u>It is recommended</u> that no heavy construction equipment or construction materials be operated or stored within a distance from the base of any protected trees. Require <u>It is recommended</u> that wires, ropes, or other devices not be attached to any protected tree, except as needed for support of the tree. Require <u>It is recommended</u> that no sign, other than a tag showing the botanical classification, be attached to any protected tree."</p> <p>"•... require <u>ensure</u> replacement of any tree removed with another tree or trees on the same site deemed adequate by the local agency to compensate for the loss of the tree that is removed."</p>
16	Clarification	ES-31	MM-GHG-3(a)(11): <p>"•-Require <u>Encourage</u> amenities for non-motorized transportation, such as secure and convenient bicycle parking."</p>
17	Clarification	ES-40	MM-LU-1(a)(3): "SCAG shall work with its member cities and counties to encourage <u>but not require</u> that transportation projects and growth are consistent with the RTP/SCS."

22 Cont.

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
18	Clarification	ES-40	MM-LU-1(a)(4): "SCAG shall coordinate with member cities and counties to encourage <u>but not require</u> that general plans consider and reflect as appropriate RTP/SCS policies and strategies. SCAG will work to encourage <u>but not require</u> consistency between general plans and RTP/SCS policies."
19	Clarification	ES-40	MM-LU-1(a)(8): "SCAG shall continue to use its Intergovernmental Review Process to provide comments to lead agencies on regionally significant projects, <del>that may be considered for determining consistency with the RTP/SCS.</del> "
20	Clarification	ES-52	MM-TRA-1(b): "•... bicyclist accommodations, and <u>require encourage</u> new development and redevelopment projects to include bicycle facilities..."
21	Clarification	ES-53	MM-TRA-1(b): "• <del>Require Encourage</del> new office developments with more than 50 employees to offer a Parking "Cash-out" Program to discourage private vehicle use."
22	Clarification	ES-53	MM-TRA--2(b) "•Where traffic signals or streetlights are installed, <u>require encourage</u> the use of Light Emitting..."
23	Clarification	ES-54	MM-TRA--2(b) "•Diode (LED) technology, <u>or similar technology.</u> "
24	Clarification	ES-55	MM-TRA--2(b) "• <del>Require Encourage</del> the development of Transportation Management Associations for large employers and commercial/ industrial complexes;"
25	Clarification	ES-59	MM-USS-6(b): "• <del>Require Encourage</del> the reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard)."
26	Clarification	ES-59	MM-USS-6(b): "Discourage exporting of locally generated waste outside of the SCAG region during the construction and implementation of a project. Encourage disposal within the county where the waste originates as much as possible."  Comment: Trash disposal should be addressed regionally while considering distance instead of being limited to within the SCAG region. It is possible that disposal could be done nearby while crossing regional boundaries.
27	Delete	P. 3.3-26 Regional Air Quality	It is not appropriate to use the American Lung Association grading system to rate the region's the transportation plan. This section (paragraph and Table 3.3.2-1) should be deleted.

22 Cont.

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
28	Clarification	P. 3.3-29 Sensitive Receptors & Table 3.3.2-3	"Sensitive Receptors by County" Clarify what the source data was and how the tally of sensitive receptors was made.
29	Clarification	Figure 3.3.2-3	Figure needs legend, labels, source of data and definition of sensitive receptors
30	Clarification	P. 3.10-5 Section 3.10.1, Regulatory Framework	The definition of a Municipal Separate Storm Sewer System (MS4) is incomplete and incorrectly cited.
31	Clarification	p. 3.10-15 Section 3.10.1, Orange County General Plan	Specific mention of the Orange County Stormwater Program's Drainage Area Management Plan (DAMP) should be made under PEIR heading Orange County General Plan. The DAMP is Orange County's principle policy and program guidance document for urban nonpoint source pollution mitigation. The PEIR should reference the DAMP's agreements, structure, and programs, and, at the project level, make note to consider the specific water pollution control elements of the DAMP that apply to land development and redevelopment projects. Transportation infrastructure projects deemed to be Priority Projects, in accordance with DAMP designation (Exhibit 7.1 Table 7-1.1), would require the development of a Project Water Quality Management Plan (WQMP) in conformance with Orange County's Model WQMP.
32	Clarification	p. 3.10-17 Section 3.10.2, Existing Conditions	Table 3.10.2-1 lists San Juan Creek as a surface water resource within Santa Ana (Region 8) jurisdiction. San Juan Creek is located within the San Diego Regional Water Quality Control Board (Region 9) jurisdictional boundary.
33	Clarification	p. 3.10-56 Section 3.10.6, Mitigation Measures	Mitigation Measures: Parts of this section list mitigation measures that are already being required by municipal stormwater programs across the region. Instead of listing specific mitigation measures, the PEIR should make reference to these programs. In Orange County, for example, this program is detailed in the DAMP/Model WQMP. The Model WQMP describes the process that the cities and County employ for requiring a Project WQMP, which is a plan for minimizing the adverse impacts of urbanization on site hydrology, runoff flow rates, and pollutant loads at the project level. A reference to the Model WQMP and equivalent documents in the region's other counties, should replace the last ten bullet points of section MM-HYD-I(b).

22 Cont.

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
34	Clarification	p. 3.10-56 Section 3.10.6, Mitigation Measures	If a proposed project has the potential to create a major new stormwater discharge to a water body with an established Total Maximum Daily Load (TMDL), a quantitative analysis of the anticipated pollutant loads in the stormwater discharges to the receiving waters should be carried out.
35	Clarification	p. 3.10-56 Section 3.10.6, Mitigation Measures & Table ES 4-1 (page ES-37)	The PEIR states that "where feasible, restore or expand riparian areas such that there is no net loss of impervious surface as a result of the project." While the intent with many mitigative measures is to preserve (emphasis added) perviousness, the PEIR should not be establishing performance measures for land development/redevelopment outside of established local stormwater programs.
36	Clarification	3.11-8&9,  3.11-13  3.11-16 & 17	Need to specify the vacant areas that are permanently preserved or undevelopable, even park space that is vacant <ul style="list-style-type: none"> <li>i. Identify the source of the data used to identify vacant land.</li> <li>ii. What are the following items classified as (e.g. vacant, open space): HOA open space, HOA streets, private parking lots, lakes.</li> </ul> <p>Table 3.11.2-2- Break out vacant land category into permanently preserved/undevelopable or developable</p> <p>Figure 3.11.2-7 Need to correctly label national forests as permanently preserved open space. Areas labeled vacant need to be reviewed to correctly allocate lands that are permanently preserved/undevelopable and which are developable.</p>
37	Clarification	3.11-10	Table 3.11.2-1- Define 'Established Communities'; Correct label or number of square miles by county
38	Define	3.11-11	Define 'carbon sinks'
39	Define	3.11-14	Define medium, high, and low density housing within text

22 Cont.

#	TOPIC	PAGE REFERENCE	NARRATIVE, COMMENT & RECOMMENDATION
40	Clarification	3.11-34	<p>3.11.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION IMPACT LU-1...</p> <p>It is likely that in some instances currently adopted general plans and other adopted plans will not General Plans are not required to be consistent with the 2016 RTP/SCS policies and land use strategies, and they are not required to be consistent for purposes of the SCS pursuant to SB 375. Implementation of mitigation measures MM-LU- 1(a)(1), MM-LU-1(a)(2), MM-LU-1(a)(3), MM-LU-1(a)(4), MM-LU-1(a)(5), MM-LU-1(a)(6), MM-LU- 1(a)(7), MM-LU-1(a)(8), and MM-LU-1(b) would may reduce some of these impacts. However, direct, indirect, and cumulative impacts would remain significant and unavoidable.</p>
41	Correction	3.14-9	Update Table 3.14.2-1 with May 2015 DOF data and label columns as 'Households' not 'Housing Units'
42	Correction	3.14-12	Update Table 3.14.2-3 with May 2015 DOF data
43	Correction	3.14-13	Update Table 3.14.2-5 with May 2015 DOF data
44	Define	Figures 3.14.2-1 3.14.2-2 3.14.2-3	Define subjects of maps
45	Clarification	3.14.22, paragraph 4	Clarify if discussion is on new lane miles or existing; Define "additional transportation facilities"
46	Clarification	4-1, 4.1 add after last bullet	<u>"If an alternative is rejected and the project approved, it is the EIR for the proposed project that is to be used for future tiering purposes."</u>
47	Clarification	P. 4-6, and all related documents' references to Alternative 3.	<p>Alternative 3: Intensified Land Use Alternative</p> <p>"The <u>hypothetical</u> land use pattern in this Alternative builds on the land use strategies as described in the 2016 RTP/SCS and beyond. Specifically, it increases densities and intensifies land use patterns of the Plan, especially around high quality transit areas (HQTAs) in an effort to maximize transit opportunities. The <u>hypothetical</u> growth pattern associated with this Alternative..."</p> <p>Comment: Update all references to Alternative 3 in all RTP/SCS documents where it mentions that the land use pattern was developed based on the Plan to say that Alternative 3's land use plan is hypothetical.</p>

22 Cont.



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