

**AGENDA
REGULAR MEETING
SIERRA MADRE CITY COUNCIL,
SUCCESSOR AGENCY, AND
PUBLIC FINANCE AUTHORITY**



*Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member*

Tuesday, May 10, 2016

**Closed Session 5:30 pm
Open Session 6:30 pm**

*Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer*

**City Hall Council Chambers
232 W. Sierra Madre Boulevard
Sierra Madre, California 91024**

PUBLIC COMMENT

The Council will listen to the public on any item on the agenda. Under the Brown Act, Council is prohibited from taking action on items not on the agenda, but the matter may be referred to staff or to a subsequent meeting. Each speaker will be limited to three continuous minutes, which may not be delegated. These rules will be enforced but may be changed by appropriate City Council action.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

Persons wishing to speak on any item on the agenda will be called at the time the agenda item is brought forward. Persons wishing to speak on closed session items have a choice of doing so either immediately prior to the closed session or at the time for comments on items at the open session.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Time shall be devoted to audience participation early on the agenda.

CLOSED SESSION

CALL TO ORDER/ROLL CALL

Mayor Goss, Mayor Pro Tem Arizmendi, Council Member Capoccia, Council Member Delmar, and Council Member Harabedian

PUBLIC COMMENT

Regarding Closed Session Items

RECESS TO CLOSED SESSION REGARDING:

EXISTING LITIGATION

Pursuant to Calif. Government Code Section 54956.9 (d)(1)

City of Gardena v. Los Angeles Regional Water Quality Control Board and State Water Resources Control Board, et al. Orange County Superior Court Case No. BS156342

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Calif. Government Code Section 54957.6

City Negotiators: City Manager Elaine Aguilar and Assistant City Manager Elisa Cox
Employee Organization: Police Association

OPEN SESSION

**CALL TO ORDER/ROLL CALL
MEMBERS OF THE CITY COUNCIL**

Mayor Goss, Mayor Pro Tem Arizmendi,
Council Members Capoccia, Delmar, and Harabedian

**PLEDGE OF ALLEGIANCE AND
INVOCATION/INSPIRATION**

Council Member Denise Delmar

REPORT OUT FROM CLOSED SESSION

City Attorney report from the closed session.

APPROVAL OF AGENDA

Vote of the Council to proceed with City business.

APPROVAL OF MINUTES

Approval of [minutes from the Regular City Council meeting on April 26, 2016](#).

MAYOR AND CITY COUNCIL REPORTS

Council Member activities relating to City business.

PUBLIC COMMENT

Regarding items not on the Agenda.

PRESENTATION

Swearing in of newly promoted Sierra Madre Police Sergeant Edward Delcoure

ACTION ITEMS

1. **CONSENT**

- a) **[ADOPTION OF RESOLUTION 16-22 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS](#)**

Recommendation that the City Council approve Resolution 16-22 for approval of payment of City Warrants in aggregate amount of \$278,473.40; Library warrants in the aggregate amount of \$8,289.22, and payroll transfer in the aggregate amount of \$306,700.26 for fiscal year ending June 2016.

- b) **[RESOLUTION 16-23 ESTABLISHING A REVISED VOLUMETRIC PENALTY RATE FOR WATER CONSUMED IN EXCESS OF CUSTOMERS' WATER CONSERVATION GOALS](#)**

Recommendation that the City Council adopt Resolution 16-23 setting the new volumetric rate for water consumed in excess of a customer's assigned water conservation goal at 2 times the Tier 4 rate per billing unit used in excess of the conservation target.

- c) **[WILLDAN ENGINEERING BUILDING INSPECTION AND PLAN CHECK SERVICES – PROFESSIONAL SERVICES AGREEMENT](#)**

Recommendation that the City Council enter into a three-year professional services agreement with Willdan Engineering and authorize the City Manager to execute the contract to Willdan for plan check services and full-time building inspection services on a "percentage of fees" basis, in a form acceptable to the City Attorney.

- d) **[PART-TIME PARAMEDIC PROGRAM](#)**

Recommendation that the City Council authorize a total of six part-time paramedics to work more than 960 hours in Fiscal Year 2015-2016 and direct staff to study options for the Fire Department's long-term sustainability.

- e) **[THE AMERICAN'S WITH DISABILITY ACT EVALUATION AND TRANSITION PLAN](#)**

Recommendation that the City Council approve the expenditure necessary to participate in the CJPIA's pilot program to develop an ADA Transition Plan.

f) RECOMMENDATION TO APPROVE AN ADDITIONAL EXPENDITURE OF \$5,000 IN SUPPORT OF THE ACTIVITIES OF THE FIVE-CITIES ALLIANCE

Recommendation that the City Council approve an additional expenditure of \$5,000 from General Fund Reserves to cover additional costs incurred by the 5-Cities Alliance in preparing comments on the State Route 710 North Study Alternatives draft Environmental Impact Report/Statement, Cost Benefit Analysis, and the Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy Program Environmental Impact Report.

ITEMS FOR DISCUSSION

2. FY 2015-2016 MID YEAR BUDGET REVIEW; THIRD QUARTER FINANCIAL REPORT; CONSIDERATION OF RESOLUTION 16-26: ADOPTING THE MIDYEAR BUDGET FOR FISCAL YEAR 2015-2016 AND APPROPRIATING THE PROJECTED AMOUNTS; CONSIDERATION OF RESOLUTION 16-24 COMBINING LIBRARY SERVICES DEPARTMENT AND COMMUNITY SERVICES DEPARTMENT AND AMENDING THE CLASSIFICATION PLAN AND SALARY MATRIX TO REFLECT POSITIONS IN THE COMBINED DEPARTMENT

Recommendation that the City Council approve Resolution 16-26 adopting the Fiscal Year 2015-2016 Midyear budget and appropriating the projected amounts; and approve Resolution 16-24 combining the Library Services Department and Community Services Department and amending the Classification Plan and the Salary Matrix to reflect positions in the combined department.

3. FISCAL YEAR 2016-2017 ASSESSMENT DISTRICTS – CITY ENGINEER’S REPORT AND CONSIDERATION OF RESOLUTION OF INTENT 16-25

Recommendation that the City Council adopt Resolution 16-25 initiating assessment proceedings for Assessment Districts 3, 5, CDF No. 1, the 2 sewer districts for Fiscal Year 2016-2017, and directing the City Engineer to prepare and file and *Engineer’s Report*; and set a Public Hearing on said assessments for May 24, 2016.

4. CITY CLERK COMPENSATION

Recommendation that the City Council provide direction.

5. CITY COUNCIL LIAISON APPOINTMENTS AND CONSIDERATION OF RESOLUTIONS 16-27, 16-28, AND 16-29, PERTAINING TO APPOINTMENTS TO THE L.A. SANITATION DISTRICTS, SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS, AND CALIFORNIA JOINT POWERS INSURANCE AUTHORITY, RESPECTIVELY

Recommendation that the City Council accept the Mayor’s designation of City Council Members to various commissions/organizations/agencies, and the City Council adopt Resolutions 16-27, 16-28, and 16-29.

ACTION ITEMS

Regardless of staff recommendation on any agenda item, the City Council will consider such matters, including action to approve, conditionally approve, reject, or continue such item.

PUBLIC HEARING

The appellant and/or applicant will each be provided a total of ten (10) minutes to address their item. A portion of their allotted time may be reserved for rebuttal or a summary conclusion at the close of public comment. All other speakers will be limited to a total of three continuous minutes, which cannot be delegated.

AVAILABILITY OF AGENDA MATERIALS

Materials related to items on this agenda are available for public inspection on the City's website at www.cityofsierramadre.com, and during normal business hours at City Hall, 232 W. Sierra Madre Blvd. and at the Sierra Madre Public Library, 440 W. Sierra Madre Blvd.

LIVE BROADCASTS

Regular City Council meetings are broadcasted live on Cable Channel 3 and rebroadcast on Wednesday and Saturday at 5:30 p.m.

MEETING ASSISTANCE

If you require special assistance to participate in this meeting, please call the City Manager's office at (626) 355-7135 at least 48 hours prior to the meeting.

ADJOURNMENT

The City Council will adjourn to a Regular Meeting at this same place on Tuesday, May 24, 2016

Agenda
Sierra Madre City Council
Community Redevelopment Successor Agency and Public Finance Authority
Tuesday, April 26, 2016
6:00 p.m. Closed Session; 6:30 p.m. Open Session
City Hall Council Chambers, 232 W. Sierra Madre Boulevard

Mayor, John Capoccia, opened the Sierra Madre City Council, Community Redevelopment Successor Agency and Public Finance Authority Meeting at 6:00 p.m. The Mayor asked for public comment and there was none so the Mayor immediately adjourned to a Closed Session. The City Council returned from Closed Session at 6:35 p.m. and the Mayor opened the Open Session at 6:38 p.m. City Clerk, Nancy Sue Shollenberger, read the Roll, noting that all City Council Members were present, except Council Member, Denise Delmar (Excused).

CALL TO ORDER/ROLL CALL MEMBERS OF THE CITY COUNCIL AND BOARD MEMBERS:

Present: John Capoccia, Mayor/Board Member; Gene Goss, Mayor Pro Tem/Board Member, Council Members/Board Members Rachelle Arizmendi, and John Harabedian

Absent: Council Member/Board Member, Denise Delmar (Excused)

Also Present: Elaine Aguilar, City Manager
Teresa Highsmith, City Attorney
Bruce Inman, Director of Public Works
Vincent Gonzalez, Director of Planning and Community Presentation
Elisa Cox, Assistant City Manager
James Carlson, Management Analyst
Steve Heydorff, Fire Chief
Larry Giannone, Safety Director and Police Chief
Joe Ortiz, Captain, Sierra Madre Police Department
Nancy Sue Shollenberger, City Clerk

PLEDGE OF ALLEGIANCE AND INVOCATION/INSPIRATION:

In the absence of Council Member, Denise Delmar, Council Member, John Harabedian led the Pledge of Allegiance and followed with this prayer:

“Heavenly Father, we thank You for granting us this day to gather in the spirit of friendship and fellowship to commemorate the 101st Anniversary of the Armenian Genocide. As we remember the 1.5 million Armenians who perished at the hands of the Ottoman Turks, we remember also all past and present victims of bloodshed and violence, asking for Your comfort and healing for all who suffer in body, mind and spirit. May You grant them strength, protection, and hope for better days, bring justice to all peoples, and establish your love and peace in the hearts of all, for You are a gracious and compassionate Lord. May the souls of all victims of man’s inhumanity to man rest in peace, and may You keep us all in peace under Your loving care and mercy. Amen”

REPORT OUT OF CLOSED SESSION:

Conference with Labor Negotiator
Pursuant to Calif. Government Code Section 54957.6
City Negotiators: City Manager Elaine Aguilar and Assistant City Manager, Elisa Cox.
Employee Organization: Police Association

City Attorney, Teresa Highsmith, announced that the City Council met in Closed Session this evening to meet with the Police Association. The City Attorney stated that direction was provided to Labor Negotiator, but no action was taken

A lady approached the podium and asked for a standing ovation for the City Council. Everyone gave them a standing ovation, and applauded the City Council.

APPROVAL OF AGENDA:

Council Member, John Harabedian moved and it was seconded by Council Member, Rachelle Arizmendi for approval of the Agenda as presented by staff. The motion passed by unanimous voice vote.

APPROVAL OF MINUTES OF MARCH 22, 2016:

Council Member, Rachelle Arizmendi moved and it was seconded by Mayor Pro Tem, Gene Goss for approval of the Minutes of March 22, 2016 as presented. The motion passed by unanimous voice vote.

MAYOR AND CITY COUNCIL REPORTS:

There was no report from any City Council Members.

PUBLIC COMMENT: None

PRESENTATION:

Council Member, John Harabedian, presented a Proclamation in Recognition of the Armenian Genocide to Vahe Majarian, Chair of ANCA Pasadena Chapter.

Vahe Majarian, Chair of ANCA Pasadena Chapter

Greetings Mayor Capoccia and Esteemed Members of the Sierra Madre City Council. My name is Vahe Majarian and I serve as the Chairman of the Pasadena Chapter of the Armenian National Committee of America and we appear before you today first and foremost to thank you for your continued service, dedication and careful stewardship of our fair city and to thank you for the long-standing and meaningful relationship that you have fostered with the Armenian-American community and the ANCA itself.

Though sadly, this horrible chapter in our culture's history is left unresolved and justice has yet been denied as the perpetrators of these heinous atrocities have yet to recognize their crimes, this Council has acted boldly and done its part to right this wrong. Through this and other Proclamations before it, you have spoken clearly, courageously and consistently and have exhibited unparalleled leadership by properly recognizing the Armenian Genocide, even when it's perpetrators have not.

Your passage of this Proclamation is deeply appreciated and profoundly meaningful to us all and will serve to insure that the pursuit of truth and justice marches on and that the Armenian Genocide is properly recognized and ultimately punished. Thank you for your time, support and leadership.

PRESENTATION:

Bruce Inman, Director of Public Works, will be giving his water conservation and the City's Water Quality Report at the next Regular City Council Meeting, May 10, 2016.

1). CONSENT CALENDAR:

Elaine Aguilar, City Manager, gave the staff report for the following items:

1a) WARRANTS

Staff recommends approval of Resolution No. 16-18 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS" and approval for payment of City Warrants in the aggregate amount of \$100,589.07; Sierra Madre Warrants in the aggregate amount of \$7,975.04 and Payroll Transfer in the aggregate amount of \$303,615.89 for the fiscal year ending June 30, 2016.

1b). WARRANTS

Staff recommends approval of Resolution No. 16-19 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS" and approval for payment of City Warrants in the aggregate amount of \$576,653.92; Sierra Madre Library Warrants in aggregate amount of \$3,745.85 and Payroll Transfer in the aggregate amount of \$288,280.37 for the fiscal year ending June 20, 2016.

1c). AUTHORIZATION OF PAYMENTS ON BEHALF OF PUBLIC FINANCING AUTHORITY AND SUCCESSOR AGENCY

The Authority Board will consider approving of the payments made on behalf of the Authority by the City for the City's Water Fund Revenue Bonds for 1998. In addition, the Authority Board and Successor Agency Board will consider ratifying the payments made on behalf of these Boards by the City for the Community Redevelopment Agency (CRA) Tax Increment 1998 Bonds.

Staff recommends that the City Council approve the payment of \$240,419.23 for the demands paid by the City on behalf of the Public Finance Authority and City Successor Agency.

1d). RESOLUTION NO. 16-20 – CANVASS OF ELECTION APRIL 12, 2016

City Clerk, Nancy Sue Shollenberger, is recommending approval of Resolution No. 16-20 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 12, 2016, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW".

1e). CONSIDERATION OF RESOLUTION NO. 16-21 APPOINTMENT OF BELINDA JACOBS TO PART-TIME TEMPORARY ADMINISTRATIVE CLERK

The Public Employees' Pension Reform Act (PEPRA) made changes regarding when an employer can hire a retired CalPERS annuitant. One such change is that the City Council must appoint any retired annuitant hired on an interim or temporary basis to provide extra help during an emergency to prevent stoppage of public business or to perform work of limited duration, special projects, and have specialized skills required to perform the needed work.

The part-time Administrative Clerk position with the Police Department has become vacant. In order to continue the day-to-day clerical and management support, a temporary Administrative Clerk is needed. Staff recommends hiring Belinda Jacobs, a CalPERS retired annuitant, on a temporary basis.

Ms. Jacobs has over 20 years of experience as an Executive Secretary with the City of Pasadena, her experience included support for the director of Water and Power, Rose Bowl Stadium Director, and Mayor and City Council. Ms. Jacobs also previously assisted the City of Sierra Madre as a temporary Administrative Assistant in the City Manager's Office as well as providing administrative support for the Chief of Police and Fire Chief. Ms. Jacobs' combined experience has been valuable for the city and she is willing to temporarily fill this role on a part-time temporary basis and has the necessary special qualifications to provide the day-to-day administrative support of the Police Department during the recruitment process, until the position is filled.

Staff is recommending the City Council adopt Resolution No. 16-21 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPOINTING BELINDA JACOBS TO PART-TIME TEMPORARY ADMINISTRATIVE CLERK"

1f). TREASURER'S REPORT – QUARTER ENDING DECEMBER 31, 2015

Attached to the Agenda was the 2nd quarter of the Treasurer's Report for the 2015-16 fiscal year.

Staff is recommending that the City Council receive and file the Treasurer's Report for the cash and investment portfolio for quarter ending December 30, 2015.

1g). RECOMMENDATION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO WILLDAN FOR THE DESIGN OF FY 2015-16 STREET IMPROVEMENTS

The Public Works Department has received proposals for professional civil engineering services associated with the preparation of plans, specifications and estimates (PS&E) for the FY 2015-16 Street Resurfacing Project.

Staff recommends that the City Council award a contract to Willdan in an amount not to exceed \$48,758 for professional civil engineering services for the FY 2015-16 Street Resurfacing Project.

1h). NOTICES OF COMPLETION FOR PHASE 1a of 2015-16 WATER MAIN REPLACEMENT PROJECT:

Staff recommends that the City Council accept the water system improvements to Idle Hour Lane and Skyland Drive as complete and direct staff to issue Notices of Completion to the office of the Registrar-Recorder/County Clerk for both the Rain for Rent and the Julian DeSigio Construction, Inc. portions of the work.

The Phase 1a construction was awarded to Julian DeSigio Construction, Inc. in an amount not to exceed \$384,110. Installation of temporary water mains to serve water to the effected neighborhood was awarded to Rain for Rent in an amount not to exceed \$22,572.48. The as-awarded project total cost was \$406,683.

The final pavement patching work associated with the replacement of the water mains in Skyland and Idle Hour was completed on March 1, 2016. The temporary water mains were removed from those streets on February 22, 2016. All work was inspected by senior Public Works water staff and found to be acceptable.

Funding for this project was taken from the \$450,000 previously budgeted (FY 2015-16) for the City's second payment on the Santa Anita Diversion Project. The final invoice from Julian DeSigio Construction totaled \$317,735.17. The Rain for Rent final amount was \$21,716.26, bringing the project total to \$339,451.45. This shows a savings of about \$67,232 over the original project total as awarded and allows \$110,548 of the funds to be carried over and applied to the \$450,000 that will be due next year for the Diversion Project.

2). PRESENTATIONS:

Presentations in recognition of City Treasurer, Richard Mays.

Assemblyman Chris Holden's staff presented a Certificate of Recognition.

Elizabeth presented a Certificate of Recognition from Congressman Judy Chu.

California State Senate, Carol Liu, presented a Certificate of Recognition. They were not present so Mayor Capoccia read the Proclamation.

Mayor Capoccia also read a Certificate of Recognition from Michael Antonovich's Office.

Susan Henderson and Carol Canterbury, from the Sierra Madre Chamber of Commerce, read a Proclamation and thanked Mr. May for his service.

Lastly, and most impressive Certificate of Recognition from the City of Sierra Madre was read by Mayor Capoccia, and presented to Mr. Mays.

3). PRESENTATIONS:

Presentations in recognition of City Clerk, Nancy Sue Shollenberger

Assemblyman Chris Holden's staff presented a Certificate of Recognition.

Elizabeth presented a Certificate of Recognition from Congressman Judy Chu.

California State Senate, Carol Liu, presented a Certificate of Recognition. They were not present so Mayor Capoccia read the Proclamation.

Mayor Capoccia also read a Certificate of Recognition from Michael Antonovich's Office.

Susan Henderson and Carol Canterbury, from the Sierra Madre Chamber of Commerce, presented a very attractive "wood plaque" and thanked City Clerk Shollenberger for her service.

Lastly, and most impressive Certificate of Recognition from the City of Sierra Madre was read by Mayor Capoccia, along with being given the "City Tile"!

4). PRESENTATIONS:

Presentations in recognition of Mayor Pro Tempore, Gene Goss.

Mayor Pro Tem, Gene Goss, was presented with "a one-half gavel" plaque, by Mayor Capoccia for his service as Mayor Pro Tem this past year.

5). PRESENTATIONS:

Mayor Pro Tem, Gene Goss, presented "a gavel on a plaque" to Mayor Capoccia for his excellent leadership as Mayor of Sierra Madre in 2015-2016.

6). ADMINISTRATION OF THE OATH OF OFFICE TO ELECTED OFFICIALS

Nancy Sue Shollenberger, City Clerk, welcomed everyone to the Reorganization of the City Council, and remarked how unusual this election was due to the fact that all four people elected did not have to run a campaign.

City Clerk Shollenberger, did remark that we had a write-in candidate, Barry Gold, who ran a very respectful campaign and should be commended.

For the old timers in Sierra Madre, in my 32 years as City Clerk I only had one other write-in candidate and that was Jack Grotewiel. He and his wife lived on Skyland Drive and he built the home they were living in. They are both gone now.

Let's get our new elected officials elected:

First, John Capoccia, had the most votes, 1,850, so we will install him first. I trust your wife is present and I would invite her to join you. She attended the City Council Meetings and supported John during his term. That is to be commended. The City Clerk followed with the Oath of Office and presented Council Member Capoccia with his Certificate of Election.

Next, we have John Harabedian who had 1,672 votes. Please have your wife and son, Mother and any other family members present to please come forward and share this happy time with you. Council Member Harabedian was holding his handsome son, John while he took the Oath of Office, given by City Clerk Shollenberger, and the City Clerk presented Council Member Harabedian with his Certificate of Election.

Our newly elected City Treasurer is next, Michael Amerio, please come forward with your wife, Cynthia, and any family members present. Mr. Amerio received 2,137 votes. We are looking forward to you getting us out of a deficit in the City. The City Clerk followed with the Oath of Office and presented City Treasurer Amerio with his Certificate of Election.

And now, a special time for me to present our new City Clerk, Melinda Carrillo. Please come forward and if your sons are here, please have them join you. Ms. Carrillo received 2,119 votes. I am so thankful that Melinda came forward because no-one was knocking down the door to be City Clerk. City Clerk Shollenberger followed with Oath of Office and presented the Certificate of Election to City Clerk Carrillo.

Well, everyone is in order, installed and ready to begin their work. Please join me in welcoming them to their elected positions. Thank you so much.

7). CITY COUNCIL REORGANIZATION

Mayor Capoccia opened the nomination for Mayor of Sierra Madre for FY 2016-17.

Mayor, John Capoccia moved for the nomination of Gene Goss for Mayor of Sierra Madre for the FY 2016-17. Council Member, John Harabedian seconded the motion and the Mayor announced that Gene Goss has been appointed Mayor of Sierra Madre for the Year 2016-17.

Mayor Gene Goss opened the nomination for Mayor Pro Tem of Sierra Madre for FY 2016-17.

Council Member, John Harabedian moved for the nomination of Rachelle Arizmendi for Mayor Pro Tem for the FY 2016-17. Council Member, John Capoccia seconded the motion and the Mayor announced that Rachelle Arizmendi has been appointed Mayor Pro Tem of Sierra Madre for FY 2016-17.

Each individual assumed their new seats.

COMMENTS FROM THE ELECTED OFFICIALS:

Mayor, Gene Goss, gave the following Mayoral message:

First I want to thank the Council for selecting me to be Mayor. And I wish to thank the citizens of Sierra Madre for supporting me two years ago in the Council election and for providing me support and encouragement for the last two years. I am, indeed, honored to be your Mayor.

I also want to thank my wife Lisa and my son for supporting me and encouraging me through this journey of public service. They have had to make sacrifices so that I can do this. You guys are absolutely the best!

I'd also like to thank my family for being here. My sister in law and her husband came all the way from Huntsville, Alabama! My Aunt and cousins came from Palmdale and Santa Clarita. My Mother-in-law Julia is here and my other sister-in-law and her husband and my nieces came here from Valencia and Los Angeles. Thanks guys! It means a lot.

I want to give my heart-felt thanks to my friends and supporters who are here tonight as well.

Finally, I'd like to give a shout to my students at Long Beach City College who are watching this streamed live over the internet.

The past year can be thought of as a perfect storm of challenges facing the city. This Council, under the fine leadership of outgoing Mayor Capoccia, rose up and met those challenges.

*An aside – Last year I remember people in Long Beach asking me how it was going on Sierra Madre City Council and I would respond only partially kidding: “Well, we’re out of money and water, other than that we’re fine.”

Water – The Council decision to inject MWD water into our spreading basins and begin pumping from our wells again has seemingly helped us turn the corner on our water discoloration problem and our water main leakages are way down.

Finances - The last year our City budget had to dip into reserves to keep programs and services in place owing to declining revenue from the defeat of the UUT measure in 2014. With the passage of Measure UUT a couple of weeks ago our budget will be stabilized without having to borrow from reserves.

Public Safety - With the possible prospect of contracting out with Sheriff's Department, a number of our police officers left for other departments. With the passage of Measure UUT we will be able to rebuild our police department and maintain it in good standing, and we hope to discontinue the night time patrols by the Sheriff's Department as soon as possible.

In the coming year the Council will build on these successes.

First, I am committed to fiscal responsibility. I can speak for our entire Council by saying that we will spend the public's money prudently and efficiently. You can take that to the bank!

Of the many issues, we will tackle two inter-related issues stand out for me:

Infrastructure and Water Supply

Infrastructure – We can no longer kick the can down the road. We will be having discussions this year about the replacement of our water mains and the repair and resurfacing of our streets. We will need extensive public input and feedback, so keep an eye on Council agendas.

Water Supply – We will be discussing plans to secure a quality, independent supply of water for our city. There are many options to look at and, again, we will need extensive public input and feedback.

Obviously there is much work to do, but with the can-do spirit of our citizens and a substantial reservoir of goodwill in this town, I believe we will continue to work together and accomplish great things.

Folks, the glass is no longer half empty in Sierra Madre. It is half full, and my goal is to fill it to the brim.

Thank you.

The City Manager announced that, before adjourning, we want to take pictures, so please don't rush out.

ADJOURNMENT:

Mayor, Gene Goss, announced that all business has been completed and asked for a motion to adjourn to a City Hall Reception immediately following the City Council Meeting.

Council Member, John Harabedian moved and it was seconded by Mayor Pro Tem, Rachelle Arizmendi, for adjournment at 7:42 p.m. The motion passed by unanimous voice vote.

Gene Goss, Mayor

Minutes taken and typed by:

Reviewed and approved by:

Nancy Sue Shollenberger
Retired City Clerk

Melinda Carrillo
City Clerk

RESOLUTION NUMBER 16 – 22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE
APPROVING CERTAIN DEMANDS**

WHEREAS, the following demands have been reviewed and approved by the Finance Director; and,

WHEREAS, the Finance Director has verified that appropriated funds are available for payment thereof; and,

WHEREAS, the register of audited demands has been submitted to the City Council for approval; and

WHEREAS, City Warrants are the payment of bills, invoices and contractual obligations incurred by the City of Sierra Madre during the period enumerated therein, based on the approved fiscal year budget and existing budgetary authority, Municipal Code authority, or prior policy direction by the City Council; and

WHEREAS, Payroll Transfer is the transfer of funds to cover the payroll costs for all City employees for the period enumerated therein.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sierra Madre does hereby approve payment of City Warrants in the aggregate amount of \$278,473.40; Sierra Madre Library Warrants in aggregate amount of \$8,289.22 and Payroll Transfer in the aggregate amount of \$306,700.26 for the fiscal year ending June 30, 2016.

APPROVED AND ADOPTED this 10th day of May, 2016.

Mayor, City of Sierra Madre, California

I hereby certify that the foregoing Resolution Number 16 – 22 was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the 10th day of May, 2016.

AYES:

NOES:

ABSTAIN:

ABSENT:

City Clerk, City of Sierra Madre, California

**City of Sierra Madre
Department of Finance
Warrant Register Recap
City Council Meeting of May 10, 2016**

CITY OF SIERRA MADRE AND SIERRA MADRE LIBRARY

City of Sierra Madre
Warrant\$278,473.40

Sierra Madre Library
Warrant\$8,289.22

Payroll #8 Transfer.....\$306,700.26

Warrant Register 5/10/16**Attachment 1A**

Fiscal Year	Description	Amount	Page #
FY 1516	Manual Warrants	3,262.78	1
FY 1516	General Warrants - Utility Bills	6,642.75	2
FY 1516	General Warrants	268,567.87	3-8
	Total	278,473.40	

Fiscal Year	Description	Amount	Page #
FY 1516	Library Warrants	8,289.22	9-10
	Total	8,289.22	

Date:	Payroll #8 Electronic Tansfers From: City of Sierra Madre-General Acct. To: City of Sierra Madre-Payroll Acct.	306,700.26	
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City of Sierra Madre, CA

Check Approval

P. 1

Packet: APPKT02869 - MAN 5/10/16
Vendor Set: 01 - Vendor Set 01

Check Date: 05/02/2016

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 60007 - INT SVC FND - PERSONNEL AND RISK MGMT							
<u>0842</u>	ANTOINETTE BUCKNER						
APBWEST	Check		<u>INV018314</u>	RETIREE HEALTH INSURANCE/MAY2016	60007.70100.51302	466.11	
<u>1428</u>	DAN GINTER						
APBWEST	Check		<u>INV018313</u>	RETIREE HEALTH INSURANCE/MAY2016	60007.70100.51302	466.11	
<u>1044</u>	JESSE TORIBIO						
APBWEST	Check		<u>INV018312</u>	RETIREE HEALTH INSURANCE/MAY2016	60007.70100.51302	233.06	
<u>1156</u>	JOHN FORD						
APBWEST	Check		<u>INV018311</u>	RETIREE HEALTH INSURANCE/MAY2016	60007.70100.51302	326.28	
<u>VEN01660</u>	LISA VOLPE						
APBWEST	Check		<u>INV018310</u>	RETIREE HEALTH INSURANCE/MAY2016	60007.70100.51302	372.89	
<u>1711</u>	MARIO OLANO						
APBWEST	Check		<u>INV018309</u>	RETIREE HEALTH INSURANCE/MAY2016	60007.70100.51302	466.11	
<u>0704</u>	STEPHEN ABERNETHY						
APBWEST	Check		<u>INV018308</u>	RETIREE HEALTH INSURANCE/MAY2016	60007.70100.51302	466.11	
<u>2016</u>	STEVE POCK						
APBWEST	Check		<u>INV018307</u>	RETIREE HEALTH INSURANCE/MAY2016	60007.70100.51302	466.11	
Fund 60007 Total:						3,262.78	
Report Total:						3,262.78	



City of Sierra Madre, CA

Check Approval

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Packet: APPKT02870 - UTILITIES 5/10/16
Vendor Set: 01 - Vendor Set 01

Check Date: 05/02/2016

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 60001 - INT SVC FND - FACILITIES MGT							
<u>0129</u>	AT&T						
APBWEST	Check			<u>81824637835914-04</u>	TELECOM DIV 911 PRGM	60001.83200.55005	128.70
<u>VENO2792</u>	FRONTIER CALIFORNIA INC						
APBWEST	Check			<u>20918837570307075</u>	TELEPHONE	60001.83200.55005	1,975.47
				<u>31016998450619065</u>	TELEPHONE	60001.83200.55005	85.99
<u>0835</u>	SPRINT						
APBWEST	Check			<u>922935083-042516</u>	LONG DISTANCE PHONE SVC	60001.83200.55005	132.70
<u>0942</u>	TELEPACIFIC COMMUNICATIONS						
APBWEST	Check			<u>77756855-0</u>	PHONE SVC	60001.83200.55005	4,013.70
Fund 60001 Total:							6,336.56
Fund: 60003 - INT SVC FND - TECHNOLOGY							
<u>1439</u>	TIME WARNER CABLE						
APBWEST	Check			<u>8448300220027467-C</u>	CABLE SVC	60003.30000.52200	51.50
				<u>8448300220027467-C</u>	CABLE SVC	60003.30000.52200	51.50
				<u>8448300220137019-C</u>	CABLE SVC	60003.30000.52200	151.26
Fund 60003 Total:							254.26
Fund: 71000 - WATER ENTERPRISE FUND							
<u>VENO2792</u>	FRONTIER CALIFORNIA INC						
APBWEST	Check			<u>20918837570307075</u>	TELEPHONE	71000.81100.55005	51.93
Fund 71000 Total:							51.93
Report Total:							6,642.75



Packet: APPKT02878 - GEN 5/10/16
Vendor Set: 01 - Vendor Set 01

Check Date: 05/04/2016

Table with columns: Vendor Number, Vendor Name, Bank Code, Payment Type, Invoice #, Invoice Description, Account Number, Distribution Amount. Includes entries for 3M COMPANY, AMAZON, ARNOLD'S FRONTIER HARDWARE, COLANTUONO, D. F. POLYGRAPH, DEPT OF CONSERVATION, DEPT OF JUSTICE, FASCHING'S CAR WASH, FOOTHILL COMMUNICATIONS LLC, GRAINGER INC., INDUSTRIAL NETWORKING SOLUTIONS, IRWINDALE INDUSTRIAL CLINIC, JAMES MCGOWAN.

Packet: APPKT02878 - GEN 5/10/16
 Vendor Set: 02 - Vendor Set 02

Check Date: 05/04/2016

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Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
		APBWEST	Check	<u>INV018303</u>	Employee Computer Loan	10000.00000.13009	942.81
<u>0397</u>	KEVORK TCHARKHOUTIAN						
		APBWEST	Check	<u>16-502</u>	CITY ENGINEER SERVICES PLAN CHECK/APR2016	10000.82000.52100	876.00
				<u>16-501</u>	RETAINER/APR2016	10000.82000.52100	800.00
<u>0266</u>	L.A. COUNTY SHERIFF'S DEPT.						
		APBWEST	Check	<u>163563NH</u>	Law Enf. Services	10000.50000.52200	6,408.89
<u>1348</u>	LANDS' END BUSINESS OUTFITTERS						
		APBWEST	Check	<u>SIN3765015</u>	Staff Shirts	10000.70000.53303	226.73
<u>0515</u>	LANDSCAPE WAREHOUSE						
		APBWEST	Check	<u>2479468</u>	IRRIGATION AND PARK SUPPLIES	10000.83300.53001	19.65
<u>0359</u>	NANCY SHOLLENBERGER						
		APBWEST	Check	<u>INV018304</u>	MINUTE TAKING/APR2016	10000.12000.52100	650.00
				<u>INV018305</u>	ELECTION PROCESS/5 of 5	10000.12000.52207	1,500.00
<u>VEN01179</u>	NJP SPORTS INC						
		APBWEST	Check	<u>134191</u>	Tennis Nets	10000.70000.53999	685.00
<u>0786</u>	OFFICE DEPOT, INC						
		APBWEST	Check	<u>834013034001</u>	OFFICE/STATION SUPPLIES	10000.50000.53100	37.49
				<u>833985748001</u>	OFFICE SUPPLIES	10000.90000.53100	-30.29
<u>VEN01608</u>	Phoenix Group Information Systems						
		APBWEST	Check	<u>032016200</u>	PARKING CITATION SVCS /MAR2016	10000.50000.52200	1,514.95
<u>0336</u>	POST ALARM SYSTEMS						
		APBWEST	Check	<u>867308</u>	REPAIRS TO EVIDENCE ROOM CAMERAS	10000.50000.53300	306.16
<u>1381</u>	PROFORCE LAW ENFORCEMENT						
		APBWEST	Check	<u>271921</u>	BEAN BAG ROUNDS	10000.50000.53302	2,545.16
<u>0691</u>	RIO HONDO COLLEGE						
		APBWEST	Check	<u>516-94-ZSRM</u>	Police Academy Enrollment Fee	10000.50000.52205	193.20
<u>1443</u>	SHRED-IT						
		APBWEST	Check	<u>9410183630</u>	SHREDDING SVCS/04-07-16	10000.50000.52200	199.70
<u>0381</u>	SOUTHEAST CONSTRUCTION PRODUCT						
		APBWEST	Check	<u>1096963-1</u>	STREET CONSTRUCTION MATERIAL	10000.83500.53206	187.48
				<u>1092171-1</u>	STREET CONSTRUCTION MATERIAL	10000.83500.53206	114.07
				<u>1090107-1</u>	STREET CONSTRUCTION MATERIAL	10000.83500.53206	32.16
				<u>1090464-1</u>	STREET CONSTRUCTION MATERIAL	10000.83500.53206	27.80
				<u>1089757-1</u>	STREET CONSTRUCTION MATERIAL	10000.83500.53206	31.50
<u>0908</u>	STANCIL CORPORATION						
		APBWEST	Check	<u>IN0000000008788</u>	Recorder Maintenance Contract	10000.50000.52200	1,176.00
<u>0404</u>	TOM'S UNIFORMS						
		APBWEST	Check	<u>79922</u>	captain Uniform	10000.50000.53303	518.84
Fund 10000 Total:							54,567.49
Fund:	34001 - DEVELOPMENT FEES						
<u>0841</u>	DAPEER, ROSENBLIT & LITVAK,LLP						
		APBWEST	Check	<u>11189</u>	Legal services/MAR2016	34001.40000.52201	92,232.36
				<u>11095</u>	specialized legal services/FEB2016	34001.40000.52201	13,091.77
Fund 34001 Total:							105,324.13
Fund:	35004 - PUB SAFETY AUGMENTATION FUND						
<u>VEN02753</u>	CHARLES F STECKLER						
		APBWEST	Check	<u>11775</u>	DISPATCH CHAIRS	35004.50000.53999	2,112.50
Fund 35004 Total:							2,112.50
Fund:	36001 - EMERGENCY MEDICAL SERVICES						
<u>1053</u>	WITTMAN ENTERPRISES, LLC						
		APBWEST	Check	<u>1603056</u>	EMS BILLING SERVICES/MAR2016	36001.64000.52200	2,984.63
Fund 36001 Total:							2,984.63
Fund:	37004 - LOCAL TRANSPORTATION/PROP A						
<u>0267</u>	LACMTA						
		APBWEST	Check	<u>SIERRAMADRE05152</u>	CPOS TAP CARD	37004.70000.52001	125.00
Fund 37004 Total:							125.00
Fund:	37006 - SENIOR CENTER						
<u>1644</u>	AMAZON						
		APBWEST	Check	<u>149492907942</u>	ink Cartridges	37006.72000.53999	108.99

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Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
		APBWEST	Check	<u>072619711935</u>	Community Services Department Supplies	37006.72000.53999	64.96
<u>VEN01969</u>	INLAND EMPIRE STAGES	APBWEST	Check	<u>47567</u>	Transportation for Senior Excursions	37006.72000.52200	955.50
Fund 37006 Total:							1,129.45
Fund: 37007 - SM COMMUNITY FOUNDATION							
<u>1466</u>	UNITED SITE SERVICES OF CA INC	APBWEST	Check	<u>114-3937070</u>	Portable Restroom for Sierra Madre Sports Leag	37007.70000.52999	116.90
Fund 37007 Total:							116.90
Fund: 38006 - BIKEWAY/SIDEWALK FUND							
<u>VEN01613</u>	GANAHL LUMBER COMPANY	APBWEST	Check	<u>R638401</u>	LUMBER AND HARDWARE	38006.83600.53211	213.65
				<u>R642342</u>	LUMBER AND HARDWARE	38006.83600.53211	284.48
				<u>R638404</u>	LUMBER AND HARDWARE	38006.83600.53211	75.55
<u>1032</u>	PUENTE READY MIX, INC.	APBWEST	Check	<u>81366</u>	READY MIX - SIDEWALK	38006.83600.53211	1,021.00
				<u>81414</u>	READY MIX - SIDEWALK	38006.83600.53211	1,812.23
Fund 38006 Total:							3,406.91
Fund: 60000 - INT SVC FND - FLEET							
<u>0125</u>	ARROW AUTOMOTIVE SERVICE	APBWEST	Check	<u>1037666</u>	VEHICLE MAINTENANCE #2097 PD	60000.83100.53208	495.23
<u>0207</u>	ERNIE'S AUTO PARTS	APBWEST	Check	<u>14IN227772</u>	VEHICLE MAINTENANCE SUPPLIES RA#4041 FD	60000.83100.53208	121.25
				<u>14IN227245</u>	VEHICLE MAINTENANCE SUPPLIES/GARAGE GM	60000.83100.53208	60.73
				<u>14IN228347</u>	VEHICLE MAINTENANCE SUPPLIES/ GARAGE	60000.83100.53208	19.60
				<u>14IN228286</u>	VEHICLE MAINTENANCE SUPPLIES	60000.83100.53208	44.07
<u>0243</u>	HOSE MAN	APBWEST	Check	<u>2311178-0001-02</u>	FLEET MAINTENANCE	60000.83100.53208	25.67
<u>0321</u>	PARKHOUSE TIRE, INC.	APBWEST	Check	<u>1010495390</u>	TIRES AND LABOR #5200 LOADER STREET DEPT	60000.83100.53208	4,990.26
<u>VEN02676</u>	RUSH TRUCK CENTER OF CALIFORNIA INC	APBWEST	Check	<u>3002264036</u>	VEHICLE MAINTENANCE #5114 WATER TINDER-	60000.83100.53208	240.40
<u>VEN02747</u>	SETCOM CORPORATIONS	APBWEST	Check	<u>25967</u>	FRAZER RA - WIRELESS HEADSETS	60000.83100.56006	3,949.01
<u>1390</u>	VALLEY POWER SYSTEMS	APBWEST	Check	<u>123749</u>	ANNUAL SERVICES FD ENGINE	60000.83100.53208	4,217.35
				<u>122813</u>	FD ENGINE REPAIR	60000.83100.53208	391.25
				<u>122913</u>	FD ENGINE REPAIR	60000.83100.53208	4,550.02
Fund 60000 Total:							19,104.84
Fund: 60001 - INT SVC FND - FACILITIES MGT							
<u>0122</u>	ARNOLD'S FRONTIER HARDWARE	APBWEST	Check	<u>073648</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	46.56
				<u>073602</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	10.89
				<u>073600</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	29.42
				<u>073522</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	27.20
				<u>073555</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	38.13
				<u>073525</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	12.89
				<u>073533</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	7.61
				<u>073650</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	76.14
				<u>073625</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	17.43
				<u>073621</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	5.44
				<u>073499</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	59.90
				<u>073565</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	27.57
				<u>073511</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	19.62
				<u>073498</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	70.42
				<u>073502</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	5.40
				<u>073843</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	3.80
				<u>073829</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	3.70
				<u>073850</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	22.77
				<u>073831</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	25.06
				<u>073661</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	64.29

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Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
		APBWEST	Check	<u>073832</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	23.96
				<u>073764</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	5.17
				<u>073709</u>	FACILITIES MAINTENANCE SUPPLIES	60001.83200.53200	102.44
<u>0714</u>	CINTAS CORPORATION #693						
APBWEST	Check			<u>693643538</u>	UNIFORM CLEANING	60001.83200.53303	269.10
				<u>693641508</u>	UNIFORM CLEANING	60001.83200.53303	256.60
<u>0169</u>	CITY WHOLESALE ELECTRIC CO.						
APBWEST	Check			<u>216353</u>	ELECTRICAL SUPPLIES	60001.83200.53200	23.44
				<u>216391</u>	ELECTRIC SUPPLIES	60001.83200.53200	-23.44
				<u>216071</u>	ELECTRICAL SUPPLIES	60001.83200.53200	106.38
<u>1181</u>	DELTA DISTRIBUTING						
APBWEST	Check			<u>134625</u>	JANITORIAL SUPPLIES	60001.83200.53200	76.41
<u>1724</u>	LAWRENCE ROLL-UP DOORS INC						
APBWEST	Check			<u>1618870</u>	FD ROLL UP DOOR MAINTENANCE	60001.83200.53200	395.00
				<u>1618606</u>	FD ROLL UP DOOR MAINTENANCE	60001.83200.53200	244.00
<u>1485</u>	RED SUPPLY INC						
APBWEST	Check			<u>33489</u>	PLUMBING SUPPLIES	60001.83200.53200	91.41
				<u>34163</u>	PLUMBING SUPPLIES	60001.83200.53200	7.09
				<u>33619</u>	PLUMBING SUPPLIES	60001.83200.53200	42.51
				<u>33709</u>	PLUMBING SUPPLIES	60001.83200.53200	98.80
Fund 60001 Total:							2,293.11
Fund:	60002 - INT SVC FND - ADMINISTRATION						
<u>1121</u>	COLANTUONO, HIGHSMITH & WHATLEY, PC						
APBWEST	Check			<u>CM0000302</u>	POSTAGE	60002.21000.52201	-161.57
				<u>30758</u>	Legal Svc/Retainer/MAR2016	60002.21000.52201	1,923.00
<u>0893</u>	CREATIVE FORMS & CONCEPTS, INC						
APBWEST	Check			<u>114610</u>	LASER ACCOUNTS PAYABLE CHECK	60002.30000.53102	216.27
<u>0814</u>	HDL, COREN & CONE						
APBWEST	Check			<u>0022576-IN</u>	Prof Svc/Property Tax Report-2ND QUARTER 20:	60002.30000.52100	1,800.00
<u>0786</u>	OFFICE DEPOT, INC						
APBWEST	Check			<u>835231062001</u>	Office Supplies/CH	60002.30000.53100	220.69
				<u>834909294001</u>	Office Supplies/CH	60002.30000.53100	27.88
				<u>834909204003</u>	Office Supplies/CH	60002.30000.53100	54.49
				<u>834909204002</u>	Office Supplies/CH	60002.30000.53100	196.15
				<u>835231075001</u>	Office Supplies/CH	60002.30000.53100	41.37
				<u>834909204001</u>	Office Supplies/CH	60002.30000.53100	174.01
				<u>834012165001</u>	Office Supplies/CH	60002.30000.53100	47.71
<u>0680</u>	POSTMASTER						
APBWEST	Check			<u>POBOX457-INV01837</u>	PO BOX #457 RENTAL- 2016	60002.30000.53101	298.00
<u>1799</u>	TYLER TECHNOLOGIES INC						
APBWEST	Check			<u>025-150270</u>	Finance System Annual Maint/Business License	60002.30000.52200	1,914.42
				<u>025-143241</u>	ANNUAL MAINT./PERSONNEL MGMT & TIME CL	60002.30000.52200	7,785.33
Fund 60002 Total:							14,537.75
Fund:	60003 - INT SVC FND - TECHNOLOGY						
<u>1167</u>	COMMUNITY MEDIA OF THE FOOTHILLS						
APBWEST	Check			<u>275</u>	SMTV Production Services/APR2016	60003.30000.52100	2,331.01
<u>1799</u>	TYLER TECHNOLOGIES INC						
APBWEST	Check			<u>025-147859</u>	UTILITY CIS/UB ANNUAL MAINTENANCE	60003.30000.52200	11,129.18
<u>0429</u>	XEROX CORPORATION						
APBWEST	Check			<u>084217409</u>	Copier Lease/CH/MARCH2016	60003.30000.53210	1,570.72
Fund 60003 Total:							15,030.91
Fund:	60007 - INT SVC FND - PERSONNEL AND RISK MGMT						
<u>0913</u>	IRWINDALE INDUSTRIAL CLINIC						
APBWEST	Check			<u>2130-659826</u>	Pre Employment	60007.70100.52106	110.00
						60007.70101.52106	70.00
<u>0277</u>	LIEBERT CASSIDY WHITMORE						
APBWEST	Check			<u>INV018302-MAR2016</u>	Legal - March Billing Summary	60007.70100.52201	5,409.72
Fund 60007 Total:							5,589.72
Fund:	60008 - INT SVC FND - GENERAL PLAN UPDATE						
<u>VEN01443</u>	THE PLANNING CENTER/DC&E						

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Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
		APBWEST	Check	<u>56395A</u>	Final balance on General Plan Consultation	60008.40000.52100	6,139.15
Fund 60008 Total:							6,139.15

Fund: 71000 - WATER ENTERPRISE FUND

<u>0122</u>	ARNOLD'S FRONTIER HARDWARE						
APBWEST	Check			<u>072951</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	-13.29
				<u>073326</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	-12.75
				<u>073809</u>	WATER DEPT MAINTENANCE SUPPLIES/MIRA M	71000.81100.53200	4.13
				<u>073324</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	45.64
				<u>073830</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	23.72
				<u>072949</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	13.29
				<u>073741</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	15.83
				<u>072983</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	14.16
				<u>073256</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	11.97
				<u>073509</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	7.62
				<u>073782</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	11.98
				<u>073483</u>	WATER DEPT MAINTENANCE SUPPLIES/ #5202 L	71000.81100.53200	4.39
				<u>072932</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	7.62
				<u>073182</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	3.25
				<u>072958</u>	WATER DEPT MAINTENANCE SUPPLIES	71000.81100.53200	13.04
<u>1310</u>	COMMERCIAL TRANSPORTATION SVCS						
APBWEST	Check			<u>3049</u>	CDL SEMINAR	71000.81100.52205	1,898.45
<u>VEN01500</u>	INLAND WATER WORKS SUPPLY CO.						
APBWEST	Check			<u>282711</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES	71000.81100.53200	490.50
				<u>283162</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES	71000.81100.53200	376.05
				<u>283282</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES	71000.81100.53200	1,737.15
				<u>283256</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES	71000.81100.53200	9,136.40
				<u>282607</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES	71000.81100.53200	49.05
				<u>282606</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES	71000.81100.53200	555.90
				<u>282761</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES	71000.81100.53200	87.20
				<u>283066</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES	71000.81100.53200	488.32
				<u>283283</u>	DISTRIBUTION SYSTEM REPAIR SUPPLIES/HYDRA	71000.81100.53200	322.21
<u>1608</u>	MUNICIPAL MAINTENANCE EQUIP IN						
APBWEST	Check			<u>0109239-IN</u>	VEHICLE MAINTENANCE #5134 VAC CON-STREE	71000.81100.53200	1,141.62
<u>0447</u>	RAYMOND BASIN MANAGEMENT BOARD						
APBWEST	Check			<u>03-16-0007</u>	TITLE 22 MONITORING	71000.81100.52001	1,962.75
<u>1588</u>	SWRCB ACCOUNTING OFFICE						
APBWEST	Check			<u>LW-1005896</u>	LARGE WATER SYSTEM FEE	71000.81100.52001	11,348.01
<u>1820</u>	TARGET MAILING SERVICES INC						
APBWEST	Check			<u>34438</u>	Mailing Services/APR2016	71000.32000.53101	1,210.12
<u>1243</u>	USA BLUEBOOK						
APBWEST	Check			<u>929408</u>	WATER TREATMENT SUPPLIES	71000.81100.53209	210.90
Fund 71000 Total:							31,165.23

Fund: 72000 - SEWER

<u>1310</u>	COMMERCIAL TRANSPORTATION SVCS						
APBWEST	Check			<u>3049</u>	CDL SEMINAR	72000.81200.52205	1,898.45
<u>0346</u>	RED WING SHOES						
APBWEST	Check			<u>437</u>	SAFETY BOOTS	72000.81200.53303	137.32
				<u>436</u>	SAFETY BOOTS	72000.81200.53303	210.91
Fund 72000 Total:							2,246.68

Fund: 77002 - RECREATION CLASSES

<u>0514</u>	ANDREA WALSH						
APBWEST	Check			<u>INV018363</u>	Yoga Lessons	77002.77000.52200	236.60
<u>1394</u>	ANDREAS WEYERMANN						
APBWEST	Check			<u>INV018361</u>	Tennis Lessons	77002.77000.52200	140.40
<u>0636</u>	CYNTHIA SIRLIN						
APBWEST	Check			<u>INV018362</u>	Tai Chi Chuan Lessons	77002.77000.52200	41.60
<u>VEN01382</u>	KIDZ LOVE SOCCER						
APBWEST	Check			<u>INV018364</u>	Kidz Love Soccer Lessons	77002.77000.52200	1,144.00
Fund 77002 Total:							1,562.60

Fund: 77003 - SPECIAL EVENTS

P.8

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>1644</u>	AMAZON				
APBWEST	Check	<u>140977250325</u>	Huck Finn Campout & Derby Supplies	77003.79006.53999	39.88
		<u>140971596423</u>	Huck Finn Campout & Derby Supplies	77003.79006.53999	55.97
		<u>156114650044</u>	Huck Finn Campout & Derby Supplies	77003.79006.53999	77.64
		<u>140971692349</u>	Huck Finn Campout & Derby Supplies	77003.79006.53999	9.97
<u>1636</u>	CAL POLY POMONA FOUNDATION INC				
APBWEST	Check	<u>INV018315</u>	Senior Excursion - Kellogg House Excursion	77003.79003.52999	925.00
<u>1065</u>	MAIL BOX & POSTAL				
APBWEST	Check	<u>231568</u>	MWTR Bibs mailing	77003.79007.53999	22.41
Fund 77003 Total:					1,130.87
Report Total:					268,567.87



Packet: APPKT02885 - LIB 5/10/16
Vendor Set: 01 - Vendor Set 01

Check Date: 05/04/2016

Table with columns: Vendor Number, Vendor Name, Bank Code, Payment Type, Invoice #, Invoice Description, Account Number, Distribution Amount. Includes entries for AMAZON, BAKER & TAYLOR, INC., GAYLORD BROTHERS, ILLINOIS LIBRARY ASSOCIATION, KINGA VOLKAN-KACSO, MARTHA GONZALEZ-WHITE, OFFICE DEPOT, INC, PETTY CASH FUND-LIBRARY, SOCIETY OF AMERICAN ARCHIVISTS, INLAND EMPIRE STAGES, PETTY CASH FUND-LIBRARY, SWANK MOTION PICTURES INC.

Fund 10000 Total: 6,738.74

Fund 39002 Total: 959.14

Check Date: 05/04/2016

P.10

Packet: APPKT02885 - LIB 5/10/16

Vendor Set: 01 - Vendor Set 01

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 39006 - FRIENDS OF THE LIBRARY DONATION FUND							
<u>0132</u>	BAKER & TAYLOR, INC.						
APBWEST	Check			<u>T332473CM</u>	BOOKS AND REFERENCES	39006.90000.53406	-16.33
				<u>T332474CM</u>	BOOKS AND REFERENCE	39006.90000.53406	-24.51
<u>0786</u>	OFFICE DEPOT, INC						
APBWEST	Check			<u>833636727001</u>	Friends Programs	39006.90000.53999	18.27
<u>VEN01733</u>	Oriental Trading Co						
APBWEST	Check			<u>677169167-01</u>	Childrens Programming/Storytime Supplies - Sur	39006.90000.53999	576.47
<u>1578</u>	PETTY CASH FUND-LIBRARY						
APBWEST	Check			<u>INV018370</u>	ADULT THIRD THURS BOOK CLUB SUPPLIES	39006.90000.53999	10.56
				<u>INV018368</u>	TEEN BOOK CLUB SUPPLIES	39006.90000.53999	26.88
Fund 39006 Total:							591.34
Report Total:							8,289.22



City of Sierra Madre Agenda Report

Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor Goss and Members of the City Council

FROM: Elaine I. Aguilar, City Manager 

INITIATED BY: Bruce Inman, Director of Public Works

DATE: May 10, 2016

SUBJECT: RESOLUTION NO. 16-23, A RESOLUTION OF THE CITY COUNCIL OF CITY OF SIERRA ESTABLISHING A REVISED VOLUMETRIC PENALTY RATE FOR WATER CONSUMED IN EXCESS OF CUSTOMERS' WATER CONSERVATION GOALS

SUMMARY

In light of the continued drought in California, the Governor's extension of conservation measures into the fall of 2016, and because some Sierra Madre water customers are still using too much water, it is necessary to continue and improve the City's water conservation efforts. Staff recommends that the City Council adopt Resolution 16-23 setting the new volumetric rate for water consumed in excess of a customer's assigned water conservation goal at 2 times the Tier 4 rate per billing unit used in excess of the conservation target.

ANALYSIS

On March 22, 2016 the City Council received a staff report outlining water consumption behavior of Sierra Madre water customers, and describing seven proposed means of encouraging water conservation in Sierra Madre. Those options are more fully described in the attached staff report, but in short the proposed measures were:

1. Reduction of Water Conservation Goals
2. Implementation of Water Budgets
3. Change the method Utilized for Setting Multi-Family Conservation Goals.
4. Increase Over-Use Penalties
5. Contact with Top Water Users
6. Installation of Flow Restrictors
7. Renewed Water Conservation Campaign

Of those items, Council directed staff to take action on Numbers 4, 5, and 7. More specifically, staff was directed to return to City Council with a resolution setting the

penalty rate for excess water use at 2 times the Tier 4 rate, to contact the top 100 water customers each month which have exceeded their water conservation target, and to extend/expand the current water conservation campaign.

Resolution 16-23 as attached to this report sets the penalty rate for excess water use at 2 times the Tier 4 volumetric rate, as directed by City Council on March 22nd. As described in the resolution, the penalty rate will go into effect July 1, applicable to water consumed after that date, and only applicable to the amount of water used in excess of the customer's assigned conservation goal.

The current penalty rate is two times the Tier 1 volumetric rate, or \$5.04 per billing unit, which compares favorably to the current Tier 4 rate of \$5.23. The proposed penalty rate, effective July 1 will be two times the FYE 2017 tier 4 rate of \$5.36, or \$10.72 per billing unit.

City Council also directed staff to contact by regular mail the top 100 water consumers in each billing period who have exceeded their conservation goal. A copy of that form letter is attached to this report for Council review and comment. Over the last two monthly billing cycles, 11 customers exceeded their conservation goals by 100 units or more, as shown on Table A below.

Table A

	# of Customers Exceeding Cons. Goals	1-9 Units Over Cons. Goal	10-49 Units Over Cons. Goal	50-99 Units Over Cons. Goal	100+ Units Over Cons. Goal
February	675	369	277	25	4
March	369	215	131	16	7
Totals	1,044	584	408	41	11

FINANCIAL

An increase in the penalty rate will result in a significant increase in water fund revenue. As seen in Table B, the revenue from the penalty rate alone would increase by almost \$86,000 over each city-wide billing cycle.

Table B

	# of Customers Exceeding Cons. Goals	# of Billing Units	Revenue/Current Penalty	Revenue/Prop. Penalty
February 2016	675	9,404	\$47,396	\$100,810
March 2016	369	5,730	\$28,897	\$61,425
Totals	1,044	15,134	\$76,275	\$162,235

The amount of revenue produced over a 12 month period at the proposed rate and the current water consumption would cover the City's cost of importing water. However, as the increased penalty is a measure being enacted to strongly encourage conservation, it is expected that water usage will not continue at the current level once the new penalty rate goes into effect.

ALTERNATIVES

- 1.) The City Council adopt Resolution 16-23 setting the new volumetric rate for water consumed in excess of a customer's assigned water conservation goal at 2 times the Tier 4 rate per billing unit used in excess of the conservation target.
- 2.) The City may adopt Resolution 16-23 with modified parameters such as the penalty rate or the effective date.
- 3.) The City Council may direct staff to modify the sample form letter prior to sending it out and/or may modify who the letter should be sent to.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

STAFF RECOMMENDATION

Staff recommends that the City Council adopt Resolution 16-23 setting the new volumetric rate for water consumed in excess of a customer's assigned water conservation goal at 2 times the Tier 4 rate per billing unit used in excess of the conservation target.

Attachments: Resolution 16-23
 March 22, 2016 Staff Report
 Sample Form Letter

RESOLUTION NO. 16-23

A RESOLUTION OF THE CITY COUNCIL OF CITY OF SIERRA ESTABLISHING A REVISED VOLUMETRIC PENALTY RATE FOR WATER CONSUMED IN EXCESS OF CUSTOMERS' WATER CONSERVATION GOALS

WHEREAS, on January 17, 2014, the Governor of the State of California proclaimed a state of drought emergency in the State of California due to current drought conditions in the state; and

WHEREAS, the Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and

WHEREAS, on November 13, 2015, the Governor of the State of California extended the state of drought emergency in the State of California to October 31, 2016; and

WHEREAS, Sierra Madre is a public water supply distributor to the resident customers within its jurisdiction and produces and delivers potable water from four wells located with the Eastern Unit of the Raymond Basin; and

WHEREAS, Sierra Madre has the adjudicated right to extract up to 1,764 acre feet annually of ground water from the Eastern Unit of the Raymond Basin, plus the amount of water it can salvage through its efforts to spread water and recharge the Eastern Unit of the Raymond Basin; and

WHEREAS, the Raymond Basin Management Board, in its role as Watermaster for the Raymond Basin, has further reduced the allowable water production from the Eastern Unit to 940 acre feet as is required under the "500 Foot Rule" of the 1984 adjudication; and

WHEREAS, the average annual water consumption in Sierra Madre is 3,003 acre feet, exceeding the adjudicated right; the annual additional groundwater production is allowable and offset by the amount of rainwater captured and spread for recharge; and

WHEREAS, during the rainy season of 2015-2016 the City received only 13.75 inches of precipitation, compared to the City's 50 year mean of 23.76 inches; because of the lack of rainfall and the restriction on diversion of water, Sierra Madre, which is the only entity which spreads water in the East Raymond Basin for recharge, has been able to capture and spread only a fraction of the necessary water at the spreading grounds; and

WHEREAS, the City is importing water at great expense in order to recharge the Eastern Unit in order to provide adequate water to its customers within the limitations of the adjudication; and

WHEREAS, given the continuing drought, the continuing low water level conditions in the East Raymond Basin and the high cost to obtain imported water from MWD for groundwater replenishment, it is necessary to mandate further conservation measures for the preservation of resources for existing customers, as authorized by Sierra Madre Municipal Code Section Chapter 13.24, "Mandatory Water Conservation Plan;" and

WHEREAS, Water Code section 375 authorizes any public entity, including a city, which supplies water at retail or wholesale for the benefit of persons within the service area of the jurisdiction of the public entity to adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity, by ordinance or resolution adoption by majority of the members of the governing body after holding a noticed public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, on July 8, 2014, the City Council of the City of Sierra Madre declared a water shortage emergency, initiated Phase III mandatory water conservation measure, and pursuant to its authority under Government Code Section 65868, approved a moratorium on building permits and discretionary land use entitlements for new development which would require a new or additional water service connection, pending the adoption of additional zoning and municipal code regulations requiring further water conservation measures; and

WHEREAS, some Sierra Madre water customers continue to exceed their assigned water conservation goals on a recurring basis.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES RESOLVE AS FOLLOWS:

1. Pursuant to its authority under Water Code Sections 350 and 375 and Sierra Madre Municipal Code Section 13.24.020, and based on the findings specified above, the City Council finds and declares that the water shortage emergency condition declared on July 8, 2014 continues to exist requiring the urgent necessity of establishing further mandatory conservation measures.

2. The volumetric water rate for any Sierra Madre water customer that exceeds that customer's assigned water summer or winter conservation goal shall be equal to two times the Tier 4 volumetric water rate in effect at the time of the water consumption.

3. The new volumetric rate of two times the Tier 4 rate will apply to all billing units of water in excess of the customer's conservation goal and shall go into effect July 1, 2016.

4. This Resolution is not subject to the California Environmental Quality Act for the following reasons:

A. This Resolution is not a project within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.

B. This Resolution is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with the State Water Resources Control Board Emergency Regulation Article X ("Prohibition of Activities and Mandatory Actions During Drought Emergency") and protection of the environment during a drought or water shortage emergency.

C. The imposition of new regulations regarding restrictions on irrigation is statutorily exempt from review under the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA") pursuant to Public Resources Code section 21080, subdivision (b)(4) and CEQA Guidelines Section 15269, subdivision (c). (Cal. Code Regs., tit. 14, § 15269, subd. (c)) as a specific action necessary to mitigate the effects of an emergency (drought or water shortage emergency).

D. The imposition of a new regulations regarding restrictions on irrigation is categorically exempt from review under CEQA pursuant to Guidelines sections 15307, which exempts "actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment."

E. This Resolution is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (A) and (B) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

4. This Resolution shall become effective immediately upon adoption by the City Council and shall be published once in the newspaper of general circulation.

APPROVED AND ADOPTED on the 10th day of May, 2016.

I, the undersigned, hereby certify that the foregoing Resolution Number No.16-23 was duly adopted by the Sierra Madre City Council following a roll call vote:

AYES:

NOES:

ABSENT:

Gene Goss, Mayor

ATTEST:

Melinda Carrillo, City Clerk

APPROVED AS TO FORM:

Teresa L. Highsmith, City Attorney



ATTACHMENT

City of Sierra Madre Agenda Report

John Capoccia Mayor
Gene Goss, Mayor Pro Tem
Rachelle Arizmendi, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Nancy Shollenberger, City Clerk
Richard Mays, City Treasurer

TO: Honorable Mayor Capoccia and Members of the City Council

FROM: Elaine I. Aguilar, City Manager

INITIATED BY: Bruce Inman, Director of Public Works

DATE: March 22, 2016

SUBJECT: MARCH WATER CONSERVATION UPDATE AND CONSIDERATION OF ADDITIONAL CITY WATER CONSERVATION ACTIONS

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SUMMARY

This report combines the monthly water conservation update with a discussion of potential next steps in improving the City's overall water conservation. Staff recommends that the City Council provide direction regarding the implementation of additional conservation measures. Staff's recommendations are included in the staff report.

ANALYSIS

In spite of good news from Northern California regarding snowpack and reservoir levels, the drought is not over. The State has not cancelled the local agency conservation mandates, Sierra Madre must still reduce its consumption by 32% compared to 2013 water use. Because of Sierra Madre continues to fall short of the State conservation target, the SWRCB recently requested a teleconference. As staff spoke with the Chief of the SWRCB Special Investigations Unit last week about the City's conservation efforts, we received no indication that the conservation requirement is being relaxed or that the City would not have to comply with the existing requirement. Some agencies have been assessed fines for failing to meet their conservation goals. (As the Council is aware, this is not the first time the City has been contacted by the State.)

Furthermore a chart found on the SWRCB website lists Sierra Madre as one of 8 Priority 1 (greater than 15% from meeting its compliance standard) agencies in the state. Of those eight agencies, Sierra Madre is the only one that has not received either a Conservation order or an Alternative Conservation order from the State.

Table A illustrates the history of Sierra Madre's conservation levels since the state's conservation mandate went into effect in June of 2015. Note that while the City started

FOR CITY COUNCIL AGENDA _____

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AGENDA ITEM # _____

out very near its goal (as calculated by the State), beginning in July 2015, the monthly conservation rate has not yet met the 32% goal and the cumulative conservation rate as measured from June 2015 has steadily decreased.

Table A

	2015/16 Production	2013 Production	Monthly % Conservation	Cumulative % Conservation
16-Feb	135.45	162.28	16.53	16.59
15-Jan	144.39	159.91	9.71	16.59
15-Dec	173.33	163.08	-6.29	17.29
15-Nov	182.54	189.5	3.69	20.01
15-Oct	178.68	224.67	20.47	22.54
15-Sep	197.96	245.21	19.27	23
15-Aug	207.64	251.34	17.39	24.22
15-Jul	190.27	250.62	24.08	27.63
15-Jun	174.15	252.91	31.14	31.14

The Table A conservation figures are the result of a great deal of effort by the City to encourage conservation. Attached to this report are three documents which list the steps previously taken by the City to meet the 32% conservation goal, an October 19th staff report, the City's response to the October SWRCB demand for information, and talking points for staff's follow-up telephone conference with Dr. Matthew Buffleben, Chief of Special Investigations Unit, SWRCB Office of Enforcement.

The City's water conservation effort has provided great results for the first half of March. Water production for March 1-15, 2016 was measured at 35.4% less than the same period in 2013. If that trend continues, March will be the second time the City has met its monthly goal. Staff attributes the increase in conservation to the March rains and to the significant decrease in the number of distribution system leaks. That the City is doing so well at this time is why staff is not currently proposing more stringent measures.

While the conservation figures for the month of March are promising, it is not known whether the trend will continue or if conservation will decrease (or how much of a decrease there will be) when the rains stop. To ensure that the conservation effort continues and that the City will maintain its 32% goal going forward, staff is bringing the matter back to Council for discussion at this time, prior to the arrival of the warmer months.

It is recommended that any approved changes to the City's water conservation measures be timed so that an education period occurs before implementation of new measures. This should be timed so that current water use (or water use that has already occurred) is not impacted by new regulations.

Sierra Madre Water Customers

This section of the report provides information from nine (9) water billing cycles. It is not possible to directly correlate monthly billing information with the State’s reporting data. This is because the City bills on an every-other month basis, with half the City billed in one month, while the other half of the City is billed the next month. The City’s billing data for a particular month, does not include water that was consumed that month by half of the city. However, the data that is reported to the State is monthly data of “water produced.” The water production data is available on a daily basis, but data regarding the water consumed (used) is only collected every-other-month for half of the city. Given this difficulty in equating the City’s billing/consumption data with the monthly production data, staff has attempted to arrive at some conclusions.

One thing that is evident from billing data is that a substantial number of Sierra Madre water customers “do better than” their 30% conservation goal. Over the nine months, an average of between 60% to 80% of customers billed meet or “do better than” than their allocated conservation target (from 1 unit less to 100’s of unit less). A large number of our water customers get by with substantially less water than they are allowed under the 30% reduction goal. Intuitively if those who use more than their goal were to meet their 30% reduction, and those who conserve more than their 30% amount, are added together, the City should meet the 32% goal. Having reviewed 9 months of billing data, staff has compiled Table B which shows the number of customers who use more water than their conservation target and who meet (or use less water than) their conservation target.

Table B

July 2015 to March 2016 Billing Summary

	# Customers at/or Under Target	# Customers Over Target	Total # Customers Billed
July 2015	1,323	582	1,905
August 2015	1,590	315	1,905
September 2015	1,474	433	1,907
October 2015	1,621	274	1,895
November 2015	1,454	447	1,901
December 2015	1,589	312	1,901
January 2016	1,693	213	1,906
February 2016	1,228	675	1,903
March 2016	1,535	369	1,904

The chart above shows that most customers are meeting their conservation targets, but approximately 16% to 35% are using more water than their conservation target. The amount of water that is “saved” by customers who are using less than their allocation, is

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not enough to offset the water used in excess of conservation targets and the total amount of water that needs to be “saved” in order to meet the City’s 32% goal.

It was necessary to dig a little further into the billing/usage data. The two charts below show a breakdown of billing data between July 2015 and March 2016. The first chart (Table C) is for the east-side of town, and the second chart (Table D) is for accounts on the west side of town.

Table C

Number of Accounts per Units Billed

East Side of Town	200+	199-100	99-70	69-50	49-40	39-30	29-20	19-13	12 less	Totals
July 2015 # of Accounts	11	31	67	133	138	198	332	324	671	1,905
% Customers				13%					87%	
% of Billed Consumption				40%					60%	
Sept. 2015 # of Accounts	20	53	119	207	144	237	332	260	535	1,907
% Customers				21%					79%	
% of Billed Consumption				54%					46%	
Nov. 2015 # of Accounts	20	60	117	201	169	224	335	257	518	1,901
% Customers				21%					79%	
% of Billed Consumption				54%					46%	
Jan 2016 # of Accounts	14	37	66	130	126	230	334	307	662	1,906
% Customers				13%					87%	
% of Billed Consumption				42%					58%	
March 2016 # of Accounts	7	21	55	83	90	135	318	394	801	1,904
% Customers				9%					91%	
% of Billed Consumption				34%					66%	

Table D

West Side of Town	200+	199-100	99-70	69-50	49-40	39-30	29-20	19-13	12 less	Totals
August 2015 # of Accounts	16	57	88	165	170	249	424	326	410	1,905
% Customers		4%	8%	17%					83%	
% of Billed Consumption				47%					53%	
Oct. 2015 # of Accounts	16	58	76	166	163	256	422	316	422	1,895
% Customers				17%					83%	
% of Billed Consumption				46%					54%	
Dec. 2015 # of Accounts	14	67	76	169	147	248	411	326	443	1,901
% Customers				17%					83%	
% of Billed Consumption				48%					52%	
Feb. 2016 # of Accounts	13	47	49	131	122	211	405	392	533	1,903
% Customers				13%					87%	
% of Billed Consumption				41%					59%	

The charts above show the number of customers who used 200 or more billing units, between 199 and 100 billing units, between 99 and 70 billing units, etc. So for the east side of town, eleven (11) customers used 200 or more units for the July billing cycle.

The charts above also show the percentage of customers who used 50 or more units of water, compared to those who used 49 units or less. Again, most customers use less than 49 units of water (the range is from 79% to 91%.) Conversely, between 9% and 21% used more than 50 units of water. Interestingly, those customers that used more

than 50 Units of water (between 9% and 21%), used proportionally more water. Except for the month of March, the 50 unit + customers used between 40% and 54% of all the water that was consumed. In essence, there are a relatively small number of customers consuming almost half of all water consumed.

There are many ways that the data can be examined. The chart below only examines the customers who use more than 100 units of water. The highest number of customers who fell into the category were in the November and December billing periods.

Table E

100 Units +

Who are customers who use more than 100 units of water?						
	Nov. 15	Dec. 15	Totals	% Water Billed	Exceeded Target	% Exceeded
Residential	53	32	85	42%	52	61%
Multi-Family	14	32	46	28%	26	57%
Institutional	11	14	25	25%	9	36%
Commercial	2	3	5	5%	3	60%
	80	81	161	100%	90	56%

Most of the 100 unit + customers are residential and multi-family residential customers; followed by institutional and commercial uses. Of the units billed (for those 161 customers), 42% of the billed units were for residential users, 28% of the billed units were for multi-family customers, etc. Additionally, the chart above shows how many of the customers in each category exceeded their conservation targets.

Another way to look at the data is to examine the top 200 water users in two consecutive billing cycles. Table F illustrates how the top 200 water users in Sierra Madre fared in meeting their goals grouped as land uses. Note that only the institutional users met their goals (as a whole). That consumer group was so far below their conservation goal that it provided for all 200 users to cumulatively meet the overall conservation goal.

Table F

Land Classification	Use	Number of Accounts	Cumulative Goal	Cumulative Use
Residential-SFR		127	3,016	3,542
Institutional		24	9,478	7,164
Commercial		6	1,303	1,343
Residential-MFR		43	7,046	7,077
Totals		200	20,843	19,126

After evaluating all the billing data, staff has developed a number of suggestions aimed at coming closer to achieving the 32% goal mandated by the state.

Potential Measures to Reduce Water Consumption/Increase Conservation

Reduction of Water Conservation Goals

The existing conservation goals may not be set low enough – across the board- to meet the state mandate. Indeed, the conservation goal set in the Municipal Code and the basis for the calculation of the current conservation goals is 30 percent. The State-set goal is 32 percent. The 30 percent goal was set years before the State issued the new goals. Earlier in this report, it was stated that “intuitively, the 32% goal would be reached if some customers used less than their 30% allocation, while other customers met their 30% goal.” Obviously, this is not achieving the State’s required conservation. In order to change the current Sierra Madre conservation goals, it will be necessary to amend the municipal code provisions which specify the conservation rates by conservation phase. Or, alternatively the City could re-calculate the conservation goals based on the state’s 32% requirement under the assumption that state law overrides local ordinance. This process would assume the same procedures used to initiate the 30% requirement, including base year selection, customer notification, etc.

At this time, staff does not recommend an across the board recalculation of conservation targets. Customers are (or should be) familiar with their summer and winter targets, and revising every customer’s target at this time could be confusing; unless there is a change in methodology such as the implementation of “Water Budgets” (see next paragraph).

Implementation of Water Budgets

Similar to the alternative above, there can be an across the board adjustment in all water conservation targets based upon the use of a water budget. In an effort to determine what a reasonable water budget might be expected to be, using staff’s water residential budget estimating tool - a sample water budget was calculated. The example assumes a family of four in a 2,000 square-foot dwelling on a Sierra Madre average-sized lot of 12,825 square feet. The budget assumed an additional impervious area of 2,500 square feet on the property and that the entire remainder of the property is landscaped in water-hungry turf. The budget calculated to 52 Units in summer and 32 units in winter. There are 505 accounts on the east side with summer conservation goals of 53 or more and 569 accounts on the west side with summer conservation goals of 53 or more.

In order to set conservation goals in a fair, equitable and realistic manner, it would be best to set conservation goals in the form of water budgets as has been discussed by the City Council in the past. Setting of water budgets would in turn be best done during a rate-setting process in which the firm providing the rate study also designs the water budgets. Staff is recommending that the next rate study implement water budgets into the structure.

Change Method of Multi-Family Goal-setting

Of the top 200 water users in Sierra Madre (November and December billings), 43 are multi-family dwelling accounts. The collective conservation target for those 43 users is 7,046 units, with a collective use of 7,077 units. Staff has mentioned previously that the minimum of 12 units per residential unit may be too high a target for multi-family properties.

Another way to look at multi-family customers is to look at the customers who used 100 units of water or more. Of those 161 customers, 46 were multi-family properties, and of those, 57% exceeded their conservation target (see Chart E.) This overage rate is higher than the entire population of customers (overall, approximately 1/3rd exceed their target). At this time, staff is not recommending revising conservation targets for multi-family customers, for the same reasons indicated previously.

Increase Over-Use Penalties

The current penalty rate charged for use of water that exceeds a customer's assigned conservation goal is 2 times the Tier 1 rate (2x \$2.52=\$5.04) This amount may not be high enough to act as a deterrent to overuse of water. For those customers whose water use is regularly into Tier 4, if they exceed their Tier 4 conservation goal, the penalty rate is less than the Tier 4 rate, thus allowing the customer a discount rate on the exceedance.

A penalty rate of 3 times the Tier 1 water rate (3x \$2.52=\$7.56) was recently approved by City Council for use with reoccurring offenders of the water use limitations. However, it was found that the City's billing system could not accommodate multiple penalty rates, so the 3x Tier 1 has not been implemented. It would be costly to pay for the programing changes so that some customers are assessed "2 times Tier 1" while other customers are assessed "3 times Tier 1", based on the number of exceedances.

Staff evaluated the number of customers who have received penalties for exceeding their water conservation target three or more times in the past five billing periods (July, September, November, January, and March). A total of 317 (17%) of approximately 1,900 accounts were assessed penalties at least three of the past 5 billing periods. (This analysis was performed only for the east side of town.)

Staff recommends that after one year of the current penalty structure (two times Tier 1), or starting with July 2016 bills, that a penalty rate that is higher than the Tier 4 rate be implemented to further encourage water consumption. Before the new penalty rate is implemented, letters would be mailed notifying all customers of the change in the penalty structure. Again, it is important to note that most customers have never been assessed a penalty, and that most customers stay within their conservation targets (and many use less.)

Contact with Top Water Users

Since January, staff has been reviewing the monthly water billing records to identify the 30 highest water users in each billing cycle. Staff has then contacted, either by telephone or in person, each of those high water users. This process has resulted in numerous private property leaks being discovered and repaired. Twenty-five leak repair refunds have been approved, partially due to this program. The program has generated interest in the water audit program, with 11 audits having been requested by customers receiving these direct contacts from staff. Customers are made aware of rebate programs and creative ways to conserve water.

Staff recommends that the direct contact program be continued and expanded by reaching out, in writing, to the top 100 customers in each billing cycle to notify them of their water use history, and that they are in the top 5% of all water customers. The City's correspondence would ask them to do what they can to conserve, provide water conservation ideas and information about rebate programs, and would offer the City's free water audit. The letter could also mention that penalties will be increasing (if the Council approves increased penalties.)

Flow restrictors

The use of flow-restrictor installation has been proposed in multiple staff reports. The use of flow restrictors was included in the City's prior water conservation ordinances (Ordinances 1332 and 1338), but was dropped from the current regulations. The concept of using flow restrictors has been considered by the Energy, Environment, and Natural Resources Commission and recommended (12/17/14) by that body for inclusion in the Code. The EENR recommendation went to the City Council on February 10, 2015 and was not adopted at that time.

Staff recommends that the use of flow restrictors be considered at a later date, after the implementation of increased penalties, and after the top 200 water users are contacted and time has lapsed to see if the penalties and contacts are improving the City's overall conservation.

Renewed Water Conservation Campaign

It is important to keep the need to conserve water at the forefront of local issues, to avoid backsliding into old, inefficient water use habits. To that end, staff is planning to launch an additional conservation campaign and is seeking resources to aid in that effort.

ALTERNATIVES

- 1.) The City Council may direct staff to implement increased penalties, renew the water conservation campaign, and to contact (via correspondence) the top 200 water customers.
- 2.) The City Council may direct staff to implement any of the other alternatives in this report.

- 3.) The City Council may provide direction to staff to return with additional information.
- 4.) The City Council may elect to provide no direction to staff at this time to alter the current City ordinances and policies regarding water conservation.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

STAFF RECOMMENDATION

This report combines the monthly water conservation update with a discussion of potential next steps in improving the City's overall water conservation. Staff recommends that the City Council direct staff to contact the top water users; to renew the water conservation public education; to return with a report and ordinance to implement increased penalties for exceeding water conservation targets; and to direct that the next water rate study be based upon water budgets.

Attachments: Attachment A = October 19 Staff Report
 Attachment B = October 20 reply to state Information Order
 Attachment C = Talking points for telephone conference 3/9/16



City of Sierra Madre Public Works Department

May 11, 2016

RE: Request for Assistance in Meeting State-Mandated Water Conservation Goal

Dear Sierra Madre Water Customer:

Sierra Madre is known as an environmentally-sensitive community, priding itself in its desire to co-exist in a friendly way with its natural setting and seeking to conserve precious resources wherever and whenever possible. As a place known for its stewardship of natural resources, it is unfortunate that of the eleven months that state water conservation goals have been in place, the City has met its monthly goal for only three months. *In conducting a review of the water billing for (insert month), it was noted that your account shows an exceedance over its water conservation goal that ranks among the 100 top exceedances for the month.*

The State's water conservation goal can only be achieved if the community works together, and we would like to provide you with the attached water conservation measures, and note that the City offers (at no charge) water audits performed by staff who are professional Water Conservation Practitioners. The water audits are designed to help you optimize the use of water in your home and garden, and provide you with information about available rebates.

Additionally, water saved is money saved on your water bill. Less water consumed results in a lower water bill, and penalties for exceeding water conservation targets will be increasing to \$10.72 per unit effective _____, making future exceedances more costly. Other penalties may need to be implemented if the city continues to exceed the state's water conservation goal.

Please help us to keep Sierra Madre in the forefront of environmentally responsible communities by reducing your water use and join the many Sierra Madreans who have already achieved or bettered their conservation goals.

Please feel free to contact me should you have any questions. I can be reached at (626) 355-7135 (ext. 801) or binman@cityofsierramadre.com. The same phone number can be used to schedule a water audit, using extension 802, for Clare Lin.

Sincerely,

Bruce Inman, Director of Public Works

232 West Sierra Madre Boulevard, Sierra Madre, CA 91024 (626) 355-7135



City of Sierra Madre Agenda Report

Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Melinda Carrillo, Secretary
Michael Amerio, City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Elaine I. Aguilar, City Manager 

PREPARED BY: Vincent Gonzalez, Director of Planning & Community Preservation 

REVIEWED BY: Leticia Cardoso, Planning Manager

DATE: May 10, 2016

SUBJECT: Willdan Engineering Building Inspection and Plan Check Services - Professional Services Agreement

SUMMARY

The purpose of this report is to enter into a Professional Services Agreement with Willdan Engineering to administer and operate the Building and Safety Division for the City of Sierra Madre under the direction of the Director of Planning and Community Preservation. For the past three years Willdan Engineering has been under contract with the City to provide building and safety services and throughout this duration has demonstrated the range of expertise necessary to carry out the normal functions of a Building Division and to assure compliance with City adopted Building Codes and related Municipal Code requirements.

The Department currently contracts full-time building inspection and part-time plan check services with Willdan Engineering, on a percent of fee basis. Over the last three years, the Planning and Community Preservation Department has experienced a steady stream of building permit activity. The Department anticipates continued activity through the remainder of the 2016 calendar year and future contract years.

Staff recommends that the City Council continue building contract services with Willdan Engineering and authorize the City Manager to execute a three year contract (May 2016 – May 2019).

ANALYSIS

Current Building and Safety Services

Currently, a Certified Building Official or Deputy Building Official provides counter assistance and final sign off of project plans, which amount to approximately 4 hours

per week. A full-time Building Inspector, provides building inspection services totaling 40 hours per week (MTWTH including working Fridays that City Hall is closed to the public). These services will be billed at a rate of 70% of City Permit Fees.

The Building Official and Deputy Building Official will also provide counter plan review for minor (over the counter) residential and commercial plan checks at 60% of the City Plan check Fee. Plan check service for commercial projects is also based on 60% of fees basis.

Services for plan review and inspection of projects for which no fee is collected, such as Public Works improvements and inspection of permits issued before the start of service will be charged at Willdan's twenty (20) percent discounted rate.

Willdan Engineering currently provides plan check services to review residential and commercial landscape plans for compliance with the water efficient landscape requirements. Plan Check services will be billed at a lump sum basis for initial plan check and one recheck depending on size and complexity of the proposed landscape plans.

Residential Plan Check Review

Hong Tam is the City's contract structural engineer, and provides plan check services specifically for residential construction only. Hong Tam has provided services for the City for approximately 20 plus years. Mr. Tam's arrangement with the City is on a 75% of fees basis. Because of his extensive expertise and experience with Sierra Madre's housing construction, and the contract structured as a percentage of fees basis, staff is not proposing any change to this current service at this time.

Willdan Engineering Rate Structure

The current billing rate for the Building Official is \$159/hour. The rate for the deputy building official is \$154/hour. A full-time Building Inspector, providing building inspection services is based on an hourly rate of \$115/hour. However, these rates only apply for projects or services for which a plan check or permit is collected.

Willdan Engineering Fee Proposal

Willdan's fee proposal is 60% of the plan check fees collected, and 70% of the permit fees collected (building, mechanical, plumbing, and electrical) and would be structured such that the contract costs will never exceed the permit fees collected.

Building Plan Check and Permit Revenue

The table below shows the building permit and plan check revenue (fees collected) for fiscal year 2014-2015. The information illustrates Willdan's billing rate, distribution of fees collected, Willdan's billing amount, and City revenue received.

Permit Type/Plan Check	Willdan Billing Rate	Permit Fees Collected	Contract Cost	City Revenue
Building	70%	\$225,726	\$158,008	\$ 67,718
Mechanical	70%	\$ 33,954	\$ 23,768	\$ 10,186
Plumbing	70%	\$ 73,650	\$ 51,555	\$ 22,095
Electrical	70%	\$ 74,632	\$ 52,242	\$ 22,390
Plan Check	60%	\$ 43,077	\$ 25,846	\$ 17,231
Total		\$451,039	\$311,419	\$139,620

FINANCIAL REVIEW

Under the “percentage of fees” basis, the contract costs will never exceed the permit fee revenue collected. This fee structure accounts for any fluctuation in building permit activity, and ensures full cost recovery for plan check and building inspection services.

CEQA

Environmental Review is not applicable to contracts for professional services.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available via the City’s website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

ALTERNATIVES

1. Enter into a three year professional services contract with Willdan Engineering and authorize the City Manager to execute the contract in a form acceptable to the City Attorney.
2. Continue with the temporary contract on a per month basis under the terms of the expired contract.
3. Prepare a request for proposal to solicit bids from other engineering firms providing similar contract services.

STAFF RECOMMENDATION

Staff recommends Alternative No. 1, to enter into a three year professional services agreement with Willdan Engineering and authorize the City Manager to execute the contract to Willdan for plan check services and full-time building inspection services on a “percentage of fees” basis, in a form acceptable to the City Attorney.

Attachments (2):

- Exhibit A – Scope of Services
- Exhibit B – Compensation and Schedule of Hourly Rates
- Exhibit C – Professional Services Agreement
(City of Sierra Madre/Willdan Engineering)

EXHIBIT A

SCOPE OF SERVICES

Building Inspection and Building Official Services – The Building and Safety division is responsible for performing building inspections and responding to complaints as necessary and investigate in accordance to building codes. In addition, the division is responsible for issuing stop work orders for unpermitted construction. The ability to provide building staff during regular business hours of City Hall is viewed as an important customer service need. In addition to providing inspection services, Willdan will act as Building Official and oversee the functions of the division. The Planning and Community Preservation Department counter hours are staffed from 7:30 a.m. to 2:00 p.m. Monday through Thursday. Inspections are completed between 9:00 a.m. to 4:00 p.m. City Hall is open from 7:30 a.m. to 5:30 p.m. Monday through Thursday, with alternate Fridays open from 8:00 a.m. to 5:00 p.m.

Willdan will provide a full-time building inspector. The Willdan inspector will provide combination building inspections for both private and public construction projects, and will work a total of 40 hours per week (MTWTH including working Fridays that City Hall is closed to the public). The Building Inspector will also provide counter plan review for minor (over the counter) residential and commercial plan checks. In addition, Willdan will provide a Building Official or Deputy Building Official with public counter service at City Hall on Monday and Tuesday mornings from 7:30 am to 9:30 am. The Building Official or Deputy Building Official will provide approval of all projects that have received approvals from other City Departments including Planning, Fire and Public Works. In addition to providing building law information, the Building Official or Deputy Building Official will provide technical assistance as requested at the public counter.

Plan Check Services – The City currently maintains contract services to perform residential plan check review only, and the City will continue this service, with the exception of residential plan check review for compliance with the Water Efficient Landscape Ordinance. This component of the plan check services for residential projects will be administered by Willdan Engineering. All other non-residential (commercial) plan check including commercial water efficient landscaping would be performed by Willdan. In addition, Willdan will provide over the counter plan review for minor residential projects including swimming pools and solar installations. Willdan will work closely with the contract residential plan check person, including review of final plan check as Building Official. The services will include plan review services of construction drawings to ensure compliance with City building codes and related Municipal Code requirements. Plan review services shall include, but not be limited to, the disciplines of Building, Plumbing, Electrical, Mechanical and Building Energy Conservation. The Building Division currently regulates construction pursuant to the provisions of the California

Codes as amended by the State and as further amended by the City through locally adopted amendments to the State Code. Enforcement of local amendments shall be included in the scope of work along with administering and processing the periodic adoption of new codes and amendments. The Building Official and Building Inspector will work in coordination with the Planning Staff on all plan checks to be sure they comply and are in accordance with the City Zoning Codes.

In addition, the Willdan Building Official, Deputy Building Official and Building Inspector will provide over the counter plan review services for minor residential and commercial plan checks.

Willdan will review projects for code compliance with the California codes as well as local City amendments including amendments to both the Building and Fire codes. Willdan will also review for compliance for Conditions of Approval as determined by the Planning staff and/or Planning Commission. Willdan will enforce the High Fire Severity Zone compliance that is required in Sierra Madre for construction above Grandview Avenue.

Electronic Plan Review – Willdan provides paperless electronic plan review as requested by applicants.

Other Services – Willdan will interface with permit applicants; staff the public counter during specific times of the day, provide problem solving methods for unique or challenging plan check or code interpretation issues; report writing when necessary, policy and procedure recommendations. Willdan will provide post-disaster safety assessment, and will be available to the City to assess the safety of buildings in the event of a disaster. Willdan will provide inspection services for special projects as determined by the Director.

EXHIBIT B

COMPENSATION AND SCHEDULE OF HOURLY RATES

Commercial Plan Review Services:	60% of City Plan Check Fee
Water Efficient Landscaping Plan Review Services:	Lump sum fee per project
Building Official and Building Inspector Services:	70% of City Permit Fees

The Willdan Building Official, Deputy Building Official and Building Inspector will also provide counter plan review for minor residential and commercial plan checks at 60% of City Plan Check Fee.

Services for the plan review and inspection of projects for which no fee is collected, such as Public Works improvements and inspection of permits issued before the start of service will be charged at Willdan's 20% discount from Willdan's current schedule of hourly rates for Building and Safety Services.

Electronic Plan Review – Willdan provide paperless electronic plan review as requested by applicants at no additional cost to the City or applicant.



Schedule of Hourly Rates

Effective July 1, 2015 to June 30, 2016(updated 2/10/2016)

ENGINEERING		CONSTRUCTION MANAGEMENT		BUILDING AND SAFETY	
Technical Aide I	59.00	Labor Compliance Specialist	105.00	Senior Construction Permit Specialist	110.00
Technical Aide II	75.00	Labor Compliance Manager	131.00	Supervising Construction Permit Specialist	115.00
Technical Aide III	93.00	Utility Coordinator	138.00	Building Inspector*	115.00
Drafter I	94.00	Assistant Construction Manager	131.00	Supervisor Code Enforcement	126.00
Drafter II	110.00	Construction Manager	156.00	Senior Building Inspector	126.00
Senior Drafter	121.00	Senior Construction Manager	164.00	Plans Examiner	126.00
GIS Analyst I	126.00	Project Manager IV	181.00	Supervising Building Inspector	138.00
GIS Analyst II	143.00	Deputy Director	200.00	Senior Plans Examiner	138.00
GIS Analyst III	159.00	Director	203.00	Inspector of Record	154.00
Designer I	126.00	INSPECTION SERVICES		Deputy Building Official	154.00
Designer II	131.00	Public Works Observer I*	81.00	Plan Check Engineer	154.00
Senior Designer I	138.00	Public Works Observer II*	89.00	Building Official	159.00
Senior Designer II	145.00	Senior Public Works Observer I*	97.00	Supervising Plan Check Engineer	159.00
Assistant Engineer I	100.00	Senior Public Works Observer II*	108.00	Principal Project Manager	190.00
Assistant Engineer II	119.00	Senior Public Works Observer III*	116.00	Deputy Director	200.00
Assistant Engineer III	125.00	Senior Public Works Observer IV*	123.00	Director	203.00
Assistant Engineer IV	130.00	Senior Public Works Observer V*	131.00	PLANNING	
Associate Engineer I	132.00	MAPPING AND EXPERT SERVICES		Community Development Technician	93.00
Associate Engineer II	139.00	Survey Analyst I	110.00	Planning Technician	93.00
Associate Engineer III	146.00	Survey Analyst II	126.00	Assistant Planner	115.00
Design Manager	148.00	Calculator I	110.00	Assistant Community Development Planner	115.00
Senior Design Manager	156.00	Calculator II	121.00	Associate Community Development Planner	126.00
Senior Engineer I	149.00	Calculator III	132.00	Associate Planner	126.00
Senior Engineer II	154.00	Senior Survey Analyst	143.00	Senior Community Development Planner	143.00
Senior Engineer III	160.00	Supervisor – Survey & Mapping	164.00	Senior Planner	143.00
Senior Engineer IV	173.00	Principal Project Manager	190.00	Principal Community Development Planner	159.00
Supervising Engineer	177.00	LANDSCAPE ARCHITECTURE		Principal Planner	159.00
Project Manager I	135.00	Assistant Landscape Architect	110.00	Deputy Director	200.00
Project Manager II	157.00	Associate Landscape Architect	126.00	Director	203.00
Project Manager III	174.00	Senior Landscape Architect	138.00	ADMINISTRATIVE	
Project Manager IV	190.00	Principal Landscape Architect	159.00	Administrative Assistant I	68.00
Program Manager	195.00	Principal Project Manager	190.00	Administrative Assistant II	83.00
Traffic Engineer I	175.00	BUILDING AND SAFETY		Administrative Assistant III	97.00
Traffic Engineer II	190.00	Assistant Code Enforcement Officer	77.00	Project Accountant I	78.00
City Engineer I	190.00	Plans Examiner Aide	83.00	Project Accountant II	91.00
City Engineer II	200.00	Assistant Construction Permit Specialist	93.00	Project Controller I	97.00
Principal Project Manager	190.00	Construction Permit Specialist	88.00	Project Controller II	110.00
Deputy Director	200.00	Code Enforcement Officer	88.00		
Director	203.00	Assistant Building Inspector*	105.00		
Principal Engineer	221.00	Senior Code Enforcement Officer	105.00		

Mileage reimbursement will be charged at the current Federal guideline rate at the time of billing. Vehicles will be charged at a monthly rate of \$500.00.
 * \$138 per hour For Prevailing Wage Project

Additional billing classifications may be added to the above listing during the year as new positions are created. Consultation in connection with litigation and court appearances will be quoted separately. The above schedule is for straight time. Overtime will be charged at 1.5 times, and Sundays and holidays, 2.0 times the standard rates. Blueprinting, reproduction, messenger services, and printing will be invoiced at cost plus fifteen percent (15%). A sub consultant management fee of fifteen percent (15%) will be added to the direct cost of all sub consultant services to provide for the cost of administration, consultation, and coordination. Valid July 1, 2015 thru June 30, 2016, thereafter, the rates may be raised once per year to the value of change of the Consumer Price Index for the Los Angeles/Orange County/Sacramento/San Francisco/San Jose area, but not more than five percent per year.

EXHIBIT C

PROFESSIONAL SERVICES AGREEMENT

(City of Sierra Madre/ Willdan Engineering)

1. IDENTIFICATION

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into by and between the City of Sierra Madre, a California municipal corporation (“City”), and Willdan Engineering a California corporation (“Consultant”).

2. RECITALS

- 2.1 City has determined that it requires Consultant to provide professional services: Under the direction of the Director of Planning and Community Preservation, administer and operate the Building and Safety Division for the City of Sierra Madre, serve as the Building Official/Inspector, and provide the range of expertise necessary to carry out the normal functions of a Building Division to assure compliance with City adopted Building Codes and related Municipal Code requirements.
- 2.2 **Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.**

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

3. DEFINITIONS

- 3.1 “Scope of Services”: Such professional services as are set forth in Consultant’s Scope of Services attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2 “Approved Fee Schedule”: Such compensation rates as are set forth in Consultant’s Compensation attached hereto as Exhibit B and incorporated herein by this reference.
- 3.3 “Commencement Date”: May 11, 2016
- 3.4 “Expiration Date”: May 11, 2019

4. TERM

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Expiration Date unless extended by written agreement of the parties or terminated earlier in accordance with Section 17 (“Termination”) below.

5. CONSULTANT’S SERVICES

- 5.1 Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation, shall be incorporated by written amendment to this Agreement.
- 5.2 Consultant shall perform all work in accordance with the standards of practice ordinarily exercised by members of Consultant’s profession and in a manner reasonably satisfactory to City. Consultant shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 *et seq.*).
- 5.3 During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if both (i) such work would require Consultant to abstain from a decision under this Agreement pursuant to a conflict of interest statute and (ii) City has not consented in writing to Consultant’s performance of such work.
- 5.4 Consultant represents that it has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. The Director of Development Services shall be Consultant’s project administrator and shall have direct responsibility for management of Consultant’s performance under this Agreement. No change shall be made in Consultant’s project administrator without City’s prior written consent.
- 5.5 Consultant has represented to the City that key personnel will perform and coordinate the services under this Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of City. If City and Consultant cannot agree as to the substitution of key personnel, City may terminate this Agreement for cause.
- 5.6 Consultant shall not be reimbursed for any expenses unless provided for in this Agreement or authorized in writing by City in advance.

6. COMPENSATION

- 6.1 City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept in full satisfaction for such services, payment in accordance with the Approved Fee Schedule and Section 5.1 of this Agreement above.
- 6.2 Consultant shall submit to City an invoice, on a monthly basis or less frequently, for the services performed pursuant to this Agreement. Each invoice shall itemize the services rendered during the billing period and the amount due. Within ten business days of receipt of each invoice, City shall notify Consultant in writing of any disputed amounts included on the invoice. Within thirty calendar days of receipt of each invoice, City shall pay all undisputed amounts included on the invoice. City shall not withhold applicable taxes or other payroll deductions from payments made to Consultant unless otherwise required by law.
- 6.3 Payments for any services requested by City and not included in the Scope of Services shall be made to Consultant by City on a time-and-materials basis using Consultant's standard fee schedule. Consultant shall be entitled to increase the fees in this fee schedule at such time as it increases its fees for its clients generally; provided, however, in no event shall Consultant be entitled to increase fees for services rendered before the thirtieth day after Consultant notifies City in writing of an increase in that fee schedule nor to claim payment other than in compliance with this Agreement, including Section 5.1 above.. Fees for such additional services shall be paid within sixty days of the date Consultant issues an invoice to City for such services

7. OWNERSHIP OF WRITTEN PRODUCTS

All reports, documents or other written material ("written products" herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon use or dissemination by City. Consultant may take and retain copies of such written products. City's reuse of such materials on a project other than the project for which they were originally intended shall be at City's sole risk.

8. RELATIONSHIP OF PARTIES

Consultant is, and shall at all times remain as to City, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not represent that it is, or that any of its agents or employees are, in any manner employees of City.

Under no circumstances shall Consultant look to the City as his employer. Consultant shall not be entitled to any benefits. City makes no representation as to the effect of this

independent contractor relationship on Consultant's previously earned PERS retirement benefits, and Consultant specifically assumes the responsibility for making such a determination. Consultant shall be responsible for all reports and obligations including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation.

9. CONFIDENTIALITY

All data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without prior written consent by City. City shall grant such consent if disclosure is legally required. Upon request, all City data shall be returned to City upon the termination or expiration of this Agreement.

10. INDEMNIFICATION

- 10.1 The parties agree that City, its officers, agents, employees and volunteers should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, taxes, or any other cost arising out of or in any way related to Consultant's wrongful conduct in its performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the parties to be interpreted and construed to provide the City with the fullest protection possible under the law. Consultant acknowledges that City would not enter into this Agreement in the absence of Consultant's commitment to indemnify and protect City as set forth herein.
- 10.2 City shall have the right to offset against any compensation due Consultant under this Agreement any amount due City from Consultant as a result of Consultant's failure to pay City promptly any indemnification arising under this Section 10 and any amount due City from Consultant arising from Consultant's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 10.3 The obligations of Consultant under this Section 10 are not limited by the provisions of any workers' compensation statute or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.
- 10.4 Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth in this Section 10 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations from others as required herein, Consultant agrees to be fully responsible and to indemnify, hold harmless and defend City, its officers, agents, employees and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any

property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of Consultant's subcontractors or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of City's choice.

- 10.5 City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies apply to the claim, demand, damage, liability, loss, cost or expense.
- 10.6 In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or CalPERS to be eligible for enrollment in CalPERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.
- 10.7 With regard to any acts or omissions of the Consultant in connection with this Agreement which do not comprise professional services, Consultant agrees to, indemnify, defend, and hold harmless the City, its elected and appointed officials, officers, and employees ("City Indemnitees") at Consultant's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City Indemnitees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. Upon the request of the City, the defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit alleges or asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City Indemnitees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole negligence, active negligence or willful misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

- 10.8 With regard to any building and safety, building official/official, engineering or professional design services for which professional liability insurance would provide coverage, performed and to be performed hereunder by or through the Consultant, Consultant agrees to indemnify and hold the City Indemnitees harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the proportionate extent that they are caused by the negligence, recklessness, or willful misconduct of Consultant, its employees, and/or authorized subcontractors. The Consultant shall not have an upfront duty to defend the City Indemnitees for such claims but shall reimburse reasonable defense fees and costs to the extent a claim is determined to have been caused by the negligence, recklessness, or willful misconduct of Consultant, or as the parties otherwise agree in settlement.

11. INSURANCE

- 11.1 During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with Consultant's performance of this Agreement. Such insurance shall be of the types and in the amounts as set forth below:
- 11.1.1 Commercial General Liability Insurance with coverage limits of not less than One Million Dollars (\$1,000,000) including products and operations hazard, contractual insurance, broad form property damage, independent consultants, personal injury, underground hazard, and explosion and collapse hazard where applicable.
- 11.1.2 Automobile Liability Insurance for vehicles used in connection with the performance of this Agreement with minimum limits of One Million Dollars (\$1,000,000) per accident.
- 11.1.3 Worker's Compensation insurance if and as required by the laws of the State of California.
- 11.1.4 Professional Errors and Omissions Insurance with coverage limits of not less than One Million Dollars (\$1,000,000).
- 11.2 Consultant shall require each of its subcontractors to maintain insurance coverages that meet all of the requirements of this Agreement.
- 11.3 The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California and with a rating of at least A:VII in the latest edition of Best's Insurance Guide.
- 11.4 Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may either (i) immediately terminate this Agreement; or (ii) take out the necessary insurance and pay the premium(s) thereon at Consultant's expense.

- 11.5 At all times during the term of this Agreement, Consultant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the policies required by this Agreement are in effect in the required amounts. Consultant shall file with City's Risk Manager such certificate(s) prior to commencement of work under this Agreement.
- 11.6 Consultant shall provide proof to the City's Risk Manager that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage at least two weeks prior to the expiration of the coverages.
- 11.7 The general liability and automobile policies of insurance required by this Agreement shall contain endorsements naming City and its officers, employees, agents and volunteers as additional insureds. All of the policies required under this Agreement shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. Consultant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.
- 11.8 The insurance provided by Consultant shall be primary to any other coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 11.9 All insurance coverage provided pursuant to this Agreement shall not prohibit Consultant, and Consultant's employees, agents or subcontractors, from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against the City.
- 11.10 Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of City, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond guaranteeing payment of losses and expenses.
- 11.11 Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duties to indemnify, hold harmless and defend under Section 10 of this Agreement.
- 11.12 Consultant shall report to the City, in addition to the Consultant's insurer, any and all insurance claims submitted to Consultant's insurer in connection with the services under the Agreement.

12. MUTUAL COOPERATION

- 12.1 City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.
- 12.2 If any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require in the defense of that claim or action.

13. RECORDS AND INSPECTIONS

Consultant shall maintain full and accurate records with respect to all matters covered under this Agreement for a period of three years after the expiration or termination of this Agreement. City shall have the right to access and examine such records, without charge, during normal business hours. City shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.

14. PERMITS AND APPROVALS

Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary for Consultant's performance of this Agreement. This includes, but shall not be limited to, professional licenses, encroachment permits and building and safety permits and inspections.

15. NOTICES

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City:

Elaine I. Aguilar
City Manager
City of Sierra Madre
232 W. Sierra Madre Blvd.
Sierra Madre, CA 91024
Telephone: (626) 355-7135
Facsimile: (626) 355-2251

If to Consultant:

James M. Guerra
Director
Willdan Engineering
13191 Crossroads Parkway
North, Suite 405
Industry, CA 91746
Telephone: (562) 364-8499
Facsimile: (562) 695-2120

With courtesy copy to:

Teresa Highsmith, City Attorney
Colantuono, Highsmith & Whatley, PC
300 South Grand Avenue, Suite 2700
Los Angeles, CA 90071-3137
Telephone: (213) 542-5707
Facsimile: (213) 542-5710

16. SURVIVING COVENANTS

The parties agree that the covenants contained in Section 9, Section 10, Paragraph 12.2 and Section 13 of this Agreement shall survive the expiration or termination of this Agreement.

17. TERMINATION

17.1. City may terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant may terminate this Agreement for any reason on sixty calendar days' written notice to City. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.

17.2 If City terminates this Agreement due to no fault or failure of performance by Consultant, then Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement.

18. GENERAL PROVISIONS

18.1 Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Consultant further agrees to file, or shall cause its employees or subcontractor to file, a Statement of Economic Interest with the City's Filing Officer if required under state law in the performance of the services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer, or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

- 18.2 Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 18.3 This Agreement shall be binding on the successors and assigns of the parties.
- 18.4 Except as expressly stated herein, there is no intended third party beneficiary of any right or obligation assumed by the parties.
- 18.5 Time is of the essence for each and every provision of this Agreement.
- 18.6 In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability medical condition or any other unlawful basis.
- 18.7 The captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph at the head of which it appears, the section or paragraph, and not such heading, shall govern construction of this Agreement. Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular and vice versa, in any place or places herein in which the context requires such substitution(s).
- 18.8 The waiver by City or Consultant of any breach of any term, covenant or condition of this Agreement shall not be deemed to be a waiver of such term, covenant or condition or of any subsequent breach of the same or any other term, covenant or condition of this Agreement. No term, covenant or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in a writing signed by one authorized to bind the party asserted to have consented to the waiver.
- 18.9 Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 18.10 Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance from the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any of all of such other rights, powers or remedies. If legal action shall be necessary to enforce any term,

covenant or condition herein contained, the party prevailing in such action, whether or not reduced to judgment, shall be entitled to its reasonable court costs, including any accountants' and attorneys' fees incurred in such action. The venue for any litigation shall be Orange County, California and Consultant hereby consents to jurisdiction in Orange County for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.

- 18.11 If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to, the extent necessary to cure such invalidity or unenforceability, and in its amended form shall be enforceable. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
- 18.12 This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 18.13 All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations herefrom shall be effective and binding only if made in writing and executed by City and Consultant.
- 18.14 Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to Consultant under this Agreement. All such documents shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of City. In addition, pursuant to Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand dollars, all such documents and this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under the Agreement.

19 PREVAILING WAGE LAW

19.1 Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., (“Prevailing Wage Laws”), which require the payment of prevailing wage rates and the performance of other requirements on certain “public works” and “maintenance” projects. If the services under this Agreement are being performed as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify, and hold the City, its elected officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure of Consultant to comply with the Prevailing Wage Laws.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

“City”
City of Sierra Madre

“Consultant”
Willdan Engineering

By: _____
Elaine I. Aguilar, City Manager

By: _____
James M. Guerra Director,
Willdan Engineering

Date: _____

Date: _____

Attest:

By: _____
Melinda Carrillo, City Clerk

Date: _____

Approved as to form:

By: _____
Teresa Highsmith, City Attorney



City of Sierra Madre Agenda Report

Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Elaine I. Aguilar, City Manager 

INITIATED BY: Elisa C. Cox, Assistant City Manager

REVIEWED BY: Larry Giannone, Public Safety Director
Stephen Heydorff, Fire Chief

DATE: May 10, 2016

SUBJECT: Part-time Paramedic Program

SUMMARY

The City of Sierra Madre does not have enough part-time Paramedics to cover all the paramedic shifts through the end of the fiscal year. This is a reoccurring problem at the end of each fiscal year. Staff recommends that the City Council authorize a total of six (historically the Council has authorized three) part-time Paramedics to work more than 960 hours in a fiscal year, moving these employees into the CalPERS retirement system, as well as to direct staff to return with options for the Fire Department's long-term sustainability.

ANALYSIS

Knowing that having enough Paramedics at the end of the fiscal year who have not reached their 960 hour limit has always been a challenge, the City proactively recruited for Paramedics continually throughout the fiscal year beginning in August. (There was a three week span in March where the City was unable to recruit due to the limited number of jobs the City could post online with the City's old online recruitment software and the pressing recruitments in the Police Department.) Since August, the City has received 28 applications for Paramedics, and of those applications, the City has hired six employees and is scheduled to interview eight more applicants this month. During that same time period, the City lost twelve of its part-time Paramedics.

The City's struggle to recruit and retain qualified Paramedics stems from a few factors: the first being that the City is paying \$10.50/hour and limits the number of hours most part-time Paramedics can work to 960 hours a fiscal year. A part-time Paramedic is not generally a position you will see in most cities (most cities have full-time Fire Fighter

Paramedics); however, private ambulance companies will hire part-time Paramedics at an average salary of \$17/hour and if there is a limitation on hours, it is generally keeping the private employees at 30 hours/week or 1,560 hours/year to stay under the Affordable Care Act regulations.

Furthermore, with the end of the recession and the stabilization of many city and county budgets, Fire Departments across Southern California are hiring again. This has made retaining our part-time employees (and volunteer fire fighters) increasingly more difficult as they receive full-time job opportunities.

In addition to continuing the recruiting process (staff anticipates that any hires from the eight upcoming interviews will start after July 1, 2016), City Staff has evaluated three options to ensure that there is enough part-time Paramedic coverage through the end of the fiscal year:

Contract with a private ambulance company to hire two medics, using our ambulance and equipment, when the City has staffing shortages. Staff contacted Schaefer Ambulance Service, which is the private ambulance company authorized by the Department of Health Services (DHS) to operate in the San Gabriel Valley. The company was unable to provide this type of service for insurance and liability reasons. Schaefer offered to put their ambulance in to service in Sierra Madre on a temporary basis at no cost to the City to assess the call volume and what revenue the company could bring in by billing patients. Unfortunately, staff does not recommend this generous offer because it could jeopardize the City's 201 and 224 rights, which are what gives the City the ability to charge for EMS transport. Due to this potential loss of revenue, among other potential unintended consequences, such as losing mutual aid assistance for medical calls from our neighboring communities, and scrutiny of our Paramedic Program by DHS, staff determined that this was not an avenue that should be implemented at this time. Staff will look into this in a bigger perspective as we look into the overall sustainability of the Fire Department, which will be presented to the City Council in the future.

Have full-time Fire Captain work overtime to cover part-time Paramedic shifts. In a pinch, the City has needed to have a full-time Fire Captain work overtime in order to cover a Paramedic vacancy, this can cost \$1,200 per shift, not to mention increasing the Captain's working hours and decreasing his rest periods, which can lead to fatigue and burnout. If the Captain was physically able to cover the additional twelve shifts in May and June, this would cost the City approximately \$28,800 in increased overtime for this fiscal year.

Authorize a total of six part-time Paramedics to work more than 960 hours in the fiscal year, which requires these employees be enrolled in the CalPERS retirement system. The City currently has 12 vacant shifts / month, which is approximately 576 hours / month. To fill these shifts with three new CalPERS members would cost less than

\$1,500 for the remainder of the fiscal year. Ongoing into future fiscal years, it costs approximately \$1,500 more per Paramedic enrolled as a new CalPERS member.

City staff has also identified some long-term options to evaluate for Fire Department's long-term sustainability. Staff would recommend that the City Council direct staff to begin reviewing these options and provide a recommendation to the City Council.

FINANCIAL REVIEW

To increase the number of part-time Paramedics enrolled in CalPERS would cost the City approximately \$1,500 for the remaining of this fiscal year and an additional \$4,500 in future fiscal years.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

ALTERNATIVES

1. The City Council may authorize a total of six part-time Paramedics to work more than 960 hours in this fiscal year and direct staff to study options for the Fire Department's long-term sustainability.
2. The City Council may authorize additional overtime to the Fire Department in order to continue to provide Paramedic coverage for the remained of the fiscal year.
3. The City Council may provide alternate direction for providing paramedic services.

STAFF RECOMMENDATION

Staff recommends the City Council authorize a total of six part-time Paramedics to work more than 960 hours in this fiscal year and direct staff to study options for the Fire Department's long-term sustainability.



City of Sierra Madre Agenda Report

Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Elaine Aguilar, City Manager 

INITIATED BY: Miguel Hernandez, Human Resources Analyst

REVIEWED BY: Elisa C. Cox, Assistant City Manager 

DATE: May 10, 2016

SUBJECT: **THE AMERICAN'S WITH DISABILITY ACT EVALUATION AND
TRANSITION PLAN**

SUMMARY

The California Joint Insurance Powers Authority (CJPIA) selected the City of Sierra Madre to be one of twenty agencies to be included in a pilot program to perform an evaluation and write a transition plan to comply with ADA/Section 504 requirement. The CJPIA will contribute 46% (\$25,500) toward the City's Self-Evaluation and Transition Plan. The City would be required to pay for the remaining \$30,325. Staff is requesting the City Council authorize the expenditure from the General Fund.

BACKGROUND

The American's With Disability Act (ADA) was signed into law on July 26, 1990. The ADA is wide-ranging civil rights law that prohibits discrimination based on disability. Title II of the ADA requires that state and local governments with over 50 full-time employees perform a "Self-Evaluation" and develop a "Transition Plan" that sets forth the steps necessary to ensure compliance with the ADA and its Federal requirements. The City did not have over 50 full-time employees in 1990, so the transition plan was not put into place.

The lack of an ADA Transition Plan has been a reoccurring finding on the City's Risk Management Evaluation conducted every three to four years by the CJPIA. After the City's last evaluation, the CJPIA announced that it would be offering a pilot program to assist cities in complying with ADA/Section 504 requirements; Sierra Madre was selected to be one of twenty agencies to be included in the pilot program.

The CJPIA pilot program utilizes the services of Disability Access Consultants (DAC) to assist in performing the self-evaluation, writing the plan and providing employee training

and software to track future improvements.

ANALYSIS

In order to develop a comprehensive list of items that require improvement, an evaluation of all City facilities, programs, policies and procedures must take place. The evaluation will primarily be conducted by DAC and consists of inspecting City facilities, sidewalks, and analyzing City programs, policies and procedures. Any item found to be in non-compliance with the ADA will be recorded along with an estimate of the projected cost to fix the deficiency. DAC will then develop the Transition Plan from the evaluation.

An initial assessment determined that the City has met many of the ADA/Section 504 requirements. The City has a current and up-to-date ADA grievance policy on the City website, an assigned ADA Coordinator. The initial assessment found areas that the City needs to work on are: conduct a self-evaluation of procedures and practices, implement a transition plan, and employee trainings on topics including ADA Compliance from both a programmatic and administrative point of view and also for facility management and maintenance.

The opportunity to work with the CJPIA and DAC will be beneficial in addressing the areas identified that need improvement. DAC's primary task will be to survey specified City facilities, which includes both owned and leased buildings, yards, sidewalks, pools and parks. The City currently has over 45 miles of sidewalks and curb ramps, 6 developed parks, 4 parking public parking lots, and 9 City owned buildings.

During the development of the Transition Plan the City will seek input from the public and a local disability advocacy groups. With a Transition Plan in place, the City is better able to prioritize and budget for specific repairs and changes to its facilities, programs, policies and procedures.

Finally, DAC will provide the City with DACTrak, a web-based monitoring, tracking, and management system at project completion. This software will enable the City to review and update progress on completing the ADA Transition Plan.

The City of Sierra Madre is committed to ensuring that people with disabilities are able to take part in, and benefit from, the whole range of public programs, services, and activities offered by the City.

FINANCIAL ANALYSIS

The cost for the Self-Evaluation and Transition Plan implementation is \$55,825, of which the CJPIA will contribute \$25,500. If the City chooses to participate in the pilot program, the CPPIA will invoice the City for \$30,325. Funding for this project is included in budget from General Fund.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of

the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

ALTERNATIVES

1. The City Council can approve the expenditure necessary to participate in the CJPIA's pilot program to develop an ADA Transition Plan.
2. The City Council may choose not to approve the expenditure for the ADA Transition Plan and provide staff with further direction.
3. The City Council can provide further direction to staff on this item.

STAFF RECOMMENDATION

Staff recommends the City Council approve the expenditure necessary to participate in the CJPIA's pilot program to develop an ADA Transition Plan.

Attachment: Proposal for Accessibility Services

ATTACHMENT

City of Sierra Madre



Proposal for Accessibility Services

AMERICANS WITH DISABILITIES ACT (ADA) SELF-EVALUATION AND TRANSITION PLAN

March 24, 2016

Updated from: November 13, 2015

Disability Access Consultants
2243 Feather River Blvd
Oroville, CA 95965



COVER LETTER

March 24, 2016

To: Ms. Elisa Cox
Mr. Bruce Inman
Mr. Miguel Hernandez
City of Sierra Madre
Sierra Madre, CA

Re: Americans with Disabilities (ADA) Self-Evaluation and Transition Plan

Firm Information: Disability Access Consultants (DAC)
Southern California: 17777 Center Court Drive, Suite 600, Cerritos, CA 90703
Headquarters: 2243 Feather River Blvd, Oroville, California 95965
Project Manager: Barbara Thorpe, President
bthorpe@dac-corp.com Phone: 1-800-743-7067

We appreciate the opportunity to submit our statement of qualifications and proposal for providing consultant services for an Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan for the City of Sierra Madre public facilities and public rights-of-way.

DAC has extensive experience in the evaluation of program and facility accessibility and provides a full continuum of Americans with Disabilities Act (ADA) and accessibility services for public entities, such as the City of Sierra Madre. Founded as a California corporation and woman owned business in 1998, DAC has provided services for the past 17 years to assist public entities to comply and implement accessibility requirements in accordance with the ADA, Title 24 of the California Building Code, Section 504 and related federal, state and local disability-related nondiscrimination laws and regulation. DAC has conducted over 15,000 building inspections, surveyed thousands of parks and playgrounds, thousands of miles of sidewalks and performed hundreds of programmatic reviews and self-evaluations to study the accessibility of programs, services, activities, events and related areas. DAC has a comprehensive understanding of applicable standards, regulations and requirements under Title II of the ADA, California Building Code and related state accessibility standards. DAC has completed over a hundred similar studies.

DAC has also been working on a project for the Department of Transportation in Washington, D.C. to develop a pilot study for potential duplication of methodologies in other geographic areas, using tools and standards for public rights-of-way accessibility reviews by means of a software program to update and manage the ADA public rights-of-way transition plan. DAC is providing recommendations for best practices and technologies for the DOT.

To provide for easy management of the transition plan and documentation of compliance efforts, DAC has developed web-based software called DACTrak. DACTrak is a powerful tool to manage and update the transition plan, project costs and document progress. Custom reports can be printed in a variety of formats.

This proposal is authorized by Barbara Thorpe, who is empowered to submit the bid, negotiate with the City, and authorized to sign a contract with the City of Sierra Madre. There are no conflicts of interest. DAC declares that this proposal is submitted in fair and good faith with no collusion or fraud.

Respectfully submitted by Barbara Thorpe, President



FIRM ORGANIZATION AND DESCRIPTION OF QUALIFICATIONS

Disability Access Consultants was founded as a woman owned California Corporation in 1998, DAC has provided services for the past 17 years to assist public entities to comply and implement accessibility requirements in accordance with the ADA, Title 24 of the California Building Code, Section 504 and related federal, state and local disability-related nondiscrimination laws and regulation. DAC has extensive experience in the evaluation of program and facility accessibility and provides a full continuum of Americans with Disabilities Act (ADA) and accessibility services for public entities, such as the City of Sierra Madre.

As our founder, Barbara Thorpe, worked with a public entity for 19 years as the ADA Coordinator, 504 Coordinator, and Director of Planning and Compliance, she has extensive experience working with individuals with disabilities and organizations representing individuals with disabilities. In addition, she has collaborated with individuals with disabilities and organizations that represent individuals with disabilities in a facilitative manner that has benefited city governments during her work with other municipalities. Barbara and the DAC team members have demonstrated the ability to engage and interact with individuals and organizations to assist with the prioritization, long range planning and implementation of the ADA plan.

DAC has a team of 16 staff, with our Facility Team Leader Michael Boga holding CASp Certificate #152, dedicated to assisting public entities, such as the City of Sierra Madre, with ADA compliance. DAC has a comprehensive understanding of applicable standards, regulations and requirement under Title II of the ADA, California Building Code and related state accessibility standards.

DAC has a reputation to being responsive to the client's needs, providing on-time project completion within budgets. DAC has a proven track record for comprehensive experience in conducting ADA Self Evaluations and Transition Plans, implementation and related services.



Other public entities for which DAC has provided similar services include Fair Oaks Recreation and Park District, Padre Dam Water District, Hayward Parks and Recreation, 15 California Fairs, 160 California public school districts, and several large Joint Power Authorities and insurance carriers for groups of public entities.

DAC is currently assisting the California Joint Powers Insurance Authority (CJPIA) members, of which the City of Sierra Madre belongs, to assist members with ADA compliance at a discounted rate. DAC has been assisting several Joint Power Authorities in Sacramento and El Dorado County since 2000 and currently provides updates, consultation, plan reviews and expert witness services. DAC has worked with public entities of all sizes, from one site to 506 sites. Members of the DAC team have also served as expert witnesses to assist public entities to defend their current practices and ADA plan. DAC has only served on the side to assist public entities to defend their practices and plan and has never assisted with litigation against a public entity. Our mission statement and philosophy embrace the enhancement and assistance to our clients to build an ADA accessibility plan while documenting previous and current compliance methods.

Over the 17 years of serving our clients, DAC has demonstrated financial stability, staff stability and has a no claims insurance record.

DAC provides a full continuum of professional services that include, but are not limited to:

- Facility inspections
- Self-evaluations for ADA and Section 504 of the Rehabilitation Act
- Policy review and development
- Transition plans
- Public rights-of-way surveys
- Consultation
- Accessibility compliance intake and management software – DACTrak

- DACTrak training to conduct your own inspections
- Expert witness services
- Plan reviews
- ADA Plan implementation assistance and consultation
- Outdoor developed and recreational areas (pools, parks, trails, camping areas)
- NPSI playground safety inspections
- ADA Playground inspections

DAC utilizes the appropriate standard(s) for the inspection that may include, but is not limited to:

- ADA 2010 Standards
- California Building Code
- ADA-ABA
- UFAS
- ANSI
- Section 504 of the Rehabilitation Act
- Outdoor developed and recreational standards
- National Playground Safety Institute (NPSI) standards
- PROWAG – Federal Public Rights-of-way Guidelines
- Federal Highway Administration’s Manual on Uniform Traffic Control Devices (MUTCD)

Our firm stands out in the public entity arena due to proven performance in a wide range of services, from programmatic and policy reviews, facility inspections, transition plans, consultation, plan reviews and expert witness services. We excel at providing a comprehensive assessment of our clients’ current status by preparing a study of all areas related to accessibility in different departments to document ongoing compliance.

Innovative Tools, Strategies and Best Practices

Based on experience and knowledge of the accessibility field and best practices, DAC continues to develop innovative methodologies, easy to use ADA management tools, and proven, successful strategies for evaluating programs, services, activities, events, facilities, parks and public rights-of-way. DACTrak was developed by DAC for the purpose of easy and useful importing and management of the accessibility data collected in the field. DACTrak is interactive web-based software and is not an enhanced Excel spread sheet. The ability to collect, compile, analyze and use report data in a practical format was one of the driving forces to develop the DACTrak intake and management software.

Our DAC accessibility management software, DACTrak, provides our clients with a powerful management tool to document compliance, project costs, print custom reports and record progress. DACTrak is not an Excel spreadsheet, but actual software that has been developed by our company to assist with the implementation and documentation of the City’s ADA plan and provides photographs of as-is site conditions, which has proved to be valuable documentation. Findings and recommendations, in addition to other data are preloaded into the DACTrak software. As DAC owns and licenses the DACTrak software, we can make custom modifications for our clients.

The DAC team members proposed for the City of Sierra Madre project have worked together on similar projects. A few projects are listed below. References and a description for the scope of work are provided for several of the following recent California projects:

- City of San Clemente
- City of Palos Verdes Estates
- City of Carlsbad
- City of Palm Springs
- City of Fountain Valley
- City of Los Alamitos

- City of Pismo Beach
- County of Kern
- City of Modesto
- City of La Quinta
- City of Newport Beach
- City of Claremont
- City of Huntington Beach
- City of Modesto
- City of Manteca
- City of Grass Valley
- City of Banning
- County of Butte
- Solano County
- City of Moreno Valley
- City of Palm Springs
- City of Cypress
- City of Lincoln City
- Calaveras County
- Desert Recreation District
- Fair Oaks Recreation and Park District
- City of Glendale
- City of Oroville
- City of Clovis
- County of Santa Clara
- County of Shasta
- Town of Paradise
- City of Laguna Woods

DACTrak Accessibility Management Software

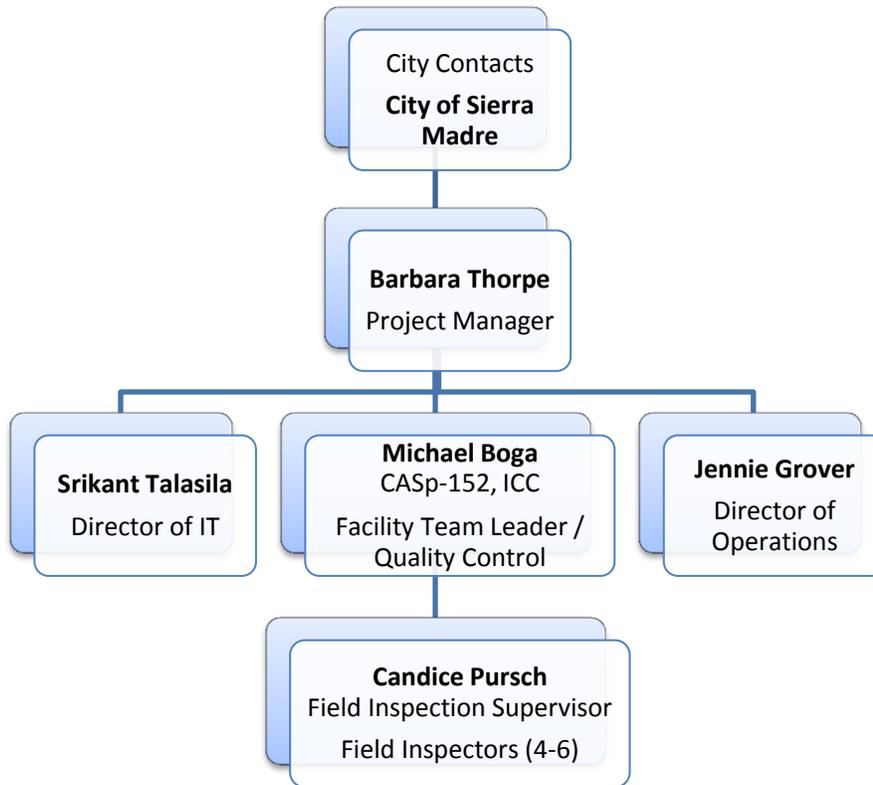
The accessibility management software is included at **no cost** to the City for the first year as the cost is paid by the CJPIA. If the City decides to continue with the use of the web-based management software after the initial year, the cost is \$2,000 and includes unlimited seat licenses. If the City decides not to continue the use of DACTrak, the City’s data will be exported into a format such as excel. The use of the DACTrak software includes the storage and maintenance of the City data. If the City decides not to continue to use the web-based DACTrak Accessibility Management System to maintain, update and document compliance of the ADA plan, the data can be transferred to an Excel spreadsheet or an alternate format. DAC has found that usable and easy to manage software (instead of Excel spreadsheets) is imperative to maintaining and updating the ADA plan.

Categories can be customized and findings organized as demonstrated in the screen shots of the DACTrak software included in the supplemental materials Appendix.



PROJECT TEAM STAFFING AND RESUMES

Disability Access Consultants (DAC) has a dedicated team of fourteen professionals with backgrounds in administrative leadership roles with public entities, construction and code enforcement. DAC is an equal opportunity employer and our team composition includes minority and veteran representation. The team has worked together on numerous ADA compliance projects with City governments and public entities. DAC works with several large JPA’s and insurance pools to assist public entities with ADA compliance.



The DAC team has a proven record to provide on-site services in a collaborative and efficient manner. DAC has experienced team members who have worked with public entities for successful and on time completion of numerous projects. Necessary staff members have ICC, NPSI, and CASp certification. A CASp certified Team Leader will be involved with the project and field evaluations. The project team is organized to provide a representation of skills needed to accomplish the project objectives. In addition, teams that have worked together previously will be assigned to the City of Sierra Madre project. Following are descriptions of key team members’ qualifications and their assigned roles.

Barbara Thorpe, M.Ed., LOT

DAC Project Manager

As DAC Project Manager, Barbara will coordinate activities and schedules and report to the Director of Human Resources or designee. Barbara will serve in the leadership role regarding the ADA Self-Evaluation of programs, services, activities and events along with the review of policies and procedures. Barbara brings twenty years of experience in public administration and providing services to individuals with disabilities to Disability Access Consultants. As an administrator in a public entity, Barbara provides unparalleled understanding of the application of the Americans with Disabilities Act and related legislation. In addition to assisting public entities with compliance with the ADA, Barbara has conducted compliance reviews for the Department of the Interior to audit for compliance with the ADA, Section 504 of the Rehabilitation Act and related civil rights laws and regulations. Barbara has served as an expert witness for the Department of Justice, Office of the Attorney General. Additionally, Barbara is a licensed occupational therapist. Barbara served on the Division of State Architect Advisory Board and served as the vice-chair for the DSA Access Compliance Committee. Barbara has worked on over 200 public entity projects that are similar to the City.

Michael Boga, B.A. Education, California Certified Access Specialist, ICC Accessibility, Usability and Plans Examiner***Facility Team Leader***

As manager of the production and the inspection team, Michael brings a unique blend of experience in the building industry along with his understanding of individuals with disabilities to the accessibility team. Michael is a certified accessibility specialist through the International Conference of Building Officials (ICC), certified in Accessibility, Usability and Plans examination and is California certified CASp inspector #152. Michael has completed the updated DSA courses regarding the 2010 California Building Code. Michael has provided numerous staff development sessions to public entities regarding accessibility requirements. If requested, Michael would provide training, assist with plan reviews and review new work completed for compliance, as requested. Mike has worked on over 260 projects that are similar to the City of Sierra Madre.

Jason Katz, B.S. Urban Planning, B.A. Sustainability and Urban Dynamics***DAC Accessibility Specialist***

Jason brings to DAC a background in civil design with degrees in Urban Planning and Sustainability/Urban Dynamics. Jason is also certified in Geographic Information Science and Auto CAD. Prior to becoming an Accessibility Specialist with DAC, Jason has worked on projects to compare and estimate future urban area population density differences using ESRI ArcMap 10, and also worked with the City of Mesa, Arizona to help establish green building codes for City owned buildings.

Srikant Talasila***Director, Information Technology***

Srikant brings many years of experience with information technology and management information services from a large corporation. He has the ability to categorize and organize large volumes of information regarding public and school facilities into a manageable database. He provides training and consultation to our clients in the use of DACTrak. Srikant would work directly with City of Sierra Madre staff to train and assist with the data entry and management of data.

Jennie Grover***Director of Operations***

Jennie draws on her experience in technical writing to provide leadership and management of the production and technical writing team, organizing the completion of technical reports, as well as managing production schedules, staff and timelines.

CLIENT REFERENCE LIST

The following are a few of the most recently completed references for scopes of work similar to the City of Sierra Madre that include City and County Governments and Park Districts. Numerous additional references are available.

<p>City of Fountain Valley Temo Galvez Deputy City Engineer 10200 Slater Avenue Fountain Valley, CA 92708 Phone: (714) 593-4517 Temo.galvez@fountainvalley.org</p>	<ul style="list-style-type: none"> • ADA Self-evaluation and transition plans of buildings, parks, intersections, sidewalks and public rights-of-way. The City was provided DACTrak Accessibility Management Software to manage the implementation of the plan, document resources needed and document progress. • The ADA Self-Evaluation of programs, services and activities to determine if any were discriminatory for individuals with disabilities was completed by DAC. <p>Contract End Date: May 2011-1st Contract; additional 2014 work Contract Amount: \$125,000</p>
<p>City of Palos Verdes Estates Sheri Repp Loadsman Planning and Building Director 340 Palos Verdes Drive West Palos Verdes Estates, CA 90274 Phone: (310) 378-0383 srepp@pvestates.org</p>	<ul style="list-style-type: none"> • ADA Self-evaluation and transition plans of buildings, parks, golf course, pools, parking lots, concessions, and public rights-of-way. • The City was provided DACTrak Accessibility Management Software to manage the implementation of the plan, document resources needed and document progress. • DAC is assisting with the development of an ADA Self-evaluation • DAC is providing assistance to the City for analysis of City vs. private entity upgrade obligations of leased sites. <p>Contract End Date: 2014, consultation in 2015 • Contract Amount: \$52,300</p>
<p>City of Claremont Jeff Baughman Building Official 207 N Harvard Avenue Claremont, CA 91711 Phone: (909) 399-5477 srepp@pvestates.org</p>	<ul style="list-style-type: none"> • DAC provided ADA Self-evaluation and transition plans of buildings, parks, intersections, roadways, sidewalks and public rights-of-way. • The City was provided DACTrak Accessibility Management Software to manage the implementation of the plan, document resources needed and document progress. • DAC also conducted the ADA Self-Evaluation of programs, services and activities to determine if any were discriminatory for individuals with disabilities and provided the City with an Executive Summary detailing the results and recommendations. <p>Contract End Date: 2014 • Contract Amount: \$112,500</p>
<p>County of Butte Grant Hunsicker Director of General Services 2081 2nd Street Oroville, CA 95965-3413 Phone: (530) 538-2511 Ghunsicker@buttecounty.net</p>	<ul style="list-style-type: none"> • DAC is currently working with the County to inspect County facilities for compliance with the Americans with Disabilities Act and California Building Code. • DAC is also performing a review of County policies, grievance procedures and public notices to evaluate their compliance with the ADA and suggest alternatives if necessary. • DAC is assisting the County in developing their updated transition plan. • DAC has provided training to County staff on ADA compliance, methods for reasonable accommodations, and effective communications with individuals with disabilities. <p>Contract End Date: 2015 • Contract Amount: \$91,000</p>

<p>County of Solano Rosa Lane, PhD, AIA, LEED AP Associate County Architect Division of Architectural Services 675 Texas Street, Suite 2500 Fairfield, CA 94533 Phone: (707) 784-7908 rmlane@solanocounty.com</p>	<ul style="list-style-type: none"> • DAC is currently performing ADA Accessibility surveys of County facilities using the DACTrak Accessibility Management software. • DAC is also assisting the County to perform a Self-Evaluation of services, policies, programs and practices. • County staff is using DACTrak to update and implement their Transition Plan. <p>Contract End Date: 2015 Contract Amount: \$260,000</p>
<p>City of Newport Beach Fong Tse Principal Civil Engineer 3300 Newport Boulevard Newport Beach, CA 92663 Phone: (949) 644-3321 FTSE@newportbeachca.gov</p>	<ul style="list-style-type: none"> • ADA Self-evaluation and transition plans of buildings, parks, intersections, roadways, sidewalks and public rights-of-way. The City was provided DACTrak Accessibility Management Software to manage the implementation of the plan, document resources needed and document progress. <p>Contract End Date: April 2013 Contract Amount: \$150,000</p>
<p>County of Shasta Thomas Forbish Facilities & Fleet Divisions Manager Facilities & Fleet Services Division 1958 Placer Street Redding, CA 96001 Phone: (530) 225-5659 tforbish@co.shasta.ca.us</p>	<ul style="list-style-type: none"> • DAC is training County staff to use DACTrak to perform self-inspections of County facilities using the DACTrak Intake inspection software. • The County is also using the DACTrak online management software to update the County's transition and barrier removal plan. <p>Contract End Date: Current project (City staff uses DAC tablet to complete their own inspections) Contract Amount: \$25,000</p>
<p>City of La Quinta Terry Deeringer Human Resources/General Services Manager 78495 Calle Tampico La Quinta, CA 92253 Phone: (760) 777-7041 Tdeeringer@la-quinta.org</p>	<ul style="list-style-type: none"> • ADA Self-evaluation and transition plans of buildings, parks, intersections, roadways, sidewalks and public rights-of-way. The City was provided DACTrak Accessibility Management Software to manage the implementation of the plan, document resources needed and document progress. • The ADA Self-Evaluation of programs, services and activities to determine if any were discriminatory for individuals with disabilities was completed by DAC. <p>Contract End Date: 2012 & ongoing consultation Contract Amount: \$100,000</p>
<p>City of San Clemente Johanne Thordahl Risk Mgmt. Analyst 100 Avenida Presidio San Clemente, CA 82672 Phone: (949) 361-8203 ThordahlJ@san-clemente.org</p> <p>Sam Penrod Human Resources Manager 100 Avenida Presidio San Clemente, CA 92672 Phone: (949) 361-8313 PenrodS@san-clemente.org</p>	<ul style="list-style-type: none"> • ADA Self-evaluation and transition plans of buildings, parks, piers, beach areas, golf course, pools, beach concessions, lifeguard areas, trails and public rights-of-way. • The City was provided DACTrak Accessibility Management Software to manage the implementation of the plan, document resources needed and document progress. • The ADA Self-Evaluation of programs, services and activities to determine if any were discriminatory for individuals with disabilities was completed by DAC. • DAC also assisted with the resolution of two complaints. <p>Contract End Date: 2012, ongoing consultation Contract Amount: \$70,000</p>

Disability Access Consultants has never been removed from a project or disqualified from proposing on a project.

SUBCONSULTANTS

DAC does not use subcontractors or subconsultants, as DAC prefers team members that have direct accountability and training by DAC to provide a seamless project delivery and interaction with City staff.

SCOPE OF WORK

Disability Access Consultants (DAC) understands that the City of Sierra Madre (City) is seeking a qualified firm to inspect, evaluate and prepare reports identifying potential barriers in the City-owned buildings, parks, parking lots and public rights-of-way.

The inspections will identify barriers or potential barriers in accordance with applicable Federal and State accessibility standards and regulations. In addition, it is understood that DAC will assist the City in developing a schedule for barrier removal over time in a cost effective and realistic manner, using programmatic solutions where available.

In order to successfully complete the project activities in a timely manner, DAC will work closely and collaboratively with the City of Sierra Madre without imposing unnecessary interruptions or burdens to City staff. During the past 17 years, Barbara Thorpe and her team have developed ongoing working relationships with City and County governments and have worked diligently to have clear lines of communication.

DAC has the extensive knowledge and experience with all Federal and State regulations during the past 17 years in business, that includes, but is not limited to the ADA up to and including the current 2010 American's Disability Act Standards (ADAS), 28 Code of Federal Regulation (CFR) 35, Title 24 California Building Standards Code, Title II of the ADA, PROWAG, MUTCD, Section 504 and related Federal and State Standards and Regulations.

Value Added Items to Enhance the Project at No Additional Cost or that Provide a Cost Savings

In addition to the above understandings and confirmations, DAC has found through its experience of working with City and County Governments and Joint Power Authorities, such as the California Joint Powers Insurance Authority, of which the City of Sierra Madre is a member, that certain other items enhance the level of success and implementation of ADA Transition Plans and Self-Evaluations by public entities.

The California JPIA (CJPIA) offers a discounted price to its members that has been negotiated with DAC. The CJPIA is also assisting members, such as the City, with costs for selected services for ADA compliance.

The use of DACTrak by City staff to conduct surveys at facilities, process reports and manage the information to implement and document the plan may assist the City to more efficiently and effectively achieve the City's project objectives and will provide longevity to the plan.

As an additional value at no cost, DAC provides at least one photograph of each noncompliant accessible item or element, a record number for reference, estimated costs and other features to assist with the implementation of the Transition Plan. To provide for easy management of the transition plan and documentation of compliance efforts, DAC has developed web-based software called DACTrak. DACTrak is a powerful tool to manage and update the accessibility plan, project costs and document progress. Custom reports can be easily prepared, printed and saved in a variety of formats.

Disability Access Consultants (DAC) includes the following additions at no additional cost:

- Noncompliant findings and recommendations are included in the DACTrak software
- One or more photographs of each noncompliant finding are included
- Additional photographs can be viewed of the noncompliant item by one click
- DACTrak provides a method to schedule and track the barrier removal

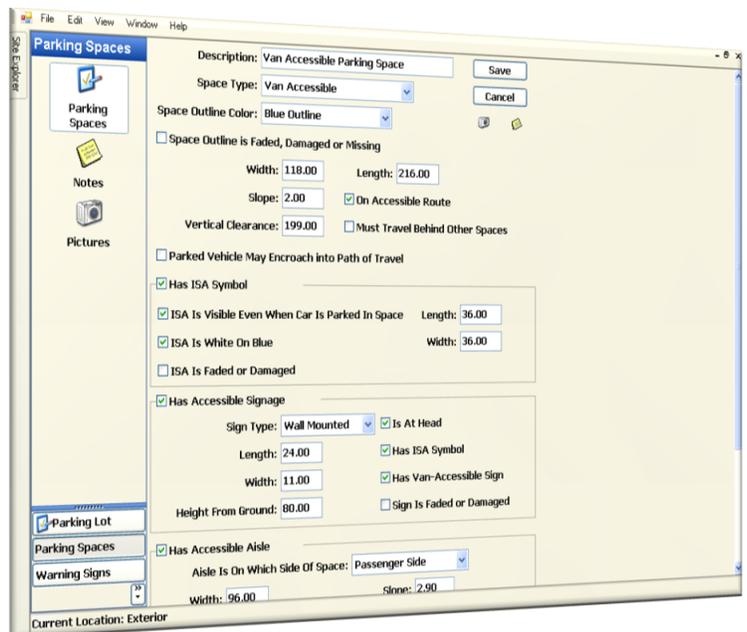
- Documentation of progress and compliance using the progress reporting feature of DACTrak
- Priorities can be established and further refined using DACTrak

DACTrak provides for an organized input method that captures all of the information gathered from the site inspections with photographs for each noncompliant finding. In essence, all of the field information is captured in a web-based software package and provides for “green” data collection and avoids paper and pencil checklists and unorganized photographs. DACTrak can also be used on a tablet pc to add new facilities and update compliance assessments and transition plans.

DAC has also found that having usable “software” and not just a database is very important to be able to easily manage and update the transition plan. Our extensive experience with clients needing to have an easy to manage and update plan was the catalyst for DAC to develop our DACTrak software for use by our clients. Thus, other critical issues include:

- Software to update and manage your Transition Plan
- The ability to document progress and barrier removal
- The ability to print custom reports
- The ability to update the plan “automatically” when codes change without re-inspecting sites
- The ability to project costs
- The ability to add or delete facilities

DAC’s collection of actual measurements of as-is conditions and GIS information for public rights-of-way is another value added item. The collection of an as-is condition is a valuable asset to allow the user to make an informed decision based on an actual measurement. For example, if a “yes” or “no” approach is utilized to indicate if an item is compliant, the user may not know what the actual level of noncompliance is and would not be able to set a priority or severity rating. If codes change, the information collected can be reprocess without the need to re-inspect, thus providing longevity of the plan and internal capacity of the City in a cost effective manner.



SCOPE OF WORK OVERALL PHASES

DAC proposes to execute the project in two phases. Detailed activities and deliverables are provided in the following scope of work description.

Phase I: Study and Evaluation - Self-Evaluation/Facility Survey/Barrier Assessment

- DAC will conduct an initial project kick-off meeting, if requested, with selected City of Sierra Madre staff to establish roles and lines of communication, refine project goals, review the overall project schedule, schedule surveys of City of Sierra Madre facilities and identify key City of Sierra Madre personnel related to the project scope. Initial self-evaluation activities will be completed during this step.
- The initial orientation meeting should include an assessment of previous compliance activities and areas of current or potential litigation. The review of compliance activities and high priority areas will assist with the development of an overall project plan. The review and documentation of prior initiatives will also build a more defensible plan if the City is challenged by litigation.
- DAC will conduct field surveys of the buildings and facilities listed in the property schedule, as well as the City maintained public rights-of-way to sidewalks, curb ramps and signalized intersections.

- d) Surveys will identify all physical barriers (interior and exterior) including the path of travel in and around the facility and from the public right-of-way at each site in accordance with Title 24 of the California Building Code and the ADA Standards (previously referred to as ADAAG).
- e) DAC currently provides geographical information (latitude and longitude) for each identified exterior barrier in the public right-of-way that can be incorporated into the City's Geographical Information System (GIS). DAC incorporated the map-linked GIS feature based on the needs of many of our City and County clients. DAC uses a comprehensive approach to inspecting public rights-of-way (PROW). In order to conduct an assessment of all the requirements in the PROW, DAC conducts manual measurements of the field conditions and enters the information into our DACTrak pc tablet in the field. DAC has found that the use of automated equipment for running slopes on sidewalks, such as ultra-light profilers, do not provide an actual measurement, but only provide a chart showing ranges. In some cases, if a change in level is greater than ½ inch, no actual quantifiable information is reported of how much greater or of the severity. In order to get the actual measurements for the sidewalks and intersections, the use of a "profiler" does not provide the measurements needed for items such as automated pedestrian signals and street furniture.
- f) As required by the ADA, the 2010 ADA Standards will be compared with state codes (Title 24 of the California Building Code) and the standard that provides the greater level of accessibility utilized. As DAC collects as-is field conditions and records all information, data can be reprocessed if codes change without conducting a re-inspection, thus resulting in a significant savings when codes change and the plan needs to be updated.
- g) Provisions and standards for historic buildings will be applied as appropriate.
- h) Assessments and reports will include a high degree of detail with photographs, code references, and cost estimates. The DACTrak software and reports will include additional specifics, such as as-built dimensions, progress reports, additional prioritizations, preset reporting features and other custom reports. Reports will be delivered in the format requested, and reports will also be available using DACTrak. The inclusion of photographs showing the as-is condition has proven to be valuable assistance to clients in the formulation of the decisions regarding barrier removal priorities. The DACTrak software provides an easy to use accessibility management platform that exceeds the ability to manage the plan by hard copies and binders. The assessment report of each facility will include cost estimates to correct deficiencies in accordance with the ADA, Title 24 of the California Building Code.
- i) Barriers are identified by building, floor, or location and given a unique identifier record number (UIN) to assist with navigation in the accessibility software and location of the finding and recommendation by area and site. Estimated applicable costs will be given by item and element in accordance with industry standards. Costs can be easily adjusted to adhere to any cost estimates the City may utilize.
- j) Physical access problems that require structural solutions will be documented in the Compliance Assessment/Transition Plan. The proposed method for removal will be provided. The transition plan will identify physical barriers that may limit accessibility of City programs, services or activities for individuals with disabilities. The schedule for removal of barriers and appropriate timelines will be developed in consultation with the City.
- k) The field survey information will be presented to the ADA Compliance Team as requested using the DACTrak web-based accessibility management system. Many different types of reports will be available for the City. Feedback will be incorporated as appropriate.
- l) The survey data will be compiled into a Transition Plan which will identify actual as-is conditions and prioritize current barriers, provide a schedule for barrier removal, as well as establish procedures for addressing future accessibility issues. The Transition Plan data is able to be exported to Excel or PDF formats. The Transition Plan data will include photographs, findings, recommendations, code references, estimated costs, priority settings (in addition to prioritized report) in accessibility software for accessibility management. Photographs and GIS coordinates are valuable for the development of the transition plan.
- m) DAC will assist the City to solicit input from members of the community and persons with disabilities. Methods will be utilized to solicit public input may include notices, information on the website and

surveys.

- n) The Transition Plan data will be provided using DACTrak which has management, monitoring, and web-based tracking tools that allow staff to manage current and future accessibility issues, update the deficiency status, and generate reports to show progress in meeting the Transition Plan requirements.

Phase II: Implementation Phase - Transition Plan Development

- a) DAC will develop, in collaboration with the City a comprehensive ADA Self-Evaluation and Transition plan for facilities, buildings, parks and public rights-of-way.
- b) DAC will develop a first draft of the ADA Transition Plan with recommended priority levels.
- c) DAC will meet with the City to review the draft document and incorporate any comments, changes or feedback.
- d) DAC will assist the City to conduct public outreach activities that may include website announcements, postings, surveys, announcements, individual meetings and other activities as requested.
- e) DAC will prepare and produce a second draft if necessary with a detailed description of the barrier and the proposed method for barrier removal.

- f) DAC will train the City in the use of the DACTrak web-based accessibility management system to prepare reports as well as update and manage the ADA Plan.
- g) DAC will provide an executive summary of the project.

- h) If requested, DAC can present the draft ADA Transition Plan at a regularly scheduled council meeting for discussion and for informational purposes. DAC does not recommend that the plan be adopted by the City, as adoption is not required and may cause additional discussion regarding projected dates in the plan that are meant to be “projected and estimated dates” and not final dates of barrier removal.

- i) DAC will provide the City with DACTrak, a web-based monitoring, tracking, and management system at project completion. DACTrak allows users to review and update progress in barrier removal, and to generate many different styles of reports to document progress. DACTrak contains one or more integrated photographs that are attached to the finding, eliminating the need to reference another area or report supplement. DACTrak is an actual accessibility management software, not just electronic database of items contained in the Facility Survey Report. DAC has found that an electronic database or Excel format does not provide the City with a tool containing integrated photographs needed to implement the plan, set priorities, make notes and print custom reports. If the City does not want to use the software, the data can be placed in an Excel spreadsheet.

- DAC will license DACTrak to the City to manage all of the field data collected, print custom reports, document progress, estimate costs and perform other management functions;
- Data collected will be the property of the City should the City decide for any reason not to continue to use the DACTrak accessibility intake and management software system;
- The California JPIA, of which the City is a member, has an agreement with DAC to pay for the use of DACTrak;
- DACTrak will include and provide correlation with field data collected, reports, transition plans, drawings, code references, estimated costs and photographs for each noncompliant accessibility item or element;
- Reference maps for GIS information will be provided in addition to a linked mapping system for each item;

The screenshot displays the DACTrak web application interface. At the top, there is a navigation bar with 'Welcome, mboga | Support | Sign Out | Help' and a menu with 'Reports', 'Tools', and 'Support'. Below this, the facility name 'Boys & Girls Club' is shown. The main content area is titled 'Parking - Exterior : Parking Lot , Parking Space' and 'Parking Off Of Park Avenue'. It details a 'Left Accessible Space' finding for 'Parking Space Width'. The finding states: 'The accessible parking space does not meet the minimum requirements for width. On Site Finding: 98.00 inches'. The recommendation is: 'Re-stripe the accessible parking space. Recommended: At least 108.00 inches'. The costing information is: 'Re-stripe existing parking space. \$350.00'. Citations listed are 'ADA 4.6.3' and 'CA 11298.4'. An image of the parking space is shown on the right. At the bottom, there is a form with fields for 'Priority' (set to 3), 'Projected Date of Completion' (4/12/2012), 'Progress' (Not Started), 'Resolution' (Select One), and 'Actual Date of Completion' and 'Actual Cost'. A 'New Comment' field contains 'Send PO to ABC Contracting'. 'Update' and 'Cancel' buttons are at the bottom.

- DACTrak provides a description, location and record number for each barrier that allows the user to access the information and location
- j) DAC will provide City staff with training regarding ADA Compliance from both a programmatic and administrative point of view and also for facility management and maintenance.

COST PROPOSAL

The total cost proposal includes all expenses and there are no additional reimbursable charges from the City Sierra Madre

- | | |
|--|-----------------|
| 1. Survey of City facilities at the following costs: | \$28,825 |
| <ul style="list-style-type: none"> • Sierra Vista Park • Community Center • Aquatic Center • Youth Activity Center • Memorial Park • Hart Park House • Mt. Wilson Trail Park • Lizzies Trail Inn • Richardson House • Bailey Canyon Wilderness • City Hall • Public Safety Facility • Library • Maintenance Yard • Milton and Harriet Goldberg Park • Kersting Court • Montecito Parking Lot • Mariposa Parking Lot • Auburn Parking Lot • South Baldwin Parking Lot | |

Survey of City Public Rights-of-way at the following costs:	<u>\$18,000</u>
---	------------------------

- 45 Miles of Sidewalks (Sidewalks and Curb Ramps)

<u>PRICING TOTAL:</u>	\$46,825
------------------------------	-----------------

Total Cost and Cost Savings

- | | |
|---|----------|
| 2. Total Cost for Sierra Madre inspection/surveys without Assistance Level 2: | \$46,825 |
|---|----------|

CJPIA is offering \$16,500 of funding assistance for Assistance Level 2 (AL-2), should City make commitment to entire proposal. This would make the net cost of the surveys (AL-2), **\$30,325**. Please

visit with your CJPIA Risk Manager, Maria Galvan for further questions.

We have estimated that the city has 45 miles of City roadway miles, including sidewalks and curb ramps to be surveyed at a not to exceed cost of \$18,000 using the rate of \$400 per linear mile of sidewalk. DAC will calculate the number of miles of sidewalk surveyed to calculate a total fee based upon the miles surveyed only. For example, if the amount of sidewalk miles is less than the amount allocated, the City will only be invoiced for the linear miles of sidewalk survey. The survey information will be placed into DACTrak.

3. Review of policies, procedures and programs and assistance with public input at a cost of \$5,000 which is paid by the CJPIA for a net cost of zero.
4. The CJPIA is paying the \$2,000 for the first year of licensing of DACTrak. The cost includes unlimited seat licenses. The member is responsible for additional years of licensure at \$2,000 per license.

The preceding costs reflect a discounted price for members of the California Joint Powers Insurance Authority. Costs were calculated using the CJPIA property schedule.

In addition, the CJPIA has a Master Agreement with DAC for an hourly rate of \$98.00 per hour, plus expenses. Time and expenses can be calculated and the City provided with either an hourly rate, plus expenses or a total fixed price, whichever is less.

Possible Cost Saving Options

Cost savings options may be available and may include portions of the study being conducted by City staff. For example, the Self-evaluation, policy review and public input may be conducted by the City ADA Coordinator with guidance and assistance from DAC to result in a cost savings.

In addition, although selected non-public areas were deleted from the CJPIA Property Schedule (i.e. pump houses, lift stations), there may be other sites that may be eliminated, thus resulting in a cost savings.

DAC has found that a combination of training in the classroom and in the field for practical, hands on application works best. DAC has trained several public entity clients to conduct their own inspections using the DACTrak tablet. The DACTrak tablet guides the user through the inspection and asks for specific measurements. If a measurement is not taken and added to the electronic intake sheet, the software prompts the user to add the required information and touch the camera icon to take one or more pictures of each item. Thus, the “smart technology” of the software improves the consistency and quality of the inspection and lends itself to users other than DAC inspectors for a cost savings.

Reports are generated after completion of the field intake, offering a quick turnaround and report generation. The quick turnaround time and easy access of password protected data is valuable for public entities that need to fast track information and reports. The methodology also provides a cost effective process. DACTrak also provides the opportunity for City of Sierra Madre staff to be trained to use the DACTrak intake tablet to capture field data, which can then be viewed by an off-site City of Sierra Madre staff member accessing DACTrak.com. Photographs are automatically captured using the intake software and are easily viewed online. Several photos may be added for supporting documentation of each noncompliant finding. Additional photographs can be added for other areas that may or may not be related to accessibility. Reports can be accessed in multiple formats, depending upon the needs of the City of Sierra Madre. Costs can easily be adjusted and maintained. DACTrak has seven preset priority findings. DAC will apply the state and federal recommended priority levels, but will also further customize the priority levels based upon the magnitude of impact and use by individuals with disabilities in public areas.

Due to the severe shortfall of funding for City of Sierra Madre and other City governments, DAC proposes alternatives to DAC completing the entire ADA transition plan. DAC has worked with numerous City and County governments and has provided individualized programs to meet their needs, sometimes in phases, to enhance compliance with the ADA within the constraints of their budgets. Several strategies that the City of Sierra Madre might utilize include, but are not limited to:

- DAC conducting accessibility surveys in phases, prioritizing the facility inspections for sites that have high public use or high use by individuals with disabilities
- Using our DAC pc tablet, City of Sierra Madre employees can conduct their own inspections
- DAC conducts some of the inspections while City of Sierra Madre employees follow and receive in field training
- DAC completes all project components in additional phases over multiple budget years
- Or a combination of the above alternatives

The cost saving alternative of City staff using the DACTrak tablet to complete the public right-of-way inspections may be a viable alternative that will produce a cost savings.

SCHEDULE: SCOPE OF SERVICES SUMMARY BY ESTIMATED TIMELINES

Based upon experience, a project milestone chart is provided in weeks. It is estimated that the project will be completed in five months, or sooner. The chart below is a summary of major milestones and is not necessarily representative of all of the individual project activities.

Scope of Service –Activity or Task	Weeks	Weeks	Weeks	Weeks	Weeks
	1-4	5-8	9-12	13-16	17-20
DAC Team Meetings with City; survey methodologies, deliverables and schedule confirmation					
Project planning, scheduling, procedures review					
Field inspection data compiled (compiled on a daily basis and available for review throughout the inspection process)					
First Draft of ADA Transition Plan					
Solicit and record feedback from the City, and members of the community					
Presentation to ADA Compliance Team of second draft ADA Transition Plan					
Final Draft					
Deliverables completed and presentation to the City					

Consultant Responsibilities

DAC will arrange all project management activities for an efficient process to develop the ADA Transition plan and provide the City with an anticipated project schedule prior to commencement of work.

DAC will perform all work in conformance with current City policies and procedures and carry out the instructions received from the City, in cooperation with other City approved and involved agencies.

Additional Information

Conflict of Interest Statement

DAC does not have any financial, business or other relationship with the City that may have an impact upon the outcome of this contract and does not have any current clients that may have a financial interest in the outcome of this contract. Disability Access Consultants has no conflict of interest with the City of Sierra Madre, any associates, representative, consultants, sub consultants, or others.

DAC does not have any conditions that would affect our ability to perform the services described in this proposal. DAC does not have any previous, pending or current litigation. Our firm has not been debarred, suspended or declared ineligible to contract with any federal state or local public agency. The firm, owners or president is not in the Federal Excluded parties List System (EPLS) for Ineligible Professionals and Debarred Contractors.

Insurance Coverage and Stability

Disability Access Consultants carries all the necessary insurance coverage, such as general liability, automobile liability, worker's compensation and employer's liability, and professional errors and omissions malpractice liability insurance. DAC has a no claims record on all policies for our entire 17 years in business and does not have any pending, previous or current litigation.

DAC has the financial, operational and staff stability to complete a quality and comprehensive project on time. DAC has no adverse conditions.

Minority Utilization and Affirmative Action

DAC is an equal opportunity employer and has recruited minorities and veterans. DAC's quality control team leader is a Vietnam veteran with a disability.

Background Checks and Fingerprinting

All employees of Disability Access Consultants have been fingerprinted and have background checks. DAC has FBI and DOJ fingerprint clearances on file for DAC staff. We have conducted studies for school districts, state and local governments, the Federal Government, Judicial Chambers and Correctional Institutions that require background checks. DAC has found that background checks are important especially in situations where inspection staff may be working near children, and are required in certain situations.

Supplemental Materials

[Sample DACTrak Screen Shots and Information](#)

These samples are generated from the DACTrak Accessibility Management web-based software program. The following screen shots are recent examples of the DACTrak Management software prepared for several public entity clients.

Clients: Projects:

Buildings

Project Information
 Address : 78-495 Calle Tampico La Quinta, CA 92253
 Start Date : 7/6/2011

Facility List

Boys & Girls Club	49995 Park Avenue La Quinta, CA 92253
City Of La Quinta Sports Complex	Sports Complex La Quinta, CA 92253
Civic Center	78-495 Calle Tampico La Quinta, CA 92253
Fire Station #70	54001 Madison Street La Quinta, CA 92253
Fire Station #93	44555 Adams Street La Quinta, CA 92253
La Quinta Library	78-275 Calle Tampico La Quinta, CA 92253
La Quinta Museum	77-885 Avenida Montezuma La Quinta, CA 92253
La Quinta Senior Center	78-450 Avenida La Fonda La Quinta, CA 92253
La Quinta YMCA Daycare	49-955 Avenue 50 La Quinta, CA 92253
New Fire Station (Fire Station #32)	78111 Avenue 52 La Quinta, CA 92253
Police Substation	51351 Avenida Bermidas La Quinta, CA 92253
Public Works & Maintenance	78109 Avenue 52 La Quinta, CA 92253
Silver Rock Temporary Clubhouse	79-179 Ahmanson Lane La Quinta, CA 92253
Silverrock Maintenance Building	79-600 54 Avenue La Quinta, CA 92253

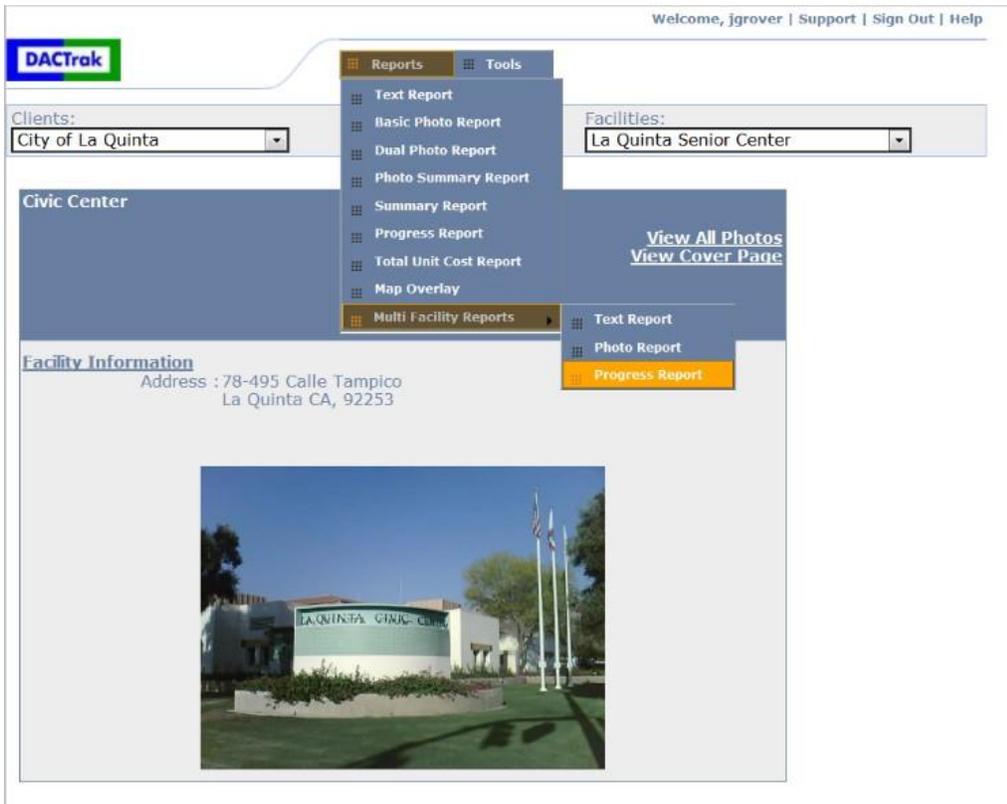
Fair Oaks Recreation and Parks District

Project Information
 Address : 4150 Temescal Street Fair Oaks, CA 95628
 Start Date : 4/8/2011

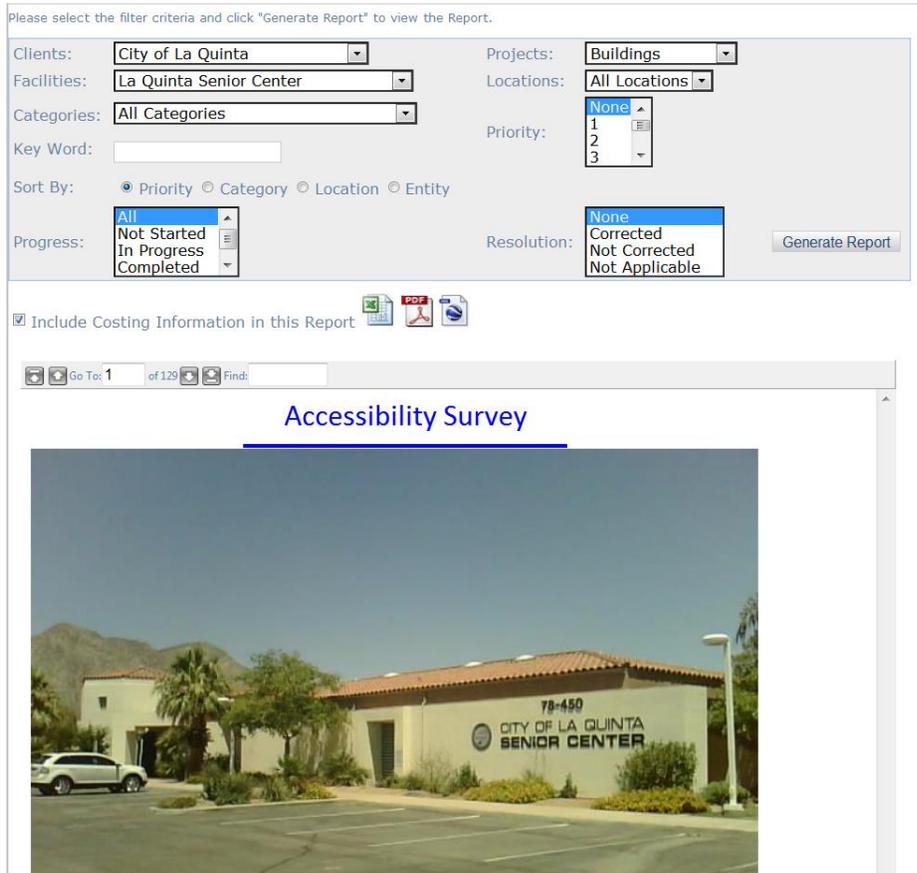
Facility List

Arts & Crafts Building	7997 California Avenue Fair Oaks, CA 95628
Bannister Park	3820 Bannister Road Fair Oaks, CA 95628
Community Clubhouse	7997 California Avenue Fair Oaks, CA 95628
District Office	4150 Temescal Street Fair Oaks, CA 95628
Fair Oaks Park	11549 Fair Oaks Boulevard Fair Oaks, CA 95628
Fair Oaks Preschool	8090 Grand Avenue Fair Oaks, CA 95628
Little Phoenix Park	9041 Phoenix Avenue Fair Oaks, CA 95628
McMillan Center	8020 Temple Park Road Fair Oaks, CA 95628
Miller Park	8480 Sunset Avenue Fair Oaks, CA 95628

Upon logging in to the secure DACTrak website, you are able to choose the facility you would like to view and manage. These two screen shots are examples of facility lists for two recent public entity transition plan projects.



After choosing a facility, you are able to use Reports drop down menu to choose which report style to view. You may also choose to view multiple facilities in one report.



This screenshot is an example of the home page for a Basic Photo Report. The sort and filter panel allows users to quickly run reports that generate findings for specified locations or categories, or by progress, priority or resolution status.

La Quinta Library

Doors - Chamber Of Commerce : Door , Hardware

Door Between Library & Chamber Of Commerce

Push Bar / Lever

Door , Hardware : Door Opening Pressure

Finding

The door opening force for this door is greater than allowed.

On-Site Finding 10.00 pounds

Recommendation

Adjust the closer on the door to meet the door opening force requirements.

Recommendation Up to 5.00 pounds

Costing Info (Estimated)

Adjust door closer pressure. \$25



Code Reference CA 1133B.2.5, ADA 404.2.9

Progress

Record Number	43596	Resolution	None
Progress	Not_Started	Actual Date	
Projected Date	06/30/2013	Priority	Two
Actual Cost	\$0.00		
Contractor			
Comments	No Comments		

La Quinta Museum

Doors - Museum 1st Floor : Door , Hardware

Archives 102

Lever

Door , Hardware : Door Opening Pressure

Finding

The door opening force for this door is greater than allowed.

On-Site Finding 8.00 pounds

Recommendation

Adjust the closer on the door to meet the door opening force requirements.

Recommendation Up to 5.00 pounds

Costing Info (Estimated)

Adjust door closer pressure. \$25



Code Reference CA 1133B.2.5, ADA 404.2.9

Progress

Record Number	43936	Resolution	None
Progress	Not_Started	Actual Date	
Projected Date		Priority	Two
Actual Cost	\$0.00		
Contractor			
Comments	No Comments		

These two screenshots are examples of a finding page in a Basic Photo Report. This type of report shows the user the finding, with accompanying recommendation to correct the non-compliant item, the associated photo, code reference(s), estimated cost to remove the barrier, and any progress that has been added to update the transition plan.

Fair Oaks Park

Path of Travel - Exterior : Path Of Travel , Walking Surfaces

Path Of Travel At The Basketball Court

Exterior Walkway

Walking Surface Slope

Path Of Travel , Walking Surfaces : Walking Surface Slope

Finding

There are slopes greater than allowed maximum slope on the primary path of travel.

On-Site Finding 14.70 percent



Code Reference:
ADA 4.3.7, CA 1133B.7.3

Recommendation

Provide compliant sidewalk.

Recommended Up to 5.00 percent

Costing Information (Estimated)

Install compliant pathway. \$1,840

Record Number : 988033

Path of Travel - Exterior : Path Of Travel , Walking Surfaces

Path Of Travel At The Entrance To The Horticultural Center

Exterior Walkway

Walking Surface Slope

Path Of Travel , Walking Surfaces : Walking Surface Slope

Finding

There are slopes greater than allowed maximum slope on the primary path of travel.

On-Site Finding 6.40 percent



Code Reference:
ADA 4.3.7, CA 1133B.7.3

Recommendation

Provide compliant sidewalk.

Recommended Up to 5.00 percent

Costing Information (Estimated)

Install compliant pathway. \$1,840

Record Number : 987873

This screenshot is an example of a finding page in a Dual Photo Report. This type of report shows the user two findings per page, with accompanying recommendations to correct the non-compliant item, the associated photo, code reference(s), and estimated cost to remove the barrier.

The Dual Photo and Basic Photo Reports may be exported to an Excel workbook for easy management of the transition plan data. The Excel workbook exports into a pre-formatted table with the filter function atop each data column. The report is a fully functioning Excel spreadsheet that may be sorted, filtered and manipulated by the user. The column for Picture identification numbers includes cells that are live links to the second tab of the workbook which contains report photos. Clicking the cell for a particular report finding will bring up the associated picture on the Photos tab.

Record Number	Picture	Category	Location	Sub Location	Description	Sub Description	Item
448	19216	Reach Ranges	1st Floor	Science 112 & Biology 1	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
449	19216	Reach Ranges	1st Floor	Science 112 & Biology 1	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
450	21179	Reach Ranges	1st Floor	Science 113 Biology Laboratory	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
451	21179	Reach Ranges	1st Floor	Science 113 Biology Laboratory	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
452	19381	Reach Ranges	1st Floor	Science 114 Microbiology Laboratory	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
453	19381	Reach Ranges	1st Floor	Science 114 Microbiology Laboratory	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
454	19401	Reach Ranges	1st Floor	Science 115 Biotechnology Laboratory	Biological Safety Cabinet - Other	Cannot be Operated with one hand	Element Highest Point of Operation
455	19391	Reach Ranges	1st Floor	Science 115 Biotechnology Laboratory	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
456	19391	Reach Ranges	1st Floor	Science 115 Biotechnology Laboratory	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
457	19383	Reach Ranges	1st Floor	Science 116 Anatomy Laboratory	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
458	19383	Reach Ranges	1st Floor	Science 116 Anatomy Laboratory	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
459	19385	Reach Ranges	1st Floor	Science 119 Life Science Preparation	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
460	19385	Reach Ranges	1st Floor	Science 119 Life Science Preparation	Fume Hood - Fume Hood	Cannot be Operated with one hand	Element Highest Point of Operation
461	21190	Reach Ranges	1st Floor	Science 15A Micro Preparation Room	Purifier Clean Bench - Other	Cannot be Operated with one hand	Element Highest Point of Operation
462	22625	Reach Ranges	1st Floor	2nd Floor Science 201 Math Laboratory	Computer Station - Computer Station	Cannot be Operated with one hand	Element Highest Point of Operation
463	22625	Reach Ranges	1st Floor	2nd Floor Science 201 Math Laboratory	Computer Station - Computer Station	Cannot be Operated with one hand	Knee Height

Record Number	Picture	Category	Location	Sub Location	Description	Sub Description
4	11757	Doors	Interior	Bookstore	Lever	
5	11750	Doors	Exterior	Chamber Of Commerce	Chamber Of Commerce Entrance	Push Bar / D Handle
6	11754	Doors	Interior	Chamber Of Commerce	Door Between Library & Chamber Of Commerce	Push Bar / Lever
7	11756	Doors	Interior	Door To Garden	Door To Garden	Push Bar / D Handle
8	11756	Doors	Interior	Door To Garden	Door To Garden	Push Bar / D Handle
9	11542	Doors	Interior	Hallway Conference Room	Hallway Conference Room Door	Push Bar / Lever
10	11542	Doors	Interior	Hallway Conference Room	Hallway Conference Room Door	Push Bar / Lever
11	11549	Doors	Interior	Mens Restroom Near North	Entrance	Push / Pull
12	11187	Doors	Exterior	North Entrance	North Entrance	Push Bar / D Handle
13	11543	Doors	Interior	Room 110	Room 110	Lever
14	11543	Doors	Interior	Room 110	Room 110	Lever
15	11546	Doors	Interior	Storytime Room	Storytime Room	Push Bar / D Handle
16	11546	Doors	Interior	Storytime Room	Storytime Room	Push Bar / D Handle
17	11548	Doors	Interior	Womens Restroom Near North	Entrance	Push / Pull
18	11745	Doors	Interior	Young Adult Room	Young Adult Room	Lever
19	11480	Restrooms	Interior	Mens Restroom Near North	Entrance	Lavatory
20	11480	Restrooms	Interior	Mens Restroom Near North	Entrance	Lavatory
21	11168	Restrooms	Exterior	Outside Mens Restroom	Outside Mens Restroom	Lavatory

Welcome, jgrover | Support | Sign Out | Help

DACTrak Reports Tools

Clients: Buildings

Buildings

Project Information
Address : 78-495 Calle Tampico La Quinta, CA 92253
Start Date : 7/6/2011

Facility List

Boys & Girls Club	49995 Park Avenue La Quinta, CA 92253
City Of La Quinta Sports Complex	Sports Complex La Quinta, CA 92253
Civic Center	78-495 Calle Tampico La Quinta, CA 92253
Fire Station #70	54001 Madison Street La Quinta, CA 92253
Fire Station #93	44555 Adams Street La Quinta, CA 92253
La Quinta Library	78-275 Calle Tampico La Quinta, CA 92253
La Quinta Museum	77-885 Avenida Montezuma La Quinta, CA 92253
La Quinta Senior Center	78-450 Avenida La Fonda La Quinta, CA 92253
La Quinta YMCA Daycare	49-955 Avenue 50 La Quinta, CA 92253
New Fire Station (Fire Station #32)	78111 Avenue 52 La Quinta, CA 92253
Police Substation	51351 Avenida Bermidas La Quinta, CA 92253
Public Works & Maintenance	78109 Avenue 52 La Quinta, CA 92253
Silver Rock Temporary Clubhouse	79-179 Ahmanson Lane La Quinta, CA 92253
Silverrock Maintenance Building	79-600 54 Avenue La Quinta, CA 92253

Tools dropdown menu items:
 Project Portfolio
 Project Home
 Facility Home
 Change Password
 Contact Us
 Record Manager
 Global Progress Editor
 Priority Manager

Users can update progress using the Tools drop down menu.

Record Manager allows each record to be updated individually.

Global Progress Editor allows many records to be updated at once with identical information.

Priority Manager allows many records to be updated at once with unique information.

DACTrak Reports Tools

Please select the client, project, facility, location and category to generate list of intakes to manage on.

Clients: Projects:

Facilities: Locations:

Categories:

Name	Deficiency Type	Location
Accessible Parking	Element	Exterior
Benches Near The Play Area	Element	Exterior
Community Garden Parking Lot	Element	Exterior
Continuing Path Of Travel From The Softball Fields To The Skate Park	Element	Exterior
Curb Ramp From The Accessible Space Near The Play Area	Element	Exterior
Directional Signage From The Public Right Of Way	Element	Exterior
Directional Signage To All Common Areas	Element	Exterior
Drinking Fountain At The Horticultural Cener	Element	Exterior
Drinking Fountain Near The BBQ Area	Element	Exterior
Drinking Fountain Near The Restrooms	Element	Exterior
Drinking Fountain Near The Skate Park	Element	Exterior
Drinking Fountain Near The Softball Field Concession Stands	Element	Exterior
Gates To The Community Garden	Element	Exterior
Horticultural Center	Element	Exterior
Left Curb Ramp From The Accessible Spaces Near The Skate Park	Element	Exterior
Mens & Womens Restrooms	Element	Restrooms
Mens Restroom	Element	Restrooms
Mens Restroom	Element	Restrooms

Record Manager allows the user to choose which record to update individually.

DACTrak Reports Tools

1 2 of 2

Facility: Fair Oaks Park [Back to List](#)

Curb Ramps - Exterior : Curb Ramp

Curb Ramp From The Accessible Space Near The Play Area

No Detectable Warnings

Finding
The curb ramp does not provide a detectable warning surface which includes truncated domes.
On Site Finding: Not Found

Recommendation
Provide compliant detectable warnings to surface.
Recommended: See Above

Costing Information
Provide detectable warning to surface. \$144.00

Citations
CA 1127B.5.8
ADA 4.7.7

Curb Ramp : No Detectable Warnings



1 of 1

Priority: None
Progress: Not Started
Resolution: Select One

Projected Date of Completion:
Actual Date of Completion:
Actual Cost:

New Comment:

1 2 of 2

Once a record is chosen in Record Manager, the user can set the priority, select the status of progress, add projected and actual dates of completion and also document any notes regarding the record.

Drinking Fountains - Exterior : Drinking Fountains

Drinking Fountain Near The Skate Park

Clear Floor Space Slope

Finding
The Clear Floor Space Slope is not compliant.
On Site Finding: 8.40 percent

Recommendation
Provide compliant Clear Floor Space at the drinking fountain.
Recommended: Up to 2.00 percent

Costing Information
(None) \$0.00

Citations
ADA 4.15.5

Drinking Fountains : Clear Floor Space Slope



1 of 1

Drinking fountain not operational at time of inspection.

Priority: 1
Progress: Completed
Resolution: Corrected

Projected Date of Completion: 6/1/2011
Actual Date of Completion: 7/8/2011
Actual Cost: 565.33

New Comment: Slope corrected and verified to be compliant by inspector #36. Repair grass area near fountain.

This screen shot represents an example of a record with progress, updates and comments added.

Record Manager gives an Administrator the most options to examine, manage and update the transition plan for the selected site.

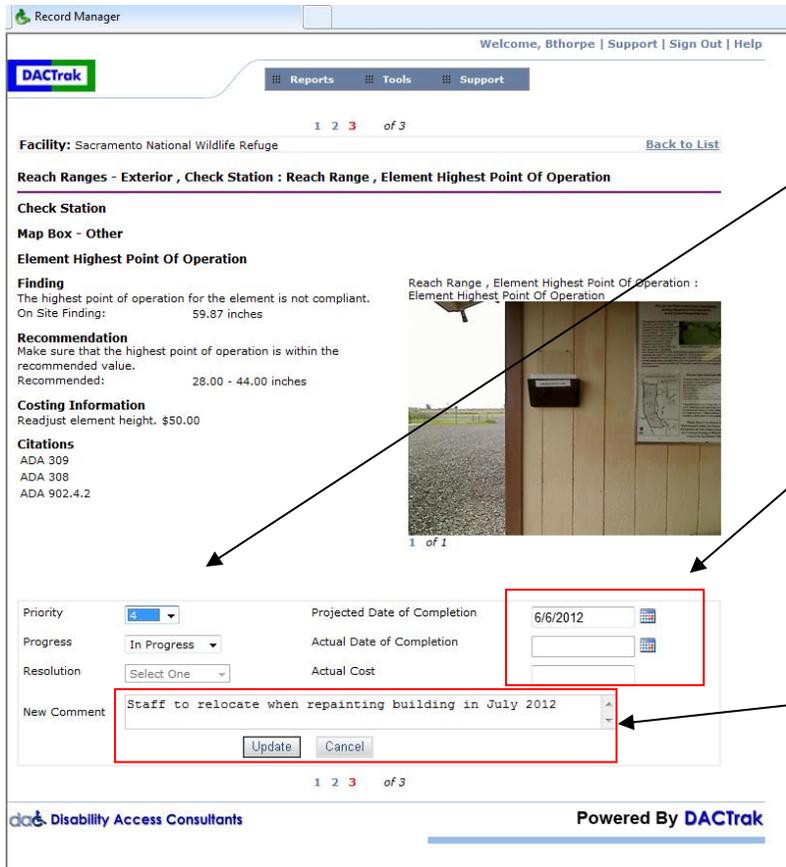
All comments saved using the Update command are shown under the finding. All new comments that are added will also be listed in this area.

An Administrator is able to view findings related to the same element by using the advance controls, also located under the tool bar at the top of the page.

A priority level of 1 through 7 can be assigned to the element.

Projected and actual dates of completion are entered here. The Administrator can also add the actual cost of bringing the element into compliance for budgeting and expense reporting.

New Comments can be added here and saved using the Update command.



DACTrak Reports Tools

Please select the filter criteria and click "Generate List" to view the deficiencies you are able to edit.

Clients: Fair Oaks Recreation and Parks District Projects: Fair Oaks Recreation and Parks District
 Facilities: Fair Oaks Park Locations: All Locations
 Categories: Passenger Loading Zones

Location	Element Description	Finding	Progress	Projected Completion Date	Actual Completion Date
<input type="checkbox"/> Exterior	Passenger Loading Zone At The Horticultural Center	There is less than the minimum required length in the access aisle at the passenger loading zone.			
<input type="checkbox"/> Exterior	Passenger Loading Zone At The Horticultural Center	The slope of the asphalt surface for the access aisle at the passenger loading zone is greater than 2%.			
<input type="checkbox"/> Exterior	Passenger Loading Zone At The Horticultural Center	There is no signage designating accessibility posted at the passenger loading zone.			
<input type="checkbox"/> Exterior	Passenger Loading Zone At The Horticultural Center	There are no detectable warning devices provided at the passenger loading zone.			
<input type="checkbox"/> Exterior	Passenger Loading Zone Near The Restrooms	There is no signage designating accessibility posted at the passenger loading zone.			
<input type="checkbox"/> Exterior	Passenger Loading Zone Near The Restrooms	The slope of the asphalt surface for the access aisle at the passenger loading zone is greater than 2%.			
<input type="checkbox"/> Exterior	Passenger Loading Zone Near The Restrooms	There are curbs between the access aisle and the vehicle pull-up space.			

Projected Date:
 Actual Date:
 Priority:
 Progress:
 Resolution:

Select deficiencies from the list above, and enter new values below. To erase a value, leave the field blank and press Clear.

This is an example of Global Progress Editor, where the user may select many records to update at one time. In this example, the category has been filtered to Passenger Loading Zones using the Categories drop down menu.

DACTrak Reports Tools

Please select the filter criteria and click "Generate List" to view the deficiencies you are able to edit.

Clients: City of La Quinta Projects: Buildings
 Facilities: Silverrock Maintenance Building Locations: All Locations
 Categories: Sinks

Location	Element Description	Finding	On Site Finding	Priority	Progress	Resolution	Projected Completion Date	Actual Completion Date	Cost Responsibility	Contractor
<input type="checkbox"/> Interior	Maintenance Bay	Sink counter height is not compliant.	35.37 inches	<input type="text" value="None"/>	<input type="text" value="None"/>	<input type="text" value="None"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="None"/>	<input type="text"/>
<input type="checkbox"/> Interior	Maintenance Bay	The height of the controls and operating mechanisms for the dispenser is not at the correct height.	55.75 inches	<input type="text" value="None"/>	<input type="text" value="None"/>	<input type="text" value="None"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="None"/>	<input type="text"/>
<input type="checkbox"/> Interior	Maintenance Bay	The height of the controls and operating mechanisms for the dispenser is not at the correct height.	49.50 inches	<input type="text" value="None"/>	<input type="text" value="None"/>	<input type="text" value="None"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="None"/>	<input type="text"/>

Select deficiencies from the list above, and enter new values. To erase a value, leave the field blank.

This is an example of Priority Manager, where the user may select many records to update with unique information from one screen. The user may select progress information from the drop down menus and enter dates for each line item. All information is updated with one click of the Submit button. In this example, the category has been filtered to Sinks using the Categories drop down menu.

When GPS information is recorded for the location of an outdoor finding, such as the sidewalk report below, a Map Overlay report is available to view on DACTrak. This report shows a map of the area where the survey was performed, and pinpoints the location of the finding. Clicking on the pinpoint brings up a screen showing the finding, recommendation to bring the item into compliance, a photo of the finding and the associated code references.

Record Manager

Welcome, Bthorpe | Support | Sign Out | Help

DACTrak Reports Tools Support

1 2 3 4 5 > Next 5 of 14

Facility: Sacramento National Wildlife Refuge [Back to List](#)

Restrooms - Visitors Center : Restroom , Toilet Compartment

Mens Visitor Center Restroom

Toilet Compartment Width

Finding
There is insufficient clear floor space in the compartment.
On Site Finding: 41.75 inches

Recommendation
Modify or replace the compartment to provide adequate clear floor space.
Recommended: At least 60.00 inches

Costing Information
Install accessible stall. \$4,000.00

Citations
ADA 604.8.1.1



Restroom , Toilet Compartment : Toilet Compartment Width

1 2 3 of 3

Remove one urinal, provide a compliant urinal, and make the toilet compartment accessible when the new visitors center is completed.

Priority: None
Progress: Not Started
Resolution: Select One
New Comment:

Projected Date of Completion:
Actual Date of Completion:
Actual Cost:

1 2 3 4 5 > Next 5 of 14

Disability Access Consultants **Powered By DACTrak**

By clicking on the photo number, the Administrator can view more than one photo within the same screen.





City of Sierra Madre Agenda Report

Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor Goss and Members of the City Council

FROM: Elaine I. Aguilar, City Manager 

INITIATED BY: Bruce Inman, Director of Public Works 

DATE: May 10, 2016

SUBJECT: RECOMMENDATION TO APPROVE AN ADDITIONAL EXPENDITURE OF \$5,000 IN SUPPORT OF THE ACTIVITIES OF THE FIVE-CITIES ALLIANCE

SUMMARY

Staff recommends that the City Council approve an additional expenditure of \$5,000 from General Fund reserves to cover additional costs incurred by the 5-Cities Alliance in preparing comments on the State Route 710 North Study Alternatives draft Environmental Impact Report/Statement, Cost Benefit Analysis, and the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy Program Environmental Impact Report.

ANALYSIS

On October 23, 2012 the City Council adopted Resolution 12-84 opposing the tunnel alternative to the 710 freeway extension. Copies of the Resolution and the accompanying staff report are attached to this report as Attachment A.

On January 28, 2014 the City Council approved a Memorandum of Understanding (MOU) creating the "5-Cities Alliance," a group of cities (Glendale, Pasadena, La Canada-Flintridge, and South Pasadena) in order to pool resources to review and evaluate the Draft Environmental Impact Report/Statement (DEIR/S) that was at that time being prepared by Caltrans and Metro. The thought was that it was necessary to hire a group of expert consultants to review portions of the DEIR/S within their areas of expertise and provide their findings to a law firm which would in turn compile the findings into a letter to Caltrans and Metro outlining those findings. (See Attachment B)

Under the MOU each city committed to cover a share of the overall cost of the DEIR/S review, which at the time was estimated to be \$260,000. The costs were broken down as follows:

FOR CITY COUNCIL AGENDA _____

AGENDA ITEM # 1F

Partner Contributions:

<u>City</u>	<u>Funding</u>
South Pasadena	\$ 55,000.00
La Cañada Flintridge	\$ 55,000.00
Pasadena	\$ 50,000.00
Glendale	\$ 50,000.00
Sierra Madre	\$ 50,000.00
Total	\$ 260,000.00

A select team of consultants was hired by the 5-Cities to undertake the task of reviewing in detail the DEIR/S document, which turned out to be a mammoth 1,294 page document accompanied by 996 pages of appendices and 24 additional studies and assessments.

The consultant team and their associated fees consisted of:

SR-710 Draft EIR/EIS Expenditures:

	<u>Budget</u>	<u>Total</u>	<u>Difference</u>
Shute Mihaly	\$ 100,000.00	\$ 137,261.36	\$ (37,261.36)
Nelson Nygaard	\$ 80,000.00	\$ 57,671.50	\$ 18,935.50
Landrum Brown	\$ 49,975.00	\$ 49,975.00	\$ -
Ken Wilson	\$ 30,000.00	\$ 22,280.00	\$ 7,720.00
Total	\$ 259,975.00	\$ 271,223.86	\$ (10,605.86)

Total Funding	\$260,000.00
Total Expenditures	\$(270,580.86)
Cost Overruns	\$(10,580.86)*

The cost overruns on the DEIR/S project were divided between the cities of Glendale, La Cañada Flintridge, Pasadena, and South Pasadena in an amount of \$2,645.22 each.

Under the original scope of work requested by the 5-Cities group, the finished work product received from the law firm Shute, Mihaly, and Weinberger, LLP, is a 91-page letter addressed to the Caltrans District 7 Chief Environmental Planner and to the CEO of Metro. The letter explains the numerous shortcomings of the DEIR/S in detail. (Attachment C) The work product also includes a separate letter from SMW to Caltrans District 7 regarding comments on the DEIR/S cost benefit analysis. (Attachment D)

During the review of the DEIR/S it was determined by the group that the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy Program Environmental Impact Report (PEIR) should also be given a similar scrutiny, as the RTS/SCS is a critical component of the

funding process for any major transportation project. The RTP/SCS Program Environmental Impact Report was not a part of the 5-Cities original scope.

SCAG RTP/SCS Expenditures:

	Budget	Total	Difference
Shute Mihaly	\$ 20,000.00	\$ 20,000.00	\$ (1.00)
Phyllis Fox	\$ 5,000.00	\$ 5,000.00	\$ -
Nelson Nygaard	\$ 5,000.00	\$ 3,578.75	\$ 1,421.25
Total	\$ 30,000.00	\$ 28,579.75	\$ 1,420.25

Total Funding \$ 30,000.00**
 Total Expenditures \$(28,579.75)*

The 5-Cities Alliance has proposed a cost allocation for the RTP/SCS PEIR review as noted below. Staff has not committed Sierra Madre to any share of the cost.

Glendale, La Cañada Flintridge, Pasadena, and
 South Pasadena = \$6,250/city
 Sierra Madre = \$5,000;

The work product of the RTP/SCS PEIR review is a 30-page (plus attachments) letter to SCAG outlining four reasons that the 710 Tunnel should be eliminated from the 2016 RTP/SCS. The Draft RTP/SCS currently shows an expenditure of \$70.45 million for additional studies on the tunnel project. If the tunnel project is eliminated from the RTP/SCS, it cannot receive any state or federal funding. The comment letter from Shute Mihaly is included as Attachment F.

The Connected Cities and Communities Alliance (C³) was formed from the member agencies of the 5 Cities group. C³ is an advocacy group specifically designed to include elected officials and representatives of other agencies or organizations. The initial member entities and their funding commitments are as follows:

C³Partner Contributions:

Partners	Funding
La Cañada Flintridge	\$ 15,000.00
Pasadena	\$ 20,000.00
Glendale	\$ 30,000.00
National Trust for Historic Preservation	\$ 12,500.00
Jose Huizar's Office	\$ 500.00
South Pasadena	\$ 30,000.00
Total Committed:	\$ 108,000.00

Although Sierra Madre has not agreed to commit funding to the C³ efforts, staff and City Council Members have attended most of the C³ meetings and participated in the planning discussions. The work product and activities of C³ are varied, but have

centered on the preparation of a better solution for San Gabriel Valley transportation connectivity called "Beyond the 710." The expenses incurred by the C³ group for preparation of the Beyond the 710 Alternative (BT710 Proposal) and the public relations/advocacy to support the alternative are noted below. This information is shown for City Council reference only; the C³ group and staff are not requesting funding for these activities at this time.

Beyond the 710 Expenditures:

	Budget	Total	Difference
High Point Strategies	\$ 24,500.00	\$ 79,000.00	\$ (54,500.00)
A&AC	\$ 10,000.00	\$ 13,000.00	\$ (3,000.00)
Maxima Group	\$ 24,500.00	\$ 24,267.50	\$ 232.50
Nelson Nygaard	\$ 24,908.00	\$ 35,443.18	\$ (10,535.18)
Shute Mihaly	\$ 8,000.00	\$ 7,486.50	\$ 318.50
Total	\$ 91,908.00	\$ 159,392.18	\$ (67,484.18)

Total Funding: \$ 108,000
Total Expenditures: \$ (159,392.18)
Difference: \$ **(51,892.18)**

A copy of the BT710 Proposal is included with this staff report as Attachment E.

FINANCIAL

Adequate funds are available in General Fund reserves to cover this additional expense.

ALTERNATIVES

- 1.) The City Council may approve the request by the 5-Cities Alliance for additional funding in the amount of \$5,000 for the work completed by the Alliance.
- 2.) The City Council may approve the request by the Alliance for additional funding in any other greater or lesser amount.
- 3.) The City Council may deny the Alliance request for additional funding.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

STAFF RECOMMENDATION

Staff recommends that the City Council approve an additional expenditure of \$5,000 from General Fund reserves to cover additional costs incurred by the 5-Cities Alliance in preparing comments on the State Route 710 North Study Alternatives draft Environmental Impact Report/Statement, Cost Benefit Analysis, and the Southern

California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy Program Environmental Impact Report.

Attachments:

Attachment A – Staff Report and Resolution 12-84 Opposing Tunnel Option

Attachment B – Staff Report 1/28/2014 Re: 5-Cities MOU

Attachment C – SMW Letter to Caltrans/Metro re: EIS Comments

Attachment D – SMW Letter to Caltrans/Metro re: Cost benefit Analysis

Attachment E – Beyond the 710 Proposal

Attachment F – SMW Letter to SCAG re: PEIR for RTP/SCS



COPY

City of Sierra Madre Agenda Report

Josh Moran, Mayor
Nancy Walsh, Mayor Pro Tem
John Capoccia, Council Member
John Harabedian, Council Member
Chris Koerber, Council Member

Nancy Shollenberger, City Clerk
Richard Mays, City Treasurer

ATTACHMENT A

TO: Honorable Mayor and Members of the City Council

FROM: Elaine I. Aguilar, City Manager *EIA*

INITIATED BY: James Carlson, Management Analyst *SL*

DATE: October 23, 2012

**SUBJECT: APPROVAL OF RESOLUTION 12-84 OPPOSING THE TUNNEL
ALTERNATIVE TO THE SR-710 EXTENSION STUDY**

SUMMARY

At the request of Mayor Moran, the City Council received public input and deliberated on the alternatives that are currently being studied for the extension of SR-710 at their October 9th regular City Council meeting. At the conclusion of the discussion, staff was asked to bring back a simple resolution that opposed the tunnel alternative to the project.

ANALYSIS

The idea of connecting the 710 freeway with the 210 freeway has been discussed and debated for many years. The 710 freeway currently ends at Valley Blvd. in the City of Alhambra, and a portion of the 210 extends south to California Blvd. in the City of Pasadena, where it ends. The total distance of the gap is approximately 4.5 miles.

With the approval of Measure R by the voters in 2008, the half-cent sales tax increase provided funding to revisit the question of extending the 710 freeway to Pasadena. A total of \$780 million was specifically set aside for SR-710 environmental studies and improvements.

After a number of public workshops and scoping sessions, Metro staff has forwarded 5 alternative projects to be considered in an Environmental Impact Report (EIR) that is scheduled to be completed in 2014. Without getting into detail, the 5 alternatives that are currently being considered break down as follows;

- No build
- Bus Rapid Transit – Los Angeles to Pasadena

FOR CITY COUNCIL AGENDA _____

COPY
AGENDA ITEM # 1C

Subject: APPROVAL OF RESOLUTION 12-84 OPPOSING THE TUNNEL
ALTERNATIVE TO THE SR-710 EXTENSION STUDY

Date: October 23, 2012

Page 2 of 3

- Light Rail Transit – East Los Angeles to Pasadena
- Alternative F-7 which includes a freeway tunnel(s) connecting the north and south termini of existing SR 710
- Transportation System Management and/or Transportation Demand Management

Highlights of the October 9th Discussion

This was a popular topic at the October 9th City Council meeting with a large number of audience members in attendance for the discussion. In addition to residents that came to speak from South Pasadena and El Sereno communities, Mayor Cacciotti from South Pasadena presented information that opposed the tunnel option, but also included additional details to alternative solutions to the congestion concerns. Harry Baldwin, representing the 710 Coalition was the sole proponent of continuing to include the tunneling alternative in the on-going study.

At the conclusion of the discussion item, the City Council requested that staff bring back a resolution that was simple and was limited to the opposition of the tunnel as an alternative to be considered for the SR 710 extension. The consensus of the Council was to not make any additional formal statements regarding the other alternatives or possible projects at this time.

FINANCIAL REVIEW

This event will not have any fiscal impact.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

ALTERNATIVES

1. The City Council adopt Resolution 12-84, a RESOLUTION OF THE CITY OF SIERRA MADRE OPPOSING THE TUNNEL ALTERNATIVE TO THE EXTENSION OF SR-710 BETWEEN THE I-10 AND I-210 FREEWAYS.
2. The City Council may amend and adopt Resolution 12-84.
3. The City Council may elect not to adopt Resolution 12-84.
4. The City Council may direct staff to return with additional information.

STAFF RECOMMENDATION

Staff recommends that City Council adopt Resolution 12-84.

Subject: APPROVAL OF RESOLUTION 12-84 OPPOSING THE TUNNEL
ALTERNATIVE TO THE SR-710 EXTENSION STUDY

Date: October 23, 2012

Page 3 of 3

Attachment (1):

Attachment A: Resolution 12-84; RESOLUTION OF THE CITY OF SIERRA MADRE
OPPOSING THE TUNNEL ALTERNATIVE TO THE EXTENSION OF SR-710
BETWEEN THE I-10 AND I-210 FREEWAYS.

**RESOLUTION NO. 12-84
RESOLUTION OF THE CITY OF SIERRA MADRE
OPPOSING THE TUNNEL ALTERNATIVE TO THE
EXTENSION OF SR-710 BETWEEN THE I-10 AND I-210
FREEWAYS**

WHEREAS, the Los Angeles County Metropolitan Transportation Authority ("METRO"), in conjunction with the California Department of Transportation ("Caltrans") is currently studying options and alternatives for the extension of the SR-710 freeway; and

WHEREAS, METRO/Caltrans are preparing an Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") that currently includes five alternatives, one of which includes constructing a tunnel between the I-10 and I-210 freeways, and

WHEREAS, the tunnel alternative would have detrimental impacts on the City of Sierra Madre and the San Gabriel Region, its residents, historic residential neighborhoods, schools, businesses, families and children from significant traffic, noise, air pollution, and other economic and environmental issues.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sierra Madre, California as follows:

Section 1. That the Council hereby expresses its **OPPOSITION** to the tunnel for the proposed "gap closure" of the SR 710 Freeway between the I-10 and the I-210 freeways.

Section 2. That the Council further authorizes the Mayor or the City Manager to take such future action, including letters and/or submission of comments that are deemed necessary to express **OPPOSITION** to any tunnel consideration.

Section 3. The Council further expresses interest in the review, assessment and study of alternatives and specifically requests to be notified of any further developments that may be considered by METRO/Caltrans in the future.

PASSED AND ADOPTED by the City Council of the City of Sierra Madre, State of California on October 23, 2012 by the following vote:

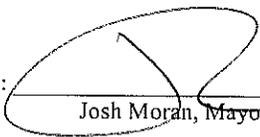
AYES: Mayor, Josh Moran, Mayor Pro Tem, Nancy Walsh, Council Members, John Capoccia, John Harabedian and Chris Koerber

NOES: None

ABSENT: None

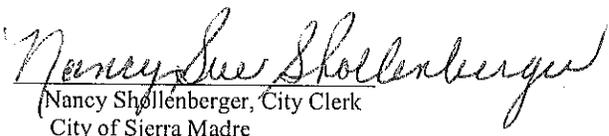
ABSTAIN: None

Signed:


Josh Moran, Mayor

Date: 10/23/2012

ATTEST:


Nancy Shollenberger, City Clerk
City of Sierra Madre



City of Sierra Madre Agenda Report

Nancy Walsh, Mayor
John Harabedian, Mayor Pro Tem
John Capoccia, Council Member
Chris Koerber, Council Member
Josh Moran, Council Member

Nancy Shollenberger, City Clerk
Richard Mays, City Treasurer

ATTACHMENT B

TO: Mayor Walsh and Members of the City Council

FROM: Elaine I. Aguilar, City Manager 

DATE: January 28, 2014

SUBJECT: Consideration of Memorandum of Understanding Between the Cities of Glendale, La Cañada Flintridge, Pasadena, Sierra Madre and South Pasadena to Share Resources and Information Regarding Issues Related to the SR-710 Freeway (North Study) Through the Creation of a "5-Cities Alliance"

SUMMARY

The Sierra Madre City Council has previously taken action expressing opposition to the proposed tunnel for the 710 freeway gap closure. Staff has been participating in meetings with the cities of Pasadena, South Pasadena, Glendale, and La Canada Flintridge to explore what the "next-step" might be to continue oppose the project. The group's recommendation is to form a "5-Cities Alliance" to pool resources in order to save costs in evaluating and assessing the Environmental Impact Study (EIS). Sierra Madre's cost to participate in this effort is \$50,000. This staff report is being presented to determine whether the City Council is in favor of joining the 5-Cities Alliance. A draft Memorandum of Understanding is attached to this staff report.

ANALYSIS

In October 2012, the City Council approved a resolution expressing opposition to the proposed tunnel for the 710 Freeway gap closure. The resolution authorized staff to take future action to continue to express opposition and expressed an interest in the further review, assessment and study of the project.

City staff has been working with a group of five cities (Glendale, La Cañada Flintridge, Pasadena, Sierra Madre, and South Pasadena) in an effort to explore combining resources, information and knowledge regarding the current Environmental Impact Study (EIS) underway by Metro and Caltrans related to the proposed SR-710 Tunnel Project. The proposed Project would connect the southern terminus of the SR-710 in Alhambra to the northern terminus in Pasadena. Each of the five cities has expressed some concerns, reservations and trepidation regarding the potential impacts of the proposed Project upon their respective communities and are willing to pool resources in order to save costs in evaluating and assessing the information that will be come from completion of the EIS.

The creation of the "5-Cities Alliance" is solely for the purpose of analyzing, evaluating and assessing the data, through hired experts and consultants, once the draft EIS results are released in early Spring. At this point, the cities do not contemplate using the Alliance for purposes of advocating a particular position regarding the proposed Project, merely to analyze the data. However, it is foreseeable that the Alliance may, at some future point, be the catalyst for an advocacy group taking a particular position regarding the options currently under study through the EIS.

The City Managers met recently and finalized the attached MOU. In addition, a "Funding Plan" was created based on estimates of needed consultants and experts to review various elements of the EIS. The estimated total cost to bring on the consultants was estimated at \$250,000. The MOU calls for an equal share of the costs among the five participating cities. Therefore, the City's estimated contribution would be \$50,000. Any unused funds would be returned to the City should the total amount incurred be less.

The City of South Pasadena has agreed to act as the "Fiduciary Agent" of the Alliance and will administer the consultant agreements and manage the Alliance's expenditures. If the City Council approves the MOU, staff will prepare a warrant made payable to the "City of South Pasadena" as the City's contribution to the pooling of funds.

In the event that actual costs exceed staff's estimates, staff may need to come back to the City Council for an additional appropriation. Likewise, should the scope of purpose of the Alliance change (i.e. adding in an advocacy component), staff will bring back an amendment to the MOU for the City Council's consideration and approval.

Lastly, staff will have an update at the January 28th meeting, regarding which cities have approved participation in the Alliance.

FINANCIAL REVIEW

Sierra Madre's share of the estimated cost is \$50,000. These funds are not currently budgeted and an appropriation from General Fund reserves would be necessary.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter, the Sierra Madre Public Library and on the City's website.

ALTERNATIVES

The Council has the following alternatives:

1. The Council could authorize the City's participation in the 5-Cities Alliance, authorize the City Manager to sign the MOU and appropriate \$50,000 in General Fund reserves.
2. The City Council could request additional information.

3. The City Council could take no action.

STAFF RECOMMENDATION

It is recommended that the City Council provide staff with direction.

Attachments: Draft Memorandum of Understanding

A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF
GLENDALE, LA CAÑADA FLINTRIDGE, PASADENA, SIERRA MADRE AND SOUTH PASADENA
TO SHARE RESOURCES AND INFORMATION REGARDING ISSUES RELATED TO THE
SR-710 FREEWAY (NORTH STUDY) THROUGH THE CREATION OF A "5-CITIES ALLIANCE"

WHEREAS, the State of California Department of Transportation (Caltrans) and Los Angeles Metropolitan Transportation Authority (Metro), (collectively referred to herein as the "Regional Agencies") are working cooperatively to study the extension of the SR-710 freeway from its current terminus to a northern connection point, likely in the City of Pasadena; and,

WHEREAS, the cities of Glendale, La Cañada Flintridge, Pasadena, Sierra Madre and South Pasadena (collectively referred to as the "Cities" or the "5-Cities Alliance" and sometimes individually referred to respectively as "Member City") share mutual concerns regarding the potential future impacts to their respective communities arising out of the construction and implementation of any SR-710 Study (referred to herein as the "SR-710 Freeway (North Study)" or "Study") results; and,

WHEREAS, the Cities desire to work jointly and collaboratively to share monetary, staffing, and other resources in commissioning the collection of data and analyses in furtherance of their understanding of the impacts of any proposed project arising from the Study and, as such, desire to formalize their relationship through the creation of an "Alliance" or "5-Cities Alliance" to coordinate their activities; and,

WHEREAS, nothing in this MOU should be construed as creating a Joint Powers Agreement or Joint Powers Agency as would otherwise be authorized under California Government Code §§ 6500 as the Parties do not intend such a relationship;

NOW, THEREFORE, the Parties hereto agree as follows:

1. CREATION OF THE "5-CITIES ALLIANCE" – There is hereby created a "5-Cities Alliance" or "Alliance" established for the purpose of combining resources (financial, staffing and other in-kind) in order to develop and implement a strategy or approach for securing, obtaining and/or commissioning studies, data collection, information gathering, scientific analyses, peer review, etc. related to understanding the actual impacts on the Member Cities' respective communities that would result from implementation of the SR-710 (North Study) determinations, including, but not limited to, evaluating and critiquing information and data collected and presented by the Regional Agencies.
2. MANAGEMENT OF OPERATIONS – The City Managers (or their designees) from each Member City shall be authorized to consider and direct, by majority consensus, the use of resources that are available to the Alliance regarding matters consistent with the functions and purposes indicated in the recitals herein. In addition, the City Managers (or their designees) shall be authorized to establish policies and procedures with respect to the ongoing operations and management of the Alliance. The City Managers (or their designees) may jointly formulate or draw conclusions from the data and information collected, gathered and/or analyzed or formulate a response to the policies or actions adopted or undertaken by the Regional Agencies or other entities regarding the proposed SR-710 Freeway (North Study).

- a. VOTING – Each City Manager (or his/her designee) shall have one (1) vote on matters within the Alliance’s subject matter jurisdiction. A majority consensus shall be necessary to effectuate any policy, position or decision of the Alliance.
 - b. FIDUCIARY AGENT – The City of South Pasadena shall act as the “Fiduciary Agent” of the Alliance. The Fiduciary Agent will hold the financial contributions of the Member Cities and shall be responsible for their management and safekeeping. Said contributions shall be held in trust and shall be accounted for on an apportioned basis such that, at any time, it can be readily determined the balance of each Member Cities’ contribution. The Fiduciary Agent shall collect monies of the Alliance and shall pay expenses of the Alliance and shall report regularly as to the status of the Alliance’s financial position. The financial, investment and purchasing policies of the Fiduciary Agent shall be the financial, investment and purchasing policies of the Alliance.
3. CONTRIBUTIONS – Each Member City shall annually deposit with the Fiduciary Agent an amount to be determined by the Alliance. Such amount shall be based upon the Alliance’s adoption of a Funding Plan to be presented to each respective Member City with total estimated costs for the ensuing fiscal year and the allocation of such costs apportioned to each Member City on the following basis: an equal proportionate share of the total estimated costs to be incurred by the Alliance.
 4. CONSULTANT WORK - The Alliance may, from time-to-time, enlist the work of independent contractors, consultants, attorneys, engineers and other professionals to conduct studies, reviews, analyses and/or data collection in furtherance of the purposes as set forth in the recitals herein. Such consultant(s) shall not be employees of the Alliance nor of any Member City but shall be engaged by the Fiduciary Agent on behalf of the Alliance. The consultant(s) shall provide indemnification, hold harmless and additional insured coverage in the manner and amounts as set forth by the Alliance naming each respective Member City.
 5. INDEMNIFICATION – Each Party to this MOU agrees to indemnify and hold harmless each and all of the remaining Parties to this MOU, their officers, agents, and employees, from any and all claims, demands, actions, causes of action, damages or liability (including attorneys’ fees and court costs) for injury to or death of persons, or for damage to property resulting from or arising out of any act and/or omission by it, its officers, agents or employees in the performance of this MOU. Responsibility for the handling, processing and defense of general public liability claims, contract disputes, complaints or lawsuits shall inure to the Party or Parties named. Nothing herein shall preclude the Parties from entering into separate joint defense agreements or assumption of liability agreements.
 6. NEW MEMBER ENTRY – Any public agency whose governing body adopts a Resolution either opposing or expressing concerns regarding the potential impacts that could arise out of the determinations from the SR-710 Freeway (North Study) while calling upon and urging the Regional Agencies to conduct a complete analysis of SR-710 Freeway (North Study) alternatives, may petition for membership in the Alliance. Membership shall require unanimous approval of the existing Member Cities as well as a deposit of funds with the Fiduciary Agent of a proportionate amount based on a recalculation of the current fiscal year’s Funding Plan (using the formula provided herein) taking into consideration all ensuing, continuing or future projects. Costs for completed projects shall not be included.

7. TERMINATION OF MOU / WITHDRAWAL FROM ALLIANCE – Any Member City may terminate this MOU and withdraw from the Alliance upon the giving of thirty (30) days written notice in advance of the date of withdrawal to the Alliance’s Fiduciary Agent or, alternatively, all of the remaining Parties’ authorized representatives. Upon withdrawal, the Member City’s deposited funds shall be returned to the Member City to the extent that they are contractually uncommitted, unencumbered and available for refund as of the effective date of withdrawal.
8. DISSOLUTION – Upon completion of the purposes of this MOU, or as determined by all of the remaining Member Cities, at any time, this MOU may be terminated and the Alliance dissolved. Upon dissolution, any remaining uncommitted, unencumbered and available funds of the Alliance held by the Fiduciary Agent shall be returned to each Member City in proportion to the contributions made.
9. NOTICE TO PARTIES (AUTHORIZED REPRESENTATIVES) – Notices given pursuant to the requirements of this MOU shall be by personal service upon the Party to be notified by writing upon such notice being deposited into the custody of the United States Postal Service addressed as follows:

City of Glendale City Manager 613 E. Broadway Ave. Glendale, CA 91206	City of La Cañada Flintridge City Manager 1327 Foothill Blvd. La Cañada Flintridge, CA 91011	City of Pasadena City Manager 100 N. Garfield Ave. Pasadena, CA 91109
City of Sierra Madre City Manager 232 W. Sierra Madre Blvd. Sierra Madre, CA 91024	City of South Pasadena City Manager 1414 Mission St. South Pasadena, CA 91030	

10. AMENDMENTS – This MOU may be amended upon unanimous action by each respective Member City’s city manager.
11. BY LAWS - The Alliance may adopt Bylaws or Policies & Procedures governing its operations provided that they are not in conflict with any provision of this MOU.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives:

CITY OF GLENDALE:

Scott Ochoa, City Manager

Date

CITY OF LA CAÑADA FLINTRIDGE:

Mark R. Alexander, City Manager

Date

CITY OF PASADENA:

Michael Beck, City Manager

Date

CITY OF SIERRA MADRE:

Elaine Aguilar, City Manager

Date

CITY OF SOUTH PASADENA:

Sergio Gonzalez, City Manager

Date

5-CITIES ALLIANCE 2013-14 FUNDING PLAN

<u>STUDY</u>	<u>ESTIMATED COST</u>	<u>ASSIGNED RFP PREPARATION</u>
Transportation Consultant	\$ 75,000	South Pasadena
Air Quality Consultant	\$ 35,000	Sierra Madre
Legal/CEQA Consultant	\$100,000	Pasadena
Soils Geology/Seismologist	\$ 20,000	La Cañada Flintridge
Safety/Security Consultant	\$ 20,000	Glendale
 Estimated Total:	 \$250,000	
	Apportioned equally = \$50,000 per Member City	

SHUTE, MIHALY
& WEINBERGER LLP

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

Rachel B. Hooper
Laurel L. Impett

ATTACHMENT C

July 9, 2015

Garrett Damrath, Chief Environmental Planner
Division of Environmental Planning
Department of Transportation, District 7
100 S. Main St., MS-16A
Los Angeles, CA 90012

Re: Draft Environmental Impact Report/Environmental Impact
Statement SR 710 North Study

Dear Mr. Damrath:

This firm represents the cities of Glendale, La Cañada Flintridge, Pasadena, South Pasadena and Sierra Madre (“5-Cities Alliance”) in connection with the State Route (“SR”) 710 North Project (“Project”).¹ On behalf of 5-Cities Alliance, we respectfully submit these comments to help ensure that agency decision-makers fully comply with the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.*, and the National Environmental Policy Act (“NEPA”), 42 U.S.C. section 4321 *et seq.* Our client is deeply concerned about the far-ranging environmental impacts the Project may have on their cities.

After carefully reviewing the SR 710 Draft Environmental Impact Report/Statement (“DEIR/S”) for the Project, we have concluded that it fundamentally fails to comply with the requirements of CEQA and NEPA in numerous respects. As described below, the DEIR/S violates these laws because it: (1) fails to identify

¹ For purposes of this letter, the “Project” refers collectively to the build alternatives unless we indicate otherwise. The build alternatives include: Transportation System Management/Transportation Demand Management (“TSM/TDM”); Bus Rapid Transit (“BRT”); Light Rail Transit (“LRT”); and single bore and dual bore variations of the Freeway Tunnel alternative (collectively, “Freeway Tunnel”).

Garrett Damrath
July 9, 2015
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thresholds of significance for the vast majority of the environmental impact analyses; (2) fails to provide significance determinations for numerous environmental impact categories; (3) fails to properly describe the Project's environmental setting; (4) defers analysis of critical environmental impacts and fails to adequately analyze those impacts it does address; (5) fails to support its conclusions with substantial evidence; (6) fails to propose adequate mitigation measures for the Project's numerous significant environmental impacts; and (7) fails to undertake a sufficient study of alternatives to the Project.

Of critical importance, the DEIR/S fails in its role as an informational document. In order to fully understand the analyses and conclusions in the DEIR/S, the public must wade through over 25,000 pages. While one would expect that the main body of the EIR/S would contain an accurate summary of the information contained in the technical appendices, this is not the case. In certain instances, the DEIR/S's conclusions are contradicted by analyzes in the technical appendices. For example, the DEIR/S concludes the Project would result in a benefit to public health while the technical appendix shows that that certain of the Project alternatives would harm public health by increasing the risk of cancer in certain locations. Such fundamental errors undermine the integrity of the EIR/S.

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). Likewise, NEPA requires that federal agencies "consider every significant aspect of the environmental impact of a proposed action . . . [and] inform the public that [they have] indeed considered environmental concerns in [their] decision-making process[es]." *Earth Island Institute v. U.S. Forest Service* (9th Cir. 2003) 351 F.3d 1291, 1300 (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 Guidelines² § 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 1352, 1359-61; Pub. Res. Code §§ 21002, 21061.1; CEQA Guidelines §§ 15021(b), 15364.

NEPA’s requirements are similar. NEPA requires an EIS to contain a detailed discussion of all unavoidable environmental impacts. 42 U.S.C. § 4332(C)(ii). In its discussion of the proposed actions and alternatives, the EIS must “[i]nclude appropriate mitigation measures” and discuss the “[m]eans to mitigate adverse environmental impacts.” 40 CFR §§ 1502.14(f), 1502.16(h). The statute “require[s] that an EIS discuss mitigation measures, with ‘sufficient detail to ensure that environmental consequences have been fairly evaluated.’ An essential component of a reasonably complete mitigation discussion is an assessment of whether the proposed mitigation measures can be effective.” *South Fork Band Council of W. Shoshone of Nevada v. U.S. Dep’t of Interior* (9th Cir. 2009) 588 F.3d 718, 727 (quoting *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332, 352).

Where, as here, the environmental review document fails to fully and accurately inform decision-makers and the public of the environmental consequences of proposed actions, or identify ways to mitigate or avoid those impacts, it does not satisfy the basic goals of either CEQA or NEPA. 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; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”); 40 C.F.R. § 1500.1(b) (“NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.”). As a

² 14 California Code of Regulations § 15000 *et seq.*

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result of the SR 710 DEIR/S's numerous and serious inadequacies, there can be no meaningful public review of the Project.

This letter, along with the report by Nelson Nygaard on transportation (Exhibit 1), the report by Landrum & Brown on air quality and greenhouse gas ("GHG") (Exhibit 2), the report by Landrum & Brown on noise (Exhibit 3), and the report by Wilson Geosciences Inc. on geology and groundwater resources (Exhibit 4), constitutes 5-Cities Alliance's comments on the DEIR/S. We respectfully request that the Final EIR/S 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, each of the 5-Cities Alliance member cities will be submitting letters under separate cover. The Alliance joins in the CEQA and NEPA comments of all of its member cities.

THE PROPOSED FREEWAY TUNNEL ALTERNATIVE IS FLAWED AND UNNECESSARY.

This letter focuses primarily on the DEIR/S's failure to comply with CEQA and NEPA. Nevertheless, it is important to emphasize at the outset that the Project's primary alternative,³ the Freeway Tunnel, is itself flawed and unnecessary. The DEIR/S has posited an ill-defined Project objective and, consequently, the Freeway Tunnel alternative does not address the region's transportation needs. According to the DEIR/S, the Project's primary objective is to resolve the lack of continuous north-south transportation facilities in the San Gabriel Valley. 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 that affects local streets. *Id.* Yet, as the Nelson Nygaard Report explains, 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. 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. By reducing

³ The DEIR/S purports to analyze Project alternatives on equal footing, without giving priority to any single one. However, the document subtly reveals an implicit bias in favor of the Freeway Tunnel alternative based, for example, on its selection of Caltrans (not Metro) as lead agency, and SCAG's inclusion of the Freeway Tunnel in the 2012 Regional Transportation Plan/Sustainable Communities Strategy. See Section I.B, below.

this cut-through traffic, approximately 7 percent to 13 percent of all motorists throughout the study area would receive a nominal travel time savings of 2.5 minutes.⁴ This means that about 90 percent of motorists in the study would receive no significant travel time savings, or their travel time would worsen, as a result of this alternative.

Nor would the Freeway Tunnel 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 induces extra driving. The Freeway Tunnel would also increase traffic congestion in parts of Alhambra, Rosemead, San Marino, Pasadena and South Pasadena.

The Freeway Tunnel would also bypass many of the destinations people want to go. According to the New Initiative for Mobility and Community, the San Gabriel Valley is a community of diverse people with widely varying commute patterns. See "New Initiative for Mobility and Community," prepared by Nelson Nygaard for Connected Cities and Communities, attached as Exhibit 5. Eighty-five percent of commuters exiting the 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). Students attending Cal State LA and East LA College need ways to make short commutes to school. The Freeway Tunnel Alternative simply would not serve these types of transportation needs.

In addition, the Freeway Tunnel does not provide a *sustainable* solution to the region's transportation needs, and confers no support for active transportation. Every trip starts by walking, and the people of San Gabriel Valley deserve to be able to walk safely and comfortably. The region should be striving toward a transportation solution that will make car ownership an option rather than a necessity. Projects such as the Freeway Tunnel that facilitate the automobile and promote increased vehicular speeds threaten the walkability of a community. Clearly, there must be a better solution to meeting the region's transportation needs, especially given the Freeway Tunnel's hefty

⁴ 2.5 minutes is the threshold used to count vehicle hours travelled during peak periods; some savings may be greater but the DEIR/S does not contain this granular information. See DEIR/S Transportation Technical Report at 4.3.

\$5.5 billion price tag—and the fact that it will not “pay for itself” through tolls as some have asserted.

Furthermore, the Freeway Tunnel’s increase in vehicular capacity will cause a substantial increase in vehicle miles travelled (“VMT”), with resulting increases in greenhouse gas (“GHG”) emissions and other air pollution. As explained further below, ample studies demonstrate that increased highway capacity increases VMT and GHG emissions in the long-run.⁵ Consequently, providing increased roadway capacity is unlikely to relieve congestion. The DEIR/S provides a real-world example of this effect, as it acknowledges that the Freeway Tunnel would result in a sizable increase in vehicular travel. Total VMT under all freeway tunnel alternatives would increase by as many as 460,000 miles per day. This increase in VMT demonstrates that adding highway capacity is a temporary solution, at best, to the complex problem of traffic congestion.

Because the Freeway Tunnel alternative would increase capacity and induce travel, it would take the region in a direction that prevents achieving the State’s preeminent climate goals. Governor Brown’s Executive Order issued on April 29, 2015 directs the state to cut its GHG emissions 40 percent below 1990 levels by 2030; this directive 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 a reduction in motor vehicle travel. Tellingly, Caltrans itself specifically recognized this fact when it noted that achieving the State’s climate change goals requires a “fundamental, holistic transformation of the transportation systems.” *See* California’s 2040 Transportation Plan, March 2015 at 4, attached as Exhibit 6 (stating that one of the main strategies to reduce future GHG emissions for the movement of people and freight is reducing vehicle miles traveled and increasing a shift to more sustainable transportation).

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 design being considered here is entirely unprecedented. The proposed

⁵ *See* S. Handy and M. Boarnet, California Air Resources Board (CARB), *Policy Brief in the Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions*, September, 30, 2014, at 4, 5, attached as Exhibit 7.

60-foot diameter tunnel would be the widest subsurface tunnel attempted anywhere in the world. 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. 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. The Seattle project is now at least two years behind schedule and it is unclear whether it can or will be successfully completed. That project serves as a cautionary tale for the proposed Freeway Tunnel alternative, yet the DEIR/S fails to address the impacts that could result if a TBM were stuck along the SR 710 route alignment, which is located in a densely developed area.

In sum, selection of the Freeway Tunnel alternative would result in the loss of a critical opportunity to fundamentally, holistically transform the region’s transportation system. Indeed, this alternative reflects strategies from the 1960’s, when the state pursued road-building projects without regard to global climate change and other environmental threats. The agencies should deny the proposed Project and 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 urges the agencies to consider its “Beyond the 710” alternative, a multimodal option that combines mass transit, “great streets,” and bikeways.

THE DEIR/S FAILS TO COMPLY WITH CEQA AND NEPA.

I. The DEIR/S’s Description of the Project Violates NEPA and 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); *see also Westlands Water Dist. v. U.S. Dep’t of Interior* (9th Cir. 2004) 376 F.3d 853, 866-868 (the purpose and need statement of an EIS must “reasonably define[] the objectives of the project”). Consequently, courts have found that, even if an EIR is adequate in all other respects, the use of a “truncated project concept” violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by

law. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730. Furthermore, “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.* (citation omitted).

Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. While extensive detail is not necessary, the law mandates that EIRs should describe proposed projects with sufficient detail and accuracy to permit informed decision-making. *See* CEQA Guidelines §15124 (requirements of an EIR). NEPA similarly requires an accurate and consistent project description in order to fulfill its purpose of facilitating informed decision-making. 43 U.S.C. § 4332(2)(C).

The DEIR/S’s description of the Project fails to fulfill these requirements. It lacks adequate detail regarding project construction, obscures the alternative preferred by Caltrans and Metro, fails to identify the standards by which the agencies will select an alternative, and lacks critical information about Project funding. As a result, the DEIR/S does not come close to meeting the basic thresholds for legal adequacy.

A. The DEIR/S Fails to Identify Performance Criteria or Objective Standards by Which Caltrans and Metro Will Evaluate the Alternatives.

The DEIR/S provides no objectives or standards by which the lead agency may evaluate the various alternatives’ comparative performance. This omission undermines the public process, leaving interested parties without guidance as to how project selection will transpire. The document’s lack of transparency violates CEQA’s and NEPA’s fundamental goals of ensuring that, especially for projects involving potentially significant environmental impacts, decisions are made with a maximum of transparency and public input. *See, e.g., Save Tara v. City of W. Hollywood* (2008) 45 Cal.4th 116, 136 (“CEQA’s goal. . .[is] transparency in environmental decision-making.”); *Sierra Club v. Gates* (S.D. Ind. 2007) 499 F.Supp.2d 1101, 1132 (lack of transparency in decision-making process was “troubling in light of the goal of NEPA to ensure public input into the process”).

The DEIR/S’s omission is surprising, given that some objectives and performance measures were identified in Metro’s Alternatives Analysis Report. That report included eight performance objectives related to transportation system

performance, environmental impacts, planning considerations, and cost efficiency. Alternatives Analysis Report (2012) ES-3 to -4. For each of these eight objectives, the document identified one or more performance measures. *Id.* at 2-4. It also described the screening criterion selection process Metro used to select the alternatives it would consider in the DEIR/S. *Id.* at ES-4. Yet, such criteria are entirely lacking in the DEIR/S, where their presence is even more crucial. The public is thus left in the dark as to whether Caltrans and Metro will be relying on these same objectives and performance measures to select from among the proposed project alternatives, or whether the agencies will be using a different set of objectives and performance measures.

Of course, Caltrans commonly relies on performance measures and criteria. For example, Caltrans' Strategic Management Plan 2015-2020 sets very specific targets for transportation mode shift and VMT reduction. Similarly, Caltrans' Smart Mobility Caltrans Report (2010) describes specific performance measures to advance "smart mobility." Smart Mobility Caltrans Report (2010) at 8, 50, attached as Exhibit 8. Neither document is even mentioned in the DEIR/S, however. Readers need to know if the agencies will be using these, or other performance measures, to assess the alternatives.

Equally troubling, the DEIR/S fails to clarify the respective roles of Caltrans and Metro in making the ultimate selection among project alternatives. The DEIR/S states that "Caltrans, in consultation with Metro, will identify a Preferred Alternative and make the final determination of the project's effect on the environment." DEIR/S at 2-107. But the document does not address how the two agencies will share responsibility for the choice among alternatives, or how they will each bring their distinct expertise to bear in that decision. This is especially confusing, as the lead agency for the Project will differ depending on the alternative eventually chosen. *See* DEIR/S at preface. As the City of South Pasadena's comment letter explains, changing the lead agency depending on the selected alternative is unlawful and improperly skews the analysis in favor of the Freeway Tunnel alternative. Letter from Rossman & Moore for City of South Pasadena, pp. __.

B. The DEIR/S Does Not Acknowledge That the Freeway Tunnel Is the Preferred Alternative.

The CEQ's regulations for implementing NEPA require the alternatives section of an EIS to "identify the agency's preferred alternative if one or more exists, in the draft statement, and identify such alternative in the final statement . . ." 40 C.F.R. § 1502.14(e). Therefore, if the agency has a preferred alternative at the draft EIS stage,

that alternative must be labeled or identified as such in the draft EIS. *See also* Council on Environmental Quality, Memorandum to Agencies: Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18026, 18028 (March 23, 1981).

Although the DEIR/S purports to evaluate the alternatives without giving priority to any single one, there are strong indications that the Freeway Tunnel is Caltrans' and Metro's preferred alternative, and that the agencies have already made their decision to select it for project approval. For example, the DEIR/S states, when discussing the Project generally: "Because *the proposed project would add a new freeway tunnel* to the project area and/or would widen existing local roads, it would potentially worsen air quality." DEIR/S at 3.13-16 (emphasis added).

Tellingly, unlike the other alternatives, the freeway tunnel is included in SCAG's 2015 Federal Transportation Improvement Program ("FTIP") and its 2012 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"). DEIR/S at 1-51; 3.13-14. Accordingly, the DEIR/S states that "[t]he forecast revenues in the RTP/SCS financial plan include toll revenues from the SR 710 freeway tunnel." *Id.* at 1-51. This is revealing. By acknowledging that SCAG's transportation plan includes, and actually relies on the toll revenues from the freeway tunnel, the DEIR/S suggests that the freeway tunnel is a foregone conclusion in the eyes of Metro and SCAG.

Together, these statements indicate that despite the DEIR/S's ostensible lack of a preferred alternative, Caltrans and Metro have already determined to approve and construct the Freeway Tunnel alternative. The DEIR/S must acknowledge that the Freeway Tunnel alternative is in fact the preferred alternative. By failing to do so, the document misleads readers and obscures the institutional momentum behind the Freeway Tunnel alternative.

C. The DEIR/S Lacks an Adequate Description of Potential Funding Sources for Each Alternative.

The DEIR/S's discussion of funding for each of the alternatives is altogether opaque, and the public therefore has no way to determine the Project's true costs. The DEIR/S should contain a separate, detailed description (accompanied by a summary in table format) of both: (1) the estimated costs of each project component, and (2) the estimated funding sources for each alternative.

Given the size and cost of the proposed Project, the public has a keen interest in ready access to cost and funding data for the various alternatives. Indeed, the environmental impacts of project alternatives cannot be fully considered without an understanding of this crucial information. As it stands, the DEIR/S addresses cost information only superficially, in one short paragraph at the end of the description of each project alternative. This approach is entirely unhelpful.

As for potential funding sources, the DEIR/S fails to discuss this topic in any focused manner. Instead, it sprinkles references to possible funding sources throughout the document, but with insufficient detail. The most specific discussion of funding for the alternatives appears, of all places, in two rows of the Table 3.1.3, which addresses the Project's consistency with state, regional, and local plans. DEIR/S at 3.1-36; 3.1-47 (Policy 4.2.3 and Policy 1.21). But these explanations merely state that "state and local funding sources are anticipated to be used" for all build alternatives, and that the TSM/TDM, LRT, and Freeway Tunnel alternatives would need to be added to the FTIP⁶ to be eligible for federal funding. *Id.* Again, this information is too nebulous to be useful.

The DEIR/S's other statements about Project funding are vague or inconsistent. For example, the DEIR/S states that "[t]he Project is proposed to be funded entirely or in part by Measure R, a half-cent sales tax dedicated to transportation projects in Los Angeles County." DEIR/S at 1-1. Elsewhere, however, it explains that only \$780 million in funding has been committed by Measure R to the SR 710 improvements.⁷ *Id.* at 1-6; 1-51. This is a small fraction of the cost of the Project, which is estimated to be \$5.5 billion for the Freeway Tunnel alternative. There is little mention of the other sources of local or regional funding, or how those funding sources may differ depending on the alternative selected.

⁶ Confusingly, the document elsewhere states that the Freeway Tunnel Alternative is already included in SCAG's 2015 FTIP. DEIR/S at 3.13-14.

⁷ Although the DEIR/S states that Measure R includes a "commitment" of \$780 million to the 710 Project, DEIR/S at 1-52, Metro has previously taken the position that Measure R does *not* constitute a binding commitment to spend in a particular manner. Exhibit 9 at 37 (Opening Brief of Respondent Los Angeles County Metropolitan Transportation Authority, *City of South Pasadena v. Los Angeles County Metropolitan Transp. Authority* (Cal. Ct. App., Mar. 22, 2011, B221118) 2011 WL 989553).

Nor does the DEIR/S analyze the revenues expected from the toll version of the Freeway Tunnel alternative despite earlier indications that this analysis would be conducted at this stage. Specifically, Metro's 2012 Alternatives Analysis Report stated that "Metro . . . concludes that freeway tunnel alternatives could be funded by future toll revenues. However, no analysis of toll revenues has been conducted in this Alternatives Analysis so this conclusion will be verified in the PA/ED ["Project Approval & Environmental Documentation"] phase." Alternatives Analysis Report Appx. X, Cost of Alternatives Technical Memorandum at 5. Nevertheless, the DEIR/S includes only a single, offhand mention of toll revenues, noting that toll revenues from the freeway tunnel are included in SCAG's 2012 RTP/SCS financial forecast. DEIR/S at 1-51.

The DEIR/S's discussion of federal funding is similarly incomplete. It explains that the Project is classified as a "Type I" project because federal aid is proposed for construction for the Freeway Tunnel, BRT, and TSM/TDM alternatives. *Id.* at 3.14-7. But the document nowhere explains what a "Type I project" is. Nor does it explain in the project description why federal aid is proposed for all build alternatives except the LRT, and whether the (un)availability of federal funding will influence selection of the project alternative. Simply stating that federal funding is "proposed" provides little useful information. The reader is left guessing as to: (1) the likelihood that such funding will actually be secured, (2) the expected grant amount, and (3) what portion of the Project's overall cost would be covered by that funding.⁸

The absence of meaningful discussion of project funding is surprising, since the issue is not new. In 2003, the Federal Highway Administration ("FHWA") informed Caltrans that the FHWA was rescinding its 1998 Record of Decision (the NEPA approval document) for a prior version of the SR 710 project and requiring Caltrans to conduct a supplemental EIS. The FHWA based this decision, in part, on "[c]ontinued uncertainty regarding the financing of this project and the failure to develop a comprehensive financial plan for its implementation." Exhibit 10 at 7 (G. Hamby Letter to J. Morales, December 17, 2003).

⁸ As noted above, simply referring to appendices or technical documents is not sufficient. The DEIR/S's information on costs and funding sources must be presented to the reader in a straightforward, comprehensible format. *See California Oak Found. v. City of Santa Clarita* (2005) 133 Cal. App. 4th 1219, 1239 (relevant information may not be "buried in an appendix").

The DEIR/S's omission of any useful information as to Project cost and funding is glaring. These monetary issues are vital, as they dictate not only whether the Project's purported benefit justifies the cost, but also whether the Project will ever be completed. Other tunnel-boring projects with lesser risks have encountered serious difficulties, resulting in huge cost-overruns and long delays. The Alaskan Way Viaduct tunnel, whose pre-project cost estimate was about half that of the dual-bore Freeway Tunnel alternative, again is illustrative. As noted previously, work has been stalled on the Seattle project since 2013, when the tunnel boring machine broke down in situ.⁹ Additional costs are unknown,¹⁰ although the Washington State Department of Transportation hopes to hold the contractor liable for such costs.¹¹

The Alaskan Way Viaduct replacement project is not the only example of an underground infrastructure project involving the use of tunnel boring machines that is afflicted by high costs and delays. Contractors operating a tunnel boring machine for a similar project in Miami demanded an extra \$150 million three months before the start of excavation based on the results of new geotechnical analysis.¹² Indeed, studies have shown that for large-scale transportation infrastructure projects like the SR 710 North Project, the likelihood of cost overruns correlates with the length of the project's

⁹ Galloway, P., *et al.*, *Alaskan Way Viaduct Replacement Program Expert Review Panel Updated Report*, April 3, 2015 at 4, attached as Exhibit 11.

¹⁰ The Washington State Department of Transportation currently estimates that additional costs could exceed \$300 million. *Alaskan Way Viaduct Replacement Expert Review Panel Update Report* at 28.

¹¹ See KOMO NEWS, *Transportation officials: New cracks on Alaskan Way Viaduct* (April 7, 2015), available at: <http://www.komonews.com/news/local/Transportation-officials-New-cracks-on-Alaskan-Way-Viaduct-298930741.html>.

¹² See CBS MIAMI, *Company Building Port of Miami Tunnel Seeks More Money* (July 8, 2011), available at <http://miami.cbslocal.com/2011/07/08/company-building-port-of-miami-tunnel-seeks-more-money/>; see also THE COLUMBUS DISPATCH, *Project to bore tunnel under Columbus faces \$29.5 million cost overrun* (Dec. 6, 2014), available at: <http://www.dispatch.com/content/stories/local/2014/12/06/daunting-drilling.html> (Cleveland project involving tunnel boring machine delayed two years with \$29.5 million cost overrun).

implementation phase; here, the dual-bore Freeway Tunnel alternative is expected to take five years to construct, three years longer than the initial time estimate for the Seattle project. In addition, tunnel projects are especially likely to fall prey to higher levels of cost escalation. *See generally* Bent Flyvbjerg, et al. “What Causes Cost Overrun in Transportation Infrastructure Projects?” *Transport Reviews* (2004), attached as Exhibit 12; Bent Flyvbjerg, “What You Should Know About Megaprojects and Why: An Overview” *Project Management Journal* (2014), attached as Exhibit 13.

D. The DEIR/S’s Description of the Project Fails to Include Adequate Detail Regarding Construction of the Tunnel Alternatives.

The description of a Project’s construction details should be commensurate with its size and scope. Given the immense cost, size, and scope of the alternatives proposed in the DEIR/S, the Project description should have supplied more detail regarding their construction. Below are just three examples of the ways in which the Project description’s discussion of construction details falls short.

First, the DEIR/S states that for the LRT and Freeway Tunnel alternatives, the tunnel would be fabricated from a precast concrete segmental lining system. DEIR/S at 2-52; 2-80. There is no explanation of how the precast concrete tunnel rings will be transported to, or fabricated at, the Project site. The precast concrete tunnel rings required to build very large diameter tunnels such as the dual bore are enormous: nearly 60 feet in diameter. Given the 4.2 miles of tunnel, the Freeway Tunnel alternative would require 1056 tunnel rings if they are 20 feet long, or 2,112 rings if they are 10 feet long. Concrete structures that are 60 feet in diameter would cover about five traffic lanes on a freeway and must be hauled to the tunnel entrance portal from the fabrication site. Given their size, they likely would be designed in several pieces to be assembled on site. The DEIR/S provides no description of this process, despite the obvious impacts. For example, the possibility of unaccounted-for truck trips implicates the transportation, air quality, noise, and GHG analyses.

Second, the DEIR/S states that the Project would be built in phases. However, the DEIR/S addresses construction phasing only in the most general terms; it even lacks factual detail about when the phases would occur. *See* DEIR/S at 2-24 (TSM/TDM); 2-38 to -39 (BRT); 2-57 to -60 (LRT); 2-85 to -86 (Freeway Tunnel). Construction is estimated to take up to five to six years, depending on the alternative selected. Details of the timing of construction are critical to understanding Project impacts, yet the DEIR/S lacks any description of this critical Project component.

Third, the DEIR/S contains no description of how repairs will be made to the tunnel boring machines in the event that they malfunction during Project construction. The DEIR/S must address this issue. As noted previously, the TBM for the Alaskan Way Viaduct Replacement Project tunnel malfunctioned during the early stages of tunnel construction and became stuck, requiring workers to lift it out to perform repairs. This intensive work, which involved the use of heavy equipment to excavate an access pit 120 feet deep and 80 feet wide, has delayed that project by at least two years. Given Seattle's experience, and the fact that the Freeway Tunnel alternative proposes to use up to *four* TBMs (thereby quadrupling the risk of mechanical failure), the DEIR/S should have addressed how repairs would be made in the event of a TBM malfunction. Unfortunately, this flaw in the Project description resulted in an incomplete analysis of the tunnel alternatives' impacts in a number of areas. For example, because the DEIR/S does not describe a TBM repair plan or strategy, it does not analyze the potential impacts from repair-related excavation and extended tunnel construction. Such impacts may include ground settlement and additional noise, vibration, and air quality impacts. In a worst-case scenario, homes and businesses above or adjacent to the Project site would need to be relocated in order to allow workers access to a TBM from the surface.

In sum, the DEIR/S's description of the Project suffers from serious flaws and omissions. Consequently, the DEIR/S does not meet CEQA and NEPA's basic requirements.

II. The DEIR/S's Analysis of and Mitigation for the Project's Environmental Impacts Are Inadequate.

The evaluation of a proposed project's environmental impacts is the core purpose of an EIR. *See* CEQA Guidelines § 15126.2(a) (“[a]n EIR shall identify and focus on the significant environmental effects of the proposed project”). Likewise, NEPA requires that federal agencies “consider every significant aspect of the environmental impact of a proposed action . . . [and] inform the public that [they have] indeed considered environmental concerns in its decision-making process.” *Earth Island Institute*, 351 F.3d at 1300 (citations omitted). Each statute also requires that the EIR/S identify measures that would effectively mitigate a proposed project's significant effects on the environment. Pub. Res. Code § 21002.1(a); *Robertson*, 490 U.S. at 352-352. As explained below, the DEIR/S fails to analyze the Project's numerous environmental impacts, including those affecting air quality, climate change, traffic and transportation, noise, geology, hydrology and water quality. It also fails to identify effective mitigation measures for the Project's significant effects.

A. The DEIR/S's Analysis of and Mitigation for Air Quality Impacts Are Inadequate.

The Project is located within the South Coast Air Basin, which has the worst air quality – with the highest observed ozone concentrations – in the United States. *See* Letter to Michael Miles, Caltrans from USEPA, September 28, 2012 regarding the I-710 Project from Ocean Boulevard to State Route 60, at pdf page 6, attached as Exhibit 14. The South Coast Air Basin also has the greatest number of unhealthy air quality days.¹³ Direct and indirect air pollutant emissions from transportation-related activities is a major contributor to this poor air quality. *See* Exhibit 14 (J. Blumenfeld Letter to M. Miles, September 28, 2012).

Given the severe air pollution in the Project study area, and the Project's potential to contribute to that pollution (particularly if the Freeway Tunnel is selected), one would expect the DEIR/S to provide a comprehensive analysis of the Project's impacts and to thoroughly mitigate for these impacts. Yet, the DEIR/S fails to achieve CEQA's and NEPA's most basic purpose: informing governmental decision-makers and the public about the potential significant environmental effects of a proposed activity. CEQA Guidelines § 15002 (a) (1); 40 C.F.R. § 1500.1(b). Because the attached air quality report by Landrum & Brown discusses the inadequacies of the DEIR/S's air quality analysis in detail, this letter will highlight just a few of these deficiencies. *See also* Letter of the City of La Cañada Flintridge (presenting detailed discussion of DEIR/S's defective air quality analysis).

1. The DEIR/S's Analysis of Construction-Related Air Quality Impacts Is Flawed, and the Proposed Mitigation Insufficient.

Determining whether a project may result in a significant adverse environmental effect is one of the key aspects of CEQA and NEPA. CEQA Guidelines § 15064(a) (determination of significant effects “plays a critical role in the CEQA process”); 40 C.F.R. § 1502.16 (Discussion of environmental consequences “shall include discussions of...[d]irect effects and their significance [and] [i]ndirect effects and their significance.”). CEQA specifically anticipates that agencies will use thresholds of

¹³ *See* “State of the Air,” American Lung Association, available at: <http://www.stateoftheair.org/2014/key-findings/ozone-pollution.html>, accessed on May 26, 2015.

significance as an analytical tool for judging the significance of a Project's impacts. *Id.* § 15064.7. Because the requirement to provide mitigation is triggered by the identification of a significant impact, an EIR's failure to identify a project's significant impacts also results in a failure to mitigate these impacts. Here, the DEIR/S fails to identify construction-related thresholds of significance; as a result, it never comes to a conclusion regarding the significance of the Project's construction-related impacts, or identifies adequate mitigation for those impacts.

The DEIR/S quantifies the increase in construction-related criteria air pollutant emissions (Table 3.13.4 at page 3.13-11) and states that "short-term degradation of air quality may occur due to the release of particulate emissions generated by excavation, grading, hauling, and other construction equipment." *Id.* at 4-6. The DEIR/S then fails to take the next critical step in the analysis: to disclose whether the Project's increase in emissions constitutes a significant impact. According to the Landrum & Brown Air Quality Report, the Project's construction emission levels before mitigation are well above the regional significance thresholds recommended by the South Coast Air Quality Management District ("SCAQMD"). *See* SCAQMD Air Quality Significance Thresholds, attached as Exhibit 15. The LRT and Freeway Tunnel alternatives would exceed relevant thresholds for reactive organic gasses ("ROGs"), and carbon monoxide ("CO") emissions. *See* Landrum & Brown Air Quality Report. All of the build alternatives greatly exceed the SCAQMD thresholds for particulates and NO_x emissions. Indeed, For the LRT and Freeway Tunnel alternatives, particulate emissions are between 3.8 and 9.7 times greater than the SCAQMD thresholds. NO_x emissions are 22.4 times greater than the SCAQMD thresholds for the LRT alternative and 43.9 and 49.3 times greater for the two Freeway Tunnel alternatives. *Id.* The DEIR/S does not disclose these exceedances of regional air quality standards.

Notwithstanding the Project's clearly significant construction-related emissions, the DEIR/S errs further by failing to evaluate whether these emissions also violate federal and state ambient air quality standards. The SCAQMD recommends using an approach called a "localized construction impact assessment" to determine whether construction emissions will create any exceedances of these ambient air quality standards, or worsen any existing exceedances. *See* SCAQMD's Localized Significance Threshold ("LST") Methodology, attached as Exhibit 16. LSTs, which are developed based on the ambient concentrations of pollutants for each source receptor area, represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard. Projects larger

than five acres typically are not exempt from this analysis but must perform their own dispersion modeling to determine pollutant concentrations at nearby receptors. We can find no indication that the DEIR/S conducted the necessary dispersion modeling to evaluate whether construction emissions from the Freeway Tunnel alternative would violate federal or state air quality standards even though the proposed freeway tunnel(s) would be much larger than five acres in size. The DEIR/S also should have analyzed the construction-related emissions from the other Project alternatives under this threshold. This omission alone constitutes a fatal flaw in the DEIR/S.

Although the DEIR/S fails to come to a determination regarding the significance of the Project's construction-related emissions, it nonetheless identifies some air quality mitigation measures. DEIR/S at 3.13-40 – 42. Yet, here too, the DEIR/S fails because it does not provide any information as to the expected effectiveness of these measures. *See Friends of Oroville*, 219 Cal.App.4th 1352, 1359-61. Consequently, it does not provide any evidentiary support for the DEIR/S's conclusion that the Project's construction-related air emissions would be less than significant.

Nor, as the Landrum & Brown Air Quality Report makes clear, does the DEIR/S propose the most effective measures to control construction-related emissions, particularly for the Freeway Tunnel alternative. For example, the DEIR/S identifies a very stringent measure (complying with Metro's Green Construction Policy) for the TSM/TDM, LRT, and BRT alternatives, but it does not require this same protective measure for the Freeway Tunnel alternative. *Id.* at 3.13-42. Metro's Green Construction Policy requires, among other things, all construction equipment greater than 50 horsepower to meet Tier 4 standards and be equipped with diesel particulate filters after January 1, 2015.¹⁴ Yet the sole mitigation measure for reducing emissions from construction of the Freeway Tunnel alternative requires only compliance with Tier 3 standards. *Id.* at 3.13-41. The DEIR/S provides no explanation as to why the Freeway Tunnel alternatives would not be mitigated using the most stringent measures, especially since they would have greater emissions than the other alternatives. DEIR/S at 3.13-11. Indeed, according to Landrum & Brown, this less restrictive measure means that the NO_x emissions under the tunnel alternative would be reduced only by about 33 percent, as compared to a 90 percent reduction if the tunnel alternative were required to meet Tier 4 standards. Notably, the less restrictive measure would not reduce particulate emissions at

¹⁴ Tier 4 standards are the most stringent.

all. The failure to require the most effective mitigation measures for these significant effects violates CEQA. Pub. Res. Code §§ 21002, 21081.

2. The DEIR/S's Analysis of Operation-Related Air Quality Impacts Is Flawed, and the Proposed Mitigation Insufficient.

(a) The DEIR/S Underestimates the Project's Increase in Operation-Related Regional Emissions.

As discussed below, the DEIR/S underestimates predicted traffic volumes because it fails to take into account all of the Freeway Tunnel alternative's induced travel demand beyond the first 10 years of operation. It also greatly understates increased delay where the Freeway Tunnel would create new bottlenecks or make existing bottlenecks worse. Inasmuch as the Project's air quality emissions are dependent on the transportation assumptions, any underestimation of vehicular trips and/or vehicle delay necessarily results in an underestimation of vehicular emissions. Moreover, as the Landrum & Brown Air Quality Report explains, the DEIR/S also underestimates vehicular emissions because it overestimates the increase in vehicle speeds that would occur as a result of the Freeway Tunnel.

Because Metro's inaccurate modeling leads to flawed conclusions regarding the severity of these impacts, the EIR violates both CEQA and NEPA. *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829 (EIR must provide accurate information regarding "how adverse the adverse impact will be"); see 40 C.F.R. § 1502.24 ("Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements"); *Natural Resources Defense Council v. U.S. Forest Service* (9th Cir. 2005) 421 F.3d 797, 812-813 (EIS's erroneous calculations based on improper assumptions subverted NEPA's purpose and presented a "misleading...evaluation of alternatives").

(b) The DEIR/S Fails to Adequately Analyze or Mitigate Impacts Relating to Particulate Hotspots.

It is critical that the DEIR/S conduct an adequate analysis of particulate impacts given the well documented serious health risks associated with PM_{2.5} exposure. In its final rule designating attainment and non-attainment of PM_{2.5} standards, the U.S. EPA noted the "significant relationship between PM_{2.5} levels and premature mortality, aggravation of respiratory and cardiovascular disease . . . , lung disease, decreased lung

function, asthma attacks, and certain cardiovascular problems such as heart attacks and cardiac arrhythmia,” particularly among “older adults, people with heart and lung disease, and children.” *See generally* Air Quality Designations and Classifications for the Fine Particles (PM_{2.5}) National Ambient Air Quality Standards, 70 Fed. Reg. 944, 945 (Jan. 5, 2005) [Vol. 2, Ex. 28-e]; *see also* Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, Rajiv Bhatia and Thomas Rivard, May 6, 2008, attached as Exhibit 17. The study by Bhatia and Rivard, in particular, elaborates on the health effects of particulate matter exposure and the epidemiology of roadway proximity health effects, providing guidance for assessing these effects.

The purpose of a particulate hotspot analysis, such as the one the DEIR/S purports to undertake, is to determine whether a project would: (a) conflict with or obstruct implementation of an applicable air quality plan, or (b) violate the ambient air quality standard or contribute substantially to an existing or projected air quality violation. DEIR/S at 3.13-19. In order to determine if a project would result in exceedances of air quality standards, the DEIR/S must describe existing air pollutant concentrations, identify the increase in emission concentrations from the Project, and then model the Project-related concentrations together with ambient concentrations.

Unfortunately, the DEIR/S’s particulate hotspot analysis is flawed. Critical analytical details are missing altogether, while others are clearly erroneous. First, the DEIR/S does not describe the existing environmental setting. For example, the DEIR/S does not appear to take into account existing sources of particulate emissions in the Project area. Data from areas immediately adjacent to the proposed alignment are necessary to predict local impacts.

Second, the DEIR/S does not identify any of the technical data and/or assumptions that were used to conduct the quantitative particulate hotspot dispersion modeling. The document does not provide any specific input parameters such as specific roadways included in the model and their traffic volumes, speeds and emission rates.

Third, the DEIR/S appears to rely on faulty methodology for evaluating the Project’s particulate concentrations. While the document never actually discloses its particulate hot spot methodology, the technical report for the DEIR/S’s health risk assessment (“HRA”), provides a reasonable amount of documentation of the input parameters used for the mobile source air toxics (“MSAT”) dispersion modeling. It is likely that the DEIR/S preparers used the same methodology and assumptions for the

particulate hotspot analysis as they did for the HRA. According to Landrum & Brown, the methodology and data used for the MSAT dispersion modeling show that the consultants used average daily traffic volumes and speeds in the modeling. Yet, as discussed more fully below, the use of average data does not properly account for diurnal variations in traffic characteristics, e.g., increased emissions during peak commute hours. Consequently, this averaging underestimates the Project's particulate emissions and concentrations.

Fourth, the DEIR/S fails to provide any thresholds of significance for determining whether the Project's particulate concentrations would be significant. How high would the Project's particulate concentrations have to be in order to exceed the state or federal ambient air quality standards? The DEIR/S never identifies this critical numerical threshold. In fact, the DEIR/S never explains the results of its "analysis" at all. While the document identifies PM₁₀ and PM_{2.5} concentrations for each Project alternative in 2025 (*see* Tables 3.13.7, 8 and 9 at page 3.13-25), these values have no context other than indicating that concentrations would be less than the "no-build" alternatives. *Id.* CEQA is clear that the no-project alternative is not the baseline for determining whether the proposed project's environmental impacts may be significant. CEQA Guidelines § 15126.6. The DEIR/S should have identified a threshold of significance and then evaluated the Project's increase in particulate concentrations against a baseline of existing conditions.

Fifth, the DEIR/S asserts that it modeled particulate concentrations at thirteen freeway locations that are considered "areas that are potentially of air quality concern" (at 3.13-20), but the document never explains the effect the Project's increase in particulate pollution would have at these locations. This information is of critical importance. Members of the public who reside in homes or attend schools near these freeway locations must be informed as to whether they could be exposed to excessive particulate concentrations. In order to disclose the effects of the Freeway Tunnel alternative, the specific receptor locations must be presented graphically to show the particulate concentrations in each modeled location, along with some indication as to whether these concentrations result in particulate hotspots.

Sixth, the DEIR/S does not mention, let alone analyze, the Freeway Tunnel alternative's potential to exceed California's ambient air quality standards. The flawed analysis discussed above, relates only to the Project's potential to exceed the federal air quality standards. The South Coast Air Basin, which is the setting for the Project, is designated "nonattainment" of the State PM₁₀ and PM_{2.5} standards. DEIR/S at 3.13-7.

California's standards for particulate matter are more protective of public health – and therefore more stringent – than respective federal standards. *See* California Air Resources Board (“CARB”), “California Ambient Air Quality Standards” available at: <http://www.arb.ca.gov/research/aqgs/caaqgs/caaqgs.htm>.¹⁵ Accordingly, it is critical that the DEIR/S analyze the Project's potential to violate the state standards.

For all of these reasons, the DEIR/S's analysis of particulate hotspots violates CEQA and NEPA by failing to accurately assess health impacts, thereby precluding Project approval.

- 3. The DEIR/S Fails to Adequately Analyze or Mitigate the Project's Health Risks.**
 - (a) The DEIR/S Substantially Underestimates the Project's Health Risk Because the HRA Relied on Inappropriate Methodology.**

As the Landrum & Brown Air Quality Report explains, the DEIR/S substantially underestimates the Project's cancer and chronic-non-cancer risks because the health risk assessment (“HRA”) relied on flawed methodology. First, as with the DEIR/S's particulate hot spot analysis, the HRA's dispersion modelling utilized average variables, such as average daily trips and daily average speed, to characterize the Project's pollutant concentrations. In other words, the modeling assumed that each roadway link generated the exact same amount of pollutants each hour of the day. Thus, according to the DEIR/S, total daily emissions = average daily traffic volume X emission

¹⁵ Ambient air quality standards (“AAQS”) define the maximum amount of pollution that can be present in outdoor air without harm to the public's health. The Federal Clean Air Act requires the U.S. EPA to set ambient air quality standards for the nation. It also permits states to adopt additional or more protective air quality standards if needed. The California Legislature authorized CARB to set ambient air pollution standards for the state. Health & Safety Code section 39606. Accordingly, CARB has set standards for certain pollutants, such as particulate matter and ozone, which are more protective of public health than the respective federal standards. CARB has also set standards for some pollutants that are not addressed by federal standards

rate based on average speed. This approach is inaccurate, of course; in reality, emissions from a roadway source vary throughout the day as traffic volumes and speeds change.

A vehicle's travelling speed affects the amount of emissions it generates. However, emission rates are not linearly correlated with speed. For most pollutants, emissions per mile are greatest at low and high speeds and lower at medium speeds. Because emission rates and speed are not linearly correlated, multiplying the average traffic volume with an emission rate based on average speed does not result in the average emissions. This averaging improperly minimizes a project's emissions.

An accurate prediction of emissions thus requires modeling across time of year, day of week, and hour of the day. Here the DEIR/S's use of extremely simplified modeling inputs – a single hourly average based on the daily average – filtered out differences such as traffic volumes, speed and weather conditions. Consequently, the DEIR/S underestimates the Project's increase in mobile source air toxics ("MSAT") emissions and therefore understates the Project's potential to result in cancer and chronic-non-cancer risks.

The U.S. EPA's PM₁₀ Hotspot Guidance identifies an appropriate methodology to model health risks (and particulate concentrations). EPA suggests that a health risk model use four different emission factors for each highway link, one each for the AM and PM peak periods, one for the midday period, and one for the overnight period. We can find no plausible explanation why the DEIR/S did not rely on the EPA approach. As the Landrum & Brown Air Quality Report explains, the traffic model used for the DEIR/S provides AM and PM peak period traffic volumes speeds as well as average daily volumes and speeds. Emission factors could easily have been developed based on these data. The agencies' decision to rely on a methodology that understates impacts violates CEQA. *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Cmrs.* (2001) 91 Cal.App.4th 1344 ("*Berkeley Keep Jets*").

Equally concerning, the DEIR/S fails to take into account revisions to the Air Toxics Hot Spots Program Risk Assessment Guidelines adopted by the Office of Environmental Health Hazard Assessment ("OEHHA") earlier this year. See Air Toxics Hot Spots Program, Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, OEHHA, February 2015, attached as Exhibit 18. The revised guidelines recognize the Children's Environmental Health Protection Act of 1999 (Health and Safety Code Section 39606), which requires explicit consideration of infants and children in assessing risks from air toxics. *Id.* The HRA prepared for the SR 710 Project

should consider this guidance in order to ensure that risks from the Project are properly identified and mitigated.

(b) The DEIR/S Fails to Disclose the Project's Potential to Cause a Significant Increase in Cancer Risk, and Fails to Identify Any Mitigation.

The DEIR/S asserts that the Project would result in substantial regional benefits that will reduce health risks from exposure to mobile source air toxics ("MSATs") in the majority of the study area. DEIR/S at 4-8. The DEIR/S attributes this benefit to the Project: "The No Build Alternative and all the Build Alternatives would *cause* a net decrease of cancer risks compared to the 2012 existing condition everywhere in the study area." *Id.* (emphasis added). But the DEIR's claim is unsupported by evidence. In fact, evidence in the record overwhelmingly demonstrates that the Project—particularly the Freeway Tunnel alternative—would result in a significant increase in cancer risk.

The DEIR/S's technical appendix discloses that all of the freeway tunnel alternatives could cause a localized cancer increase due to the added vehicle emissions from the new freeway corridor and the roadways directly connected to it. Health Risk Assessment Appendix at page 3-8. The appendix identifies the particular tunnel alternative variants that would have the worst case localized impacts (dual-bore without toll tunnel variation) and the specific locations with the largest cancer impact (a narrow strip around the north and south tunnel portals and the adjacent interchanges). *Id.*, Chapter 3. Many of these locations would result in cancer increases that greatly exceed the SCAQMD's 10-in-1-million cancer risk significance threshold established in its Air Toxics Hotspot Rule (Rule 1401). *Id.* The appendix acknowledges that the increased cancer risk at certain locations would be a staggering 149 in 1 million. *Id.* at ES-4 and Table 3-4.

Given the Freeway Tunnel alternative's potential to greatly increase the risk of cancer in numerous locations, the DEIR/S's assertion that it would improve health is deeply misleading. MSATs are expected to decline substantially in the future – not as a result of building a new freeway-based tunnel, but due to stringent environmental regulations. EPA's 2007 rule, in particular, requires controls that will dramatically decrease MSAT emissions through cleaner fuels and cleaner engines. DEIR/S at 3.13-31. Accordingly, the DEIR/S errs in giving the Project credit for these improvements. *See Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal.4th 439,

445, 457. In fact, without the Freeway Tunnel and the substantial VMT that will accompany it, the region's residents would likely be far healthier.

Furthermore, the lead agencies' decision to present the cancer risk information in the DEIR/S's technical appendix is wholly improper under CEQA. Essential information of this sort must be included the text of the EIR, not buried in some appendix.

Finally, the DEIR/S's failure to disclose the increased cancer risk associated with the Freeway Tunnel alternative as a significant impact is yet another fatal flaw. As a result of this error, the document fails entirely to identify mitigation measures capable of eliminating or offsetting these impacts, as required by CEQA and NEPA. CEQA Guidelines §§ 15121(a); 15123(b)(1); see 40 C.F.R. 1502.16(h) (EIS must discuss "[m]eans to mitigate adverse environmental impacts").

Because the DEIR/S misleads the public and decision-makers about the Freeway Tunnel's potential to increase cancer in the region, and identifies no mitigation for this impact, the document cannot support approval of the Freeway Tunnel alternative.

B. The DEIR/S Fails to Adequately Evaluate or Mitigate Impacts Related to Climate Change.

1. Analyzing Climate Change Impacts Is Required Under CEQA and NEPA.

The law is clear that lead agencies must thoroughly evaluate a project's impacts on climate change under CEQA. See *Communities for a Better Env't v. City of Richmond* (2010) 184 Cal. App. 4th 70, 89-91. In 2007, the state Legislature passed Senate Bill 97, which required the Governor's Office of Planning and Research to prepare guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions as required by [CEQA], including, but not limited to, effects associated with transportation or energy consumption." SB 97 (2007), codified as Pub. Res. Code § 21083.05 (emphasis added). Consistent with this mandate, the state Natural Resources Agency adopted revisions to the CEQA Guidelines that require lead agencies to determine the significance of a proposed project's greenhouse gas ("GHG") emissions. CEQA Guidelines § 15064.4.

Climate change is the classic example of a cumulative effects problem; emissions from numerous sources combine to create the most pressing environmental and societal problem of our time. *See Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.* (9th Cir. 2008) 538 F.3d 1172, 1217 (“the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct.”); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720 (“Perhaps the best example [of a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause serious a serious environmental health problem.”). 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).

NEPA also requires an analysis of the Project’s GHG emissions. *Ctr. for Biological Diversity*, 538 F.3d at 1217 (NEPA requires agencies to assess impacts of project on GHG emissions); *Earth Island Institute*, 351 F.3d at 1300 (NEPA requires that federal agencies “consider every significant aspect of the environmental impact of a proposed action . . .”) (emphasis added) (citations omitted). The President’s Council on Environmental Quality has issued draft guidance on analyzing this issue under NEPA. *See* December 18, 2014, Revised Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions, attached as Exhibit 19. This document recognizes that during the NEPA process, agencies should consider both “the potential effects of a proposed action on climate change as indicated by its GHG emissions” and “the implications of climate change for the environmental effects of a proposed action.” *Id.* at FR 77824. Specifically, the proposed regulations require that agencies analyze a project’s GHG emissions and consider reasonable mitigation measures and alternatives to lower the level of the potential GHG emissions. *See generally, id.* Agencies are not excused from analyzing impacts from GHG emissions just because these regulations are not yet in effect; instead, as the draft document states, the new regulations are “on par with the consideration of any other environmental effects and this guidance is designed to be implemented without requiring agencies to develop new NEPA implementing procedures.” *Id.* at FR 77824. The draft document also urges agencies to make a determination as to whether emissions from a project are consistent with relevant emissions targets and reduction goals, and specifically references California’s AB 32 as an example. *Id.* at FR 77826.

2. The DEIR/S's Perfunctory Climate Change Analysis Fails to Inform the Public and Decision-makers About the Freeway Tunnel Alternative's Greenhouse Gas Emissions.

The DEIR/S is seriously flawed because it trivializes the Project's contribution to climate change, particularly that of the Freeway Tunnel alternative. The DEIR/S labels impacts due to climate change as "speculative" and then fails to conduct an adequate analysis of these potential impacts. However, the Freeway Tunnel alternative's GHG emissions from construction activities, increased VMT, and energy use are far from speculative. As detailed below, the DEIR/S's failure to properly assess the Freeway Tunnel's significant impacts on global climate change, and to identify enforceable mitigation for them, is fatal.

The United States Supreme Court has noted that "[t]he harms associated with climate change are serious and well recognized." *Massachusetts v. EPA* (2007) 549 U.S. 497, 499. Reducing greenhouse gas emissions in order to limit these harms 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. The order 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 goals forward. The 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. Most recently, Governor Brown took further action to meet this challenge by issuing a new executive order, B-30-15. It sets an interim target of 40 percent below 1990 levels by the year 2030. This order, like EO S-3-05, is binding on state agencies such as Caltrans.

The California Climate Action Team's 2009 Report to Governor Schwarzenegger details the science behind, and the environmental impacts of, global warming.¹⁶ This report makes clear that the release of greenhouse gases into the

¹⁶ See California Environmental Protection Agency, Climate Action Team Biennial Report to Governor Schwarzenegger and the Legislature, December 2010, available at http://www.climatechange.ca.gov/climate_action_team/reports/#2010. The entire Report is incorporated herein by reference.

atmosphere leads to global warming, which in turn leads to myriad environmental impacts. As the report explains, “[c]limate change poses serious risks to California’s natural resources. California-specific impacts are expected to include changes in temperature, precipitation patterns, and water availability, as well as rising sea levels and altered coastal conditions.”

Despite all of this—the scientific consensus, the potentially catastrophic impacts on the State, and California’s well-founded commitment to reducing emissions—the DEIR/S’s climate change analysis is perfunctory. It fails to determine a threshold of significance, it calculates only a portion of the GHG emissions for which the Project alternatives will be responsible, and then it ignores its obligation to determine whether the impact is significant. It thus fails to satisfy the most basic purpose of an EIR/EIS: to disclose to decision-makers and the public a project’s significant environmental impacts. *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”); 40 C.F.R. § 1500.1(b) (“NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.”).

Having avoided its obligation to make a significance determination, as CEQA and NEPA require, the DEIR/S then fails to identify credible mitigation measures to reduce or avoid the Project’s contributions to global warming. This approach, which ignores science and law, stands in stark contrast to the conscientious treatment of global warming impacts undertaken by other lead agencies throughout the state. The agencies must make substantial modifications to the DEIR/S’s climate change analysis to achieve compliance with CEQA and NEPA.

3. The DEIR/S’s Refusal to Make a Significance Determination Regarding the Project’s Contribution to Climate Change Is Unlawful.

The DEIR/S contains no thresholds of significance for the Project’s potential impacts on climate change. Instead, the DEIR/S states that “in the absence of further regulatory scientific information related to GHG emissions and CEQA significance, it is too speculative” to make a significance determination. DEIR/S at 4-102. This approach is unlawful, as the statute expressly requires a lead agency to determine if a project’s impacts are significant. Pub. Res. Code § 21002.1(a) (“The purpose of an environmental impact report is to identify the significant effects on the

environment of a project. . .”). Accordingly, the CEQA Guidelines require agencies to “make a good-faith effort . . . to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.” CEQA Guidelines § 15064.4. The Guidelines also include a section entitled “Determining the Significance of Impacts from Greenhouse Gas Emissions.” *Id.* There is nothing in CEQA that relieves a lead agency from its obligation to determine significant effects simply because the impact is related to a rapidly-evolving area of science and policy. *See Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106-12 (CEQA does not allow impact analysis to be labeled too “speculative” based on lack of threshold). *See also* CEQA Guidelines § 15065 (entitled “Mandatory Findings of Significance”) (emphasis added). Thus, there is no justification for the DEIR/S’s failure to contain a significance finding for GHG emissions.

CEQA Guidelines section 15064.4(a)(1) & (2) provides two methods for making a significance determination related to GHG emissions. An agency may either:

- (1) use “a model or methodology to quantify greenhouse gas emissions resulting from a project . . . [that] it considers most appropriate provided it supports its decision with substantial evidence,” or
- (2) “[r]ely on a qualitative analysis or performance based standard [.]”

The DEIR/S follows neither approach here, opting to make no significance determination at all. The Guidelines do not sanction such approach.

Determining whether a project may have a significant effect plays a critical role in the CEQA and NEPA processes, and this determination must be “based to the extent possible on scientific and factual data.” CEQA Guideline § 15064(a) and (b). Accordingly, a significance threshold for greenhouse gases must reflect the grave threats posed by the cumulative impact of adding new sources of GHG emissions into an environment when deep reductions from existing emission levels are necessary to avert the worst consequences of global warming. *See Center for Biological Diversity*, 508 F.3d at 550 (“we cannot afford to ignore even modest contributions to global warming.”).

Although the CEQA Guidelines do not prescribe a particular methodology for making the significance determination, other agencies and groups have established

Garrett Damrath

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methodologies, and their analysis may be useful for Caltrans. The California Air Pollution Control Officers Association (“CAPCOA”)¹⁷ has issued a “CEQA & Climate Change” white paper to assist lead agencies in analyzing greenhouse gas impacts under CEQA. *See* Exhibit 20. Noting that “the absence of an adopted threshold does not relieve the agency from the obligation to determine significance” of a project’s impacts on climate change, CAPCOA explored various approaches to determining significance and then evaluated the effectiveness of each approach. *See* Exhibit 20. According to CAPCOA’s analysis, the only two thresholds that are highly effective at reducing emissions and highly consistent with AB 32 and Executive Order S-3-05 are a threshold of zero or a quantitative threshold of 900-tons CO₂ Equivalent (“CO₂ eq.”)¹⁸. *Id.* A zero threshold is preferable in light of ongoing scientific advances showing that global warming is more significant than originally anticipated. For example, even the ambitious emissions reduction targets set by Executive Order S-3-05 in 2005, which were consistent with contemporaneous science indicating that this level of reductions by developed countries would be sufficient to stabilize the climate, are now believed to be insufficient. Given the recent extreme losses in arctic sea ice, scientists at the National Snow and Ice Data Center have concluded that the observed changes in the arctic indicate that this feedback loop is now starting to take hold.¹⁹

Based on these and other recent climate change observations, leading scientists now agree that “humanity must aim for an even lower level of GHGs.”²⁰ Thus, the scientific and factual data now support a threshold of significance of zero in order to

¹⁷ CAPCOA is an association of air pollution control officers representing all local air quality agencies and air districts in California.

¹⁸ Carbon dioxide equivalents (CO₂ eq.) provide a universal standard of measurement against which the impacts of releasing different greenhouse gases can be evaluated. As the base unit, carbon dioxide’s numeric value is 1.0 while other more potent greenhouse gases have a higher numeric value.

¹⁹ *See* Oct. 3, 2006 press release by National Snow and Ice Data Center, available at: http://nsidc.org/news/newsroom/2006_seaiceminimum/20061003_pressrelease.html. This document is incorporated herein by reference.

²⁰ James Hansen et al., *Target Atmospheric CO₂: Where Should Humanity Aim?* 2 *Open ATMOSPHERIC SCI. J.* 217, 226 (2008).

ensure that new projects do not have a cumulatively significant impact on global warming. Consistent with this data, many EIRs have adopted a zero threshold of significance as the most scientifically supportable threshold. *See, e.g.*, San Francisco Metropolitan Transportation Commission, Transportation 2035 Plan DEIR, at 2.5-15, SCH # 2008022101 (project would have a significant impact if it resulted in an increase in CO₂ eq. emissions from on-road mobile sources compared to existing conditions); San Francisco Metropolitan Transportation Commission & Association of Bay Area Governments, Plan Bay Area 2040 DEIR, at 2.5-41, SCH # 2012062029 (project would have a potentially significant impact if it would result in a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions). These examples, and others, demonstrate that, contrary to this DEIR/S's assertion, it is feasible to establish thresholds of significance.

The Bay Area Air Quality Management District ("BAAQMD") has also adopted guidelines to establish thresholds for GHG emissions. *See* BAAQMD Air Quality Guidelines, excerpts attached as Exhibit 21. These thresholds establish 1,100 metric tons of CO₂ eq. as the standard for most new development, and *no net increase* in emissions for transportation and other regional plans. *Id.* at pp. 2-1 to 2-4.

Although the DEIR/S fails to make a significance determination, it offers minimal, unsupported data purporting to demonstrate that the Project, including even the Freeway Tunnel alternative, would actually reduce GHG emissions. DEIR/S at 4-98 to 4-100. The DEIR/S preparers may have intended that these data show the Project would not result in significant impacts to climate change, yet the paltry analysis is insufficient for a true significance determination and, in any event, is faulty itself, as described below. Pub. Res. Code § 15064(f) (significance determination must "be based on substantial evidence in the record").

4. The DEIR/S's Claim That the Project Will Reduce Greenhouse Gas Emissions Is Flawed.

The DEIR/S concludes that all of the Project's build alternatives—including construction of 4.2 new miles of an eight-lane freeway—will actually *reduce* vehicle emissions, and therefore GHG emissions. DEIR/S at 4-98 to -99. This conclusion is contradicted by current transportation research and is also unsupported by substantial evidence in the record. As the DEIR/S acknowledges, total VMT will increase in the Project area as a result of all of the tunnel alternatives by as many 460,000 miles per day. *See* DEIR/S Transportation Technical Report Table 4-8 at pg., 4-15. Per

capita VMT also increases with all freeway tunnel alternatives. *Id.* These impacts directly contradict, or undermine, State and regional efforts to reduce GHG emissions, as the increase in VMT from operation of the Freeway Tunnel will lead to substantial increases in emissions.

The link between increased VMT and increased GHG emissions is well-established. Studies show how the nation's increase in VMT is projected to 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 22. Recognizing the nation's unsustainable growth in driving, the American Association of State Highway and Transportation Officials, representing state departments of transportation, has urged that the growth of VMT be cut in half. *Id.* Under these circumstances, the DEIR/S's contention that the Freeway Tunnel will result in reduced GHG emissions is simply untenable.

The DEIR/S attempts to circumvent the well-established link between increased VMT and increased GHG emissions by concluding that purported reductions in congestion resulting from the Project will reduce the amount of fuel that vehicles waste in stop-and-go traffic, leading to reduced emissions of climate-warming gases from cars and trucks. DEIR/S at 4-98. Yet, as the attached Sightline Institute article explains, this claim – which is frequently used by proponents of road-building – is mistaken. *See* “Increases in Greenhouse-gas Emissions From Highway-widening Projects,” Sightline Institute, October 2007, attached as Exhibit 23. In fact, under almost any set of plausible assumptions, increasing highway capacity in a congested urban area will substantially *increase* long-term GHG emissions. *Id.* Over the short term—perhaps 5 to 10 years after new lanes are opened to traffic—the DEIR/S's conclusion may find some support. But the document's prediction of congestion reduction fails over the long term. *See* Nelson Nygaard Report. Considering the full increase in emissions from highway construction and additional VMT, experts at Sightline conclude that adding one mile of new highway lane will increase CO₂ eq. emissions by more than 100,000 tons over 50 years. *Id.*

This research 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* Surface Transportation Policy Project, Build It and They'll Come, attached as Exhibit 24. According to the STPP, 100 percent of additional VMT in Los Angeles County, and 72.6 percent of

additional VMT in San Diego County, is attributable to “induced traffic.” *Id.* This means that increases in highway capacity actually induces additional traffic—it does not simply “accommodate” existing or predicted traffic.

CARB has also now weighed in 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 further confirms that increased capacity induces additional VMT.” *See Exhibit 7 at 3.* CARB attributes this phenomenon to the basic economic principles of supply and demand: adding capacity decreases travel time, in effect lowering the “price” of driving; when prices go down, the quantity of driving goes up (Noland and Lem, 2002). *Id.* 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 would result from reduced congestion.” *Id.* at 2.

Accordingly, while agencies generally have discretion to choose appropriate methodological approaches under CEQA and NEPA, the DEIR/S appears to ignore mounting evidence that building highway capacity induces traffic, thereby increasing emissions. As the Nelson Nygaard Report on transportation explains, the DEIR/S’s traffic demand model does not disclose the assumptions it uses to calculate induced demand and likely understates true induced demand. Furthermore, the demand model inaccurately forecasts traffic volumes on a segment-by-segment basis, meaning that it cannot be trusted to accurately estimate induced travel. *See Nelson Nygaard Report.* Moreover, the DEIR/S analyzes traffic demand only through 2035—that is, during the short-term window when congestion may actually be reduced. It does not analyze impacts during the period following 2035 when the purported efficiency gains, if any, can be expected to dissipate as a result of induced demand. *Id.*

A third-party audit of Caltrans recently conducted by the State Smart Transportation Initiative specifically faulted Caltrans’ approach to induced demand, finding that “the department has not come to grips with the reality of induced traffic.” *See State Smart Transportation Initiative Assessment and Recommendations California Department of Transportation, January 2014 at iv, attached as Exhibit 25.* The auditors concluded that Caltrans has almost completely ignored important recommendations (including for reducing VMT) contained in its own *Smart Mobility 2010* report. *Id.* at v. The audit went on to say that “despite a rich literature on induced demand, [Caltrans employees] frequently dismissed the phenomenon.” *Id.* at 62. Given Caltrans’ history of

ignoring or downplaying induced traffic, it is especially important that the DEIR/S support its prediction of induced demand with substantial evidence. It has failed to do so.

Finally, the DEIR/S's calculation of the Project's future emissions assumes that future regulatory controls will be imposed and will be effective in reducing tailpipe emissions. Landrum & Brown Air Quality Report (EMFAC2011 modeling included assumption that low carbon fuel standards would be implemented). The document thus compares future conditions to existing conditions without providing an independent measure of the Project's impacts. In this manner, the DEIR/S effectively assigns the Project credit for technological and regulatory advances that will occur regardless of its implementation. Because the DEIR/S thus fails to disclose the full climate impacts of the Project's increase in VMT, it violates CEQA and NEPA. Indeed, this Project serves as a cautionary example of how statewide improvements in emissions reductions due to regulatory measures—such as California's low carbon fuel standard—can be erased by increases in VMT.²¹

5. The DEIR/S Fails to Account for Non-Vehicular Sources of Greenhouse Gas Emissions From the Project.

The GHG emissions calculations presented in the Air Quality Assessment Report and the DEIR/S include only those emitted from vehicles driving within the study area, and fail to recognize that the Project will contribute to GHG emissions through other sources. For example, electricity generated for use by the Project will also create GHG emissions. *See* Landrum & Brown Air Quality Report. The Freeway Tunnel alternative would consume electricity for tunnel lighting and the tunnel ventilation system. This could result in considerable GHG emissions that should have been included in the Project's GHG emissions' inventory. The LRT would consume the most electricity of the build alternatives, as it relies on electrically-powered railcars. Failure to include the GHG emissions associated with electricity generation for the LRT alternative in the DEIR/S's reported GHG emissions is a particularly egregious omission.

²¹ Experts have pointed out that increases in the amount of driving cause CO₂ emissions to rise despite technological advances, because the growth in driving overwhelms planned improvements in vehicle efficiency and fuel carbon content. Growing Cooler: Evidence on Urban Development and Climate Change at 13-14.

The Landrum & Brown Air Quality Report estimates that the electricity consumption required for propulsion of the railcars for the LRT alternative would generate between 65 and 170 metric tons of CO₂ eq. per day, equivalent to approximately 23,400 and 61,700 metric tons of CO₂ eq. per year. These figures do not include electricity consumed by other components of the LRT alternative, such as lighting and ventilation. The DEIR/S anticipates that the LRT alternative would reduce vehicular emissions by 20.0 metric tons per day in the 2025 opening year and by 2.2 metric tons per day in 2035. DEIR/S at 4-100. For the LRT alternative, this means that increased GHG emissions due to electrical generation would outweigh the anticipated reductions in GHG emissions from vehicular travel. It is irrelevant that some of the emissions from new electrical generation might come from outside the Project area; because GHG emissions are a cumulative global effect, the location of the sources of emissions is not important.

To evaluate the Project's actual effect on climate change, the DEIR/S must inventory the carbon emissions generated through non-vehicular means. This should include electricity generation for the Project, and also the manufacturing and lifecycle of the Project's building materials. Without an inventory of these additional emissions, the DEIR/S's analysis is incomplete, making the formulation of appropriate mitigation impossible.

6. The DEIR/S Must Calculate Greenhouse Gas Emissions From the Project Through 2050.

The DEIR/S calculates fuel consumption and related carbon emissions only to the year 2035. *See* DEIR/S at 4-100. This time horizon fails to provide the public with a meaningful assessment of the Project's long-term impacts. Indeed, the dual-bore freeway tunnel alternative is not scheduled to be completed until after 2020, and that is assuming that it stays on schedule. *Id.* (calculating emissions for the Freeway Tunnel alternative only from operational year 2025 onward). As a result, the document considers at most only 15 years' worth of emissions—a small fraction of the expected lifetime of the Project.²² The DEIR/S should have analyzed GHG emissions through the year 2050.

²² Although the DEIR/S's description of the Project is inexplicably silent on its expected lifetime, Metro's Cost Benefit Analysis for the Project states that the tunnels (footnote continued on next page)

Without examining impacts through the year 2050, the DEIR/S cannot provide meaningful assessment of the Project's long-term impacts, particularly those of the Freeway Tunnel. And there is reason to believe that these long-term impacts will be more significant than in the short term. As described previously, CARB's report states that increases in highway capacity induce travel, which, in turn reduces the effectiveness of capacity expansion as a strategy for alleviating traffic congestion. Exhibit 7 (Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions). This induced growth offsets any reductions in GHG emissions that would result from improved traffic flow. *Id.* Therefore, over the long term, increases in highway capacity will result in increased GHG emissions. This phenomenon is not captured by the DEIR/S's analysis, which looks, at most, only 15 years beyond the completion date of the dual-bore freeway tunnel alternative.

Tellingly, the DEIR/S does provide some evidence that emissions will increase after the 2035 end-date. The document states that in 2025, the GHG emissions from the Freeway Tunnel alternative (dual-bore freeway tunnel with tolls) would decline by 35.7 metric tons per day compared to existing conditions. DEIR/S at 4-100. In 2035, however, the Project's GHG emissions would creep upwards, resulting in a decline of only 24.2 metric tons per day compared to existing conditions. *Id.* (In fact, this decline in purported reductions is estimated to occur for all of the freeway alternatives.) In other words, the Freeway Tunnel alternative does not appear to result in *sustained* GHG emission reductions; the opposite appears to be true. But because the DEIR/S does not analyze 2050 conditions, the public has no way of knowing the extent of the Freeway Tunnel's long term increase in GHG emissions.

Analysis of the Project's impacts in 2050 is essential to determining if the Project achieves the long-term emissions reductions needed for climate stabilization and required by EO S-3-05, B-30-15, and AB 32. The statewide reduction goals set forth in EO S-3-05 and AB 32 call for reducing emissions levels to 80 percent below 1990 levels by the year 2050. Accordingly, 2050 is the appropriate planning horizon for analyzing the Project's emissions.

(footnote continued from previous page)
are expected to have a lifetime of 100 years. Analysis of Costs and Benefits for the State Route 710 North Study Alternatives at 2-8.

7. The DEIR/S Fails to Analyze the Project's Consistency with Applicable State Plans and Policies for Greenhouse Gas Emissions Reductions.

The DEIR/S fails to analyze the Project's consistency with the state's plans and policies for reducing GHG emissions. In fact, the document barely mentions these critical plans. It merely lists eight state bills and executive orders aimed at reducing GHG emissions in bullet-point format under the heading "Regulatory Setting – State" (DEIR/S at 4-95); it provides no discussion or analysis of whether the Project is consistent with these mandates, or whether it will help the State meet the reduction targets that they prescribe. The DEIR/S cannot ignore the question of whether its emissions trajectory is consistent with the trajectory embodied in EO S-3-05, the AB 32 Scoping Plan, and the First Update to the Scoping Plan. These are based on the scientific consensus that "the 2050 [reduction] target represents the level of greenhouse gas emissions that advanced economies must reach if the climate is to be stabilized in the latter half of the 21st century." Climate Change Scoping Plan: A Framework for Change (2008), p. 117, attached as Exhibit 26.²³

California climate policy, as reflected in EO S-3-05, requires reducing GHG emissions to 80 percent below 1990 levels by 2050 so as to avoid catastrophic climate impacts. This Executive Order embodies the reductions 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 AB 32 Scoping Plan incorporates this goal, establishing a "trajectory" for reaching it over time. Exhibit 26 at 15 (Climate Change Scoping Plan: A Framework for Change (2008)).

In May 2014, CARB approved an Update to the Scoping Plan that examines California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the initial Scoping Plan. First Update to the Climate Change Scoping Plan: Building on the Framework, 2014, attached as Exhibit 27.²⁴ It also

²³ See also full scoping plan at http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf (referencing the 2050 reduction goals throughout the document).

²⁴ The full update is available at <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>.

evaluates how to align the State's "longer-term" GHG reduction strategies with other State policy priorities for water, waste, natural resources, clean energy, transportation, and land use. Additionally, on April 29, 2015, Governor Brown signed Executive Order B-30-15, which sets an interim target in order to help state agencies achieve California's reductions goals. This interim target calls for reductions in GHG emissions to 40 percent below 1990 levels by the year 2030. EO B-30-15. This newest executive order confirms that GHG emissions reductions are a top state priority and that interim targets are crucial for achieving the 2050 reductions goal.

Meeting the statewide 2050 trajectory requires continuing and steady annual reductions in both total and per capita emissions. Climate Change Scoping Plan, p. ES-1. Because state policy aims to reduce GHG emissions over time, it is imperative that environmental review documents inform the public and decision-makers whether a project will advance or impede the state's reduction goals, and how. As the California Supreme Court has held, an agency "abuses its discretion if it exercises it in a manner that causes an EIR's analysis to be misleading or without informational value." *Neighbors for Smart Rail*, 57 Cal.4th at 445, 457.

Accordingly, the DEIR/S should have included a climate change analysis discussing whether the Project: (1) is consistent with these policies, (2) will help advance these policies, or (3) will impede the achievement of these policies. In addition, it should have used the EO S-3-05 trajectory as a threshold of significance in evaluating the Project's environmental impacts. See *Friends of Oroville*, 219 Cal.App.4th at 841 (AB 32's reduction targets were a proper threshold of significance in determining whether the Project's GHG emissions constituted a significant impact).

As lead agency, Caltrans must consider statewide climate policy. As the DEIR/S acknowledges, Caltrans' parent agency, the California State Transportation Agency, is a member of the Governor's Climate Action Team, which is charged with coordinating and carrying forward the state's climate goals established in EO S-3-05 and AB 32. Although the DEIR/S mentions this fact, the document provides no analysis of the Project's consistency with these goals.

8. The DEIR/S Fails to Include Enforceable, Feasible Measures to Mitigate or Offset the Project's Greenhouse Gas Impacts Even Though Such Measures Exist.

Had the DEIR/S established a threshold of significance, as required under CEQA and NEPA, and properly accounted for emissions generated by the Project, particularly the Freeway Tunnel, including emissions from induced traffic, it would have found that Project-generated emissions and cumulative emissions exceed all of the potential thresholds of significance discussed above. The Freeway Tunnel's contribution to climate change must therefore be considered significant.

The DEIR/S makes only a halfhearted attempt to identify feasible mitigation measures for the Project's climate change impacts. For construction-related GHG emissions, which it estimates could exceed 48,000 metric tons of CO₂ eq. for the Freeway Tunnel, the DEIR/S appears to suggest that it may rely on measures intended to mitigate the Project's air quality impacts. But the document is confusing on this point. A reader might infer this reliance from one line of a table in the Executive Summary, listing air quality mitigation measures AQ-1 through AQ-5 as the mitigation for construction-related climate impacts. DEIR/S at ES-40. Yet, the DEIR/S does not identify these measures anywhere in the two-paragraph discussion that constitutes the document's entire analysis of construction-related GHG emissions. *Id.* at 4-101. This confusing, contradictory approach is impermissible under CEQA. The DEIR/S must identify specific, enforceable mitigation measures and describe how, and to what extent, they are expected to avoid or minimize the Project's construction-related GHG impacts. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).

Even more troublesome, the DEIR/S does not propose *any* mitigation for the Project's operational impacts to climate change. *See* DEIR/S at ES-40 ("No measures are proposed."). Instead, it suggests that the Project will incorporate three apparently voluntary reduction measures to reduce these impacts: (1) using landscaping; (2) recommending energy-efficient lighting; and (3) restricting idling time during lane-closure for construction. *Id.* at 4-103-104.

The proposed voluntary "reduction measures" are unlawful because they are hortatory rather than binding commitments. Under CEQA, mitigation measures must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). Similarly, CEQA and NEPA require that any proposed mitigation must provide assurance

that such implementation will in fact occur. *Anderson First Coalition v. City of Anderson* (2005)130 Cal.App.4th 1173, 1186-87; *Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261; *South Fork Band Council of W. Shoshone of Nevada*, 588 F.3d at 727 (NEPA requires discussion of whether mitigation will actually be effective). Moreover, a conclusion that a measure will be effective in mitigating an impact must be supported by substantial evidence—evidence that is lacking here. *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1115-18; *see also San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984)151 Cal.App.3d 61,79 (measures must not be so vague that it is impossible to gauge their effectiveness). The DEIR/S's proposed mitigation does not come close to meeting these standards.

The DEIR/S's paltry selection of mitigation measures is puzzling, as there is an impressive array of obvious measures that could actually reduce the Project's GHG emissions. Numerous mitigation measures are detailed in Appendix B and C to the 2008 CAPCOA report, attached as Exhibit 20, and the SR 710 North DEIR/S must consider all feasible, applicable measures therein. Most importantly, it must consider the following sampling:

- Requiring that off-road diesel-powered vehicles used for construction be new low-emission vehicles or use retrofit emission control devices such as diesel oxidation catalysts and diesel particulate filters verified by CARB.
- Requiring the Project to generate all or a portion of its own power through alternative means, such as photovoltaic arrays.
- Requiring use of a catalyzed diesel particulate filter on both new and existing diesel engines (because black carbon is a component of diesel particulate matter, strategies that reduce particulate matter will also reduce black carbon).
- Minimizing and recycling construction-related waste.
- Using salvaged and recycled-content materials for hard surfaces and non-plant landscaping materials.
- Maximizing water conservation measures in landscaping, using drought-tolerant plants in lieu of turf, planting shade trees.

- Landscaping to preserve natural vegetation and maintain watershed integrity.
- Utilizing the combination of construction materials with the lowest carbon footprint.
- Requiring the use of “cool pavement” that reflects more solar energy. Such measures, which can markedly reduce heat islands, have been used effectively in California and elsewhere. In fact, new building standards in California, called “CalGreen”, will require use of such pavement in certain instances. See <http://www.arb.ca.gov/research/seminars/gilbert/gilbert.pdf> for a complete description of cool pavement issues, technology and use.

All of these measures would result in direct reductions in GHG emissions that would otherwise be attributable to the Project. In addition, through a combination of other on-site and off-site measures, the agencies could require all aspects of the Project to be “carbon neutral.” An important aspect of such mitigation would be the adoption of an off-set requirement for any reductions that could not be achieved directly. CEQA and NEPA specifically envision such offsets for the mitigation of GHG emissions. CEQA Guidelines § 15126.4(c)(3) (“Measures to mitigate the significant effects of greenhouse gas emissions may include . . . [o]ff-site measures, including offsets that are not otherwise required”); December 18, 2014, Revised Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions, attached as Exhibit 19 at FR 77828. Emissions could be offset either through financial contributions to sustainable energy projects or through the purchase of carbon credits. Such programs are increasingly common and thus raise no issue of infeasibility.

In sum, development of the Project, specifically the Freeway Tunnel, will make it more difficult for the State to meet its commitments to reduce GHG emissions. To comply with applicable law, the DEIR/S was required to, but did not, include: (1) a complete and adequate inventory of the Project’s greenhouse gas emissions, including those from induced traffic; (2) a significance determination regarding the Project’s cumulative climate impacts; (3) an analysis of the Project’s consistency with state climate policy; and (4) a thorough and quantitative analysis of mitigation measures to reduce impacts. The agencies cannot lawfully approve the Project in the absence of this analysis.

C. The DEIR/S's Analysis of and Mitigation for the Project's Impacts on Transportation Are Inadequate.

1. The DEIR/S's Traffic Analysis Does Not Adequately Analyze the Freeway Tunnel Alternative's Traffic Impacts.

The DEIR/S fails to disclose the traffic impacts that would actually occur as a result of the Freeway Tunnel alternative. The DEIR/S demonstrates that rather than resolve regional traffic congestion, the Freeway Tunnel alternative would cause bottlenecks to shift between locations. Yet, as the Nelson Nygaard Report explains, the EIR/S's travel demand model is incapable of properly analyzing how these bottlenecks function.

Numerous segments along the I-10, SR 134, I-210, I-5 and I-710 would operate at Level of Service (LOS) F in 2035 under the Freeway Tunnel alternative. See Nelson Nygaard Report, Figure 7. This means that the modeled demand is far greater than the traffic volume that can actually travel across these freeway segments. When demand exceeds capacity, the *Highway Capacity Manual* requires that the excess volume "spill over into adjacent upstream segments" and be accumulated unless demand drops enough that the bottleneck can clear. This phenomenon is referred to as "spillback." Unfortunately, the EIR/S model does not account for this spillback. Instead, it mistakenly assumes that all modeled vehicles will get through the bottleneck. If the DEIR/S's traffic demand forecast had been accurate, it would have shown that traffic begins spilling back at 7 a.m. and the queue gets longer and longer during the day, eventually reaching 3 hours in length. It would take much longer than 3 hours for such a queue to clear because vehicles would continue to arrive after 7 p.m.

The DEIR/S's failure to recognize the potential for this extensive traffic congestion is a serious flaw. As a case in point, in the a.m. peak period under the No Build alternative, the northbound section of I-710 at I-10 is modeled as the 280th most congested freeway segment in the greater Los Angeles region. In the Dual-Bore Tunnel alternative, this segment moves up the list 256 places to become the 24th most congested freeway segment in the region. Nevertheless, the DEIR/S assumes the increase in travel

time on this segment is only one minute relative to the No Build alternative. Clearly, a sizeable traffic bottleneck produces more than one minute of delay.²⁵

This flaw in the DEIR/S's travel demand model calls into question the accuracy of the entire traffic impact analysis. For example, it is highly unlikely that the DEIR/S accurately estimates the Project's induced travel. The flawed traffic analysis also implicates the DEIR/S's analysis of environmental impacts. The DEIR/S's estimates for criteria pollutants, air toxics, and greenhouse gas emissions, for example, are predicated on an accurate accounting of the volume and nature of traffic operations. The DEIR/S's failure to accurately document how the Freeway Tunnel alternative will affect regional traffic undermines the accuracy of these other analyses.

2. The DEIR/S Relies on an Artificially Constrained Study Area and Therefore Fails to Identify All of the Project's Transportation Impacts.

The DEIR/S chooses certain freeway segments near SR 710 to establish the study area over which to conduct a detailed transportation analysis. Yet, the study area does not include all of the potentially impacted highways and interchanges. Cars and trucks do not stop at arbitrary locations identified on a map; numerous vehicles that will be affected by the Project will travel to and from destinations outside the study area. The California Supreme Court emphasized that an EIR may not ignore a project's regional impacts, including those occurring outside of its borders; on the contrary, a regional perspective is required." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 575. Rather, an EIR must analyze environmental impacts over the entire area where one might reasonably expect these impacts to occur. *See Kings County Farm Bureau*, 221 Cal.App.3d at 721-23. This principle stems from the requirement that an EIR analyze all significant or potentially significant environmental impacts. Pub. Res.

²⁵ In reality, a queue of more than 3 hours may never happen because travelers would likely adjust their travel to avoid the extreme bottleneck. Yet, even if travelers adjust their behavior to avoid the bottleneck, the congestion would just be transferred elsewhere. Accordingly, the DEIR/S erred in omitting reference to the extensive traffic congestion resulting from the Freeway Tunnel alternatives. Analyzing the potential for a 3-hour queue would have more accurately portrayed the Freeway Tunnel alternatives' impact than the DEIR/S's rosy assessment does.

Code §§ 21061, 21068. Similarly, NEPA requires that an EIS fully discuss the foreseeable cumulative impacts of the action on surrounding areas. *Earth Island Institute*, 351 F.3d 1291 (9th Cir. 2003) (EIS for timber sale was inadequate where it failed to consider impacts on owl species in neighboring national forest); *see also* 40 C.F.R. § 1508.25(c) (requiring agencies to consider direct, indirect, and cumulative impacts).

Here, as the Nelson Nygaard Report explains, the Freeway Tunnel alternative will significantly worsen congestion at several locations, yet the DEIR/S fails to evaluate these areas. For example, project-related traffic volumes under the Freeway Tunnel alternative will be heavy on I-210 from SR 710 to I-5, but the DEIR/S does not analyze transportation impacts any further north than La Cañada Flintridge. The DEIR/S also omits an analysis of the Freeway Tunnel's impact on I-5 north of I-210 and the I-210/I-5 interchange. It also fails to examine the effects on SR-710 south of SR 60, which means that it ignores effects on the SR 710/I-10 interchange. Based on the volume of traffic at all of these locations, the Freeway Tunnel's impacts are likely to be significant.

Certain locations just beyond the DEIR/S study area's boundaries have the highest concentrations of truck accidents per mile annually in Los Angeles County and the Inland Empire. *See* "California Commute -- 4 stretches of freeways tally most big rig crashes per mile annually," Los Angeles Times, June 2, 2015, attached as Exhibit 28. In its latest analysis of California Highway Patrol data, SCAG identified the following freeways sections as having the highest concentrations of truck crashes per mile annually: SR 710 at the SR 60 interchange with 7.2 accidents and the I-5 between the 710 and the 10 with 6.6 crashes. *Id.* The Freeway Tunnel alternative has the potential to worsen traffic congestion in these locations. However, because the DEIR/S does not include these locations in its study area, it does not analyze the potential for the Freeway Tunnel alternative's increase in congestion to contribute to big rig accidents.

In short, the DEIR/S should have analyzed a study area that includes all of the freeways and interchanges that will experience increased traffic congestion as a result of the Freeway Tunnel alternative. The absence of this analysis is a serious omission, precluding any agency action on the Project.

3. The DEIR/S Fails to Mitigate Numerous Significant Transportation Impacts Due to Operation of the Project.

While the DEIR/S identifies intersections and freeway segments that would be significantly impacted by the Project, the document admits that the measures that would mitigate the impacts at these locations are not recommended for implementation. For example, the Freeway Tunnel alternative would result in an additional 2,500 vehicles per hour (the level of service (“LOS”) would decline from C to F) in the AM peak hour and 2,700 vehicles per hour (LOS would decline from B to E) in the PM peak hour on I-710 northbound between the I-10 off-ramp and the eastbound I-10 on-ramp. DEIR/S at 3.5-52 (under the dual-bore operational variation: no tolls). The DEIR/S identifies a mitigation measure (adding a lane between the I-10 off-ramp and the eastbound I-10 on-ramp), but this roadway improvement is not recommended for implementation. *Id.*

In fact, each freeway tunnel alternative would result in significant transportation impacts that remain unmitigated. For example, under the “single bore operational variation: with tolls and no trucks alternative”, the 4 intersections and 11 freeway segments that would be significantly impacted as a result of the Project receive no mitigation. DEIR/S at 3.5-42; 3.5-48 to -49. CEQA does not permit this approach. When an EIR makes a finding of significant environmental harm from a project, as it does here, CEQA requires the lead public agency to adopt all feasible mitigation measures to lessen that harm, or to adopt a feasible alternative that will do less environmental damage. Pub. Res. Code, §§ 21002, 21081. Here, the DEIR/S fails to provide substantial evidence that all feasible mitigation has even been identified. Certainly, the agencies could have made some attempt to alleviate the traffic congestion at intersections and along freeways through measures that do not require widening freeways or adding intersection and arterial capacity. For example, the agencies could have evaluated meeting travel needs by funding increases in local and regional transit service. The agencies’ failure to identify such measures, or other effective mitigation, violates CEQA.

Finally, notwithstanding the agencies’ refusal to mitigate the significant impacts at these and dozens of other locations, the DEIR/S does not identify these impacts as significant and unavoidable. *See* DEIR/S at 4-85 (indicating that Project would have less than significant impact on transportation). This omission also violates CEQA and NEPA. *See* CEQA Guidelines § 15126.2(b); 42 U.S.C. § 4332(C)(ii) (requiring the EIS to discuss “any adverse environmental effects which cannot be avoided should the proposal be implemented”).

4. The DEIR/S Fails to Analyze or Mitigate the Project's Construction-Related Transportation Impacts.

According to the DEIR/S, construction of the Freeway Tunnel alternative would occur over a five-year period. DEIR/S at 14. Construction of the LRT alternative would occur over a six-year period. *Id.* at 10. One would expect that, given the massive scale and prolonged duration of such construction, the DEIR/S would have comprehensively analyzed its extensive impacts on local and regional traffic. Project construction will generate traffic and alter traffic patterns from lane closures, delivery of materials, hauling of excavated material, and construction employees' commuting to/from the job site.

Despite these obvious effects, the DEIR/S includes only vague, cursory statements about construction-related transportation impacts. For example, it devotes one sentence to potential impacts in Alhambra, El Sereno, Monterey Park and Pasadena:

The single-bore design variation of the Freeway Tunnel Alternative could result in delays at 5 locations and detours in 7 locations in Alhambra, El Sereno, and Monterey Park in the vicinity of the south tunnel portal, as well as delays at 8 locations and detours in 11 locations in Pasadena in the vicinity of the north tunnel portal. DEIR/S at 3.24-4.

The document never identifies the specific locations where these delays or detours would occur, or provides any estimate of their duration. In another instance, the DEIR/S states that "prior to the estimated time of construction, coordination would take place to ensure that the proposed closures and/or detours would be coordinated with other transportation improvement projects in the area that may be impacted and that potential traffic impacts during the construction of this [tunnel] alternative are adequately addressed." *Id.* at 3.24-5. These types of vague, generic statements fail to assure the public that the traffic impacts during construction will in fact be "adequately addressed."

The document's failure to supply this information is not a superficial deficiency. Recently, Metro undertook a major expansion project for the I-405. As the attached article explains, construction of that project wreaked havoc on travelers for several years:

The four-turned-five-year, \$1.1 billion project became a long-running nightmare of sudden ramp closures, poorly advertised by Metro and made all the worse by baffling detours that led drivers into the unfamiliar Bel Air Hills and Sherman Oaks hills, dead ends and unlit canyons. As Metro's closures and delays reached their height in 2013, L.A. Weekly encountered stranded motorists merely by following Metro's official detours — which in many cases were roads to nowhere. There is one crystal-clear improvement: With barricades gone and ramp closures less frequent, commuters are at least getting relief from problems Metro itself created — particularly its widely mocked detours, which proved indecipherable on its website and could not be explained by road crews.

See L.A. WEEKLY, *\$1.1 Billion and Five Years Later, the 405 Congestion Relief Project Is a Fail* (March 4, 2015), attached as Exhibit 29.

Instead of analyzing the Project's five to six-year long construction-related transportation effects for the Freeway Tunnel and LRT alternatives, the DEIR/S looks to a future "Traffic Management Plan" ("TMP") to minimize the effects of construction activities. *Id.* But this deferral of mitigation violates CEQA. *See* CEQA Guidelines § 15126.4(a)(1)(B) ("Formulation of mitigation measures should not be deferred until some future time."); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93. Indeed, the DEIR/S's approach to these transportation impacts is a "mere expression[] of hope" that the agencies will be able to devise a way around the problems created by construction of this massive Project. *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2005) 130 Cal.App.4th 1112. CEQA requires more.

Importantly, a court may consider lead agencies' prior actions when it adjudicates the adequacy of mitigation measures. As the Supreme Court explained, "[b]ecause an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." *Laurel Heights*, 47 Cal.3d at 420. As one of the agencies routinely responsible for large-scale transportation projects, Metro has not demonstrated that it is able to protect travelers from the adverse effects of their construction projects. The agency's inability to

manage traffic during the I-405 Project construction period raises significant red flags for the effectiveness of the TMP.

In short, the DEIR/S's failure to provide a complete analysis of the Project's five to six-year long construction-related impacts for the Freeway Tunnel and LRT alternatives, or an actual mitigation plan, violates CEQA and NEPA.

D. The DEIR/S's Analysis of and Mitigation for the Project's Noise Impacts Are Inadequate.

The Project will generate two distinct categories of noise impacts: construction-related noise and permanent operational noise. Depending on the alternative selected, the latter category will include: traffic noise from the cars, trucks, motorcycles, and buses that will travel along the route, and/or noise from operation of the light rail trains. The World Health Organization recognizes noise, and in particular traffic noise, as a serious public health problem. *See, e.g.*, excerpts from Traffic Noise Reduction in Europe, attached as Exhibit 30. Given the magnitude of the Project's potential noise impacts, coupled with the effect that elevated noise levels has on public health, the DEIR/S should have rigorously examined this issue. Unfortunately, the document's analysis of noise impacts is riddled with errors and critical omissions. The Landrum & Brown Report Noise Report provides detailed comments on the shortcomings in the DEIR/S's noise analysis; a few of the most troubling errors are briefly described here.

1. The DEIR/S Fails to Clarify the Significance Thresholds It Uses for Analyzing Noise Impacts.

The CEQA Guidelines, Appendix G, state that a project will have a significant noise impact if it would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. CEQA requires that a determination of an impact's significance employ "careful judgment . . . based to the extent possible on scientific and factual data." CEQA Guidelines § 15064(b).

The first step in any discussion of an environmental impact is to select a threshold of significance. Here, the DEIR/S contains no thresholds of significance for the Project's noise impacts. Instead, the document simply reprints the questions contained in Appendix G of the CEQA Guidelines. DEIR/S at 4-69 to -70. But these questions do not alone constitute a threshold of significance. For instance, Appendix G, question XII(c)

asks whether the project would result in a “substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.” *Id.* In order to apply this standard, the DEIR/S must define “substantial permanent increase” and provide a numerical threshold upon which it bases its finding of no significance.

The DEIR/S preparers failed to take this crucial first step. This flaw in turn leads to a host of other failures: without a threshold, the DEIR/S cannot do its job. For example, the DEIR/S concludes that the Project would mitigate all significant noise impacts to less-than-significant levels (DEIR/S at 4-69 to 4-70), yet the document provides no standard by which to judge the impact’s significance. Because the DEIR/S provides no standard or threshold on which to base its conclusion as to the Project’s impacts, its conclusions regarding the significance of the Project’s noise impacts are meaningless.

Moreover, the DEIR/S should have adopted thresholds that acknowledge that where existing ambient noise is already elevated, tolerance is very low for *any* increase in noise. Existing ambient noise at various receptors in the Project area is already in excess of 65 dBA, the typical outdoor residential noise level deemed acceptable by local municipalities. Here, the proper question is not the relative amount of noise resulting from the Project, but “whether any additional amount of [] noise should be considered significant . . .” in light of existing conditions. *Los Angeles Unified School District*, 58 Cal.App.4th at 1025-26 (emphasis added). Therefore, the DEIR/S erred in failing to evaluate whether residents who already experience elevated noise levels will be adversely affected by the Project.

2. The DEIR/S Does Not Adequately Analyze the Project’s Construction-Related Noise Impacts.

Although construction of the Project would take five to six years for the Freeway Tunnel and LRT alternatives, respectively, and construction equipment would operate immediately adjacent to residences, businesses, open space, and parks, the DEIR/S never discusses the specific noise impacts of this massive construction. As anyone notices while walking next to a construction site, construction equipment can be extraordinarily noisy. The DEIR/S acknowledges, generally, that construction will involve a variety of noise-producing activities. Noise levels from construction trucks and equipment can be as high as 87 dBA at 50 feet. DEIR/S at 3.14-7 to 3.14-8. Noise generated from excavation activities, in particular, can reach 88 dBA at 50 feet. *Id.* And the DEIR/S notes that noise associated with pile-driving activities is estimated to

approach 93 dBA at 50 feet. *Id.* To put this in perspective, a noise level of approximately 88 dBA is as loud as the sound that a food blender makes at a distance of one meter. *Id.* at 3.14-2.

Given the potential for the ear-splitting noise levels associated with Project construction, the proximity of sensitive receptors, and the protracted construction schedule, the DEIR/S should have made at least some attempt to evaluate the Project's construction-related noise impacts. Instead, the DEIR/S merely presents generic information about typical noise levels for construction equipment and for construction activities, and speaks in hypothetical terms. For example, in discussing noise generated during excavation, grading, and facility construction, the document refers to "typical" construction equipment noise levels (DEIR/S at 3.14-8, 4-70); it provides no discussion or analysis of how or why these "typical" levels will be generated by the Project alternatives.

The DEIR/S is similarly vague and dismissive with respect to haul truck trips associated with construction. Although the dual-bore freeway tunnel design would require 360,000 truck trips, at a rate of 15 trucks per hour to export material from the excavation site, the document states that noise impacts associated with hauling for tunnel excavation activities is expected to be less than significant and no mitigation is required. *Id.* at 4-70. The only evidence it provides for this statement is the unsupported conclusion that the "total number of delivery trucks per day is also a very small percentage of the daily volumes on the haul route roadways." *Id.* As the attached Landrum & Brown Noise Report explains, this amounts to an average of 720 daily heavy truck passes per day, which, at 35 miles per hour, would generate the same level of noise as a typical arterial roadway with a daily traffic volume of 36,000 vehicles, and would increase the noise level along the roadway by 3 dB. Landrum & Brown Noise Report. The DEIR/S's analysis should present the traffic volumes and speeds on the roadways that will be carrying haul trucks and demonstrate, based on substantial evidence, that the additional truck trips will not have a significant impact on sensitive receptors along the haul routes.

The DEIR/S generic description of typical noise levels fails to inform decision-makers, let alone the affected public, of the noise events from *this particular Project*. Although the DEIR/S admits that a temporary noise increase would occur, the public is given no specific information as to the type, severity or even the duration of the construction-related noise impacts. Nor does the DEIR/S provide any assurance that sensitive receptors would be sufficiently protected during the Project's protracted

construction process, i.e., five to six years depending on the alternative selected. Omission of a detailed and specific construction noise analysis is particularly troubling given that the Federal Highway Administration requires that construction noise *must* be considered during the development of any transportation facility, and identifies the specific FHWA model that agencies should use to predict noise levels for highway construction projects.²⁶

The DEIR/S's failure to include a useful and legally-sufficient analysis of construction-related noise impacts is a serious shortcoming. An adequate analysis would have described existing ambient noise levels at receptor locations, established appropriate significance thresholds for both interior and exterior noise levels to assess if the increase would be substantial, predicted noise levels during each phase of construction at each sensitive receiver location, compared noise levels during construction to the existing ambient noise levels, and reached a conclusion as to whether noise levels would substantially increase. This type of evaluation is necessarily complex, requiring a thorough description of the type, duration, amplitude, topological conditions, relationship of sensitive receptors to construction areas, construction techniques, construction phasing, and construction durations for each project alternative.

A conclusion regarding the significance of an environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational goal. See *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182; *Citizens of Goleta Valley*, 52 Cal.3d at 568. Similarly, NEPA places upon an agency the "obligation to consider every significant aspect of the environmental impact of a proposed action." *Baltimore Gas & Elec. Co. v. Natural Res. Def. Council* (1983) 462 U.S. 87, 97 (internal quotation omitted). The DEIR/S fails to fulfill these paramount statutory purposes both because it neglects to present all relevant facts relating to the Project's construction noise impacts and because its cursory conclusions are based upon no analysis. Without a detailed quantitative analysis of construction-related noise, it is not possible to determine the severity of these impacts or whether the proposed mitigation measures would effectively reduce such effects.

²⁶ See FHWA, Highway Traffic Noise Handbook (emphasis added) available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/.

3. The DEIR/S Does Not Adequately Analyze the Project's Construction-Related Vibration Impacts.

The deficiencies in the DEIR/S's noise analysis extend beyond its failure to analyze construction-related noise impacts. The DEIR/S also inadequately analyzes construction-related vibration impacts resulting from construction of the tunnel alternatives. Construction-related vibration not only can contribute to high levels of annoyance, but also can cause substantial property damage. Even at levels below those that damage structures, the effects of ground-borne vibration include perceptible movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. Federal Transit Administration Noise and Vibration Manual (2008)²⁷ at 7-1. The Project's tunnel alternatives require the use of up to four tunnel boring machines, which will operate underground continuously to excavate the tunnels by crushing rock into sediment. This will occur directly below residences and businesses in the Project area. Additionally, the DEIR/S proposes to use supply and muck trains to remove excavated material from the tunnel portals. These and other construction activities will result in ground-borne vibration affecting sensitive receptors within the Project area.

The DEIR/S is legally deficient because it does not include a comprehensive assessment of construction-related vibration impacts, and downplays their significance. The Federal Transit Administration ("FTA") has established criteria thresholds for annoyance from ground-borne vibration. The criteria are 72 VdB for frequent events (more than 70 events daily); 75 VdB for occasional events (between 30 and 70 events daily); and 80 VdB for infrequent events (fewer than 30 events daily). FTA Noise and Vibration Manual (2008) at 8-3. The DEIR/S's technical report on vibration impacts concludes that the tunnel boring machines used for the LRT and Freeway Tunnel alternatives may generate levels as high as 77 VdB at homes directly above the tunnel. Ground-borne Noise and Vibration Impacts Report at 6-1. It also states that these vibration levels would last two or three days, and possibly longer. *Id.* The tunnel boring machines will operate continuously, generating relatively constant levels of vibration while they are in operation. This activity means that residences and other sensitive receptors near the tunnel construction activities will experience nearly

²⁷ The manual is available at http://www.fta.dot.gov/12347_2233.html.

continuous ground-shaking day and night for up to three days, at levels above those permitted by the FTA criteria.

Therefore, the DEIR/S's own analysis indicates that ground-borne vibration levels would exceed the FTA's thresholds for annoyance. Instead of acknowledging the significance of this impact, however, the DEIR/S dismisses it as unimportant because it will not produce structural damage to residences and the impact will not be permanent. DEIR/S at 3.14-9 to -10. This approach is unlawful. The DEIR/S has no basis for concluding that the vibration impacts from the tunnel boring machines would be less than significant. *See* DEIR/S at 4-75. Any conclusion that an impact is less than significant must be supported with substantial evidence. Substantial evidence consists of "facts, a reasonable presumption predicated on fact, or expert opinion supported by fact," not "argument, speculation, unsubstantiated opinion or narrative." Pub. Res. Code § 21080(e)(1)-(2). Similarly, under NEPA, agencies may not rest on "bald conclusions," but must take a "hard look" at the environmental impacts of a project. *Maryland-Nat'l Capital Park & Planning Comm'n v. U.S. Postal Serv.* (D.C. Cir 1973) 487 F.2d 1029, 1040. Because the DEIR/S's conclusion of insignificance is premised on unsupported assumptions and bald conclusions, it falls far short of complying with this legal standard.

Moreover, the DEIR/S does not even analyze the potentially significant effects of blasting. The document acknowledges that blasting may occur if high strength bedrock is discovered in the cut-and-cover tunnel sections or in the excavation of cross passages. DEIR/S at 3.14-9; 3.24-13. However, rather than analyze the significance of any such blasting, it elects instead to defer analysis of controlled blasting methods until a future date. *Id.* This is not an acceptable approach. As the attached Landrum & Brown Noise Report explains, impacts from blasting can vary widely, and there are control measures available to minimize impacts. For example, several small blasts can perform the same work as one large blast but result in lower maximum vibration levels. Landrum & Brown Noise Report. The DEIR/S cannot simply raise the possibility of underground blasting in a densely-populated urban environment and decline to address its impacts and potential mitigation measures altogether. Instead, the document should indicate where blasting may be used, and how likely it is to occur. It should also develop mitigation measures, based on a quantitative performance standard, to ensure that any blasting would not result in significant vibration impacts.

4. The DEIR/S Does Not Adequately Analyze the Project's Operational Impacts.

The DEIR/S systematically understates or outright ignores the Project's operational noise impacts. First, as the Landrum & Brown Noise Report explains, while the DEIR/S focuses myopically on traffic noise level changes along numbered highways, it completely overlooks potential increases along arterial roadways in the Project area. See DEIR/S at 4-76 to -82 (Tables 4.3 through 4.7). But traffic volumes and noise levels along arterial roadways will be affected by the Project and significant impacts will likely occur along these roadways as well. The DEIR/S's analysis must be extended to arterial roadways to assess potential impacts along these roadways.

Second, the DEIR/S ignores multiple receptor locations that will experience significant noise impacts due to prevailing wind conditions. Studies have shown that noise can be affected by atmospheric conditions, including wind, which can cause noise to travel farther from its source. See Nick Ovenden, et al. *How the weather affects the scale of urban noise pollution* (2011), attached as Exhibit 31. The prevailing winds in the San Gabriel and La Crescenta/Cañada valleys are from the west, so the operational noise from increased traffic caused by the Project would carry in the direction of the foothills of the San Gabriel mountains. Thus, receptors in the following cities, some of which are outside the area studied in the DEIR/S, could be affected by operational noise from the Project: La Crescenta, La Cañada Flintridge, Altadena, Pasadena, Sierra Madre, Arcadia, Monrovia, Azusa and Glendale. The DEIR/S overlooks these potentially significant noise impacts.

Third, the DEIR/S completely ignores impacts to receptors for which Caltrans asserts mitigation is infeasible or unreasonable. The result is not only illogical, it is completely contrary to CEQA and NEPA's mandate to disclose significant environmental impacts, especially those that are significant and unavoidable. As explained in the Landrum & Brown Noise Report, the DEIR/S and the Noise Study Report reveal a large number of receptors where noise levels under the freeway tunnel alternatives would exceed federal criteria, but for which noise abatement measures were deemed unreasonable or infeasible. DEIR/S at 3.14-12. Many of these receptors, representing hundreds of dwelling units, would be subject to Project-related CNEL.²⁸

²⁸ CNEL stands for "Community Noise Equivalent Level" and is a weighted average sound level over a 24-hour period.

noise increases of 3 dB or greater over existing conditions and an exterior noise level greater than 65 dB under the Freeway Tunnel alternative. Landrum & Brown Noise Report. Although the DEIR/S fails to establish a threshold of significance for noise impacts, these increases exceed the typical CEQA significance threshold for highway noise impacts—and the document proposes no feasible mitigation to reduce these significant impacts to less than significant levels. The DEIR/S fails to acknowledge this significant and apparently unavoidable impact, a critical error.

Fourth, the DEIR/S improperly excludes analysis of operational noise impacts on interior noise levels. This is a key omission, since, for those receptors where exterior noise exposure will exceed 65 dB CNEL, interior noise levels could exceed 45 CNEL with closed windows, and could exceed 57 dB CNEL with the windows open. By comparison, the State of California's Title 24 building regulations establish 45 dB CNEL as the interior noise standard for new residential dwellings. Landrum & Brown Noise Report. What's more, the DEIR/S fails to consider second floor noise exposure, where noise barrier mitigation is often ineffective. The DEIR/S preparers should also have modeled these second floor noise exposures to those receptors located behind barriers that will be constructed to comply with FHWA criteria.

These serious errors in the DEIR/S's analysis of operational noise impacts render the document legally infirm.

5. The DEIR/S Fails to Evaluate Single Noise Events and Nighttime Noise.

Another significant oversight is the DEIR/S's failure to evaluate single noise events or nighttime noise. In fact, the noise analysis discusses the Project's potential impacts only in terms of Leq and CNEL, both of which are averaging metrics. Motor vehicle noise is characterized by a high number of individual events, which often create a higher sustained noise level in proximity to areas sensitive to noise exposure. The light rail trips associated with the LRT alternative will give rise to single noise events. And construction activities, including pile driving and possibly blasting, will also contribute to single noise events. The DEIR/S should have evaluated the effect that single noise events from traffic, light rail car trips, and construction activities will have on the communities in the Project area. Yet, rather than analyze how these single noise events will impact receptors, the DEIR/S focuses only on average noise.

Analyzing average noise impacts only has been rejected by California courts because impacted residents do not hear noise averages, but single events. *See Berkeley Keep Jets*, 91 Cal.App.4th at 1382. The DEIR/S must also analyze single event noise impacts. Single event noise levels have been shown to be likely to result in sleep disruption and speech interference, and heightened levels of stress and annoyance. Noting that “sound exposure level [SEL] has been found to be the most appropriate and useful descriptor for most types of single event sounds,” the court in *Berkeley Keep Jets* held that the Port of Oakland’s noise analysis was deficient for failing to consider these impacts. *Id.* Accordingly, the DEIR/S should have analyzed the impacts of single noise events on sleep, speech, stress and annoyance levels, and analyze adequate measures to mitigate those impacts.

Nor does the DEIR/S differentiate between daytime and nighttime noise. Noise can be far more intrusive during the evening and nighttime hours, when ambient noise levels are at their lowest and when people are sleeping. Since the surrounding area is quieter at these times, the masking effect of other noise does not screen the freeway noise. The DEIR/S should have taken into account this higher sensitivity to noise and evaluated how the increase in noise from the Project, including construction activities, would affect receptors during these sensitive time periods.

6. The Proposed Mitigation for Noise Impacts Is Inadequate.

The DEIR/S’s proposed mitigation for construction-related noise impacts is legally inadequate. The DEIR/S concludes that implementation of Measures N-1 and N-2 would reduce construction noise impacts under the build alternatives to a less than significant level. DEIR/S at 4-70. These measures simply require compliance with the Caltrans Standard Specifications, the County Code, and city municipal codes, as applicable. *Id.* at 4-70, 3.14-16 to -17. This sweeping conclusion obscures the fact that the Freeway Tunnel alternative, for which construction-related impacts are arguably the greatest, is not subject to Measure N-2. *Id.* at 3.14-16 to -17 (Measure N-2 states that it “applies [only] to the Transportation System Management/Transportation Demand Management [TSM/TDM], Bus Rapid Transit [BRT] and Light Rail Transit [LRT] Alternatives”). Caltrans is thus free to conduct freeway tunnel construction activities unrestrained by the limits on such noise contained in local jurisdictions’ municipal codes.

At any rate, merely requiring compliance with agency regulations does not conclusively indicate that a proposed project would not have a significant and adverse impact. In *Kings County Farm Bureau*, for example, the court found that the fact that the

EPA and the local air pollution control district had issued the necessary air emission permits for the construction of a coal-fired cogeneration plant did not nullify the CEQA requirement that the lead agency analyze the significant air quality impacts of the entire project. 221 Cal.App.3d at 692.

Furthermore, the DEIR/S does not consider whether compliance with local noise ordinances is actually feasible. An EIR must describe *feasible measures* that could minimize the project's significant adverse impacts. CEQA Guidelines § 15126.4(a)(1). The DEIR/S fails in this respect because it does not analyze the feasibility of compliance with local noise ordinances. In fact, if nighttime construction occurs near residential areas, compliance may not be feasible. For example, Pasadena Municipal Code 9.36.070 (A) reads: "No person shall operate any pile driver, power shovel, pneumatic hammer, derrick power hoist, forklift, cement mixer or any other similar construction equipment within a residential district or within a radius of 500 feet therefrom at any time other than as listed below. . ." Section 9.36.070 (B) reads: "No person shall perform any construction or repair work on buildings, structures or projects within a residential district or within a radius of 500 feet therefrom in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance at any time other than as listed below. . ." The allowable times are 7 am to 7 pm Monday through Friday and 8 am to 5 pm on Saturday. The only way to comply with the first provision is to forego nighttime and Sunday construction with the equipment listed. The DEIR/S must demonstrate that the anticipated construction activities can actually be completed without violating the applicable noise ordinances in order to conclude these measures will reduce construction noise impacts to a level of insignificance.

The proposed mitigation for construction-related vibration impacts is equally deficient. These impacts are addressed in Measure N-5, a sprawling, multi-part mitigation measure that proves to be largely empty when scrutinized. For example, Measure N-5 would require LRT construction activities to comply with applicable Federal Transit Administration ("FTA") criteria and guidelines and any local regulations related to ground-borne noise and vibration. It also would require the Freeway Tunnel alternative to comply with the Federal Highway Administration ("FHWA") and Caltrans guidelines and any applicable local regulations. DEIR/S at 3.14-17 to -18. However, the document provides no discussion of what these guidelines require, whether compliance with them is feasible, and whether and how such compliance would actually mitigate significant vibration impacts. Indeed, the requirement that construction activities comply

with “any applicable local regulations related to ground-borne noise and vibration” is a nonstarter as the document does not identify, let alone discuss, any such regulations.

Measure N-5 also requires the Project Engineer to develop specific property line vibration limits during final design for inclusion in the construction vibration specifications. DEIR/S at 3.14-18. The DEIR/S cannot defer the preparation of these vibration limits until after Project approval. Mitigation for the Project’s noise impacts must be identified in this DEIR/S. *See* CEQA Guidelines § 15126.4(a)(1)(B). Similarly, the measure calls for a variety of future “control and minimization” measures that are “anticipated to be applied during construction.” DEIR/S at 3.14-18. These include monitoring, a public notice and complaint resolution program, and the vague promise that the Project Engineer will “incorporate comprehensive construction vibration specifications in all construction bid documents.” *Id.* These vague gestures do not come anywhere near meeting CEQA’s exacting standards for mitigation. Agencies may defer mitigation only in very limited circumstances. *See* CEQA Guidelines § 15126.4(a)(1)(B). In those cases, the agency must commit itself to the mitigation, which must contain specific quantifiable performance criteria to ensure that it is effective. *Endangered Habitats League, Inc. v. Cnty. of Orange* (2005) 131 Cal. App. 4th 777, 793 (measure requiring acoustic analysis and reports to be submitted prior to permit approval inappropriately deferred mitigation). Here, because the DEIR/S failed to include such performance measures, it cannot justify the decision to defer the bulk of mitigation for vibration impacts until after Project approval.

In the absence of other feasible mitigation, and to ensure that no significant impacts to residents will occur, the DEIR/S should provide for compensation for residents who will be adversely affected by tunnel boring machines passing beneath their homes.

E. The DEIR/S’s Analysis of and Mitigation for Geology/Soils Impacts Are Inadequate.

CEQA provides that a “significant effect on the environment” exists where, among other things, “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.” Pub. Res. Code § 21083(b)(3). The CEQA Guidelines further explain: “The EIR shall . . . analyze any significant environmental effects the project might cause by bringing development and people into the area affected.” CEQA Guidelines § 15126.2(a). Accordingly, the DEIR/S must thoroughly study whether the seismic risks involved in constructing

tunnel(s) through a region of Los Angeles County that contains numerous earthquake fault zones would create significant risks to users and residents of the Project area.

Courts do not hesitate to scrutinize the adequacy of an agency's discussion of a project's potential seismic risks to the occupants of the project, and have held the agency's analysis to the same standards applicable to any other environmental impact analyzed under CEQA. *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 263-264 (applying Guidelines, § 15126.2 to analysis of geologic hazards to project); *People v. County of Kern* (1974) 39 Cal.App.3d 830, 836, 842 (EIR improperly failed to respond to comments that development was directly over active fault and adjacent to other active faults); *see also Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 279-280, fn. 21 (observing that the CEQA Guidelines have long provided a project "may have a significant effect on the environment" if it "[c]ould expose people or structures to major geologic hazards").

To further highlight the importance of a project's seismic impacts, the Legislature has provided that several types of projects that would otherwise be exempt from CEQA must undergo CEQA review if they are located near geologic features that present seismic risks.²⁹ Finally, as the DEIR/S acknowledges, the CEQA Appendix G checklist asks whether proposed projects would expose people or structures to the risks including fault rupture, seismic ground-shaking, and seismic related ground failure. CEQA Guidelines Appx. G, § VI. Given the Legislature's obvious concern that geologic and seismic impacts be analyzed thoroughly during the CEQA process to protect public health and safety, the DEIR/S's failure to do so here is troubling. As discussed below and in the attached report by Wilson Geosciences, Inc., the DEIR/S's analysis of geological and seismic impacts, including fault offset, ground-shaking, and ground settlement, is inadequate. Further, the DEIR/S has not shown that the mitigation it proposes for these impacts will actually reduce them to less than significant levels.

²⁹ See Pub. Res. Code §§ 21155.1(a)(6)(D); 21159.21(h)(4); 21159.22(b)(3); 21159.23(a)(2)(A); 21159.24(a)(3).

1. The DEIR/S Fails to Properly Analyze the Project's Seismic Impacts.

The Southern California region is particularly seismically active because of the influence of several earthquake fault systems resulting from the Pacific and North American plates. The Project area contains at least one active fault—the Raymond fault—defined by the State of California as a well-defined fault line that has exhibited surface displacement within the last 11,000 years. DEIR/S at 3.10-4. Additionally, two potentially active faults—the Eagle Rock and San Rafael faults—are present within the Project study area. *Id.* The DEIR/S acknowledges that an earthquake on the Raymond may result in ground rupture. *Id.* Nonetheless, both the Freeway Tunnel alternative and the LRT alternative designs (collectively, “tunnel alternatives”) cross the Raymond and Eagle Rock faults, and the Freeway Tunnel alternative also crosses the San Rafael fault. *Id.* The regional faults may also cause strong ground-shaking to occur in the Project area. *Id.* Ground settlement is also a potential hazard of tunnel construction, due to the area’s geological makeup. *Id.* at 3.10-10 to -12. It is against this backdrop of seismic activity that the DEIR/S must evaluate the impacts of the Project. Unfortunately, critical flaws in this analysis lead the DEIR/S to substantially understate these potential impacts.

2. The DEIR/S Fails to Support Its Analysis of Fault Offset Potential With Substantial Evidence.

A fault rupture offset is the ground movement along an earthquake fault, measured from one side of the fault to the other. The DEIR/S recognizes that “there is the potential for substantial adverse effects due to fault rupture” in the Project area. DEIR/S page 4-59. This is unsurprising, as all of the tunnel designs cross multiple mapped faults. *Id.* Despite the obvious need for careful analysis of these impacts in order to protect the public safety and welfare, the DEIR/S mistakenly relies on an outdated methodology to determine fault rupture offset, thereby underestimating the tunnel alternatives’ threat to public safety.

Using outdated methodology, the DEIR/S’s analysis of the tunnel alternatives’ potential fault offset mischaracterizes the active fault rupture offset for the Raymond, Eagle Rock, and San Rafael faults at the point where the tunnels will cross. This error results in an inaccurate and understated estimation of the tunnel alternatives’ risk to public safety. There are two principal methodologies for estimating the magnitude of fault ruptures. Of the two, the EIR/S preparers elected to use the older methodology, published over twenty years ago. *See* Preliminary Geotechnical Report, Appx. E at 11;

Wilson Geosciences Report. In doing so, they rejected a newer methodology that takes into account data obtained from more recent earthquakes.

The implications of this error are more than theoretical. The newer methodology predicts a fault offset more than *four times* the size of the offset prediction yielded by the older methodology for the Raymond fault.³⁰ In fact, the new methodology's fault offset prediction for the Raymond fault is nearly the same as the fault offset observed in the 1971 San Fernando earthquake at a very similar fault. Wilson Geosciences Report. By "selecting" and then designing for the lower offset prediction, the DEIR/S greatly underestimates the risk of damage to the tunnel(s) in the case of an earthquake. *Id.*

The DEIR/S's approach, which eschews current information in favor of outdated material, violates basic principles of CEQA. *Berkeley Keep Jets*, 91 Cal.App.4th at 1367 (EIR's use of scientifically outdated information caused it to fall short of a "reasoned and good faith effort to inform decision-makers and the public"). Moreover, an agency's reliance on inadequate data or assumptions amounts to a fundamental failure to take the "hard look" required by NEPA. *See, e.g., Natural Resources Defense Council*, 421 F.3d at 812 (EIS's analysis of economic impacts based on inaccurate models and flawed assumptions "subverted NEPA's purpose").

3. The DEIR/S Does Not Adequately Evaluate Impacts on the Tunnel Design From Ground-Shaking.

As with its approach to fault rupture, the DEIR/S falls short in addressing and evaluating the potential impact of near-source ground-shaking on the tunnel from an earthquake on the Raymond, Eagle Rock, and/or San Rafael faults. Seismic ground-shaking occurs during an earthquake, with the intensity of the shaking at a location depending on the location's distance from the earthquake epicenter. Ground-shaking, like fault rupture, can cause significant damage to structures within 50 feet of fault traces. Wilson Geosciences Report. Effects can include ground and grout cracking, and local permanent ground deformation.

³⁰ *See* Wilson Geosciences Report, explaining that Caltrans elected to use the "average" 0.5 meter Wells and Coppersmith (1994) predicted offset value instead of the "maximum" 2.2 meter Wesnousky (2008) value for the Raymond fault.

The DEIR/S does not evaluate the potential impact of the near-source ground-shaking hazard on the tunnel. Because this specific hazard is simply not addressed, there is no evidence that the recommended design measures, which are intended to accommodate vertical and lateral offset movements, would be sufficient to address near-source ground-shaking hazards. Wilson Geosciences Report (citing the DEIR/S's Preliminary Geotechnical Report, Appx. at 8). Furthermore, as described below, the DEIR/S fails to identify seismic design criteria for freeway tunnels that would account for the potential hazards associated with near-source ground-shaking. This omission undermines the effectiveness of any tunnel design measures it proposes.

4. The DEIR/S's Conclusion That Ground Settlement Will Not Occur Is Not Supported By Substantial Evidence.

The DEIR/S states that the Project's proposed excavation and tunneling could cause ground settlement and differential settlement immediately above and adjacent to the bored tunnel portion, and the portal and station excavations of the tunnel alternatives. DEIR/S at 3.10-10 to -12. Unless properly controlled, these activities could result in groundwater inflows and flowing ground conditions at the head of the tunnel excavation, which would lead to ground surface settlement. *Id.* Such groundwater inflow into excavation areas may require dewatering, which in turn could cause more ground settlement. Wilson Geosciences Report. Ground settlement can, of course, cause significant damage to existing surface structures.³¹

Many of the areas above and adjacent to the tunnel location are occupied with residences, roads, and businesses, which stand to be damaged in the event of ground settlement. Remarkably, however, the DEIR/S does not fully describe the impact of ground settlement on these existing structures and infrastructure. Instead, the DEIR/S defers proper alluvial deposit and groundwater characterization studies until after Project

³¹ Seattle residents experienced this problem firsthand, in conjunction with the Alaskan Way Viaduct replacement project. Efforts to excavate a broken tunnel boring machine coincided with ground settlement that caused considerable damage to surface structures, including commercial office buildings. *See* NEW YORK TIMES, *In Seattle, a Sinking Feeling About a Troubled Tunnel* (Dec. 10, 2014), available at: <http://www.nytimes.com/2014/12/10/us/in-seattle-a-sinking-feeling-about-a-troubled-tunnel.html?&r=0>.

approval. Yet, these studies are necessary at the outset, to determine whether the proposed excavation and tunneling techniques require adjustment or augmentation through mitigation. In particular, the studies would evaluate the specific groundwater conditions within the alluvial deposit portions of the tunnel alignments, including the densities, porosities, and transmissivities of the materials. Only with such evidence can the DEIR/S analyze the impacts of dewatering in these areas, and identify necessary design changes and mitigation.

In lieu of this required analysis, the DEIR/S speculates that use of certain construction techniques may limit ground settlement: “tunneling equipment and procedures as well as portal and station support methods are capable of controlling ground movements to limit surface settlements and in turn minimize damage to existing structures.” DEIR/S at 3.10-11. However, according to Wilson Geosciences, the techniques identified in the document are *not* likely to be effective in reducing or avoiding most of the surface settlement. Wilson Geosciences Report. Although the DEIR/S provides a cursory discussion of ground improvement measures, such as chemical or cement grouting, its analysis is entirely perfunctory.

In order to evaluate properly the potential hazards associated with the soil settlement and the consequent impact on existing improvements, the DEIR/S must estimate: (1) the anticipated total and differential settlements, and (2) the tolerance limits of the existing improvements to such settlements. Wilson Geosciences Report. The document does neither. Accordingly, the DEIR/S lacks an adequate assessment of the potential adverse impacts on existing improvements from ground settlement associated with the Project, in violation of CEQA and NEPA.

5. The DEIR/S Fails to Identify and Justify Thresholds of Significance for Impacts to Geology and Soils.

The DEIR/S does not clearly identify the standards of significance it used to evaluate geological and seismic impacts, in violation of CEQA. In order to perform its function of identifying significant impacts, an EIR must first provide a reasonable discussion of the significance criteria the lead agency will be using to evaluate those impacts. This discussion must not only identify the specific standards of significance, but also provide a justification for why their use is appropriate. Here, the DEIR/S’s mere recitation of generic questions from the CEQA Guidelines Appendix G does not serve this function. Guidelines § 15064(b) (CEQA recognizes that the significance of an activity may vary with the setting); *see Bowman v. City of Berkeley* (2004) 122

Cal.App.4th 572, 589 (“The Guidelines confirm that the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.”) (internal quotation marks omitted). Given the unique size, scope, and technical complexity of the tunnel alternatives, it is not sufficient simply to incorporate the suggested standards from the CEQA Guidelines wholesale and without any explanation.

For example, the DEIR/S implies that state and local design standards, building codes, and regulations will ensure that no significant impacts result from Project implementation. DEIR/S at 4-59 (reliance on “compliance with applicable Caltrans, FHWA, Metro, and/or local jurisdiction seismic design standards for construction and operation”); *id.* (reliance on “compliance with applicable building and seismic design standards”). But the document does not actually identify these standards or codes, nor does it describe the specific requirements that they would impose. Further, the DEIR/S never explains how these design standards and codes will actually mitigate seismic impacts to a less than significant level. Notably, the Appendix G Checklist for geology and soils, section VI, does not even mention standards established by regional or local jurisdictions, in contrast to its treatment of noise impacts. *See* Appendix G Checklist § XII(a). Since tunnel construction of this scale is unprecedented in California, it is speculative to assert that state and local design standards will ensure that there will be no significant impacts. The problem is further amplified by the DEIR/S’s failure to identify specific design standards for tunnel construction, as described below and in the Wilson Geosciences Report.

In short, the DEIR/S must develop meaningful significance criteria to guide its analysis of these impacts.

6. The DEIR/S Improperly Relies on Seismic Design Criteria Developed for Bridges to Mitigate Impacts to Tunnels.

Compounding its analytic errors, the DEIR/S relies on seismic design criteria for bridges rather than for tunnels. As the DEIR/S explains, Project “[s]tructures are designed using the Caltrans Seismic Design Criteria (“SDC”). The Caltrans SDC provides the minimum seismic requirements *for highway bridges* designed in California.” DEIR/S at 3.10-1 (emphasis added); *see also* DEIR/S Preliminary Geotechnical Report, Appx. E at 15 (“No Caltrans seismic design criteria for tunnels are currently available.”); Appx. F at 8 (same). As the Wilson Geosciences Report explains, the SDC does not even mention tunnels. The SDC refers readers to the “20-10 Fault Rupture Memo to

Designers,” authored by Caltrans and updated in 2013, but that document does not address tunnels either. On the contrary, all of its fault rupture references are to “structures.” We assume these “structures” are bridges inasmuch as the State Bridge Engineer prepared the memo.

This error is profound. The DEIR/S makes no attempt to justify or explain why the SDC developed for highway bridges would be effective for *tunnels*. It simply states that “to support the environmental documentation, it was agreed that the Caltrans seismic design criteria for an Ordinary Nonstandard facility will be used as the basis for seismic design of the Freeway Tunnel.” DEIR/S Preliminary Geotechnical Report, Appx. F at 8. This is a far cry from the substantial evidence required under CEQA to support environmental determinations. *See* Pub. Res. Code §§ 21080(e)(1) (“substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact”), 21082.2(c). As the Wilson Geosciences Report confirms, there is no sound scientific basis for Caltrans’ reliance on design criteria for bridges in analyzing and developing mitigation for impacts to massive, deeply seated tunnels like those proposed by the Project.

The agencies must not proceed with the Project until the DEIR/S identifies seismic design criteria for constructing tunnels. Wilson Geosciences Report. The DEIR/S should fully describe these standards and explain specifically why their use is appropriate for the proposed Freeway Tunnel alternatives (both the single- and dual-bore variations). This explanation should include examples of technical methods for determining the magnitude of acceptable fault offsets for the specific tunnel design. It should also specify how the design standards, such as use of cross-passages and other safety measures, would best prevent risks to tunnel users.

The agencies may counter that developing such standards would be time-consuming, impractical, or infeasible. But that is irrelevant. The unprecedented size and scope of the Project’s Freeway Tunnel alternatives, coupled with their location in a seismically active area, demand that Caltrans develop and use design standards specifically intended for tunnels. *See Laurel Heights*, 47 Cal.3d at 399 (“We find no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency’s task may be difficult.”).

7. The DEIR/S's Proposed Mitigation Measures Are Vague and Unsupported By Substantial Evidence That They Will Be Effective.

The mitigation proposed in the DEIR/S for the Project's impacts to geology and soils are inadequate and legally deficient. Most notably, the measures defer development of crucial plans and studies until after Project approval. For example, the DEIR/S contemplates, but does not include, the following plans and studies: a "comprehensive geologic and geotechnical investigation," "design-level geotechnical/baseline reports," and a "quality assurance/quality control (QA/QC) plan." DEIR/S at 3.10-22. This information must be part of the DEIR/S and be provided to the public before Project approval, not put off to an unknown future date. *See San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal. App. 4th 645, 670. Deferral is impermissible where an EIR calls for mitigation measures to be created based on future studies and/or describes mitigation in general terms and the agency does not commit itself to specific performance standards. *California Clean Energy Comm'n v. City of Woodland* (2014) 225 Cal.App.4th 173, 195 (agency could not rely on future report on urban decay with no standards for determining whether mitigation would be required).

The following measures do not commit Caltrans to specific performance standards and cannot therefore constitute legally adequate mitigation:

- Mitigation Measure **GEO-1** states that during preliminary and final design, a comprehensive geologic and geotechnical investigation will be conducted and design level geotechnical/baseline reports will be prepared. This measure defers investigation and preparation of key reports until an unspecified later date, and it is not clear at which stage of project construction and design these reports will issue. Furthermore, the design recommendations that it will purportedly contain for seismic hazards and for geology related constraints should be identified up front.
- Mitigation Measure **GEO-2** states that the Resident Engineer will maintain a quality assurance/quality control (QA/QC) plan during construction and submit "weekly reports" to Caltrans or Metro during Project construction.
- Mitigation Measure **GEO-3** states that the Project Engineer will "make sure" various measures are included in the comprehensive geologic and geotechnical investigation and the design-level geotechnical/baseline report

and the project design and specifications. For example, “[a] fault crossing design will be evaluated to be able to accommodate the expected fault offset, maintaining the structural integrity of the tunnel lining and preventing the intrusion of surrounding groundwater into the tunnel. The design will meet the performance criteria of the operating agency.” However, the measure does not specify what these performance criteria are, and provides no evidence to conclude that they will be adequate to deal with the fault offset.

- Mitigation Measure **GEO-4** states that “If ground movements exceed acceptable levels set during design, additional measures will be required. . .” However, the document does not state what the “acceptable levels” of ground movements will be. Moreover, the additional measures that will be required are not described in adequate detail. The measure also fails to describe the contents of the “contingency plan of action” that will be required in the event that ground movements occur above levels that could cause structural damage.

DEIR/S at 3.10-21 to -24. These measures are not adequate to support the DEIR/S’s conclusion that geological and seismic impacts will be mitigated to a less than significant level. This deferral of mitigation is especially problematic since Caltrans has not developed, and the DEIR/S does not rely on, seismic design criteria for tunnels.

8. Caltrans Improperly Substituted a Less Robust Tunnel Design for the Original Design in Order to Save Costs, Without Explaining If or How the Later Design Will Minimize or Avoid Impacts.

As originally proposed, the Project’s freeway tunnel design called for an oversized tunnel, or large vault backfilled with crushable materials in the sections of the tunnel crossed by active faults. DEIR/S Preliminary Geotechnical Report at 11-9 to -10. This design was intended to protect tunnel users by reducing tunnel damage at fault crossings in the case of fault offset. Ultimately, however, Caltrans settled on a different design that calls for vault sections with steel segmental lining. Caltrans made the change due to “constructability issues as well as risk, cost, and schedule implications.” *Id.* at 11-10. In other words, the subsequent design can be built more cheaply and quickly. Moreover, the design change was made in reliance on “future design studies,” without any specific analysis of how either design would perform in response to an earthquake.

DEIR/S Tunnel Evaluation Report at 2-4 (“Site-specific geotechnical investigations have yet to be completed at each of the various fault zones; future design studies will require site-specific data to be obtained in order to refine the design concepts discussed herein.”)

In fact, as the Wilson Geosciences Report describes in detail, the change in design could potentially *increase* the damage to the tunnel due to an earthquake. But the DEIR/S ignores this critical problem, as it fails to address how the proposed tunnel design option will best protect tunnel users. The DEIR/S should have analyzed the design’s expected performance under various fault offset and near-source ground motion scenarios. It also should have explained the cost, risk, and construction time trade-offs used to justify the final design selected by Caltrans. Without this information, the DEIR/S cannot assure the public that the chosen design will prevent serious impacts to tunnel users, and that cost and time considerations were properly balanced with public safety.

In sum, the DEIR/S’s analysis of impacts relating to seismic risks does not meet CEQA and NEPA’s minimum standards. As a result, the DEIR/S provides no evidence that any of the tunnel alternatives would be constructed in a manner that will ensure public safety.

F. The DEIR/S’s Analysis of and Mitigation for the Project’s Hydrological and Groundwater Impacts Are Inadequate.

One of the policy goals of CEQA and NEPA is to identify impacts and feasible mitigation at the earliest feasible stage before project momentum decreases an agency’s flexibility. *See Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884-85; *see also City of Tenakee Springs v. Clough* (9th Cir. 1990) 915 F.2d 1308, 1313 (“NEPA requires consideration of the potential impact of an action *before* the action takes place”). To that end, information regarding the project’s impacts must be “painstakingly ferreted out.” *Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado* (1982) 131 Cal.App.3d 350, 357 (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment).

As discussed below and in the report prepared by Wilson Geosciences Inc., the DEIR/S’s analysis of the Project’s hydrologic and groundwater impacts from the Project’s LRT and Freeway Tunnel alternatives is inadequate because it fails to: (a)

adequately describe the Project setting; (b) identify thresholds of significance; (c) describe the engineering design features of the tunnel alternatives; (d) support its conclusions with the necessary facts and analysis; and (e) identify mitigation capable of minimizing the tunnel alternatives' significant environmental impacts.

1. The DEIR/S's Failure to Accurately Describe the Project's Existing Hydrological and Groundwater Setting Results in a Serious Underestimation of the Project's Hydrological Effects.

Knowledge of the regional setting is critical, as it forms the baseline for evaluating a project's environmental effects. In considering impacts to hydrology and groundwater, the DEIR/S must provide a thorough description of the site's existing hydrological characteristics and then comprehensively describe how the Project, particularly the LRT and Freeway Tunnel alternatives, would affect these conditions. Here, the DEIR/S fails to provide the most basic hydrologic information about the groundwater basins and floodplains that the Project would potentially affect.

(a) Raymond Basin and Main San Gabriel Basins.

As the Wilson Geosciences Report explains, the DEIR/S mentions the Main San Gabriel and Raymond groundwater basins, but it does not describe the geologic, hydrological and groundwater characteristics of these basins. The DEIR/S provides no information on groundwater depth contours, groundwater flow direction, basin thickness descriptions or contours, groundwater volumes, groundwater interactions between the Raymond and Main San Gabriel basins, rates of groundwater recharge and withdrawal, locations of pumping wells, or groundwater quality. Nor does the document provide sufficient hydrogeologic and geotechnical information to allow for an evaluation of groundwater flow constraints associated with constructing a tunnel in a seismically active zone.

EIRs for projects that have the potential to threaten groundwater – such as the proposed tunnel alternatives – must describe the site's hydrologic conditions (i.e., baseline conditions) before they can adequately analyze impacts and propose mitigation measures. Here, the DEIR/S tackles the task in reverse order. First, it provides a cursory acknowledgment of the Project's groundwater impacts. Then, it proposes that, as *mitigation* for the tunnel alternatives, the lead agency would comprehensively investigate the characteristics of groundwater resources in the areas where tunneling and excavation would occur; this investigation would establish the baseline for examining the Project

tunnel alternatives' impacts. DEIR/S at 3.9-21 (WQ-3); *see also* the DEIR/S's Tunnel Evaluation Report at 20, 21.

The DEIR/S's approach violates CEQA and NEPA. The agency's detailed investigation as to setting cannot be deferred until after project approval. *See Sundstrom*, 202 Cal.App.3d at 307; *see also Robertson*, 490 U.S. at 352 (EIS must discuss mitigation "in sufficient detail to ensure that environmental consequences have been fairly evaluated"). Without sufficient groundwater and geologic characterization, the DEIR/S is unable to estimate whether construction of the tunnel, or an earthquake affecting the tunnel, would substantially deplete groundwater supplies or affect groundwater quality. The potential development of a tunnel traversing several alluvial groundwater basins warrants a comprehensive understanding of the groundwater resources within these basins. These data are readily available and/or attainable, and we can find no plausible explanation why this fundamental information was not included in the DEIR/S.

(b) Laguna Regulating Basin and Dorchester Channel.

The DEIR/S also does not provide a sufficient description of the two floodplains that are located within the study area: Laguna Regulating Basin and Dorchester. DEIR/S at 3.8-2. Certain alternatives, including, for example, the dual-bore tunnel alternative, would require longitudinal encroachments³² within one or both of these floodplains. *Id.* at 3.8-5. The DEIR/S provides no description of either basin's hydrologic system. It includes no information on flood elevations, peak flows to drainage areas, or the flood frequencies associated with peak flows. Without this information, there is no context for potential flooding impacts that could occur as a result of construction within the floodplains.

Floodplains are critical, interrelated components of the hydrologic system that receive and discharge water. Changes to one part of the system will affect others. Dorchester Channel, in particular, is a major drainage within the study area. *Id.* at 3.9-8. The failure of the DEIR/S to accurately portray the site's underlying environmental conditions contravenes CEQA and NEPA, undercutting the legitimacy of the environmental impact analysis. Especially because the Federal Highway Administration

³² An encroachment is defined as "an action within the limits of the base floodplain." DEIR/S at 3.8-1

requires that the practicality of alternatives be evaluated if a project results in a longitudinal encroachment into a floodplain (*Id.* at 3.8-1), it is critical that the DEIR/S accurately describe these existing floodplains and the potential for the Project to encroach into them.

2. The DEIR/S Lacks Thresholds of Significance for Determining the Project's Hydrological and Groundwater Impacts.

As discussed above, one of the first steps in any analysis of an environmental impact is to select a threshold of significance. As with other impact sections, the DEIR/S contains no thresholds of significance for the Project's hydrological and groundwater impacts. This flaw leads to a cascade of other failures; without a threshold, the DEIR/S cannot do its job.

For example, the DEIR/S states that the Project would not substantially deplete groundwater supplies, would result in no groundwater quality impacts, and would cause no impacts relating to the placement of structures in floodplains. *Id.* at 4-65 and 4-66. But because the DEIR/S does not identify numeric levels for any of these impacts, there is no way for the public to confirm that these impacts would in fact be less than significant. Indeed, based on the limited information in the DEIR/S and analysis prepared by Wilson Geosciences, there is sound evidence that the Project would have potentially significant impacts on groundwater supplies and groundwater quality, and would adversely impact the floodplains in the study area.

3. The DEIR/S Does Not Disclose Groundwater Impacts That Could Result From Penetrating the Raymond Fault.

(a) Impacts to Groundwater Supplies.

The DEIR/S fails to adequately analyze the Project's impacts on groundwater supplies. First, as discussed above, the DEIR/S omits critical information regarding the Project's hydrologic setting. As the Wilson Geosciences Report explains, the Raymond Fault separates the adjudicated Raymond and the Main San Gabriel Groundwater Basins. The fault serves as a natural subsurface dam, holding back water in the Raymond Basin on the north from water in the Main San Gabriel Basin on the south. DEIR/S at 3.10-3. Water levels are 160 feet lower in the Main San Gabriel Basin than immediately across the Raymond Fault in the Raymond Basin. Perforating this groundwater barrier, either through tunnel construction or as a result of an earthquake, could create significant

pathways for groundwater from the Raymond Basin to flow into the Main San Gabriel Basin. Any perforation of this subsurface dam could have devastating impacts, including on the City of Pasadena's water supply.

Unfortunately, the DEIR/S does not recognize the relationship between the two groundwater basins and the subsurface dam, and thus dismisses the potential threat to groundwater resources that could result from perforating this barrier. A major part of the problem is that the DEIR/S relies on tunnel design features to assert that the tunnel would not cause a drawdown of local groundwater tables. DEIR/S at 4-66. However, the DEIR/S provides only a superficial discussion of these Project features, never actually explaining how they would prevent groundwater inflows. Equally concerning, the Project would be constructed in a seismically active area, but the DEIR/S fails to determine whether the Project's tunnel alternatives have been adequately engineered to ensure that a moderate or large earthquake would not impair the Main San Gabriel Groundwater Basins.

The DEIR/S casually asserts that "special care would have to be exercised" when tunneling through a fault zone. DEIR/S at 3.10-21. Yet, the DEIR/S never describes the "careful" techniques that would be employed to protect groundwater during this process; it merely states that Caltrans would use a pressurized-face tunnel boring machine ("TBM") as well as grout and concrete lining with rubberized gaskets. *Id.* at 3.10-21; 3-24.7; 4-65. Tellingly, the DEIR/S never explains *how* the TBM, grout and lining would actually protect groundwater. Thus, contrary to CEQA and NEPA's requirements, the DEIR/S provides no evidence to support either its finding that groundwater would be sufficiently controlled, or its conclusion that the impact would be less than significant (*see id.* at 3.9-16, 3.10-12, 3.10-19, 3.247, 4-66).

In fact, as the Wilson Geosciences Report demonstrates, there is a high potential for the proposed SR 710 tunnel to leak excessive amounts of groundwater. Wilson Geosciences conducted a literature search of tunneling projects and, specifically, the effectiveness of grout to control groundwater. These studies clearly demonstrate that tunnels leak. *See* Wilson Geosciences Report, citing Jacobs Engineering. Grouting can help, but it does not eliminate leaks through or around a tunnel lining. In a study of the South Cobb tunnel project constructed in Atlanta, Georgia, Jacobs Engineering determined that the tunnel would likely leak by 252 gallons per minute ("gpm"). Unfortunately, even after the most advanced grouting techniques were installed, flow rates were projected to be reduced by only 40 percent, i.e., 152 gpm would continue to leak. Accordingly, roughly 80 million gallons annually, or roughly 245-acre feet per

year, continued to leak from the South Cobb tunnel despite advanced grouting techniques.

Although the SR 710 DEIR/S does not identify the expected flow rates upon completion of the tunnels, Wilson Geosciences assumed for purposes of their analysis that the Project could result in the same relative amount of leakage as that from the South Cobb tunnel. Based on Geosciences' analysis, the Freeway Tunnel alternative could result in a 5.23 percent reduction in Pasadena Subarea storage each year.³³ The DEIR/S never discloses this potential dewatering of the Pasadena's water basin, in violation of CEQA and NEPA.

Confusingly, while DEIR/S assures readers that the Project's tunnel alternatives will be designed to avoid groundwater flows, the document's technical appendix acknowledges that groundwater inflows *in fact are expected to occur* during construction unless systematic ground improvement measures are implemented to treat the ground prior to excavation. *See* Tunnel Evaluation Report at 20. Despite this alarming fact, the appendix states that the estimates of the maximum potential groundwater flush flows and sustained flows are not available and will not be developed until future design phases. *Id.* at 20. As a result, it impossible at this time for the agency to develop specific criteria, plans, and procedures for effective groundwater control measures. *Id.* at 21. The appendix never thus explains how the ground improvement measures would actually control groundwater inflows.

The DEIR/S's practice of deferring these critical analyses until after Project approval violates CEQA and NEPA. Because the DEIR/S declines to analyze the Projects' hydrological and geotechnical conditions, the document repeatedly concludes

³³ Wilson Geosciences' conclusion may actually underestimate the dewatering impact, as it is modeled on a study from seismically inactive environment in Georgia, not for an earthquake-prone region of California. The Project's tunnel alternatives would be constructed across multiple active faults. Indeed, there is a 93 percent chance of a magnitude 7 or larger earthquake occurring during the next 30 years in southern California. *See* "Magnitude – 6.7 quake certain to hit California within 30 years, USGS says," March 10, 2015, attached as Exhibit 32. The DEIR/S fails to analyze the potentially disastrous consequences from a moderate or large earthquake on any of the area faults.

that impacts will be determined as they happen and mitigation will be worked out then. This strategy is unlawful. An EIR 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. *Laurel Heights*, 47 Cal.3d at 392; *see also City of Tenakee Springs*, 915 F.2d at 1313 (“NEPA requires consideration of the potential impact of an action *before* the action takes place”). The DEIR/S’s approach strips the document of its key purpose: to provide forewarning.³⁴

In sum, the DEIR/S lacks any evidentiary support for its conclusion that the Project, particularly the tunnel alternatives, would not adversely impact groundwater water supplies in the Raymond or San Gabriel groundwater basins under a steady state scenario, much less in the event of a moderate or large earthquake.

(b) Impacts to Groundwater Quality.

The DEIR/S’s conclusion that impacts to groundwater quality would be less than significant also does not stand up to scrutiny. The DEIR/S does not analyze the potential for groundwater pathways to transport contaminants in the Raymond Basin (Pasadena Subarea) groundwater into the Main San Gabriel Basin – either along the Raymond fault, along the tunnel contact with alluvium or bedrock, or through the tunnel.

As the Wilson Geosciences Report explains, cracked and fractured areas that could facilitate seepage along the outside of the tunnel could allow contaminated groundwater to flow from the Raymond Basin into the Main San Gabriel Basin. Potential contamination of Raymond Basin groundwater could come from sources such as the Jet Propulsion Laboratory’s facilities or from incidents such as chemical or fuels spills along the freeway. Studies have documented actual and projected movements of contaminants from JPL (perchlorates) and groundwater flow pathways from north and northwest to south and southeast, all toward the proposed bored tunnel location beginning at the SR-210/SR-134 interchange. Any current or future groundwater contamination along this

³⁴ Moreover, the fact that groundwater inflows are expected to occur appears only the DEIR/S’s technical appendix keeps the public in the dark as to the true magnitude of the Project’s environmental effects. *See California Oak Found.*, 133 Cal.App.4th at 1239 (information buried in an appendix is not a substitute for good faith reasoned analysis in the EIR).

pathway could end up at the proposed bored tunnel north of the penetration of the Raymond fault.

As with its discussion of groundwater supplies, the DEIR/S relies primarily on grouting to conclude that the Project's tunnel alternatives would not impact groundwater quality. *Id.* at 3.9-17. However, the DEIR/S does not analyze static effects, such as vibration or chemical degradation, on the proposed grout. Nor does it consider the effect that a moderate or larger earthquake would have in disrupting the post-construction "impermeable" groundwater barrier. Rigorous analyses are needed to evaluate the potential impacts on groundwater quality resulting from ground movements.

Without any evaluation of the geologic units and fracture patterns in bedrock, or of the potential deterioration of the "grout seal", the DEIR/S fails to support its conclusion that impacts related to groundwater contamination will be less than significant.

4. The DEIR/S Does Not Adequately Analyze Impacts to the Laguna Regulating Basin or the Dorchester Channel.

(a) Laguna Regulating Basin.

The Freeway Tunnel alternative (dual-bore) would require widening SR 710 along its east side, which is along the western boundary of the Laguna Regulating Basin.³⁵ *Id.* at 3.8-5. Widening the freeway to provide access to the south portal of the dual-bore tunnel would involve a longitudinal encroachment within the floodplain of the Laguna Basin. *Id.* at 3.8-6. The longitudinal encroachment, which would be up to 20 feet wide and 700 feet long along the Basin's western boundary, results from the excavation necessary for the construction a bridge structure. *Id.* at 3.8-7.

The DEIR/S asserts that this excavation and other construction activities would not affect the storage volume or the Laguna Basin. *Id.* The document further

³⁵ The Freeway Tunnel alternative single-bore design variation would also require widening SR 710 with associated impacts to the Laguna Regulating Basin. *Id.* at 3.8-5, -6.

asserts that while construction of the bridge structure would result in slight modifications to the floodplain boundary, the base floodplain elevation would not change. *Id.* at 3.8-6; 7. However, because the document provides no information on the basin's existing storage volume or floodplain elevation, it lacks any evidentiary support for its conclusion that the Freeway Tunnel would not affect the floodplain's elevation.

The DEIR/S also does not describe the extent of the excavation or provide any details about the engineering of the bridge structure, e.g., the number and size of the bridge pilings. Nor does it identify the existing floodplain elevations or the elevation of the floodplain upon completion of the Project. Without this basic information, it is not possible to determine the Freeway Tunnel alternative's hydrologic impacts on the Basin.

(b) Dorchester Channel.

The dual-bore Freeway Tunnel design variation requires widening SR 710 along its west side, which is along Dorchester Channel's eastern boundary. DEIR/S at 3.8-5, 6. It would also place fill into the Channel, which would result in narrowing the floodplain boundary. *Id.* at 3.8-8. The placement of fill and/or structures in a floodplain would reduce the capacity of the basin and increase water surface elevation (*id.*), yet the DEIR/S concludes that these modifications would result in no increased flood risk to adjacent communities. *Id.* The DEIR/S lacks the evidentiary support for this conclusion. What information that is provided in the DEIR/S strongly indicates that the Freeway Tunnel would in fact adversely impact the capacity of the flood basin, with associated impacts to adjacent areas.

The DEIR/S states that the dual-bore Freeway Tunnel would increase water surface elevation by two feet, with the maximum increase occurring about 235 feet upstream of the Hellman Avenue crossing. *Id.* However, the DEIR/S never explains the implications associated with this increase in the Basin's water surface elevation; it merely states that there would be no increased flood risk because water would still be contained within the concrete box. Unfortunately, the DEIR/S omits the following critical information: the capacity of the existing concrete box and the design engineering and capacity of the new box. Furthermore, it provides no analysis of how hydrological flows would change as a result of the Project, or the effect that these changes would have on adjacent and downstream areas.

Notwithstanding the DEIR/S's lack of analysis, the document concludes that the Project – specifically, the dual-bore Freeway Tunnel variation – would minimize

the longitudinal encroachment within this floodplain. *Id.* at 3.8-8. The DEIR/S further asserts that other design variations considered for this Alternative were rejected because they would have required geometric modifications to the horizontal or vertical alignment, or realignment of the freeway mainline. *Id.* Yet, the DEIR/S includes none of this information, even in summary form. The document never even bothers to identify the alternative design variations that the lead agencies purportedly considered.

In conclusion, the DEIR/S's failure to analyze or mitigate the Project's hydrological and groundwater impacts is a clear violation of CEQA and NEPA. Consequently, Metro and Caltrans may not rely on this EIR/S to approve the proposed Project.

G. The DEIR/S Fails to Evaluate the Project's Cumulative Impacts.

Both CEQA and NEPA require an analysis of a project's cumulative impacts. CEQA defines "cumulative impacts" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." *Id.* "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b). The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." *Whitman v. Bd. of Supervisors* (1979) 88 Cal. App. 3d 397, 408. Likewise, NEPA requires analysis of connected and similar actions that will lead to cumulative impacts. 40 C.F.R. § 1508.25(a), (c); *see also Florida Wildlife Fed'n v. U.S. Army Corps of Eng'rs* (D. Fla. 2005) 401 F.Supp.2d 1298. NEPA regulations define a "cumulative impact" as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions . . ." 40 C.F.R. § 1508.7.

Here, the DEIR/S's analysis of cumulative impacts fails to comply with CEQA's and NEPA's clear requirements. To begin with, while the DEIR/S's cumulative impact chapter identifies 40 projects (see Table 3.25-1), it essentially disregards the potential for these projects, together with the SR 710 North Project, to result in cumulatively significant environmental impacts. For example, the DEIR/S mentions the Devil's Gate Reservoir Project but fails to analyze the effects of this project together with the SR 710 North Project.

The Devils Gate project, located in the City of Pasadena (very near the northern terminus of the Tunnel Alternatives), involves a comprehensive sediment removal plan that will restore and maintain flood control capacity at the Devil's Gate reservoir. *See* Devil's Gate Reservoir Sediment Removal and Management Project, Final EIR at ES-1, attached as Exhibit 33. This project will include removal of approximately 2.9 million cubic yards of existing excess sediment from the reservoir as well as additional sediment that accumulates during construction. DEIR/S at 3.25-10. According to the DEIR/S, sediment removal activities at Devil's Gate are expected to occur over approximately 5 years, beginning in summer 2015. *Id.* This effort will require an average of 50 truck trips per hour, with an estimated maximum of 425 truck round-trips per day during excavation. Devils Gate FEIR at 85. Trucks depositing sediment from Devil's Gate will travel along many of the freeways that will be impacted by construction and operation of the SR 710 North Project, including the I-210, I-5, SR 134 and SR 2. *Id.* at 238, 240.

Even though construction of the two projects appears to be concurrent and will impact many if not all of the same freeways, the DEIR/S concludes that the SR 710 North Project, together with Devil's Gate, would not contribute to cumulative transportation impacts.³⁶ DEIR/S 3.25-28. Tellingly, the DEIR/S includes no evidence to support this remarkable assertion. Moreover, the two projects would also result in other cumulatively significant impacts, including air quality, climate change and noise impacts. The DEIR/S should have provided a thorough analysis of these impacts.

The DEIR/S also fails to examine the cumulative impacts of the SR 710 North Project together with I-710 expansion project in Los Angeles County between Ocean Boulevard and SR 60 ("I-710 South Project"). This omission is surprising inasmuch as the DEIR/S admits that the SR 710 North Project will have potential cumulative impacts on traffic/transportation, hydrology/floodplain and air quality. DEIR/S at 3.25-3. The I-710 South Project includes widening I-710 up to 10 general-purpose lanes (five lanes in each direction); modernizing and reconfiguring the I-405, the SR 91, and a portion of the I-5 interchanges with the I-710; modernizing and reconfiguring most local arterial interchanges along the I-710; and providing a separated four-lane freight corridor to be used by conventional or zero-emission trucks. *Id.* A

³⁶ The DEIR/S admits that the SR 710 North Project may be constructed concurrently with the Devils Gate Project. DEIR/S at 3.25-28.

RDEIR/SDEIS is being prepared to analyze a revised set of build alternatives for the I-710 South Project and will be released for public review and comment in 2015. The anticipated start of construction is 2020. *Id.*

As the letter submitted by Rossman & Moore on behalf of the City of South Pasadena explains, there is an intimate connection between the I-710 South Project and the proposed Project. Indeed, the projects occur along segments of the same freeway, likely require design coordination, and will apparently be constructed concurrently. Agencies may not improperly “segment” projects in order to avoid preparing an EIS or EIR; instead, they must consider related actions in a single document. *Thomas v. Peterson*, 753 F.2d 754, 758 (9th Cir. 1985); *Laurel Heights*, 47 Cal.3d. at 376-395 (1988). “Not to require this would permit dividing a project into multiple ‘actions,’ each of which individually has an insignificant environmental impact, but which collectively have a substantial impact.” *Thomas*, 753 F.2d at 758. The Council on Environmental Quality’s NEPA regulations thus require agencies to consider “connected,” “cumulative,” and “similar” actions within a single EA or EIS. 40 C.F.R. § 1508.25; *Thomas*, 753 F.2d at 758-59. Similarly, CEQA regulations require that an EIR describe the entirety of a project, including reasonably foreseeable future actions that are part of a project, and must analyze those reasonably foreseeable actions. 14 Cal. Code Regs § 15378(a). The SR 710 North DEIR/S must analyze the impacts from these two projects together “when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.” 40 C.F.R. § 1508.25(a)(3).

The DEIR/S’s cumulative impacts chapter is further flawed in that it does not mention whole categories of potential cumulative impacts. For example, the DEIR/S never studies the potential for the Project, together with other projects listed in Table 3.25-1, to substantially deplete water supplies. In fact, the cumulative impact analysis never mentions the term “groundwater supplies” at all. It also completely ignores health risk impacts that would result from the release of mobile and other sources of toxic air contaminants.

In other instances, the DEIR/S provides cumulative impacts analyses that are simply nonsensical; as a result, its conclusions that these impacts are less than significant lack any evidentiary basis. For example, regarding impacts to hydrology and floodplains, the DEIR/S explains that the Freeway Tunnel alternative would encroach into the Laguna Regulating and Dorchester flood basins. DEIR/S at 3.25-34. It further acknowledges that other cumulative projects such as the I-710 South Project and the

Olive Pit Mining and Reclamation Project have the potential to result in “*substantial effects* relating to hydrology and floodplains.” *Id.* (emphasis added). The DEIR/S then concludes, illogically, that because there are no feasible design variations for *the Project*, the proposed Project would not have a cumulative impact on hydrology and floodplains. It makes no attempt to actually analyze the effect of the other projects together with the Project, as CEQA and NEPA require.

In regards to water quality and storm water impacts, the DEIR/S states, “Of the 39 projects listed in Table 3.25-1, *none* have the potential to contribute to an impact on water quality because they all implement BMPs [best management practices] and other avoidance, minimization, and/or mitigation measures.” *Id.* at 3.25-36. This statement defies common sense and is incorrect. If every project that were ever developed fully mitigated water quality impacts with BMPs, the quality of water in Los Angeles County would be pristine. Yet, as the DEIR/S explains, groundwater in the area is impaired with, among other things, VOCs, nitrates, ammonia, copper, lead oil, trash, coliform bacteria and cyanide and that this pollution is from sources such as residential and industrial development. Clearly BMPs and other mitigation measures may incrementally reduce some groundwater pollution, but they are not sufficient to avoid groundwater contamination altogether as the DEIR/S asserts.

As regards energy consumption, the DEIR/S explains that California is the most populous state in the United States, and its total energy demand is second only to Texas. DEIR/S at 3.25-46. It goes on to state:

Much of the energy consumed in the SCAG region is for residential, commercial, and transportation purposes. Driven by high demand from California’s many motorists, major airports, and military bases, the transportation sector is the State’s largest energy consumer. More motor vehicles are registered in California than in any other state, and worker commute times are among the longest in the country.

Transportation-related activities account for approximately half of all the petroleum products consumed in California. *Id.*

Despite the fact that energy consumption is a major problem in California, the DEIR/S illogically states that “the 39 reasonably foreseeable actions have no or limited potential to result in effects related to energy and, therefore, limited potential to contribute to cumulative effects related to energy with particular relevance to energy.” *Id.* at 3.25-47.

The DEIR/S then finally admits that only one project – the El Monte Walmart – might have limited potential to result in energy-related effects, but then implies, absent any evidence, that it would be designed to reduce energy consumption. *Id.*

The DEIR/S's approach to cumulative transportation impacts is particularly uninformative. First, the DEIR/S explains that for the purpose of this cumulative impacts analysis, the Project study area includes a total of 156 intersections. DEIR/S at 3.25-26. Yet, this is the precise study area used to examine *Project-specific* impacts. *Id.* at 3.5-5. Using the same study area for purposes of Project-specific and cumulative impacts might be sufficient if the cumulative projects – and their respective transportation impacts – did not extend outside the study area boundary. But, as discussed above, the study area here is not even large enough to capture all of the Project-specific transportation impacts. It is clearly too small to capture the Project's cumulative transportation impacts.

Perplexingly, many of the transportation projects identified on the DEIR's cumulative project list (Table 3.25-1) are actually located *outside* of this study area.³⁷ These projects include the following:

- Project #1: SR 710 south project (partially located outside the study area)
- Project #2: The I-5 Corridor Project (Project #2) (entirely outside the study area)
- Project #3: I-5 Improvement Project between SR-118 & SR-170 (entirely outside the study area)
- Project #4: I-5 North Improvement Projects between SR-134 & SR-170 (entirely outside the study area)
- Project# 5: I-5/Western Interchange Improvements (entirely outside the study area)
- Project # 7: San Bernardino Freeway (I-10) add one HOV lane from I-605 to SR-57/71 & I-210 (entirely outside the study area)

³⁷ Compare Figure ES-1 (SR 710 North Study Area) and Figure 3.25-1 (SR 710 North Study Cumulative Project).

- Project # 9: the I-110 (Harbor Freeway)/Transitway HOT Lanes Project (entirely outside the study area)
- Project # 20: Wilshire Boulevard Bus Rapid Transit – Phases I & II (entirely outside the study area)
- Project # 30: Olive Pit Mining and Reclamation Operations and Long Term Reuse Project (entirely outside the study area).

Certain of these projects are massive; there can be no doubt that their transportation impacts, together with the Project's, would be cumulatively considerable. The DEIR/S's failure to evaluate the cumulative effect that these projects, taken together, would have on the region's transportation network is a fatal flaw.

In fact, the DEIR/S fails to analyze the transportation impacts of *any* of the cumulative projects. The DEIR/S identifies 19 projects it purports to include in the cumulative transportation analysis because "they have the potential to contribute to substantial changes in traffic conditions."³⁸ DEIR/S at 3.5-27. Despite having identified these 19 projects, the DEIR/S never conducts the required impact analysis. While it asserts that the effects of these 19 projects were already analyzed in Project-specific analysis (*Id.* at 3.25-28), the DEIR/S lacks any evidentiary support for this assertion. We searched both the Transportation Technical Report and the Transportation Technical Report Appendix for these projects (Devil's Gate Reservoir Sediment Removal and Management Project and the Olive Pit Mining and Reclamation Operations and Long Term Reuse Project) and neither document even mentions them. Thus, there is simply no evidence to support the DEIR/S's claim that the agencies ever conducted any analysis of the Project's cumulative transportation impacts.

The DEIR/S also fails to analyze the Project's cumulative air quality impacts. Here, the DEIR/S states that most of the 39 projects listed in Table 3.25-1 have

³⁸ The DEIR/S fails to study the effects of the other 21 projects. This is a serious omission since the DEIR/S clearly acknowledges that all of the projects identified in Table 3.25-3 have "some potential to result in traffic impact and potential to contribute to cumulative traffic impacts." *Id.* at 3.25-27. The failure to analyze these impacts is a fatal flaw, warranting recirculation.

the potential to result in air quality impacts and that 11 of these have the potential to result in *substantial* air quality impacts. *Id.* at 3.25-43. Of these 11, the DEIR/S states that 7 projects would contribute to a *permanent* air quality impacts in the study area. *Id.* at 3.25-44 (emphasis added). Yet, the document does not proceed to the next required step in the cumulative impacts analysis: (1) to quantify the increases in emissions from these nearby projects, and (2) to analyze how the increases from these projects would affect air quality *together with* the Project. The DEIR/S's failure to provide any analysis for the 7 projects that the DEIR/S concedes would contribute to a permanent air quality impact, is particularly glaring.

Rather than provide the required analysis, the DEIR/S offers various illogical arguments and conclusory statements that the Project will not contribute to any cumulative air quality impact. For example, while the DEIR/S acknowledges that some of the other projects could be constructed concurrently with the proposed Project, it asserts that the *Project's* construction-related air quality impacts will be reduced because it must comply with the SCAQMD Rule 403 and Caltrans Specifications. *Id.* at 3.25-44. The DEIR/S misses the point. Even if the Project's individual impact were small, the agency is required to analyze that impact together with air quality impacts of other projects, to determine the extent of the *cumulative* impact. *Kings County Farm Bureau*, 221 Cal.App.3d at 720-21. CEQA Guidelines § 15355(b) ("Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.")³⁹

Finally, as noted above, the DEIR/S fails to provide an adequate analysis of the Project's cumulative impacts on climate change. Climate change, of course, is the classic example of a cumulative effects problem: emissions from numerous sources combine to create the most pressing environmental and societal problem of our time. *Kings County Farm Bureau*, 221 Cal.App.3d at 720 ("Perhaps the best example [of a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause serious a serious environmental health problem."). As one appellate court held, "the greater the existing environmental problems are, the lower the threshold for treating a project's contribution to cumulative impacts as significant." *Communities for*

³⁹ In any event, as the Landrum & Brown Air Quality Report explains, the DEIR/S does not provide the necessary assurance that the Project's air quality impacts would be reduced to less-than-significant levels.

Better Env't v. Cal. Res. Agency (2002) 103 Cal.App.4th 98, 120. Here, despite overwhelming evidence of this environmental threat, the DEIR/S neglects even to measure the significance of the cumulative climate impact.

III. The DEIR/S's Analysis of Alternatives Is Inadequate.

The DEIR/S's analysis of alternatives falls short. Properly developing, evaluating, and comparing project alternatives is key to the environmental review process. Under CEQA, the alternatives analysis "must contain sufficient detail to help ensure the integrity of the process of decision-making by precluding stubborn problems or serious criticism from being swept under the rug." *Kings County Farm Bureau*, 221 Cal.App.3d at 733 (citing cases). An EIR that does not produce adequate information regarding alternatives cannot achieve the EIR's dual purposes of enabling the reviewing agency to make an informed decision and making the decision-maker's reasoning accessible to the public. *Id.* Similarly, the CEQ regulations describe the alternatives analysis as "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. The DEIR/S suffers from an inadequate analysis of the Project alternatives as discussed below.

A. The DEIR/S Does Not Provide an Adequate Comparative Analysis of the Impacts of Each Alternative.

The DEIR/S does not contain adequate analysis comparing the alternatives' respective environmental impacts. Under CEQA, readers must be able to "evaluate [alternatives'] comparative merits." *Kings County Farm Bureau*, 221 Cal.App.3d at 733 (absence of comparative data in EIR precluded meaningful consideration of alternatives). Likewise, the CEQ's regulations provide that an EIS "should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision-maker and the public." 14 C.F.R. § 1502.14. A thorough comparison of the Project alternatives' impacts is therefore crucial to a successful environmental document. Unfortunately, the DEIR/S fails to provide this information. Instead of supplying an actual qualitative or quantitative comparison of the impacts of each alternative, the document merely summarizes, in abbreviated, tabular form, the information provided elsewhere in the various DEIR/S chapters. *See* DEIR/S at 2-87, Table 2.15.

The DEIR/S's truncated approach is no substitute for the in-depth discussion comparing each alternative's impacts that the law and common sense require.

The matrix should provide more detailed descriptions of the alternatives' impacts, and a means for readers to quickly and easily weigh them. (For example, in the matrix, each cell in a row could contain a numeric ranking on a scale of 1 to 5 of the extent of that impact.) Moreover, the document's current approach prevents the public from understanding the effect on the environment of each alternative *as a whole* in comparison to each other alternative. The DEIR/S should provide detailed narrative analysis and a comprehensive discussion comparing the alternatives' impacts in addition to the existing matrix. Organizing this discussion by impact category would be the preferred approach.

An actual comparative analysis of alternatives takes on special significance here, where the agencies claim they have not identified a preferred alternative. Since at this stage of the environmental review process any one of the document's alternatives may be selected, the comparative analysis of the alternatives' impacts should be particularly thorough.

This deficiency is compounded by the fact that the Freeway Tunnel alternative itself contains distinct variants, including single- and dual-bore tunnel designs. The DEIR/S must describe the comparative impacts of each of these variants in greater detail throughout the document. For example, for noise and vibration impacts and impacts to geology and soils, Table 2.15 does not distinguish between the Freeway Tunnel alternative variants. DEIR/S at 2-96 to -97, 2-100 to -101. It simply lumps the impacts from these design options together, without distinguishing which impacts derive from the single- or dual-bore variations. This shortcoming must be corrected throughout the document. At the very least, where impacts will be identical for each of these variants, the DEIR/S should state as much.

B. The DEIR/S Fails to Identify an Environmentally Superior Alternative.

The DEIR/S does not specify an environmentally superior alternative, as required by CEQA. CEQA Guidelines section 15126.6(e)(2) provides that a lead agency must identify an environmentally superior alternative among the alternatives considered. *See also Kings County Farm Bureau*, 221 Cal.App.3d at 737; *Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089 (“...the purpose of an alternatives analysis is to allow the decision-maker to determine whether there is an environmentally superior alternative that will meet most of the project's objectives.”). The DEIR/S simply ignores this crucial requirement without explanation or justification. The DEIR/S's failure to meet this requirement renders the document legally defective.

This shortcoming is highly problematic. Identifying an environmentally superior alternative is a necessary prerequisite for the lead agency to make the findings required by CEQA. In order to approve a project that would have a significant environmental impact, an agency must make findings identifying: (1) the “[s]pecific ... considerations” that “make infeasible” the environmentally superior alternatives, and (2) the “specific . . . benefits of the project [which] outweigh” the environmental harm. Pub. Res. Code, §§ 21002.1(b), 21081; Guidelines § 15092(b). This requirement is rendered inoperable if a lead agency is permitted to consider alternatives without identifying which of them is environmentally superior.

The DEIR/S’s failure to identify an environmentally superior alternative is therefore contrary to the very purpose of the EIR process. The omission undermines the public’s ability to determine which alternative is environmentally superior—and therefore preferable—thus thwarting its capacity to comment on the Project and its environmental review in a meaningful way. This task is made especially difficult by the DEIR/S’s failure to provide clear standards by which Caltrans and Metro will choose between project alternatives, an infirmity described in detail in section I.A. of this letter.

C. The DEIR/S Failed to Consider a Reasonable Range of Alternatives.

The DEIR/S is defective because it fails to consider a reasonable range of alternatives, including a community-based multi-modal alternative. CEQA requires that every EIR analyze a reasonable range of potentially feasible alternatives to a proposed project. *See* Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a); *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866 (EIR for outdoor composting facility legally deficient for failure to consider alternative that would significantly reduce air quality impacts). NEPA requires EISs to do the same. *See* 40 C.F.R. § 1502.14; *National Parks & Conservation Ass’n v. Bureau of Land Management* (9th Cir. 2010) 606 F.3d 1058, 1072 (BLM’s EIS for land swap overturned for failure to analyze a “reasonable range of alternatives.”). To be reasonable, the range of alternatives analyzed in an EIR must provide enough variation from the proposed project “to allow informed decisionmaking” regarding options that would reduce environmental impacts. *Laurel Heights*, 47 Cal.3d at 404-05.

The DEIR/S fails to meet CEQA and NEPA’s requirements for a reasonable range of alternatives. Members of the 5-Cities Alliance have long encouraged the lead agencies to consider alternatives that could achieve Project objectives without the negative environmental impacts described above. Although the agencies hosted over

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90 community meetings and 200 stakeholder “briefings,” DEIR/S at ES-26, they have ignored input from the 5-Cities Alliance member cities. For example, none of the alternatives examined in the DEIR/S includes eliminating either the north or south freeway stubs, despite wide public support for this approach. Community meetings are meaningless if, as here, agencies do not act on public input to shape project objectives and alternatives.

Given the public support for this option, the lead agencies for the Project should have considered a more innovative, multimodal alternative that combines mass transit, bikeways, and new parks. As noted previously, the 5-Cities Alliance, in conjunction with other organizations, has worked to develop a “Beyond the 710” alternative that presents 21st-century options for connecting people to their destinations. Exhibit 34 (Media Release for “Beyond the 710”), Exhibit 5 (Nelson Nygaard, “New Initiative for Mobility and Community”). This alternative uses transit and “great streets” to sustainably grow communities and improve quality of life in the project area. *Id.* The lead agencies must consider this, or a similar multi-modal alternative, to comply with CEQA and NEPA.

CONCLUSION

The 5-Cities Alliance respectfully requests that Metro and Caltrans deny the SR 710 North Project for the following reasons. First, the Project itself is flawed and unnecessary, failing to provide a real solution to the region’s needs. Second, the SR 710 North DEIR/S is inadequate under CEQA and NEPA, as the document fails to provide an accurate, comprehensive analysis of Project impacts, mitigation and alternatives. Third, as the DEIR/S makes clear, the Project, particularly the Freeway Tunnel alternative, would result in numerous significant and unmitigated environmental impacts. The lead agencies should go back to the drawing board and prepare a different alternative, such as “Beyond the 710,” that is both environmentally responsible and sensitive to community needs. In the event that the agencies continue to pursue the present Project, they will need to prepare and recirculate a revised DEIR/S correcting the problems identified in this letter.

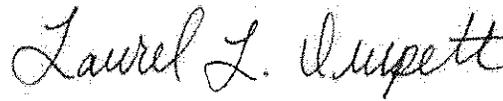
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Very truly yours,

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	Landrum & Brown Report (Air Quality and Greenhouse Gas)
Exhibit 3	Landrum & Brown Report (Noise)
Exhibit 4	Wilson Geosciences Inc Report

Exhibit 5	Nelson Nygaard, "New Initiative for Mobility and Community"
Exhibit 6	California Department of Transportation, <i>California's 2040 Transportation Plan</i> , March 2015
Exhibit 7	S. Handy and M. Boarnet, California Air Resources Board (CARB), <i>Policy Brief in the Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions</i> , September, 30, 2014
Exhibit 8	California Department of Transportation, <i>Smart Mobility Report</i> , 2010
Exhibit 9	Los Angeles County Metropolitan Transportation Authority's Respondent's Brief, <i>City of South Pasadena v. Los Angeles County Metropolitan Transp. Authority</i> , Court of Appeal, Second Appellate District Case No. B221118
Exhibit 10	G. Hamby Letter to J. Morales, December 17, 2003
Exhibit 11	Galloway, P., et al., <i>Alaskan Way Viaduct Replacement Program Expert Review Panel Updated Report</i> , April 3, 2015
Exhibit 12	B. Flyvbjerg, et al., <i>What Causes Cost Overrun in Transport Infrastructure Projects?</i> , Transport Reviews, 2004
Exhibit 13	B. Flyvbjerg, <i>What You Should Know About Megaprojects and Why: An Overview</i> , Project Management Journal, 2014
Exhibit 14	J. Blumenfeld Letter to M. Miles, September 28, 2012
Exhibit 15	South Coast Air Quality Management District (SCAQMD), <i>Air Quality Significance Thresholds</i> (March 2015)

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Exhibit 24	Surface Transportation Policy Project, <i>Build It and They'll Come</i>
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Exhibit 26	California Air Resources Board (CARB), <i>Climate Change Scoping Plan: A Framework for Change</i> , December 2008
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Exhibit 28	D. Weikel, Los Angeles Times, <i>California Commute: 4 stretches of freeways tally most big rig crashes per mile annually</i> , June 2, 2015
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Exhibit 30	CE Delft, <i>Traffic Noise Reduction in Europe: Health effects, social costs and technical and policy options to reduce road and rail traffic noise</i> , excerpts, August 2007
Exhibit 31	N. Ovenden, et al., <i>How the weather affects the scale of urban noise pollution</i> , 2011
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Exhibit 33	Los Angeles County Flood Control District, <i>Devil's Gate Reservoir Sediment Removal and Management Project Final Environmental Impact Report</i> , October 2014
Exhibit 34	C. King, <i>Beyond the 710: Moving Forward</i> , Media Release, May 28, 2015

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Re: State Route 710 North Study Alternatives
Analysis of Costs and Benefits

Dear Mr. Damrath and Mr. Washington:

These comments are submitted on behalf of Connected Cities and Communities regarding the Analysis of Costs and Benefits (“CBA”) for the State Route 710 North Study Alternatives (“Project”). Our firm previously submitted comments on the adequacy of the Draft Environmental Impact Report/Statement (“DEIR/S”) for the Project. Our comments, dated July 9, 2015, identified numerous flaws in the DEIR/S’s analysis and mitigation of a host of environmental impacts resulting from the Project, particularly its freeway tunnel alternatives.

The CBA, unfortunately, perpetuates these errors. The CBA concludes that the freeway tunnel alternatives, particularly the single bore alternative, would have the greatest benefits relative to its costs. However, the CBA, like the DEIR/S, assumes that the freeway tunnel alternatives will relieve traffic congestion, when in fact the opposite is true. Similarly, it understates the true environmental costs of the Project—particularly with respect to air pollution and greenhouse gas emissions—by considering emissions from vehicles for only 20 years of the 100-year life of the freeway tunnels. Conveniently, the CBA *does* consider the 100-year life of the tunnel when it considers Project benefits, and allocates a generous \$769 million (single bore) and \$1.39 billion (double bore) “residual value” to these alternatives. Moreover, contrary to accepted cost-benefit evaluation methodology, the CBA assigns roughly \$1 billion in employment benefits.

Inclusion of these “benefits” is all the more questionable because there is no guarantee that workers will come from the study area. In addition, the DEIR/S does not identify employment opportunities as a Project objective; consequently, the CBA errs by including it as a Project benefit.

The following table summarizes the CBA’s calculations of net present value (“NPV”) for each alternative, and identifies just a few of the many analytical flaws reflected in the NPV estimates. Obviously the single bore freeway tunnel will no longer rise to the top once the CBA is revised to include accurate assumptions and methodology.

Alternative	CBA’s estimation of NPV (\$M)	Analytical Flaws
TSM/TDM	343	
Freeway Tunnel Single Bore	1,477 to 1,590	<ul style="list-style-type: none"> overstates travel time benefit
Freeway Tunnel Double Bore	-37 to 506	<ul style="list-style-type: none"> overstates residual value (\$769 M [single bore]; \$1.39 B [double bore]) fails to justify inclusion of “employment benefits” (\$808 M [single bore]; \$1.38 B [double bore]) understates air pollution and GHG costs
BRT	369	
LRT	-870	<ul style="list-style-type: none"> overstates residual value fails to justify inclusion of “employment benefits” (\$714M)

For the reasons detailed in this letter, and the reports prepared by Nelson\Nygaard and the Maxima Group (attached as Exhibits 1 and 2), the CBA is deeply flawed and misleading. We urge LA Metro and Caltrans to correct the CBA’s analysis consistent with accepted cost/benefit analysis methodology and common sense. Of critical importance, the revised CBA must clearly document *each* of its assumptions for calculating *each* of the alternatives costs and benefits. The current CBA provides no

detail regarding assumptions or methodology and therefore the public and decision-makers are often forced to guess as to how the document reaches its conclusions.

I. Under Both NEPA and CEQA, the Agencies May Not Rely on the CBA to Select a Preferred Alternative or Approve the Project.

The CBA states that it was prepared at the direction of Metro's Board of Directors, but that it is not a requirement of the National Environmental Policy Act ("NEPA") or the California Environmental Quality Act ("CEQA"). This assertion does not excuse the agencies from preparing an accurate analysis of the Project's costs and benefits. NEPA prohibits agencies from relying on cost-benefit analyses that, like this one, contain misleading assumptions and inflated economic benefits. *See Hughes River Watershed Conservancy v. Glickman* (4th Cir. 1996) 81 F.3d 437, 446-47 (agency's reliance on a study that contained faulty economic analysis violated NEPA because it failed to "ensur[e] that members of the public ha[d] accurate information to enable them to evaluate the Project" and "impaired fair consideration of the Project's adverse environmental effects"); *see also High Country Conservation Advocates v. United States Forest Serv.*, 52 F. Supp. 3d 1174, 1191 (D. Colo. 2014) (fact that cost benefit analysis is not required under NEPA does not permit agency to rely on quantified economic benefits while ignoring project costs related to greenhouse gas emissions).

Nor may the agencies rely on the CBA to support any findings or statement of overriding considerations under CEQA. Agencies' statements of overriding considerations must be supported by substantial evidence in the record. CEQA Guidelines, 14 CCR § 15093(c). "The statement's purposes are undermined if . . . it misleads the reader about the relative magnitude of the impacts and benefits the agency has considered." *Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 718 (statement of overriding considerations invalid where it "applied a thumb to the scale" and its assessment of the economic costs and benefits of the project was not supported by substantial evidence).

NEPA and CEQA thus require the agencies to correct the CBA's flawed analysis prior to identifying a Preferred Alternative or adopting findings in support of any statement of overriding considerations.

II. The CBA Grossly Overstates Benefits Associated with Travel Time Savings.

The CBA concludes that the freeway tunnel alternatives will outperform the other alternatives with respect to travel time savings by an entire order of magnitude. It assigns,

for example, a “benefit” of approximately \$2.5 *billion* for travel time savings associated with the single bore freeway tunnel alternative, compared to approximately \$500 million for the TSM/TDM alternative. *See* CBA, Exh. 3-5.

The freeway tunnel alternatives’ “benefits” are based on deficient DEIR/S analyses, including deeply flawed travel demand modeling. These flaws are fully described in our July 9, 2015 letter, Exhibit 1 (Nelson\Nygaard Report), as well as in Nelson\Nygaard’s CBA Report Review. Once corrected, the CBA’s calculation of net present value of the freeway alternatives would likely be significantly reduced.

Key flaws of the DEIR/S, the travel demand model and the CBA’s travel time savings analysis include:

- The travel demand model and the resulting CBA analysis fail to account for induced traffic that would result from the freeway tunnel alternatives. Over the short-term, congestion may actually be reduced as a result of the freeway tunnel alternatives’ increased capacity. However, because the DEIR/S only analyzed traffic-related impacts for a ten year period (between 2025 and 2035), the purported efficiency gains, if any, would be expected to dissipate as a result of induced demand. Had the DEIR/S evaluated the Project’s impact on traffic conditions through 2050, the alleged travel time savings, if any, would be greatly diminished.
- Rather than alleviating traffic, the freeway tunnel alternatives would simply cause bottlenecks to shift between locations. The CBA, like the traffic model, fails to recognize this phenomenon. As an example, in the a.m. peak period under the No Build alternative, the northbound section of I-710 at I-10 is modeled as the 280th most congested freeway segment in the greater Los Angeles region. In the dual-bore freeway tunnel alternative, this segment moves up the list 256 places to become the 24th most congested freeway segment in the region.
- The CBA’s sensitivity analysis for “value of time” reveals a bias in favor of the freeway tunnel users, and against transit users. Rather than using a factor of \$13.25 for both auto and transit users, the sensitivity analysis uses a factor of \$22.57 for auto and \$6.35 for transit. Such figures suggest a value judgment that drivers are more valuable, without any evidence. In

fact, many transit users choose transit so that they may work and communicate during their commute, in ways that drivers cannot.

- The calculation of travel time savings commences at “opening day” (2020 or 2025) and includes 20 years of forecasted travel time savings. However, the CBA does not appear to discount these numbers for the minimum five to six years of travel time losses due to traffic delays/detours during tunnel construction.

III. The CBA Understates Costs Associated With Air Pollution and Greenhouse Gas Emissions.

The CBA assigns a \$5-40 million “disbenefit,” i.e., cost, associated with increased air pollution resulting the freeway tunnel alternatives. The TSM/TDM, BRT and LRT alternatives, on the other hand, would not worsen the region’s air quality and are therefore assigned a benefit of \$10-\$30 million.

The CBA’s monetization of costs associated with air pollution resulting from the freeway tunnel alternatives is grossly understated, for the following reasons:

- The CBA ignores the sharp increase in particulate emissions that would occur during the minimum five to six years of tunnel construction. The CBA should monetize these construction-related impacts.
- The DEIR/S concludes that the freeway tunnel alternatives would result in a substantial regional benefit for public health. Yet, in direct contrast to this finding, the DEIR/S’s technical appendix discloses that the freeway tunnel alternatives would cause localized cancer increase due to added vehicle emissions. In fact, the technical appendix determines that the increased cancer risk at certain locations would be a staggering 149 in 1 million, compared to the South Coast Air Quality Management District’s 10-in-1 million cancer risk significance threshold. Given the DEIR/S’s erroneous and highly misleading finding regarding the tunnel alternatives’ alleged health benefits, it is likely that the CBA assumed these same benefits. A CBA that accurately reflected the findings in the DEIR/S’s technical appendices would have taken into account the economic burden of cancer such as health care expenditures and productivity loss. The CBA should be revised to include an accurate monetization of these health impacts.

- As explained in The Maxima's Group report, the CBA fails to consider or monetize the adverse health effects associated with venting concentrated vehicle emissions from the freeway tunnels into near-roadway communities. These adverse health effects include increased rates of asthma, ear-nose-throat infections, heart attack and stroke.
- The CBA ignores and fails to monetize the long term increase in greenhouse gas emissions that will result over the 100-year life of the tunnel alternatives. *See High Country Conserv. Advocates*, 52 F. Supp.3d at 1191 (agency's failure to consider economic costs of greenhouse gas emissions violates NEPA).

IV. The CBA Includes Residual Benefits While Ignoring Residual Costs.

The CBA's analysis generally includes 20 years of projected costs and benefits. However, it skews the analysis heavily toward the tunnel alternatives by assigning a 100-year "residual benefit" to these alternative. The CBA's approach is flawed, for several reasons:

- The CBA's approach runs contrary to Caltrans cost-benefit evaluation methodology, which includes no guidance for assigning a "residual value."
- The CBA fails to include commensurate "residual costs" associated with the freeway tunnel alternatives' increased air pollution, greenhouse gas emissions and traffic congestion.
- The CBA's inclusion of residual value inflates the tunnel alternatives' purported benefits and misleads the public, in violation of NEPA. *See Glickman*, 81 F.3d at 446-47.

V. The CBA Fails to Justify Inclusion of Purported Employment Benefits.

The CBA tips the scales in favor of the tunnel alternatives by assigning roughly \$1 billion in employment benefits to these alternatives. This purported "benefit" has no place in the CBA or in the agencies' consideration of the Project, for the following reasons:

- The CBA's approach runs contrary to Caltrans cost-benefit evaluation methodology.

- The DEIR/S does not identify increased employment of construction and maintenance workers as a Project Objective.
- Employment earnings would not defray project costs because it is likely that a large portion of those earnings would be accumulated outside the study area.
- Although this is not disclosed in the CBA, discussion with one of the consultants involved in its preparation revealed that the estimate of jobs created is simply based upon an assumed creation metric of x number of jobs per construction dollar. This approach incorrectly inflates the number of jobs attributed to the tunnel alternatives since the tunnel boring machines should cost a minimum of \$80 million; the use of two TBMs is planned for single bore tunnel construction, and four for the dual bore tunnels. Since no TBM manufacturer is located in California, let alone the United States, the number of jobs attributed to such alternatives is significantly inflated.

VI. Conclusion

In conclusion, the CBA's errors are not flyspeck; they undermine the document's entire analysis. LA Metro and Caltrans must revise the CBA to correct its flawed analysis prior to identifying a preferred Project alternative.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Catherine C. Engberg
Rachel B. Hooper
Laurel L. Impett, AICP

List of Exhibits

Exhibit 1: Nelson\Nygaard CBA Report Review (July 16, 2015)

Exhibit 2: The Maxima Group's Comments on Metro's 710 Alternatives Cost Benefit Analysis (July 23, 2015)

Exhibit 1

MEMORANDUM

To: Project Team
From: Paul Moore
Date: July 16, 2015
Subject: Nelson\Nygaard CBA Report Review

Following is Nelson\Nygaard's initial review of the "Analysis of Costs and Benefits for the State Route 710 North Study Alternatives" (CBA) developed by Metro, released on June 19, 2015.

Method of Presentation of Benefits

The CBA states that benefits "are typically examined independently of their relationship to costs." This is false. No one responsible for a budget would contend that magnitude of cost is irrelevant. By choosing to present the "results" in terms of net present value rather than a ratio of benefit to cost, the report favors bigness. This is an incomplete picture of the effectiveness of spending limited fiscal resources – in the case of the freeway tunnels, resources that are not available. As presented in the report, the order of preference (ranked by net present value in millions) is:

Single Bore Freeway	\$1,590
Dual Bore Freeway	\$506
BRT	\$369
TSM/TDM	\$344
LRT	-\$870

If, however, the alternatives were presented in terms of the ratio of benefit to cost, the results would be quite different:

TSM/TDM	2.3
Single Bore Freeway	1.8
BRT	1.7
Dual Bore Freeway	1.1
LRT	0.6

The TSM/TDM alternative (even as poorly designed as it is in the DEIR) clearly provides more public benefit per dollar spent. It stands to reason that the best way to create more net present value would be to ramp up the TSM/TDM spending to the same level as the single bore tunnel spending. If as much money were spent on TSM/TDM as is projected for the single bore freeway and the same 2.3 ratio held, the TSM/TDM alternative would provide \$2,693,000,000 of benefit – over \$1 billion more than the single bore tunnel. This seems like a sound strategy to explore.

BRT Alternative Costs

The bulk of cost for the BRT alternative appears to be operating and maintenance (O&M) cost and TSM/TDM supplemental enhancements. However, the information provided raises some questions:

TSM/TDM

Each of the build alternatives includes some elements of TSM/TDM. Both freeway alternatives and the LRT include about \$50 million. The BRT alternative, however, includes \$102 million – nearly equal to the construction cost of the BRT itself. There may be two possible explanations:

1. Enhanced support for the core bus service - For more detail, the document refers the reader to the *SR 710 North Study – BRT Operating Plan* (CH2M Hill, March 31, 2014). That document has a section entitled TSM Alternative (Bus Components), which presumably documents what these TSM/TDM components are intended to be. That section says “These enhancements relate primarily to frequency of service. By providing higher frequency service throughout the study area, local bus transit becomes an increasingly viable alternative to private automobile travel while reducing travel times and enhancing mobility significantly for existing transit users.” If the cost of substantially increasing bus service throughout the study area is being assigned to the BRT as a cost, then Metro should confirm that the resulting ridership increases that would be expected have been calculated in the alternative’s benefits. If not, these costs should be removed from the analysis.
2. Simplistic application of a rule of thumb – The CBA, on page 2-7 has a short paragraph that suggests “TSM/TDM Alternative costs were determined for each intersection, local street, and hook ramp location based on a value of \$20,000 per intersection and per ITS location, and \$33,000 per lane mile.” If the methodology used for this analysis was simply apply these linear costs to the BRT alternative (which is twice as long as the LRT alternative) without any modeling of the attendant benefits, this cost should be subtracted.

O&M Cost

The CBA covers the cost of operating BRT as the most substantial element of the overall cost of this alternative. The report indicates that these costs amount to a fully allocated cost rate of \$134.70 per revenue service hour. This is a reasonable number consistent with Metro’s reporting and is inclusive of all O&M costs. The CBA indicates that these hourly costs add up to \$28 million annually (Table 2-3), however the *SR 710 North Study – BRT Operating Plan* indicates these costs are only \$5 million for the more expensive of the two BRT alternatives based on the service plan outlined (Table 1). It is not clear why the number shown in the CBA is so much higher.

If these costs were, in fact, adjusted downward, it is likely that the BRT alternative would approach a ratio of benefit to cost very similar to the 2.3 achieved by the TSM/TDM alternative. In any event, it would only take a minor downward cost adjustment to cause the BRT to perform better than the single bore tunnel.

Value of Time

Pages 2-1 and 2-2 go into some detail about why and how the Cal – B/C model was chosen as the tool for this analysis. However, the sensitivity analysis includes a note that a “different value of time(VOT) featuring different VOTs for auto and transit users was applied - \$22.57 for auto and \$6.35 for transit (2014 prices) – instead of the Cal-B/C assumptions (\$13.25 for both auto and transit).” The document does not explain the logic for this analysis, nor why it has any relevance. This is concerning as it seems to suggest a value judgment that the time of one group of modal users is more valuable than another. Even if a narrow analysis of the current incomes of regional drivers versus transit riders illustrated this type of disparity, factoring decision-making processes to favor those who are currently more affluent is a path to hard-wiring poverty. The region and its transportation agencies are all committed to equitable transportation options, so it is important that project selection processes be structured to support these goals. Including an analysis that suggests otherwise, could inappropriately influence readers of the report. The basis for and relevance of this element of the sensitivity analysis should be explained more fully and Metro should consider removing this analysis altogether.

Rather, the opposite relationship could be argued. Time spent on transit is less “lost” time than that spent driving, since transit riders can work or communicate in ways that car drivers cannot. This is, in fact, why many riders choose transit over driving. The CBA fails to account for this reality.

Accounting for Tolls

The CBA report indicates that tolls were not included as a CBA benefit (or disbenefit) because they are considered “transfer benefits.” Presumably this means that since the tolls paid by users will help to defray the cost of the tunnel they would be present on both sides of a cost/benefit equation (or ratio) and therefore need not be accounted. This is a fallacious conclusion for multiple reasons but specifically because there is no guarantee that the tolls collected over the 20 year period of CBA analysis will cover the full private contribution to tunnel construction. It is inaccurate to ignore the disbenefit of all of the tolls collected past the 20 year analysis period while assigning a residual value of the constructed tunnel as a benefit. In simple terms (with no adjustments made to present dollars) here is how the math would change:

Assumption Set 1 (Similar to CBA Analysis)

- a. Tunnel Cost: \$3 Billion
- b. Time Benefit: 400 Million Person Hours @ \$13/hr = \$5Billion
- c. Residual Value: \$750 Billion

Ratio of Benefits to Costs: $((b+c)/a) = 1.9$

Assumption Set 2 (More accurate Methodology)

- a. Tunnel Cost: (\$3 Billion minus \$1.6 B Toll Revenue after Debt Service) = \$1.4 Billion
- b. Time Benefit: 400 Million Person Hours @ \$13/hr = \$5Billion
- c. Residual Value: \$750 Billion
- d. Tolls Collected = (610 Million Trips x \$4) = \$2.4 Billion

Ratio of Benefits to Costs: $((b+c)/(a+d)) = 1.5$

As stated, the above is a simplistic demonstration meant to illustrate that omitting the tolls from the analysis results in four primary problems:

1. **Basic Math** – Looking at ratios built of numerous factors means that presence of tolls (or toll-related borrowing) in the numerator and denominator does not necessarily cancel.
2. **Cost of Money** – Any toll money that is intended to fund construction does not exist at the time of tunnel construction and so must be borrowed, with interest.
3. **Incompatible time cycles** – The CBA only analyzed a 20 year period for costs and benefits, then gave the residual value of the tunnel life cycle back as a benefit. This would only be valid if all tolls were collected and done in the 20 year window, which they likely won't be. The above analysis quantifies this 20 years of tolling and only gives that level of relief to the tunnel cost.
4. **Tolls affect behavior** – Tollers are not simply a “transfer benefit.” The tolls are responsible for much of the travel time benefit. As stated on page ES-3 of the DEIR “the travel time savings do not factor in the cost of tolls, which in the single-bore variations function to keep the tunnel operating at a higher speed.” To account for the benefit of time savings while ignoring the cost is counter to the point of a benefit/cost analysis.

The CBA should be re-run accounting for toll revenues (and the cost of servicing the debt) and associated travel behavior changes to better understand their effects on costs and benefits.

Flawed Modeling Results

The analysis substantially overestimates travel time savings. This is problematic since page 2-10 states that travel time “often produces the majority of the benefits” of a CBA. An error on this element is significant. The analysis of travel time savings are flawed in several ways:

1. As has been documented elsewhere, the travel analysis performed for the DEIR (and used for the CBA) did not account for the proven dynamic of induced travel.
2. The description of methodology on page 2-10 refers to calculation of traffic growth over 20-years at 1% compounded annually. Not only does this seem odd, given the availability of a travel demand model that reports vehicle delays, but the assumption flies in the face of available data which suggest traffic volumes have been fairly steady over the past 30 years.
3. The methodology suggests that travel time was only calculated for highway users. In particular, it makes no sense to evaluate a transit alternative and not account for the travel time of actual transit riders. It is not appropriate to ignore, for example, all of the current local bus riders, pedestrians and cyclists whose travel time may be improved by the BRT, LRT or TSM/TDM alternatives. The fact that these travelers do not currently drive in a car should not negate the benefits that they will accrue from improved transit service.
4. The DEIR ignores significant delays that would result from construction of the dual bore tunnel. The DEIR model does not include spillback (traffic backups, common in Los Angeles, that spill over into upstream segments and accumulate), but instead assumes that all cars will get through the bottleneck. The EIR model numbers for I-710 northbound at I-10 (the primary upstream source of northbound tunnel traffic) indicates

that traffic would begin spilling back at 7 a.m. and the queue would get longer and longer during the day. If this were accounted for, that segment would move from the 28th most congested freeway segment in the greater Los Angeles region (as reported by the DEIR) to become the 24th. To fail to account for this massive degradation is unacceptable.

Other Fiscal Questions

Assumptions about long term employment (which the CBA estimated based upon European research) and residual value (which like much of the CBA assessment appears to favor mega-infrastructure) are not addressed in this memo and will be left to an economic analyst.

Exhibit 2



THE MAXIMA GROUP LLC

Real Estate and Business Solutions

23 July 2015

To: Project Team

From: Patricia Flynn

Subject: Initial Comments on Metro's 710 Alternatives Cost Benefit Analysis (CBA)

I have read the Metro 710 Alternatives Cost Benefit Analysis (CBA) dated June 19, 2015 and offer the following preliminary comments about the financial and economic aspects of the analysis and the report.

1. NPV is used to compare potential capital projects, but it is difficult to use correctly for public infrastructure projects.

The net present value approach to evaluating projects has three key attributes:

- NPV considers both cash flows and timing
- NPV uses all the cash flows of the project
- NPV discounts the cash flows properly

The challenge with public infrastructure projects is to accurately capture all of a project's cash flows; determine an appropriate period of time for the analysis; assign a discount rate that reflects project risk; and determine a residual value that captures future benefits beyond the analysis period.

2. The time frame selected for the NPV analysis seems to exclude the significant capital reinvestment costs associated with the tunnel alternative.

In addition to the significant differences in the initial capital cost associated with the tunnel and the TSM/TDM and BRT alternatives, each project has a different requirement for periodic capital investment to keep the infrastructure in working order. This captures costs above and beyond regular operations and maintenance, and includes replacement of roadways, equipment, and other costly capital items.

The CBA discusses capital replacement costs in Section 2.2.2.2 where it states that "Reconstruction of pavement as assumed to cost \$1,250,000 per lane mile and take place every twenty years with trucks present and every thirty years for the freeway alternative without trucks." Given the twenty year analysis period, it seems as though the significant required capital reinvestment associated with the tunnel alternatives will not be fully reflected in the annual cash flows.

3. The employment benefit is directly correlated to capital cost, skewing the benefits to the most costly alternatives.

Employment benefits are directly correlated to capital expenditures. The disparity in capital costs insures that the higher cost projects will generate more jobs than lower cost alternatives.

4. The residual value approach used in this analysis incorrectly substitutes remaining useful life, favoring the higher cost alternatives.

The residual value calculation in the CBA seems to refer to the remaining useful life of the project rather than the estimated value of future benefits. Residual value is better estimated by capitalizing the net operating income (expected future revenues or benefits less operating costs) to approximate the value of project benefits beyond the analytical period. This capitalized value is decreased by the capital costs required for on-going operations. Even if the capital reinvestment is not reflected in the analysis period (see comment 1), it can and should be included in the determination of residual value.

The CBA discusses residual value with respect to the tunnel alternatives, but does not provide much detail for the alternatives. The tunnel residual value is estimated be the remaining useful life of the asset, and not the value of the future benefits it will provide less the capital reinvestment required to keep it operational in the future. This is inconsistent with the principals of net present value analysis.

Furthermore, the significant differences in cost for the range of projects assures that the tunnel alternatives with their huge initial capital costs will have residual values that overwhelm the lower cost alternatives.

5. The discount rate used does not reflect the differential in risk associated with the various options.

The CBA assumes that all projects will be discounted at the same rate (four percent). This is conceptually incorrect and inconsistent with the view of capital markets.

The discount rate is correlated to the riskiness of the project: the higher the risk, the higher the discount rate. It is clear that a TSM/TDM project, for example, is significantly less risky in both construction and operation than a tunnel. Assuming that benefits from both projects would be valued at the same discount rate is incorrect and skews the analysis to favor the more risky tunnel alternatives.

Capital markets assume a discount rate for the project that looks at the weighted average cost of capital. Very large infrastructure projects typically have private sector investment and participation. The required return on private capital is often 20 percent or more. This higher return requirement reflects both the riskiness of the project and means that the weighted average cost of capital is significantly higher than lower costs alternatives that are publicly funded.

Using the same discount rate for all of the alternatives in the CBA ignores the significant risk associated with construction and operations of the tunnel alternatives and overstates their net present value.

6. The CBA Emissions analysis does not seem to account for the impact of tunnel venting. The methodology for estimating the emissions-related costs and benefits of the proposed alternatives seems very simplistic, relying on the Cal B/C model to estimate the difference in emissions between the various alternatives based on changes in VMT. This approach does not account for the concentration in emissions likely to result from the venting plan for the tunnel alternatives. These vents have the potential to concentrate chemical pollution, diesel micro-particles, and brake and tire particles at the tunnel venting sites.

Numerous studies have identified the public health costs associated with air pollution. The USC Environmental Health Centers at the Keck School of Medicine have been prominent in the research of the health aspects of near-roadway air pollution. Studies clearly show the higher risk of asthma; ear, nose and throat infections; heart attack; and stroke in locations impacted by concentrated truck and auto traffic. A July 2015 study by the Environmental Health Centers details the impact of near-roadway pollution on coronary heart health.

The social and economic costs associated with chronic health conditions, while challenging to estimate, are real and significant. This includes direct costs such as hospitalization and long-term treatment as well as indirect costs such as lost time at work, absenteeism at work/school, and loss of productivity. The Cal B/C estimate of emissions impacts does not address public health considerations given the venting plan for the proposed tunnel alternatives.

The misapplication of the NPV approach and the use of incorrect assumptions, the incomplete analysis of long-term costs such as the public health impact of vented emissions, along with the issues raised in the Nelson Nygaard memo dated June 23, 2015 cast significant doubt on the integrity of the 710 Extension CBA and suggest there should be a different approach to the economic comparison of project alternatives. The ratio of benefits to costs, as discussed in the Nelson Nygaard memo, is a better indication of the relative merits of the alternative projects.

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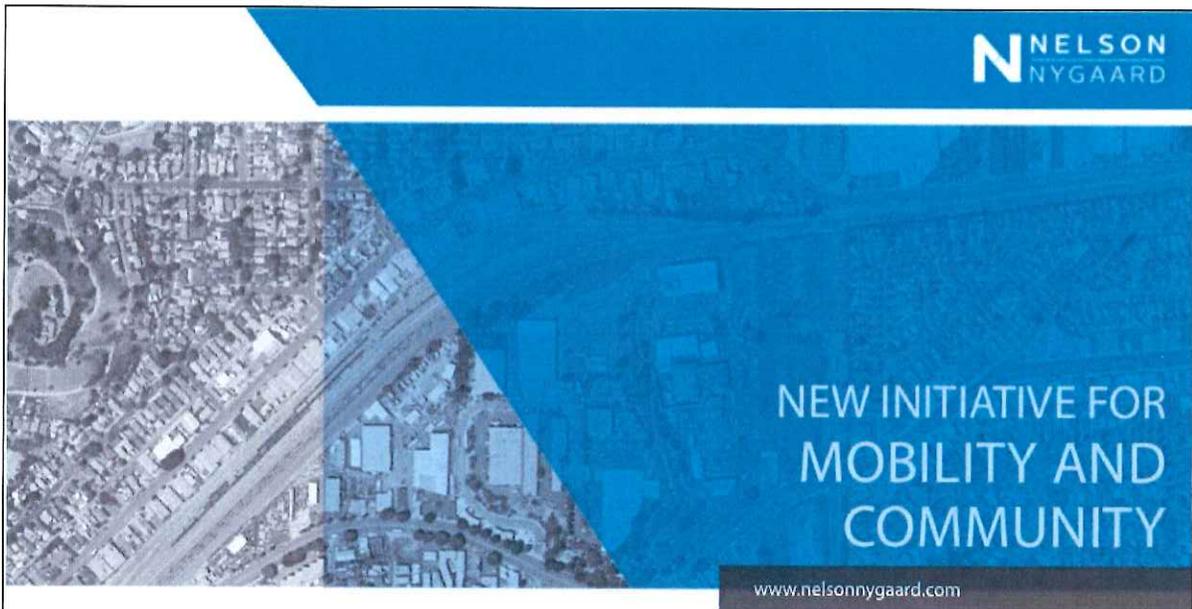


The BT710 Proposal

Initial Mobility Opportunities

[CLICK HERE](#) to download the NELSON NYGAARD report

These modern mobility solutions have the potential to reduce congestion in Alhambra and the surrounding communities, improve safety and access for all modes of travel, enhance transit connectivity and bring value and health to the impacted communities. We invite all those interested to our roundtable or yours for a dialogue to move us all forward in a new direction of possibilities beyond the 710.



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.

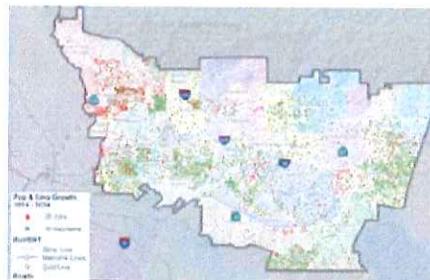
Problems with the tunnel proposal include:

- 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.

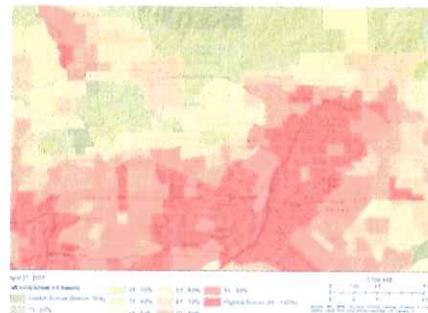
The San Gabriel Valley is a community of diverse people, with widely varying commute patterns. Employees need to make short commutes to Pasadena and long commutes to Burbank (Metro has found that 70 percent of study area vehicle trips start and end within the San Gabriel Valley). Students attending Cal 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



THE SOUTH STUB

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



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.



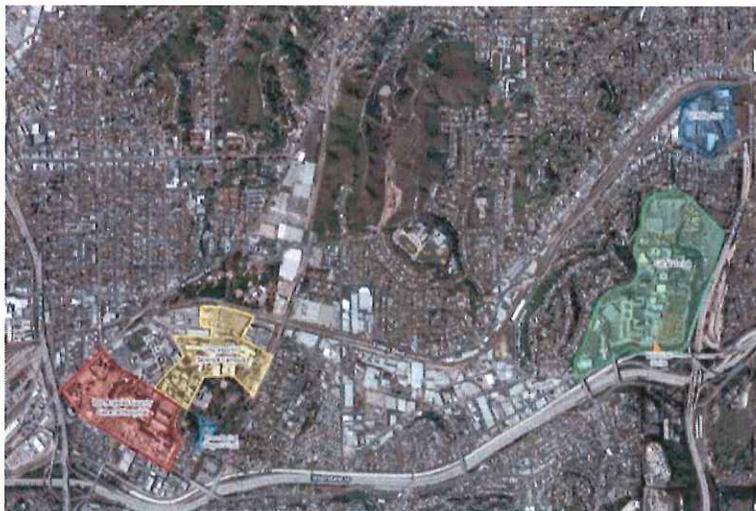


THE SOUTH STUB

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

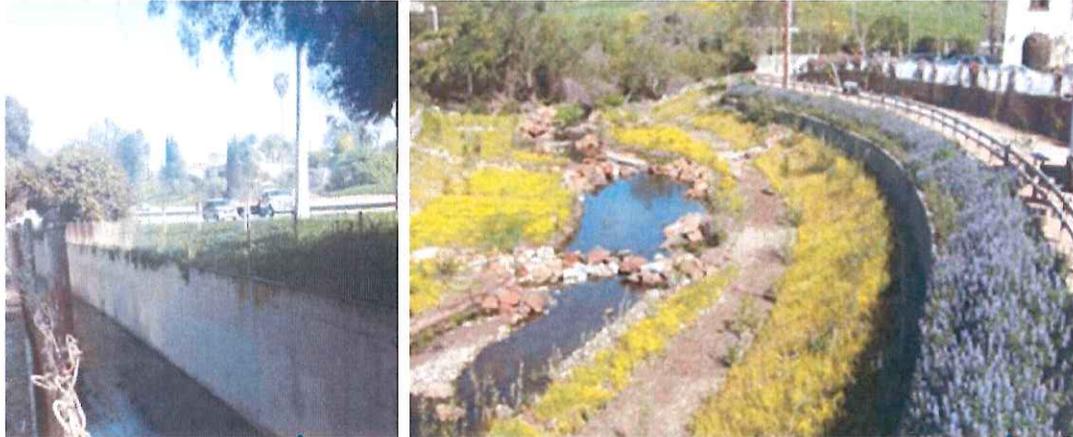


Construction jobs from the development of a gateway for Cal State LA and buildout of the bus rapid transit system.



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.

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.

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

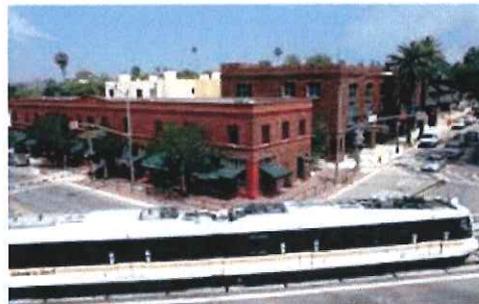


Creation of a diverse mobility plan provides long-term economic benefits that cannot be duplicated with the tunnel solution.

- 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.





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



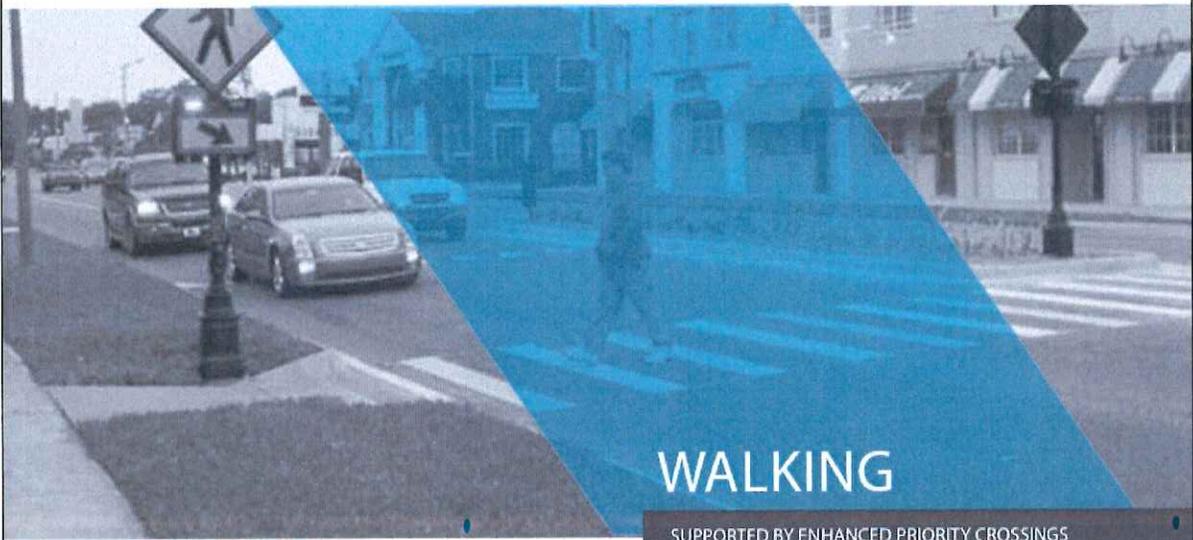
QUALITY OF LIFE

- 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.

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

700 estimated pedestrians are killed in California every year, the most of any state.



200 of those fatalities are in Los Angeles County alone.



COLLISIONS IN LA

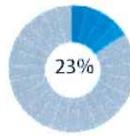
5,000 collisions involving pedestrians, in an average year in LA County



\$25 M

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%.





Category	Percentage
National	14%
California	23%

11

NORTH-SOUTH CONNECTIONS



LEGEND
● Activity Centers

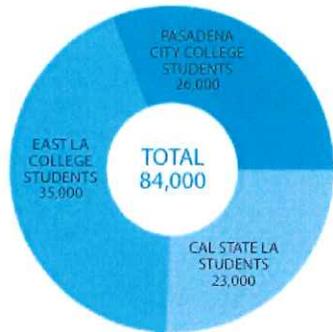
This option would be different from the transit alternative shown in the EIR. Rather than a disruptive aerial structure, this would be a fast, surface, community-serving alternative.

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.



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
REDUCE DOWNTIME

33,600 TRIPS
SAVED PER DAY

302,400 TRIPS
SAVED PER YEAR

YES

**COST
\$500 M**

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

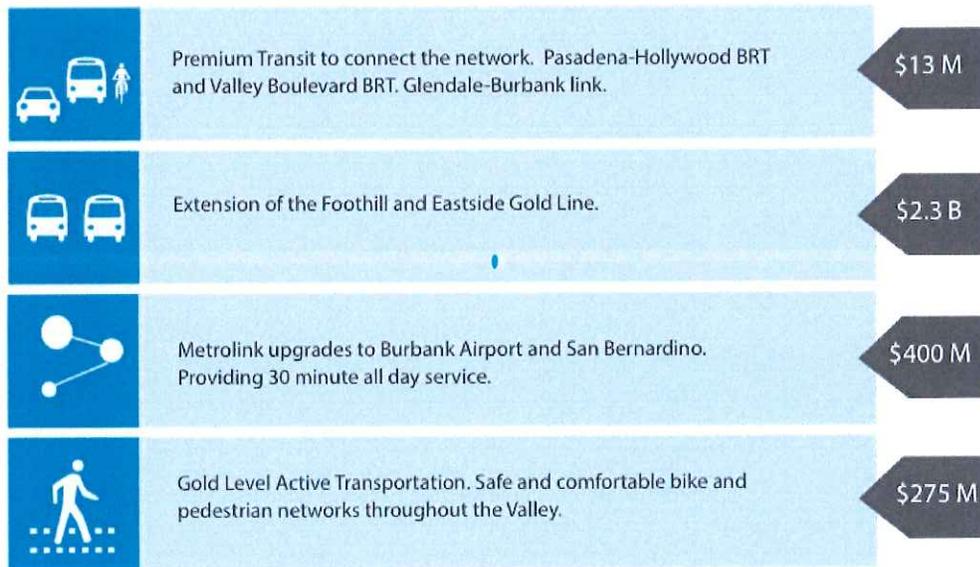
CASE STUDY: CAL STATE LONG BEACH

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>
<p>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>		
	<p>Transit passes for 10 years for students of Pasadena City Collage, Cal State LA and East LA Collage</p>	<p>\$170 M</p>

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.

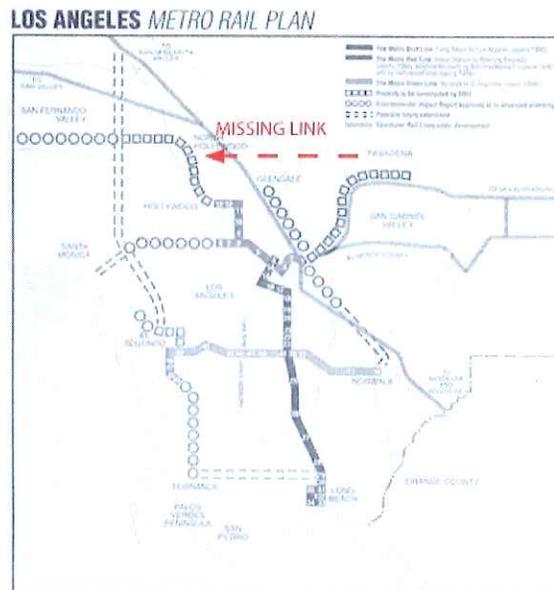
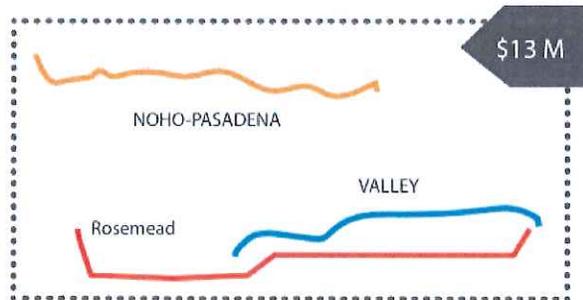


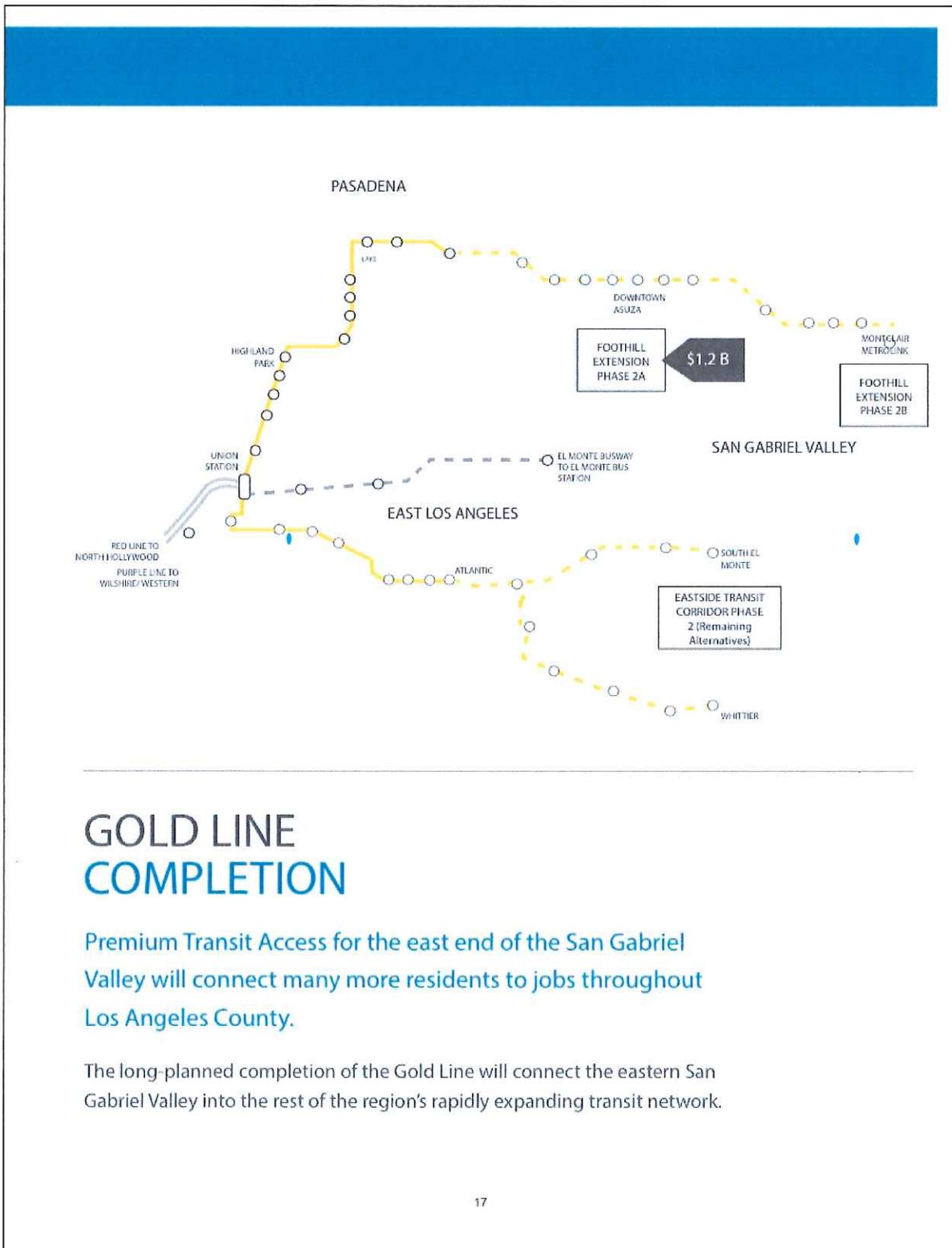
PREMIUM TRANSIT CONNECTIVITY

- 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

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.

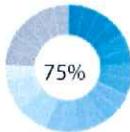


METROLINK UPGRADES

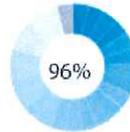
Upgrades to service on the Ventura County Line could provide 30 minute all day (and evening) service to the Burbank Airport. It might also make sense to supplement the current Glendale station (which is closer to Atwater Village) with an infill station closer to downtown Glendale. Improvements to the 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

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.

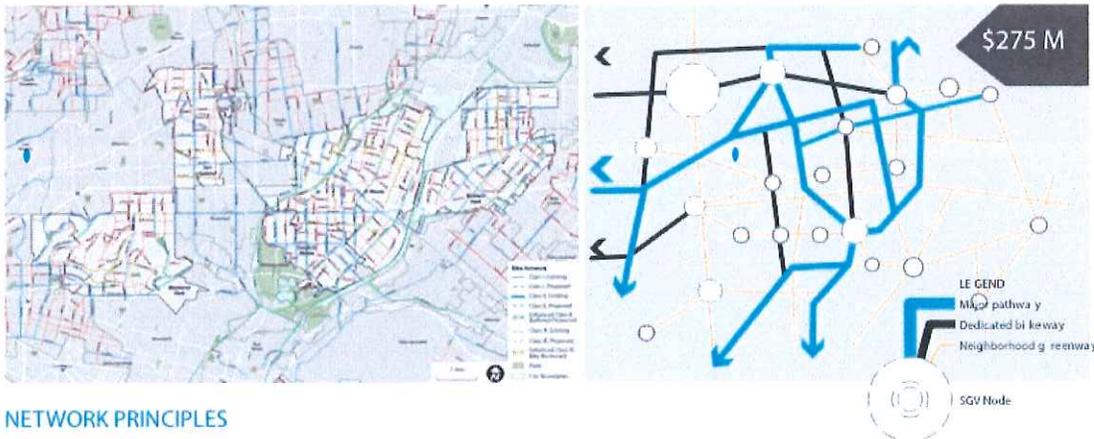


In its first year, a protected bike lane increases bicycle traffic on a street by an average of 75%



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

SGV ACTIVE TRANSPORTATION FRAMEWORK



NETWORK PRINCIPLES

The image shows a composite of photos: people riding on a neighborhood greenway, a person on a bicycle on a street, and a person on a bicycle on a separated backbone. A central blue circle contains the text 'AN "ALL AGES ABILITIES" ACTIVE TRANSPORTATION NETWORK'. Six lines radiate from the circle to labels: DIRECT, CONNECTED, SAFE, COMFORTABLE, EXPERIENTIAL, and LEGIBLE. At the bottom, two blue bars provide further details: 'NEIGHBORHOOD GREENWAYS EVERY 1/2 MILE' and 'SEPARATED BACKBONE - EVERY 1 MILE'. The word 'BIKING' is written in large white letters across the bottom of the image.

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
(626) 788-5231

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Tweet



Showing 2 reactions

Jonathan M. Hall

commented 9 months ago

Any “north-south” transit line should be integrated (within a short walkable distance) into the current transit network which includes not simply the Gold Line, but also the San Bernardino Line. The previous transit suggestion being discussed failed to link a new north-south light rail to the current Metrolink network, something that seems shortsighted to me. Last year, Metrolink cut back its service to the San Gabriel Valley because of budget problems in San Bernardino County. Clearly, we need a comprehensive regional rail plan that does not pit counties against each other and that recognizes how many LA County residents are served by the San Bernardino Line.

Jonathan M. Hall

commented 9 months ago

Finally, we have a comprehensive set of proposals that gives a real alternative. I applaud the careful, holistic approach to transport, neighborhoods, natural environment, and commercial enterprise that is represented within! Yet, I also have one strong suggestion. I’m a resident of City Terrace, among the oldest East Side LA neighborhoods. The proposed “north-south” connections traverse right through our neighborhood, but offer no service. It doesn’t make sense to keep our community off your transit map! Please add us into the plan immediately.

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SIGN PETITION

SPREAD THE WORD

Powered by people like you



BEYOND THE 710 Coalition City and Agency Members



Press Inquiries: (626) 788-5220 or press@beyondthe710.org

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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

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.*

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).

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.

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.¹ 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

¹ 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%201%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.² 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.*

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.*

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

² 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.*

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 Communities³, 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

³ *See* New Initiative for Mobility and Community, available at: http://www.beyondthe710.org/the_bt710_proposal; accessed January 13, 2016.

report of a sinkhole opening up above the TBM.⁴ 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.

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.*

⁴ 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.

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.

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.*

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

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.

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 3-4.⁵ 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.

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.⁶

⁵ SR 710 DEIR/S Health Risk Assessment Volume I available at: http://www.dot.ca.gov/dist07/resources/envdocs/docs/710study/draft_cir-eis/Health%20Risk%20Assessment/SR%20710%20Health%20Risk%20Assessment%20Vol%20I.pdf; accessed January 6, 2016.

⁶ 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.

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.

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

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

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.

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.

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).

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't 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).

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),

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.”

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.

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.

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

2-1.⁷ 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.

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.

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

⁷ 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; 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.

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.

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.

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

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.⁸ 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.

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.

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.

⁸ 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.

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.

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.

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.”).

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.

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.

(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.

(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.

(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

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

(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.

(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.

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.

(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.

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

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.⁹ 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.

⁹ 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.

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

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).

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.

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*

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

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.

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).

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).

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 CO₂e in 2035 would exceed the regional 2035 GHG reduction reference point of 14.5 MMT CO₂e (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.

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.

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.

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.

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.

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.

V. Conclusion

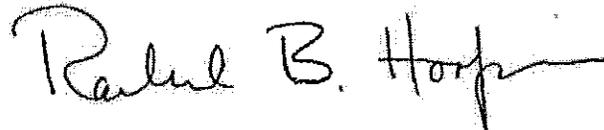
In summary, the 5-Cities Alliance respectfully requests that SCAG eliminate the SR-710 North Project from the 2016 RTP/SCS. First, the Freeway Tunnel Alternative is flawed and unnecessary, failing to provide a real solution to the region's transportation needs. Second, the Freeway Tunnel would be inconsistent 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.

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.

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.



City of Sierra Madre Agenda Report

Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Elaine I. Aguilar, City Manager

INITIATED BY: Elisa C. Cox, Assistant City Manager
Marcie Medina, Finance Director

DATE: May 10, 2016

SUBJECT: FY 2015-2016 Midyear Budget Review – Third Quarter Financial Report.
Resolution 16- 26: Adopting the Midyear Budget for Fiscal Year 2015-2016 and Appropriating the Amounts Projected.
Resolution 16-24: Combining of Library Services and Community Services Departments and Amending the Classification Plan and the Salary Matrix to Reflect Positions in the Combined Department.

SUMMARY

Attached is the FY 2015-2016 Midyear Budget Review – Third Quarter Financial Report. The main focus of the report is the General Fund, but all City Funds activity is presented in a summarized format.

Staff is seeking approval of Resolution 16-26 adopting the FY 2015-2016 Midyear Budget and appropriating the amounts projected; and Resolution 16-24 combining the Library and Community Services Departments and amending the classification plan and salary matrix.

ANALYSIS

General Fund

The chart below is the General Fund Comparison of Revenues and Expenditures including Transfers In and Out, and Change to Fund Balance. The projected deficit from operations is close to the projected budget deficit in the original Adopted Budget. The adopted budget projected a deficit of \$529,527 and the Midyear Budget projects a \$611,000 deficit.

CITY OF SIERRA MADRE			
Projected Ending Balances for FY 2015-2016			
General Fund			
	Adopted Budget FY 2015-2016	Working Budget FY 2015-2016	Projected FY 2015-2016
Revenues			
Property Taxes	\$ 5,224,430	\$ 5,224,430	\$ 5,179,800
AB1X26	200,000	200,000	200,000
Sales Tax	318,958	318,958	290,000
Utility User Tax	1,996,000	1,996,000	2,093,000
Charges for Services	173,669	173,669	171,100
Intergovernmental	4,912	8,178	5,000
Business Licenses	267,595	267,595	240,000
Franchise Fees	355,928	355,928	365,000
Licenses and Permits-Other	136,617	136,617	134,600
Fines and Forfeitures	233,600	233,600	176,900
Investment income	10,000	10,000	1,000
Miscellaneous	11,045	11,045	209,300
Total Revenue	8,932,754	8,936,020	9,065,700
Expenditures			
Administration	1,542,546	1,542,546	1,550,600
Community Services	142,343	142,343	155,200
Elected and Appointed	386,710	386,710	327,800
Fire	1,048,767	1,066,767	1,064,900
Library	757,632	782,632	782,600
Police	3,887,798	4,291,064	3,930,900
Public Works	520,420	520,420	493,500
Total Expenditures	8,286,216	8,732,482	8,305,500
Transfers In/(Out)			
Transfer in	100,000	100,000	100,000
Transfer out	(1,276,065)	(1,401,065)	(1,471,200)
Total Net Transfers In/(Out)	(1,176,065)	(1,301,065)	(1,371,200)
Change in fund balance from Operations	\$ (529,527)	\$ (1,097,527)	\$ (611,000)
Committed Reserves - Carryovers from Prior Years:			
Transfer out to CP Fund - Public Works Capital Projects	\$ (857,500)	\$ (857,500)	\$ (857,500)
Net change in fund balance	\$ (1,387,027)	\$ (1,955,027)	\$ (1,468,500)

All City Funds

The chart below summarizes the estimated revenues and expenditures by Fund for FY 2015-2016. Adjusted Budget reflects approved amendments made during the year and carryovers of funds from prior years.

The “deficits” at the bottom of the chart reflect the use of carryover of funds and restricted reserves that have been earmarked in prior years for specific projects or activities.

CITY OF SIERRA MADRE			
Projected Ending Balances for FY 2015-2016			
All City Funds (Includes Transfers In/Out)			
	Adopted Budget FY 2015-2016	Adjusted FY 2015-2016	Projected FY 2015-2016
Revenues			
General Fund	\$ 9,032,754	\$ 9,036,020	\$ 9,165,700
Special Revenue	3,425,959	2,260,946	2,316,100
Internal Services	4,462,794	4,587,794	4,583,600
Water	4,857,160	4,870,160	4,667,200
Sewer	886,100	886,100	843,100
Business Funds	284,772	282,520	386,000
Successory Agency	504,770	504,770	528,200
Total Revenues	23,454,309	22,428,310	22,489,900
Expenditures			
General Fund	9,562,281	10,991,047	10,634,200
Special Revenue	3,252,953	3,646,935	3,836,300
Internal Services	4,079,752	4,457,252	4,360,600
Water	5,422,195	5,247,325	4,560,900
Sewer	1,077,222	1,036,722	1,023,100
Business Funds	251,564	390,364	438,900
Successory Agency	494,040	494,040	437,000
Total Expenditures	24,140,007	26,263,685	25,291,000
Net Change	(685,698)	(3,835,375)	(2,801,100)

Proposed Combination of Library Services and Community Services Departments

Over the last four years, the Community Services Department has continually struggled with its staffing model. In a reorganization in 2012 the director and deputy director positions were eliminated and a Community Services Manager served as the top

dedicated personnel for the Department. To date, there have been three Community Services Managers in less than a four year period. Furthermore, in 2014 the Recreation Supervisor position was eliminated through attrition, leaving the Department with two full-time positions (Community Services Manager and Administrative Aide) and three permanent part-time Specialists to plan and implement the Department's programs and services, including the iconic events that are integral to the Sierra Madre Community.

The Library Services Department has also been affected by the various reorganizations over the last four years. The number of part-time staff have decreased, the full-time Library Technician position eliminated, the deputy director was downgraded to a manager which was later downgraded to a Librarian. Currently, there is only one exempt staff person at the Library, the Library Services Director. In a move that dedicated more staff time to Library Services, the responsibilities for the City's website were moved out of the Library and into the City Manager's Office in this current fiscal year.

Staff envisions Library Services and Community Services working in concert to provide quality programs, services, and events to the Sierra Madre community under one Director who can provide the necessary oversight and guidance to enrich the traditions that are integral to the character of Sierra Madre. Members of the Sierra Madre community know that the Library is more than a place to check-out books, it is a community center, a place of cultural and civic engagement, where people of all backgrounds gather for reflection, discovery, participation and growth – much of this is done through the very successful programs and events hosted by the Library. Whereas, the Community Services Department strives to provide quality services and programs that are affordable, open, and friendly to enrich the overall quality of life for all visitors and residents, which is very much in line with the existing offerings of the Library.

With the current Library Services Director and Community Services Manager vacancies, staff is proposing to combine the Library Services and Community Services Departments under one Director of Library and Community Services. Staff recommends increasing the pay for the Director for two reasons (1) the Library Director was the only position that the salary was not adjusted when the adjustments to the Executive Management salaries were made in 2014 and (2) the position will now oversee two departments. Currently the Director salary is 20% below market. Staff is recommending that the salary range be increase to 10% below the "mini-market" study area the City has been using (Duarte, La Canada, San Gabriel, San Marino, and South Pasadena); at this level the position would still be the lowest paid Director in the City.

The increase to the Director's salary would be offset by downgrading the Community Services Manager to a Community Services Supervisor, with no net increase to the General Fund, although there would be a slight increase to some of the Community Services enterprise funds in future fiscal years. The Community Services Manager, which is currently 25% below the mini-market would become a Community Services

Supervisor at 10% below the market. The Director would assume the oversight for the Community Services budget, contracts, and master planning, allowing the Supervisor to focus on the City’s special events and programs.

The Community Services Administrative Aide would support the Director of Library and Community Services, overseeing the administrative aspects for both Community Services and Library, which would enable the Library’s current part-time Administrative Clerk to increase desk coverage at the Library.

Furthermore, the combination of Library and Community Services would allow for more cross over, especially as pertains to part-time staff and programming, which would lead to better programs and services for the City’s patrons.

FINANCIAL REVIEW

Recommended Budget Appropriations including Transfers In/Out

	<u>Adjusted 2015-2016</u>	<u>Amended 2015-2016</u>
City of Sierra Madre	\$ 25,769,645	\$ 24,854,000
Successor Agency	\$ 494,040	\$ 437,000
<hr/>		
Total	<u>\$ 26,263,685</u>	<u>\$ 25,291,000</u>

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available via the City’s website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

STAFF RECOMMENDATION

Staff recommends the approval of: Resolution 16-26, adopting the Fiscal Year 2015-2016 Midyear Budget and appropriating the amounts projected; and Resolution 16-24, combining the Library and Community Services Departments and amending the classification plan and salary matrix.

Attachments:

- FY 2015-2016 Midyear Budget Review – Third Quarter Financial Report.
- Resolution 16-26: Adopting the Midyear Budget for Fiscal Year 2015-2016 and appropriating the amounts projected.
- Resolution 16-24: Combining Library Services and Community Services Departments and amending the classification plan and salary matrix to reflect positions in the combined department.



FY 2015-2016 MIDYEAR BUDGET REVIEW

Third Quarter Financial Report

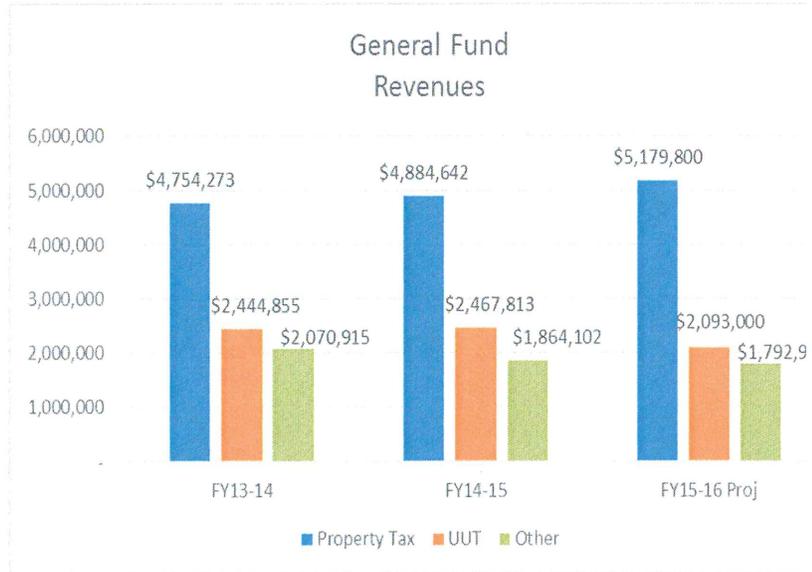
The City has completed the third quarter of fiscal year 2015-16. This report provides revised budget estimates based on financial performance of the City for the period of July 1, 2015 through March 31, 2015, historical data and well as other current available information. While the focus of the report is the General Fund, summary financial information is also provided for all City Funds. The information presented is unaudited. This report is intended only to provide the City Council and the public with an overview of the City's general fiscal condition.

The revenue projections and expenditure budgets include adjustments for carryovers and any appropriations made by the City Council as of March 31, 2016.

GENERAL FUND

The General Fund is the general operating fund for the City. It provides the resources to sustain the day-to-day activities and services to the community. All nine departments receive support, either directly or indirectly from the General Fund.

The General Fund original adopted budget for FY 2015-16 is \$8,936,020 for revenues and \$8,339,482 for expenditures. The revenues projected are \$9,065,700, 1.5% higher than budgeted. The increase is mainly due to one-time revenues, reimbursements of state mandated costs for prior years. In comparison to prior year, General Fund revenues are expected to decrease by 1.6%. The decrease is mainly due to the decrease in the Utility User Tax which is off-set by increases in other revenues, mainly property taxes and one-time revenues as noted above.



(Excludes Transfers)

The City's two major General Fund revenue sources are Property Taxes and Utility User Taxes, which make up over 80% of the General Fund Revenues.

- Property Taxes:** Included in this line item are Property Taxes in Lieu of VLF. AB1X26, residual payments from the dissolution of the former redevelopment agency are considered property taxes. However, the line item is reflected separately, since the amount has changed from year to year and the variance creates an anomaly in the property tax revenue trend. Property Taxes are close to original estimates and show positive growth over prior year. We anticipate an increase of 6% from prior year which is driven by an increase in citywide assessed values.
- Utility User Taxes:** Taxes are projected to come in 4.9% higher than originally expected. However, in comparison to prior year, UUT projected revenues reflect a 15.2% decrease which is a result of the sunset of the UUT from 10% to 8% on July 1, 2015.

GENERAL FUND REVENUES	FY13-14 Actual	FY14-15 Actual	FY 15-16 Adopted Budget	FY 15-16 Adjusted Budget	FY 15-16 Projected
Property Tax	4,754,273	4,884,642	5,224,430	5,224,430	5,179,800
AB1X26 (RDA Dissolution)	439,641	198,171	200,000	200,000	200,000
Utility User's Tax	2,444,855	2,467,813	1,996,000	1,996,000	2,093,000
Sales Tax	274,997	330,053	318,958	318,958	290,000
Franchise Fees	445,497	372,694	355,928	355,928	365,000
Intergovernmental	4,501	6,512	4,912	8,178	5,000
Licenses & Permits	412,048	408,778	404,212	404,212	374,600
Charges for Services	113,044	56,723	42,919	42,919	13,200
Fines & Penalties	240,188	223,072	233,600	233,600	176,900
Interest & Rents	126,176	156,566	140,750	140,750	158,900
Other Revenues	14,823	111,533	11,045	11,045	209,300
TOTAL	9,270,043	9,216,557	8,932,754	8,936,020	9,065,700

(Excludes Transfers)

Other General Fund Revenues: This includes all other General Fund revenues except for Transfers In. Other General Fund projected revenues are expected to come in 4.7% higher than budgeted which is mainly due to one-time revenues for state mandated costs reimbursed for prior years. However, in comparison to prior year, other revenues are projected to decrease by 3.8%. There are projected decreases in Sales Tax, Charges for Services and Fines & Penalties due to decreased activity. Licenses & Permits revenues have decreased because all Development Fees are now included in another fund. The only revenue category that increased was Other Revenues due to the state reimbursement.

General Fund Expenditures:

Expenditures estimates are coming under adjusted budget by 4.9% but close to the original adopted budget. This is mainly due to budget increase adjustments that were off-set by savings. The largest adjustment of \$400,000 was approved by City Council for temporary supplemental police services. However, the Police Department estimates reflect significant salary and other operational savings that off-set most of the increase.

GENERAL FUND EXPENDITURES	FY13-14 Actual	FY14-15 Actual	FY 15-16 Adopted Budget	FY 15-16 Adjusted Budget	FY 15-16 Projected
Administrative Services	1,381,492	1,296,696	1,542,546	1,542,546	1,550,600
Community Services	221,410	199,135	142,343	142,343	155,200
Elected and Appointed	367,409	308,632	386,710	386,710	327,800
Fire	881,797	1,048,870	1,048,767	1,066,767	1,064,900
Library	734,594	737,833	757,632	782,632	782,600
Police	3,664,001	3,387,335	3,887,798	4,291,064	3,930,900
Public Works	494,744	509,408	520,420	520,420	493,500
TOTAL	7,745,447	7,487,909	8,286,216	8,732,482	8,305,500

(Excludes Transfers)

ENTERPRISE FUNDS

The following tables summarize the revenues and expenditures for enterprise funds.

ENTERPRISE FUNDS REVENUES	FY13-14 Actual	FY14-15 Actual	FY 15-16 Adopted Budget	FY 15-16 Adjusted Budget	FY 15-16 Projected
Water	4,110,072	4,620,619	4,857,160	4,857,160	4,654,200
Sewer	745,464	808,103	886,100	886,100	843,100
Business Funds	388,512	317,959	273,720	273,720	377,200
TOTAL	5,244,048	5,746,681	6,016,980	6,016,980	5,874,500

ENTERPRISE FUNDS EXPENDITURES	FY13-14 Actual	FY14-15 Actual	FY 15-16 Adopted Budget	FY 15-16 Adjusted Budget	FY 15-16 Projected
Water	3,542,092	4,612,381	5,422,195	5,247,325	4,560,900
Sewer	844,486	953,770	1,077,222	1,036,722	1,023,100
Business Funds	279,466	232,862	251,564	390,364	438,900
TOTAL	4,666,044	5,799,013	6,750,981	6,674,411	6,022,900

Water Fund:

Projected Water Fund revenues are falling short of Budget by 4.2% and are just slightly higher than prior year. Although revenues are about the same as prior year, the makeup of the revenues is different. Water Sales Revenues have decreased by about \$198,000 or 4.6% from prior year despite the water rate increase effective July 1, 2015 as a result of water conservation. Water grant revenues have decreased from prior year by \$141,000. However, the decreases have been off-set by new penalties for excess water charges estimated at \$400,000.

Projected water expenditures are below adjusted budget by \$686,400 or 13.1%. The bulk of the variance is capital projects of \$442,700 that will be carried over to next year; \$100,000 is for electricity; and the rest is revised estimates for purchased water and water treatment supplies. In comparison to prior year water expenditures are estimated to decrease by 1.1%.

Sewer Fund:

The Sewer Fund revenues are falling short of budget by 4.9% but reflect an increase of 4.3% from prior year. Expenditures are projected to come in 1.3% under adjusted budget and reflect an increase of \$69,300 or 7.3% from prior year this is mainly due to an increase in capital projects.

Business Fund:

The Business Fund includes the following operations: Strike team services, aquatics, special events, filming and recreation classes. The revenues and expenditures fluctuate with activity. The revised estimates for both revenues and expenditures exceed adjusted budget by \$103,500 and \$48,500, respectively. This is mainly due to strike team services that are reimbursed to the City at a higher rate than it costs to provide the service.

OTHER FUNDS

The following tables summarize both revenue and expenditures for all other City funds: Special Revenue Funds, Internal Service Funds and Successor Agency.

OTHER FUNDS REVENUES	FY13-14 Actual	FY14-15 Actual	FY 15-16 Adopted Budget	FY 15-16 Adjusted Budget	FY 15-16 Projected
Special Revenue	3,443,515	2,668,442	2,160,946	2,260,946	2,316,100
Internal Services	3,984,630	3,409,593	4,462,794	4,462,794	4,458,600
Successor Agency	505,789	738,789	504,770	504,770	528,200
TOTAL	7,933,934	6,816,824	7,128,510	7,228,510	7,302,900

(Excludes Transfers)

OTHER FUNDS EXPENDITURES	FY13-14 Actual	FY14-15 Actual	FY 15-16 Adopted Budget	FY 15-16 Adjusted Budget	FY 15-16 Projected
Special Revenue	3,411,439	3,464,437	3,152,953	3,546,935	3,736,300
Internal Services	3,657,270	5,396,242	4,079,752	4,457,252	4,360,600
Successor Agency	303,162	278,924	494,040	494,040	437,000
TOTAL	7,371,871	9,139,603	7,726,745	8,498,227	8,533,900

(Excludes Transfers)

FOR MORE INFORMATION

This summary report is derived from detailed financial information generated by the City's Administrative Services Department. Additional financial information is available online at www.cityofsierramadre.com.

RESOLUTION NO. 16-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE
ADOPTING THE MIDYEAR BUDGET FOR FISCAL YEAR 2015-2016 AND
APPROPRIATING THE AMOUNTS PROJECTED**

WHEREAS, on June 23, 2015, the City Manager did present the City's 2015-2016 budget to the City Council for its consideration; and the City Council did, in a public meeting, carefully consider the budget; and adopted the revised budget; and

WHEREAS, the City Council has committed additional appropriations during the fiscal year; and

WHEREAS, on May 10, 2016, the City Manager did proposed midyear budget amendments for the City of Sierra Madre (City) for the fiscal year commencing July 1, 2015 and concluding June 30, 2016 was submitted to the City Council and is on file at City Hall; and

WHEREAS, the City Council did, in a public meeting, receive input from the City staff and the public for amendments to the recommended amendments to the Fiscal Year 2015-2016 budget; and

**NOW, THEREFORE, THE CITY OF SIERRA MADRE DOES RESOLVE AS
FOLLOWS:**

SECTION 1. The budget, as amended, is adopted as for the City of Sierra Madre for Fiscal Year commencing July 1, 2015 and concluding June 30, 2016.

SECTION 2. Appropriations for the City as described in the documents titled "Projected Ending Balances for FY 2015-2016" and said attachments are attached hereto as exhibits "A", are hereby adopted for the fiscal year commencing July 1, 2015 and concluding on June 30, 2016.

SECTION 3. The City Manager and Finance Director are hereby authorized to make transfers between budget line items in accordance with the Budget Policies adopted by the City Council, on April 11, 2001.

PASSED, APPROVED AND ADOPTED this 10th day of May, 2016.

Gene Goss, Mayor
City of Sierra Madre, California

I hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Sierra Madre held on the 10th day of May, 2016 by the following vote:

AYES:

NOES:

ABSENT:

Melinda Carrillo, City Clerk
City of Sierra Madre, California

CITY OF SIERRA MADRE
Projected Ending Balances for FY 2015-2016
General Fund

	Adopted Budget FY 2015-2016	Working Budget FY 2015-2016	Projected FY 2015-2016
Revenues			
Property Taxes	\$ 5,224,430	\$ 5,224,430	\$ 5,179,800
AB1X26	200,000	200,000	200,000
Sales Tax	318,958	318,958	290,000
Utility User Tax	1,996,000	1,996,000	2,093,000
Charges for Services	173,669	173,669	171,100
Intergovernmental	4,912	8,178	5,000
Business Licenses	267,595	267,595	240,000
Franchise Fees	355,928	355,928	365,000
Licenses and Permits-Other	136,617	136,617	134,600
Fines and Forfeitures	233,600	233,600	176,900
Investment income	10,000	10,000	1,000
Miscellaneous	11,045	11,045	209,300
Total Revenue	8,932,754	8,936,020	9,065,700
Expenditures			
Administration	1,542,546	1,542,546	1,550,600
Community Services	142,343	142,343	155,200
Elected and Appointed	386,710	386,710	327,800
Fire	1,048,767	1,066,767	1,064,900
Library	757,632	782,632	782,600
Police	3,887,798	4,291,064	3,930,900
Public Works	520,420	520,420	493,500
Total Expenditures	8,286,216	8,732,482	8,305,500
Transfers In/(Out)			
Transfer in	100,000	100,000	100,000
Transfer out	(1,276,065)	(1,401,065)	(1,471,200)
Total Net Transfers In/(Out)	(1,176,065)	(1,301,065)	(1,371,200)
Change in fund balance from Operations	\$ (529,527)	\$ (1,097,527)	\$ (611,000)
Committed Reserves - Carryovers from Prior Years:			
Transfer out to CP Fund - Public Works			
Capital Projects	\$ (857,500)	\$ (857,500)	\$ (857,500)
Net change in fund balance	\$ (1,387,027)	\$ (1,955,027)	\$ (1,468,500)

CITY OF SIERRA MADRE
Projected Ending Balances for FY 2015-2016
All City Funds (Includes Transfers In/Out)

	Adopted Budget FY 2015-2016	Adjusted FY 2015-2016	Projected FY 2015-2016
Revenues			
General Fund	\$ 9,032,754	\$ 9,036,020	\$ 9,165,700
Special Revenue	3,425,959	2,260,946	2,316,100
Internal Services	4,462,794	4,587,794	4,583,600
Water	4,857,160	4,870,160	4,667,200
Sewer	886,100	886,100	843,100
Business Funds	284,772	282,520	386,000
Successory Agency	504,770	504,770	528,200
Total Revenues	<u>23,454,309</u>	<u>22,428,310</u>	<u>22,489,900</u>
Expenditures			
General Fund	9,562,281	10,991,047	10,634,200
Special Revenue	3,252,953	3,646,935	3,836,300
Internal Services	4,079,752	4,457,252	4,360,600
Water	5,422,195	5,247,325	4,560,900
Sewer	1,077,222	1,036,722	1,023,100
Business Funds	251,564	390,364	438,900
Successory Agency	494,040	494,040	437,000
Total Expenditures	<u>24,140,007</u>	<u>26,263,685</u>	<u>25,291,000</u>
Net Change	<u>(685,698)</u>	<u>(3,835,375)</u>	<u>(2,801,100)</u>

RESOLUTION NO. 16-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE
COMBINING THE LIBRARY SERVICES AND COMMUNITY SERVICES
DEPARTMENTS AND AMENDING THE CLASSIFICATION PLAN AND SALARY
MATRIX TO REFLECT POSITIONS IN THE COMBINED DEPARTMENT**

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, since 2012 there has been no director over the Community Services Department and since that time the Department has struggled with retaining both full- and part-time employees who provide the programs and services of the Community Services Department to Sierra Madre's residents; and

WHEREAS, a Library is more than a place to check-out books, it is a community center, a place of cultural and civic engagement, where people of all backgrounds gather for reflection, discovery, participation and growth; and

WHEREAS, the mission of Community Services is to provide quality services, and programs that are affordable, open, and friendly to enrich the overall quality of life for all visitors and residents; and

WHEREAS, Library Services and Community Services can work in concert to provide quality programs, services, and events to the Sierra Madre community under one Director who can provide the necessary oversight and guidance to enrich the traditions that are integral to the character of Sierra Madre; and

WHEREAS, the City Council is authorizing changing the Library Services Director to a Library and Community Services Director whose responsibilities will be to plan, direct, manage, and oversee the functions, programs, and operations of the Library and Community Services Department including library, recreation, and senior services and activities; and

WHEREAS, the City Council is authorizing changing the Recreation Supervisor to a Community Services Supervisor whose responsibilities will be to direct, manage, supervise and coordinate programs and services in the Community Services Division of the Department, specifically in the areas of special programs and events and senior programming; and

WHEREAS, in the amended Classification Plan and Salary Matrix, the information contained within the plan in regards to duties, responsibilities, training and experience for all other positions remains status quo; and

WHEREAS, in the amended Classification Plan and Salary Matrix, the salary information contained within the plan for all other positions remains status quo;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY DETERMINE AND ORDER AS FOLLOWS:

Section 1. The City of Sierra Madre amends the salary matrix as presented in Exhibit A.

Section 2. Effective Date. This Resolution shall go into effect May 11, 2016.

PASSED, APPROVED AND ADOPTED this 10th day of May, 2016.

Gene Goss, Mayor
City of Sierra Madre, California

I hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Sierra Madre held on the 10th day of May, 2016 by the following vote:

AYES:

NOES:

ABSENT:

Melinda Carrillo, City Clerk
City of Sierra Madre, California

Classification

Community Services

Duties and Responsibilities

The fundamental reason this classification exists is to coordinate and oversee community programs and services including but not limited to aquatics, arts, communications, grants, community projects, public relations, seniors, special events, transit, and youth programs.

Training, Experience and Qualifications

A bachelor's degree in recreation, leisure studies, or a degree related to the area of specialization, and recreation experience at the paraprofessional or professional level. Possession of a valid California driver's license Class "C" or higher.

Classified Employee Association

	1	2	3	4	5
Recreation Coordinator 1					
Annual Salary	32,614	34,245	35,957	37,755	39,643
Monthly Salary	2,718	2,854	2,996	3,146	3,304
Bi-Weekly	1,254	1,317	1,383	1,452	1,525
Hourly Salary	15.68	16.46	17.29	18.15	19.06

Confidential Exempt

	1	2	3	4	5	6	7	8	9	10
Community Services Supervisor 21										
Annual Salary	54,386	55,746	57,139	58,568	60,032	61,533	63,071	64,648	66,264	67,921
Monthly Salary	4,532	4,645	4,762	4,881	5,003	5,128	5,256	5,387	5,522	5,660
Bi-Weekly	2,092	2,144	2,198	2,253	2,309	2,367	2,426	2,486	2,549	2,612
Hourly Salary	26.15	26.80	27.47	28.16	28.86	29.58	30.32	31.08	31.86	32.65

Executive Management Employees

	1	2	3	4	5	6	7	8	9	10
Library & Community Services Director 41										
Annual Salary	96,200	98,605	101,071	103,597	106,187	108,842	111,563	114,352	117,211	120,141
Monthly Salary	8,017	8,217	8,423	8,633	8,849	9,070	9,297	9,529	9,768	10,012
Bi-Weekly	3,700	3,793	3,887	3,985	4,084	4,186	4,291	4,398	4,508	4,621
Hourly Salary	46.25	47.41	48.59	49.81	51.05	52.33	53.64	54.98	56.35	57.76
Finance, Planning, and Public Works Directors 40										
Annual Salary	97,323	99,756	102,450	104,806	107,426	110,112	112,865	115,686	118,579	121,543
Monthly Salary	8,110	8,313	8,521	8,734	8,952	9,176	9,405	9,641	9,882	10,129
Bi-Weekly	3,743	3,837	3,933	4,031	4,132	4,235	4,341	4,449	4,560	4,675
Hourly Salary	46.79	47.96	49.16	50.39	51.65	52.94	54.26	55.62	57.01	58.43
Fire Chief and Police Captain 41										
Annual Salary	96,200	98,605	101,071	103,597	106,187	108,842	111,563	114,352	117,211	120,141
Monthly Salary	8,017	8,217	8,423	8,633	8,849	9,070	9,297	9,529	9,768	10,012
Bi-Weekly	3,700	3,793	3,887	3,985	4,084	4,186	4,291	4,398	4,508	4,621
Hourly Salary	46.25	47.41	48.59	49.81	51.05	52.33	53.64	54.98	56.35	57.76
Public Safety Director / Police Chief 42										
Annual Salary	112,014	114,814	117,685	120,627	123,643	126,734	129,902	133,149	136,478	139,890
Monthly Salary	9,335	9,568	9,807	10,052	10,304	10,561	10,825	11,096	11,373	11,658
Bi-Weekly	4,308	4,416	4,526	4,639	4,755	4,874	4,996	5,121	5,249	5,380
Hourly Salary	53.85	55.20	56.58	57.99	59.44	60.93	62.45	64.01	65.61	67.25



City of Sierra Madre Agenda Report

*Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member*

*Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer*

TO: HONORABLE MAYOR GOSS AND CITY COUNCIL

FROM: ELAINE I. AGUILAR, CITY MANAGER 

INITIATED BY: BRUCE INMAN, DIRECTOR OF PUBLIC WORKS
KEV TCHARKHOUTIAN, CITY ENGINEER

DATE: MAY 10, 2016

SUBJECT: **2016-2017 ASSESSMENT DISTRICTS - ENGINEER'S REPORT
AND RESOLUTION OF INTENTION 16-25**

The provisions of the Landscaping and Lighting Act of 1972 require that the City Council conduct a public hearing to confirm assessments and to notify affected property owners. In addition, Section 22566 of the California Streets and Highway Code requires the City Engineer to prepare a report of the City's intention to levy assessments for the subsequent fiscal year.

It is recommended that the City Council:

- 1.) Adopt Resolution No. 16-25 initiating assessment proceedings for Assessment Districts 3, 5, and CFD No 1, for Fiscal Year 2016-2017, and directing the City Engineer to prepare and file an Engineer's Report; and,
- 2.) Set the Public Hearing on said assessments for May 24, 2016

FY 2016-2017 ASSESSMENT DISTRICT ANALYSIS

The districts totaling eight presented tonight for consideration are:

Direct assessment districts:

Central Business District Landscaping Maintenance	District No. 3
Central Business Parking District	District No. 5
Community Facilities District No 1, Carter 1	

Sewer assessment districts

E. Miramonte Sewer Assessment District
E. Bonita Sewer Assessment District

Maintenance District No 1
Maintenance District No 3, Zone A
Maintenance District No 3, Zone B

As illustrated below, the revenues generated by Districts 3 and 5 are not adequate to cover the expenses incurred in those Districts. In order to adjust the assessments to provide the revenue to fully fund those Districts it would be necessary to increase the assessments, and to do so the City would be required to initiate the Proposition 218 process. A study prepared by the City Engineer in 2010 indicated that at that time most assessments would have had to be at least doubled in order to balance the individual District's budgets. It was determined at that time that the City would not go forward with the initiation of a Proposition 218 ballot proceeding to increase the assessment charges to cover the shortfall in the district's cost centers.

That situation remains unchanged at this time. Districts 3 and 5, continue to be subsidized by other funding sources. The City Council may at any time direct staff to initiate the Proposition 218 process to increase the assessments to levels that cover expenses. This process would necessitate an update of the 2010 Engineer's Report and a "majority protest" balloting of the owners of only those properties within the districts.

The direct assessment districts will not generate any new revenues in the future, unless a successful proposition 218 proceeding is initiated, allowing the City to collect additional funds. As the City reviews funding options over the next two years, the existing Assessment Districts should be evaluated and a determination made as to their continued form and assessment amounts.

Sierra Madre Landscape District No. 3, Central Business District Landscape (Fund 32002, County Account 256.94)

This district has historically included the annual trimming of parkway trees and four pepper trees located in the Central Business District. The funds may also be used for lighting, landscape maintenance, irrigation water, and replacement of damaged landscaping materials in the Sierra Madre Boulevard and Baldwin Avenue landscape bow-outs.

The district is comprised of 82 parcels. The annual assessment is divided among the 82 parcels based on the size of the lot and the frontage width. This district was formed in 1982 under Resolution 82-41.

District No. 3 Fund activity overview:

6/30/2016 Fund Balance	\$0
Projected Revenues for 2016-2017	\$6,000
Expenditures (Estimated) for 2016-2017	\$14,849
Projected Subsidy	\$8,849

Current assessments vary between \$45 and \$205, based on the lot frontage. Note that while it is possible to reduce the landscape maintenance and irrigation components of the district costs, staff does not recommend doing so, as the effect of maintenance reduction will adversely impact the downtown area. It is recommended that assessment rates remain unchanged for fiscal year 2016-2017.

Sierra Madre Parking District No. 5, (Fund 32008, County Account 256.99)

This Assessment District was established by the City Council on June 9, 1992 with the adoption of Resolution of Intention 92-21. The district provides for the street lights, energy, maintenance, water, street sweeping, and landscaping costs for the City's four parking lots. Parcels are assessed based on their respective areas as shown on the Los Angeles County Assessor's rolls.

District No. 5 Fund activity overview:

6/30/2016 Fund Balance	\$0
Projected Revenues for 2016-2017	\$9,000
Expenditures (Estimated) for 2016-2017	\$26,890
Projected Subsidy	\$17,890

It is recommended that the current assessments for District No. 5 remain unchanged for 2016-2017. The maximum assessment per parcel per owner is set at \$200 per year. The rate table is based on an evaluation of the use and benefit each parcel receives from the City's public parking lots. The parking lots, which are part of this district, are Mariposa, North Auburn, North and South Baldwin Avenue.

In previous fiscal years the assessment rates have not covered all of the costs assigned to the assessment districts. The Districts have been supported by transfers of funding from the facilities fund in those years. In FY 2016-2017 it is anticipated that actual expenditures will again exceed revenues and it will be necessary to transfer funds again from facilities.

1. Community Facilities District No 1

This District was established in January 2012 under Ordinance No. 1327 to fund maintenance of portions of the County owned and maintained storm drain system serving the Stonegate (One Carter) development. The District is comprised of 28 parcels. The assessment for each parcel is \$238 annually, which increases by a CPI factor each year, in order to avoid the budgeting shortfalls seen in other City assessment districts. This assessment is designed to cover the cost of maintaining the clarifier, the catch basins, the administrative costs associated with the District, and the cost of eventual replacement of the clarifier, if needed. 2012-2013 is the first year this charge was implemented. No rate increases are proposed.

FINANCIAL REVIEW

The Los Angeles County Assessor's Office collects the assessments. The assessment districts are identified as direct assessments and are added to the annual County property tax bill. The City receives payment for these assessments in April and December of each year. The payments received in December 2016 and April 2017 will be applied toward the fiscal year 2016-2017.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter and the Sierra Madre Public Library.

3. SEWER ASSESSMENT DISTRICTS

The City also has two sewer assessment districts, both formed to recover the design and construction cost for installation of public sewers under the Municipal Improvement Act of 1913. The East Mira Monte Sewer Assessment District (Fund 546) was formed April 4, 2004 under Resolution 04-028. The East Bonita Sewer Assessment District (Fund 549) was formed June 13, 2006 under Resolution 06-039. Funds collected under these districts reimburse the "loan" of city's sewer fund reserves for the design and construction costs. Inasmuch as the term of the districts and the amount assessed each property owner was set at the time of formation of the two sewer districts, it is not necessary for the City Council to hold annual public hearings and set the assessment amounts.

4. MUNICIPAL LIGHTING AND MAINTENANCE DISTRICTS (AD VALOREM)

These Districts were established in the early 60's, and contribute approximately \$45,000 annually to the city coffers. These districts are not direct assessments, but rather charges to parcels annually for municipal lighting and maintenance costs. The Districts are identified by the County Auditor-Controller as Sierra Madre Lighting and Maintenance District 3, Zone A; Sierra Madre Lighting and Maintenance District 3, Zone B; and Sierra Madre Lighting and Maintenance District No. 1.

Maintenance District No. 1 is comprised of those residential parcels created under Tract No. 15709; located on Santa Anita Avenue, Oakwood Place, and Vista Avenue; bounded on the north by Elkins Avenue, east by the Arcadia/Sierra Madre boundary, south by Grandview Avenue and west by Santa Anita Avenue. Parcels in this district are charged roughly 17 cents per \$100 of assessed property value.

(There is no Maintenance District No. 2.)

Maintenance District No. 3, Zone A is comprised of commercial parcels on the north and south sides of West Sierra Madre Boulevard from Hermosa Avenue to just west of Lima Street. Parcels in this district are charged approximately 31 cents per \$100 of assessed value. Staff does not recommend any change in the assessment rate for this District for FYE 2017.

Maintenance District No. 3, Zone B is also comprised of commercial parcels, on West Sierra Madre Boulevard, from Hermosa Avenue to Baldwin Avenue, and on both sides of North and South Baldwin Avenue from Suffolk Avenue to West Montecito. Parcels in this district are charged approximately 31 cents per \$100 of assessed value. Staff does not recommend any change in the assessment rate for this District for FYE 2017.

The Assessment rates were last set in 2005 with City Council Resolution 05-062. Starting in 2013 the County Assessor's Office is requesting that a resolution setting the rates be adopted by the City Council and submitted to the Assessor's Office by September 1st of each year. In order to meet County Assessor filing requirements, staff will return a resolution to Council at the same time the other Districts return for public hearing, which re-states the current ad valorem tax rates for use in FYE 2017.

These per parcel charges have outlived Proposition 218. Since these districts are not direct assessments but are associated with property taxes, public hearings and engineer's reports are not necessary to collect the annual charges. Sierra Madre automatically receives the revenues from the County in installments.

Although the projected revenues for FY 2016-2017 under the Municipal Lighting and Maintenance Districts are adequate to cover all expenses accrued to those Districts, as the City reviews funding options over the next two years, the Municipal Lighting Districts should be evaluated and a determination made as to their continued form and assessment amounts.

STAFF RECOMMENDATION

It is recommended that the City Council:

- 1.) Adopt Resolution No. 16-25 initiating assessment proceedings for Assessment Districts 3, 5, CFD No 1, the 2 sewer districts for Fiscal Year 2016-2017, and directing the City Engineer to prepare and file an Engineer's Report ; and,
- 2.) Set the Public Hearing on said assessments for May 24, 2016

Attachments:

Resolution No. 16-25 initiating assessment proceedings for Districts 3, and 5, Community Facilities District No 1, E Miramonte Sewer District, and E. Bonita Sewer District ,for Fiscal Year 2016-2017, and directing the City Engineer to prepare and file an Engineer's Report.

RESOLUTION NO. 16-25

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS IN CONNECTION WITH DISTRICT NO. 3, CENTRAL BUSINESS DISTRICT LANDSCAPE MAINTENANCE; DISTRICT NO. 5 CENTRAL BUSINESS PARKING DISTRICT; COMMUNITY FACILITIES DISTRICT NO 1; E. MIRAMONTE SEWER ASSESSMENT DISTRICT; AND E. BONITA SEWER ASSESSMENT DISTRICT FOR FISCAL YEAR 2016-2017, ORDERING THE PREPARATION OF THE ENGINEER'S REPORT, AND SETTING MAY 24, 2016 AS THE DATE FOR A PUBLIC HEARING ON THE MATTER

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Streets & Highways Code Sec. 22500 et seq.) (the "Act") the City has previously established districts within which the City levies assessments to finance the maintenance of irrigation systems, landscaping areas, street lights and street trees; and

WHEREAS, the City Council desires to initiate proceedings to levy these assessments for Fiscal Year 2016-2017;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Recitals.

The above recitals are true and correct.

Section 2. Initiation of Proceedings.

The City Council hereby initiates proceedings for the levy of assessments for Fiscal Year 2016-2017 in connection within the following assessment districts:

District No. 3 Central Business District Landscape Maintenance
District No. 5 Central Business District Parking.
Community Facilities District No 1
E. Miramonte Sewer Assessment District
E. Bonita Sewer Assessment District

Section 3. Improvements.

No new improvements or substantial changes to existing improvements are proposed for Fiscal Year 2016-2017, for District 3 Sierra Madre Landscaping District, District 5 Sierra Madre Parking District, and Community Facilities District No 1

Section 5. Designation Of Engineer.

The City Council designates the City Engineer as Assessment Engineer.

Section 6. Engineer's Report.

The City Council orders the Assessment Engineer to prepare and file a report in accordance with Article 4 of Chapter 1 of the Act with the assessments for Fiscal Year 2016-2017. As the districts were each established prior to 1996 and fund the maintenance and servicing of improvements that are integral to the City's streets, this report need not be an "Engineer's Report" as that phrase is defined in Article XIID of the California Constitution.

Section 7. Public Hearing.

May 24, 2016, at 6:30 PM or as soon thereafter as the matter may be heard, in the City Council Chambers located at 232 W. Sierra Madre Boulevard, Sierra Madre, California 91024 is fixed as the time and place for a hearing by the City Council on the levy of the assessments for Fiscal Year 2016-2017.

Section 8. Notice.

The City Clerk shall give notice of the public hearing pursuant to Section 22556 of the Act.

Section 9. Certification.

The City Clerk shall certify as to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

Approved and Adopted on the 10th day of May, 2016.

I, the undersigned, hereby certify that the foregoing Resolution Number No 16-25 was duly adopted by the Sierra Madre City Council following a roll call vote:

AYES:

NOES:

ABSENT:

Gene Goss, Mayor

ATTEST:

Melinda Carillo, City Clerk



City of Sierra Madre Agenda Report

Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Elaine I. Aguilar, City Manager 

DATE: May 10, 2016

SUBJECT: City Clerk Compensation

SUMMARY

At a previous meeting, at the request of a resident, the City Council asked staff to place the City Clerk compensation on a future agenda. This item is on the agenda for the City Council to provide direction.

ANALYSIS

Sierra Madre's Policy

The Sierra Madre Municipal Code section 2.12.020, specifies that the City Clerk and City Treasurer's compensation is established by City Council resolution. The California Government Code also specifies that the City Council may establish the compensation for the City Clerk and the City Treasurer.

At a February 12, 2008 Council meeting, the Council discussed the City Clerk's compensation and duties. It was decided that the \$250 Elected Official compensation that the City Clerk received, was for serving as a notary, signing Resolutions and Ordinances, signing agreements, administering oaths of office, and assisting the public and staff by providing information and assistance.

The City Council authorized compensating City Clerk Shollenberger an additional \$650 per month for the following:

1. Preparing minutes for all City Council Meetings including regular meetings and special meetings.
2. Filing FPPC forms
3. Publishing ordinances in the newspaper in accordance with state and local law and sending copies to the publisher of the City's Municipal Code
4. General filing of all resolutions, ordinances, and minutes. Ensuring that all resolutions, ordinances and minutes are maintained in the official books at City Hall.

5. Holding regular office hours from 8:00 am to 9:00 am each Wednesday.

The \$650 compensation was paid if at least one Council meeting is held in a month. No compensation is paid if no Council meetings are held that month.

There is a Resolution authorizing the \$250 per month compensation for the City Clerk, but for any additional compensation to be provided to the current City Clerk, it is recommended that the City Council take formal action by adopting a Resolution as specified in Municipal Code Section 2.12.020.

Lastly, retired City Clerk Shollenberger received additional compensation, in the amount of \$7,500, for administering municipal elections. This compensation is established in an election related Resolution that is prepared and approved prior to each municipal election.

General Background Information

Approximately 30% of cities in California have an elected City Clerk. Most cities, approximately 70% have an appointed City Clerk, meaning that the City Clerk is either appointed by the City Council or the City Manager (or some other staff member). Attached is a chart from the League of California Cities regarding Elected and Appointed City Clerks. (The information is a few years old.)

Of the neighboring cities, with elected City Clerks (Arcadia, Monrovia and South Pasadena), the elected City Clerk has duties similar to the duties that are described as provided by the Sierra Madre City Clerk for the \$250 stipend; basically acting as official signatory, administering oaths, and attending Council meetings. Arcadia, Monrovia and South Pasadena have city staff members (Deputy City Clerks) who handle the Department's day to day responsibilities, prepare the Council meeting minutes for review by the City Clerk, along with handling other duties and responsibilities. The City Clerk oversees the elections and does not receive additional compensation for doing so, however it should be noted that the City Clerks are assisted by full-time staff members. Arcadia, Monrovia and South Pasadena have full-time staff and cities with full-time Deputy City Clerks handle additional responsibilities, such as responding to public records requests, assembling and disseminating the City Council agenda packets, posting agendas, putting agendas and staff reports on the city's website, maintaining all official city records and contracts (is the custodian of records), handling post-Council meeting follow-up, maintaining and updating the Municipal Code, handling Commissioner recruitment processes, processing claims against the city, administering elections, administering campaign disclosure and economic interest procedures, along with other assigned duties.

In discussing this matter with the City's newly elected City Clerk Carrillo, she stated that prior to running for office, she met with Clerk Shollenberger and was informed that the

compensation was the \$250 monthly stipend, plus the additional \$650 per month if a meeting was held, in addition to the election related compensation of \$7,500.

FINANCIAL REVIEW

The City's retired City Clerk received \$250 monthly, plus an additional \$650 monthly (for months when at least one Council meeting is held), plus an additional \$7,500 for administering the municipal election. So in years when an election is held, the maximum annual compensation would be \$18,300, and in non-election years, the maximum annual compensation would be \$10,800. In addition the City Clerk can enroll in the Public Employee Retirement System (PERS).

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library.

ALTERNATIVES

Pursuant to the Municipal Code, the City Council has the authority to establish the compensation for the City Clerk and City Treasurer. California Government Code section 36517, specifies that the City Clerk and the City Treasurer shall receive, at stated times, a compensation fixed by ordinance or resolution.

The California Government Code places a limit on City Council Member compensation based upon the city population. (Section 36516(A): In cities up to and including 35,000 in population, up to three hundred dollars (\$300) per month.)

The alternatives are:

1. The City Council could request additional information and direct that this matter be placed on a future agenda.
2. The City Council could take no action and the City Clerk would receive the \$250 elected official compensation; and at the next municipal election the Council would consider additional compensation for administering the election.
3. The City Council could direct staff to return with a resolution specifying the compensation for the City Clerk. Staff would need direction regarding the amount of the compensation and the applicable time period, for example, for the next fiscal year, or until the next City Clerk election, or for as long as the current City Clerk is the Elected City Clerk.
4. Any other alternative the Council desires.

STAFF RECOMMENDATION

It is recommended that the City Council provide staff with direction.

Attachments (2)

City	Elected	City Clerk Duties	Compensation
Sierra Madre	Elected	<p>The City Clerk is elected to a four year term. The City Clerk's duties and responsibilities are:</p> <p>\$250 Stipend Attending Council meetings, administering Oaths of Office, Notary, official signatory on Ordinances, Resolutions, agreements, etc.</p> <p>\$650 Compensation Preparing minutes for all Council meetings FPPC filings Publishing ordinances in the newspaper Forwarding ordinances to the Municipal Code publishing company Filing all City Council resolutions, ordinances and minutes in the official record books</p> <p>\$7,500 Compensation Administering Municipal elections</p>	<p>\$250 per month, \$3,000 annually</p> <p>\$650 per month (\$7,800 annually), for months when the City Council conducts at least one City Council meeting. For months when the City Council does not conduct a meeting, there will be no compensation; compensation established by Council action 2/12/2008 for Clerk Shollenberger.</p> <p>\$7,500 for regular municipal election; compensation established by resolution for each election.</p>
Arcadia	Elected	<p>The City Clerk (ceremonial) is elected to a four year term. The Chief Deputy City Clerk/Records Manager (staff member) is responsible for the day-to-day operations of the office.</p> <p>Section 505. POWERS AND DUTIES. The City Clerk shall: (a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose. (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been published or posted in accordance with this Charter; all of said books shall be properly indexed and open to public inspection</p>	<p>\$500 per month (or \$6,000 annually)</p>

		<p>when not in actual use.</p> <p>(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.</p> <p>(d) Be the custodian of the seal of the City.</p> <p>(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.</p> <p>(f) Be the City Assessor, if the Council so requires.</p> <p>(g) Sign all checks, except payroll checks.</p> <p>(h) Conduct all City elections</p> <p>(i) Perform such other duties as may be prescribed by the</p> <p>The City Clerk's office (Chief Deputy/Records Manager) serves as the custodian of records, is responsible for maintaining the City Charter, all City records, ordinances, resolutions and other official City documents; conducts municipal elections; administers oaths; maintains the Arcadia Municipal Code; and administering campaign disclosures of economic interest.</p>	
Monrovia	Elected	<p>The City Clerk is elected to a four year term. The Chief Deputy City Clerk (staff member) is responsible for the day-to-day operations of the office.</p> <p>The City Clerk's duties and responsibilities are to attend Council meetings; work with the Deputy city Clerk regarding the preparation of Council meeting minutes, and other Council related documents, and works with the Deputy City Clerk to accomplish the publication, filing, indexing and safekeeping of proceedings of the Council.</p>	\$400 per month, or \$4,800 annually
South Pasadena	Elected	<p>The City Clerk is elected to a four year term. The Chief Deputy City Clerk (staff member) is responsible for the day-to-day operations of the office.</p> <p>City Clerk (ceremonial), can be the official signatory, may attend Council meetings, give oaths of office, and other ceremonial duties.</p>	\$300 monthly, \$3,600 annually

		The Chief Deputy City Clerk (staff member) is responsible for day-to-day activities and all other City Clerk responsibilities (assembling agenda packets, preparing minutes, responding to public records requests, maintaining official city records, etc.)	
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The following neighboring cities have appointed City Clerks: Duarte, Pasadena, and San Marino

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Adelanto	32,511	Charter	Appointed	
Agoura Hills	20,625	General Law	Appointed	City Manager
Alameda	75,988	Charter	Appointed	
Albany	18,472	Charter	Appointed	City Manager
Alhambra	84,697	Charter	Appointed	
Aliso Viejo	49,951	General Law	Appointed	
Alturas	2,668	General Law	Appointed	
Amador	179	General Law	Appointed	
American Canyon	20,001	General Law	Appointed	City Manager
Anaheim	348,305	Charter	Appointed	
Anderson	10,361	General Law	Appointed	City Manager
Angels City	3,726	General Law	Elected	
Antioch	106,455	General Law	Elected	N/A
Apple Valley	70,755	General Law	Appointed	
Arcadia	57,500	Charter	Elected	N/A
Arcata	17,734	General Law	Appointed	
Arroyo Grande	17,334	General Law	Appointed	City Manager
Artesia	16,776	General Law	Appointed	
Arvin	20,226	General Law	Appointed	City Manager
Atascadero	28,675	General Law	Elected	City Manager
Atherton	6,917	General Law	Appointed	
Atwater	29,050	General Law	Elected	N/A
Auburn	13,804	General Law	Elected	
Avalon	3,820	General Law	Appointed	
Avenal	13,239	General Law	Appointed	
Azusa	48,385	General Law	Elected	N/A
Bakersfield	367,315	Charter	Appointed	City Manager
Baldwin Park	76,715	General Law	Elected	N/A
Banning	30,325	General Law	Appointed	
Barstow	23,292	General Law	Elected	N/A
Beaumont	40,876	General Law	Elected	
Bell	35,972	Charter	Appointed	
Bell Gardens	42,667	General Law	Appointed	
Bellflower	77,741	General Law	Appointed	

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Belmont	26,559	General Law	Elected	N/A
Belvedere	2,094	General Law	Appointed	
Benicia	27,454	General Law	Elected	
Berkeley	117,372	Charter	Appointed	City Manager
Beverly Hills	34,677	General Law	Appointed	City Council
Big Bear Lake	5,121	Charter	Appointed	City Manager
Biggs	1,684	General Law	Appointed	City Administrator
Bishop	3,875	General Law	Appointed	
Blue Lake	1,251	General Law	Appointed	City Council
Blythe	18,992	General Law	Elected	
Bradbury	1,082	General Law	Appointed	
Brawley	25,897	General Law	Appointed	City Manager
Brea	42,397	General Law	Appointed	Administrative Services Director
Brentwood	54,741	General Law	Appointed	
Brisbane	4,431	General Law	Appointed	
Buellton	4,893	General Law	Appointed	
Buena Park	82,344	Charter	Appointed	City Council
Burbank	105,543	Charter	Elected	N/A
Burlingame	29,685	General Law	Appointed	
Calabasas	23,943	General Law	Appointed	Administrative Services Director
Calexico	40,564	General Law	Appointed	City Manager
California City	13,276	General Law	Appointed	
Calimesa	8,231	General Law	Appointed	City Manager
Calipatria	7,517	General Law	Elected	City Council
Calistoga	5,224	General Law	Appointed	City Manager
Camarillo	66,752	General Law	Appointed	City Manager
Campbell	41,993	General Law	Appointed	
Canyon Lake	10,826	General Law	Appointed	City Manager
Capitola	10,136	General Law	Appointed	City Manager
Carlsbad	110,169	Charter	Elected	n/a
Carmel-by-the-Sea	3,722	General Law	Appointed	
Carpinteria	13,442	General Law	Appointed	
Carson	92,636	General Law	Elected	
Cathedral City	52,595	General Law	Elected	

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Ceres	46,463	General Law	Appointed	City Manager
Cerritos	49,741	Charter	Appointed	City Council
Chico	88,389	Charter	Appointed	
Chino	81,747	General Law	Appointed	
Chino Hills	76,131	General Law	Appointed	City Council
Chowchilla	18,971	General Law	Appointed	City Manager
Chula Vista	256,139	Charter	Appointed	City Council
Citrus Heights	84,544	General Law	Appointed	
Claremont	35,920	General Law	Appointed	City Manager
Clayton	11,200	General Law	Appointed	City Manager
Clearlake	15,194	General Law	Elected	
Cloverdale	8,641	General Law	Appointed	
Clovis	102,188	General Law	Appointed	City Council/Manager
Coachella	43,633	General Law	Elected	
Coalinga	16,467	General Law	Elected	
Colfax	1,998	General Law	Appointed	City Manager
Colma	1,470	General Law	Appointed	
Colton	53,057	General Law	Elected	
Colusa	6,171	General Law	Elected	N/A
Commerce	13,003	General Law	Appointed	
Compton	98,082	Charter	Elected	
Concord	124,656	General Law	Appointed	
Corcoran	22,515	General Law	Appointed	
Corning	7,598	General Law	Elected	City Council/Manager
Corona	159,132	General Law	Appointed	City Manager
Coronado	23,419	General Law	Appointed	
Corte Madera	9,381	General Law	Appointed	
Costa Mesa	111,846	General Law	Appointed	
Cotati	7,288	General Law	Appointed	
Covina	48,619	General Law	Elected	City Manager
Crescent City	6,935	General Law	Appointed 11-14	City Manager
Cudahy	24,142	General Law	Appointed	
Culver City	39,579	Charter	Appointed	
Cupertino	59,946	General Law	Appointed	City Manager

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Cypress	48,886	General Law	Appointed	City Council
Daly City	105,076	General Law	Elected	
Dana Point	34,037	General Law	Appointed	
Danville	43,146	General Law	Appointed	
Davis	66,656	General Law	Appointed	
Del Mar	4,234	Charter	Appointed	
Del Rey Oaks	1,665	General Law	Appointed	
Delano	52,591	General Law	Appointed	City Manager
Desert Hot Springs	28,001	Charter	Appointed	City Manager
Diamond Bar	56,400	General Law	Appointed	
Dinuba	23,666	Charter	Appointed	
Dixon	19,005	General Law	Appointed	City Manager
Dorris	938	General Law	Appointed	
Dos Palos	5,050	General Law	Appointed	
Downey	113,363	Charter	Appointed	
Duarte	21,668	General Law	Appointed	
Dublin	53,462	General Law	Appointed	
Dunsmuir	1,645	General Law	Elected	
East Palo Alto	28,934	General Law	Appointed	
Eastvale	59,185	General Law	Appointed	City Manager
El Cajon	101,256	Charter	Appointed	City Manager
El Centro	44,311	Charter	Appointed	City Council
El Cerrito	24,087	General Law	Appointed	
El Monte	115,064	General Law	Elected	
El Paso de Robles	30,469	General Law	Elected	
El Segundo	16,897	General Law	Elected	N/A
Elk Grove	160,688	General Law	Appointed	
Emeryville	10,491	Charter	Appointed	City Manager
Encinitas	61,204	General Law	Appointed	
Escalon	7,323	General Law	Appointed	City Council
Escondido	147,102	General Law	Appointed	City Manager
Etna	738	General Law	Appointed	City Council
Eureka	26,914	Charter	Appointed	
Exeter	10,539	Charter	Appointed	

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Fairfax (Town Clerk/Deputy)	7,541	General Law	Elected/FT Deputy	N/A/Town Manager
Fairfield	110,018	General Law	Elected	
Farmersville	10,932	General Law	Appointed	
Ferndale (Town Clerk/FT Deputy)	1,357	General Law	Elected/FT staff	N/A/Town Manager
Fillmore	15,339	General Law	Elected	N/A
Firebaugh	7,809	General Law	Appointed	
Folsom	74,014	Charter	Appointed	City Manager
Fontana	202,177	General Law	Elected	
Fort Bragg	7,350	General Law	Appointed	City Council
Fort Jones	715	General Law	Appointed	
Fortuna	11,902	Charter	Appointed	City Manager
Foster City	32,168	General Law	Appointed	City Manager
Fountain Valley	56,702	General Law	Appointed	City Manager
Fowler	5,883	General Law	Appointed	
Fremont	223,972	General Law	Appointed	Assistant City Manager
Fresno	515,609	Charter	Appointed	City Council
Fullerton	140,131	General Law	Appointed	City Manager
Galt	24,289	General Law	Appointed	City Council
Garden Grove	173,953	General Law	Appointed	
Gardena	60,082	General Law	Elected	
Gilroy	52,413	Charter	Appointed	City Council
Glendale	195,799	Charter	Elected	
Glendora	51,290	General Law	Appointed	
Goleta	30,202	General Law	Appointed	City Manager
Gonzales	8,383	General Law	Appointed	
Grand Terrace	12,285	General Law	Appointed	
Grass Valley	12,668	Charter	Appointed	
Greenfield	16,919	General Law	Appointed	
Gridley	6,739	General Law	Appointed	
Grover Beach	13,153	General Law	Appointed	City Manager
Guadalupe	7,144	General Law	Appointed	
Gustine	5,648	General Law	Appointed	
Half Moon Bay	11,721	General Law	Appointed	City Manager
Hanford	55,283	General Law	Appointed	

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Hawaiian Gardens	14,456	General Law	Appointed	
Hawthorne	86,644	General Law	Elected	
Hayward	151,037	Charter	Appointed	City Council
Healdsburg	11,541	General Law	Appointed	
Hemet	81,537	General Law	Appointed	City Manager
Hercules	24,572	General Law	Appointed	
Hermosa Beach	19,750	General Law	Elected	
Hesperia	91,506	General Law	Appointed	
Hidden Hills	1,901	General Law	Appointed	
Highland	54,033	General Law	Appointed	
Hillsborough	11,260	General Law	Appointed	
Hollister	36,676	General Law	Appointed	City Manager
Holtville	6,154	General Law	Appointed	City Manager/City Council
Hughson	7,118	General Law	Appointed	
Huntington Beach	195,999	Charter	Elected	N/A
Huntington Park	59,033	General Law	Appointed	
Huron	6,843	General Law	Appointed	
Imperial	16,708	General Law	Elected	N/A
Imperial Beach	26,675	General Law	Appointed	
Indian Wells	5,137	Charter	Appointed	City Manager
Indio	82,398	General Law	Elected	
Industry	438	Charter	Appointed	
Inglewood	111,795	Charter	Elected	
Ione	6,759	General Law	Elected	
Irvine	242,651	Charter	Appointed	
Irwindale	1,466	Charter	Appointed	
Isleton	815	General Law	Appointed	
Jackson	4,545	General Law	Elected	
Jurupa Valley	97,774	General Law	Appointed	
Kerman	14,339	General Law	Appointed	
King City	13,211	Charter	Appointed	
Kingsburg	11,685	Charter	Appointed	
La Canada Flintridge	20,535	General Law	Appointed	City Manager
La Habra	61,717	General Law	Appointed	City Manager

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
La Habra Heights	5,420	General Law	Appointed	
La Mesa	58,769	General Law	Appointed 11/14	
La Mirada	49,178	General Law	Appointed	City Manager
La Palma	15,896	General Law	Appointed	
La Puente	40,478	General Law	Appointed	
La Quinta	39,032	Charter	Appointed	City Manager
La Verne	32,228	General Law	Appointed	
Lafayette	24,659	General Law	Appointed	Admin. Services Director
Laguna Beach	23,225	General Law	Elected	N/A
Laguna Hills	30,857	General Law	Appointed	City Manager
Laguna Niguel	64,460	General Law	Appointed	City Manager
Laguna Woods	16,581	General Law	Appointed	
Lake Elsinore	56,718	General Law	Appointed	City Council
Lake Forest	79,139	General Law	Appointed	Deputy City Manager
Lakeport	4,807	General Law	Appointed	City Council
Lakewood	81,224	General Law	Appointed	City Manager
Lancaster	159,878	Charter	Appointed	Deputy City Manager
Larkspur	12,102	General Law	Appointed	City Manager
Lathrop	19,831	General Law	Appointed	City Manager
Lawndale	33,228	General Law	PT Elected	N/A
Lemon Grove	25,928	General Law	Appointed	City Manager
Lemoore	25,281	Charter	Appointed	City Council/Manager
Lincoln	45,206	General Law	Appointed	
Lindsay	12,650	Charter	Appointed	
Live Oak	8,481	General Law	Appointed	
Livermore	84,852	General Law	Appointed	
Livingston	13,793	General Law	Appointed	
Lodi	63,651	General Law	Appointed	
Loma Linda	23,614	General Law	Appointed	City Manager
Lomita	20,630	General Law	Appointed	
Lompoc	43,314	General Law	Appointed	City Administrator
Long Beach	470,292	General Law	Appointed	
Loomis	6,608	General Law	Appointed	
Los Alamitos	11,729	Charter	Appointed	City Manager

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Los Altos	29,969	General Law	Appointed	
Los Altos Hills	8,354	General Law	Appointed	
Los Angeles	3,904,657	Charter	Appointed	City Council
Los Banos	37,168	General Law	Elected	City Manager
Los Gatos	30,532	General Law	Appointed	Town Manager
Loyalton	729	General Law	Appointed	
Lynwood	70,980	General Law	Elected	N/A
Madera	63,008	General Law	Appointed	
Malibu	12,865	General Law	Appointed	City Manager
Mammoth Lakes	8,098	General Law	Appointed	
Manhattan Beach	35,619	General Law	Appointed	
Manteca	72,880	General Law	Appointed	City Manager
Maricopa	1,180	General Law	Elected	
Marina	20,268	Charter	Appointed	
Martinez	36,842	General Law	Elected	N/A
Marysville	12,266	Charter	Appointed	
Maywood	27,758	General Law	Elected	
McFarland	13,745	General Law	Elected	
Mendota	11,225	General Law	Appointed	
Menifee	83,716	General Law	Appointed	City Manager
Menlo Park	32,896	General Law	Appointed	City Manager
Merced	81,130	Charter	Appointed	City Manager
Mill Valley	14,257	General Law	Appointed	
Millbrae	22,605	General Law	Appointed	
Milpitas	70,092	General Law	Appointed	City Manager
Mission Viejo	95,334	General Law	Appointed	City Manager
Modesto	206,785	Charter	Appointed	City Council
Monrovia	37,162	General Law	Elected	
Montague	1,440	General Law	Appointed	
Montclair	37,374	General Law	Appointed	City Manager
Monte Sereno	3,450	General Law	Appointed	
Montebello	63,527	General Law	Elected	
Monterey	28,381	Charter	Appointed	City Manager
Monterey Park	61,777	General Law	Elected	N/A

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Moorpark	35,172	General Law	Appointed	City Manager/City Council
Moraga	16,348	General Law	Appointed	Town Manager
Moreno Valley	199,258	General Law	Appointed	City Council
Morgan Hill	41,197	General Law	Elected	N/A
Morro Bay	10,276	General Law	Appointed	
Mount Shasta	3,392	General Law	Elected	
Mountain View	76,781	Charter	Appointed	City Council
Murrieta	106,425	General Law	Appointed	City Manager
Napa	78,358	Charter	Appointed	City Council
National City	59,381	General Law	Elected	N/A
Needles	4,908	Charter	Appointed	City Manager
Nevada City	3,016	General Law	Elected	
Newark	43,856	General Law	Appointed	Administrative Services Director
Newman	10,668	General Law	Appointed	
Newport Beach	86,874	Charter	Appointed	City Council
Norco	26,582	Charter	Appointed	
Norwalk	106,630	General Law	Appointed	City Manager
Novato	52,967	General Law	Appointed	City Manager
Oakdale	21,442	General Law	Elected	N/A
Oakland	404,355	Charter	Appointed	
Oakley	38,075	General Law	Appointed	City Manager
Oceanside	171,183	Charter	Elected	N/A
Ojai	7,594	General Law	Elected	N/A
Ontario	167,382	General Law	Elected	N/A
Orange	139,279	General Law	Elected	
Orange Cove	9,410	General Law	Appointed	
Orinda	18,089	General Law	Appointed	
Orland	7,683	General Law	Appointed	
Oroville	15,980	Charter	Appointed	City Administrator
Oxnard	203,645	General Law	Elected	N/A
Pacific Grove	15,431	Charter	Appointed	
Pacifica	38,292	General Law	Appointed	
Palm Desert	50,417	Charter	Appointed	City Manager
Palm Springs	46,135	Charter	Appointed	City Manager

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Palmdale	155,657	Charter	Appointed	
Palo Alto	66,861	Charter	Appointed	City Council
Palos Verdes Estates	13,665	General Law	Appointed	City Manager
Paradise	26,109	General Law	Appointed	Town Council
Paramount	55,051	General Law	Appointed	
Parlier	15,019	General Law	Appointed	
Pasadena	140,879	Charter	Appointed	City Council
Patterson	20,922	General Law	Appointed	
Perris	72,103	General Law	Elected	N/A
Petaluma	59,000	Charter	Appointed	City Council
Pico Rivera	63,873	General Law	Appointed	City Manager
Piedmont	11,023	Charter	Appointed	
Pinole	18,794	General Law	Appointed	City Council
Pismo Beach	7,705	General Law	Appointed	City Manager
Pittsburg	66,368	General Law	Elected	N/A
Placentia	52,094	Charter	Elected	
Placerville	10,527	General Law	Appointed	City Manager
Pleasant Hill	33,872	General Law	Appointed 11/16	City Council
Pleasanton	73,067	General Law	Appointed	City Manager
Plymouth	976	General Law	Elected	
Point Arena	454	General Law	Appointed	
Pomona	151,713	General Law	Appointed	City Council
Port Hueneme	22,399	Charter	Appointed	Deputy City Manager
Porterville	55,697	Charter	Appointed	City Manager
Portola	1,982	General Law	Appointed	
Portola Valley	4,480	General Law	Appointed	City Manager
Poway	48,979	General Law	Appointed	City Manager
Rancho Cordova	67,839	General Law	Appointed	City Manager
Rancho Cucamonga	172,299	General Law	Elected	N/A
Rancho Mirage	17,745	Charter	Appointed	City Council
Rancho Palos Verdes	42,358	General Law	Appointed	City Manager
Rancho Santa Margarita	48,834	General Law	Appointed	City Manager
Red Bluff	14,131	General Law	Elected	N/A
Redding	91,207	General Law	Elected	N/A

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Redlands	69,882	General Law	Elected	N/A
Redondo Beach	67,717	Charter	Elected	N/A
Redwood City	80,768	Charter	Appointed	City Council
Reedley	25,122	General Law	Appointed	City Manager
Rialto	101,429	General Law	Elected	
Richmond	106,138	Charter	Appointed	
Ridgecrest	28,638	General Law	Appointed	
Rio Dell	3,347	General Law	Appointed	
Rio Vista	7,934	General Law	Appointed	City Manager
Ripon	14,855	General Law	Appointed	
Riverbank	23,243	General Law	Appointed	City Manager
Riverside	314,034	Charter	Appointed	City Council
Rocklin	59,672	General Law	Appointed	City Council
Rohnert Park	40,722	General Law	Appointed	City Manager
Rolling Hills	1,895	General Law	Appointed	City Manager
Rolling Hills Estates	8,184	General Law	Appointed	
Rosemead	54,762	General Law	Appointed	City Council
Roseville	126,956	Charter	Appointed	City Manager
Ross	2,461	General Law	Appointed	
Sacramento (Charter Officer)	475,122	Charter	Appointed	City Council
Salinas	155,205	Charter	Appointed	City Manager
San Anselmo	12,514	General Law	Elected	N/A
San Bernardino	212,721	Charter	Elected	
San Bruno	43,223	General Law	Elected - Appointed as of 11/17	
San Buenaventura	108,961	General Law	Appointed	
San Carlos	29,219	General Law	Appointed	City Manager
San Clemente	64,874	General Law	Appointed	
San Diego	1,345,895	Charter	Appointed	
San Dimas	34,072	General Law	Appointed	City Manager
San Fernando	24,222	General Law	Appointed	City Manager
San Francisco	837,442	Charter	Appointed	
San Gabriel	40,313	General Law	Elected	
San Jacinto	45,563	General Law	Appointed	City Manager
San Joaquin	4,056	General Law	Appointed	City Manager

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
San Jose	1,000,536	Charter	Appointed	City Council
San Juan Bautista	1,905	General Law	Elected	
San Juan Capistrano	35,900	General Law	Appointed	City Council
San Leandro	87,691	Charter	Appointed	City Manager
San Luis Obispo	45,473	Charter	Appointed	City Manager
San Marcos	90,179	Charter	Appointed	City Manager
San Marino	13,341	General Law	Appointed	City Manager
San Mateo	100,106	Charter	Appointed	City Manager
San Pablo	29,465	General Law	Elected	
San Rafael	58,566	Charter	Elected	
San Ramon	77,270	Charter	Appointed	City Manager
Sand City	343	Charter	Appointed	
Sanger	24,908	General Law	Appointed	City Manager
Santa Ana	331,953	Charter	Appointed	
Santa Barbara	90,385	Charter	Appointed	Administrative Services Director
Santa Clara	121,229	Charter	Elected	N/A
Santa Clarita	209,130	General Law	Appointed	
Santa Cruz	63,440	General Law	Appointed	
Santa Fe Springs	17,349	General Law	Appointed	City Manager
Santa Maria	101,103	Charter	Elected	
Santa Monica	92,185	Charter	Appointed	City Council
Santa Paula	30,448	General Law	Elected	
Santa Rosa	170,236	Charter	Appointed	City Manager
Santee	55,806	Charter	Appointed	City Council
Saratoga	30,887	General Law	Appointed	
Sausalito	7,175	General Law	Appointed	City Manager
Scotts Valley	11,954	General Law	Appointed	City Manager
Seal Beach	24,591	Charter	Appointed	
Seaside	33,534	General Law	Appointed	
Sebastopol	7,440	General Law	Appointed	City Council
Selma	23,977	General Law	Appointed	City Manager
Shafter	17,461	Charter	Appointed	City Manager
Shasta Lake	10,128	General Law	Appointed	City Manager
Sierra Madre	11,094	General Law	Elected	

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Signal Hill	11,411	Charter	Appointed	
Simi Valley	126,305	General Law	Appointed	
Solana Beach	13,099	General Law	Appointed	City Manager
Soledad	24,997	General Law	Appointed	
Solvang	5,363	Charter	Appointed	
Sonoma	10,801	General Law	Appointed	City Manager
Sonora	4,789	General Law	Appointed	
South El Monte	20,426	General Law	Appointed	
South Gate	96,057	General Law	Elected	
South Lake Tahoe	21,409	General Law	Elected	N/A
South Pasadena	26,011	General Law	Elected	N/A
South San Francisco	65,710	General Law	Appointed	
St Helena	5,943	General Law	Appointed	
Stanton	38,963	General Law	Appointed	
Stockton	300,899	Charter	Appointed	City Council
Suisun City	28,549	General Law	Elected	N/A
Sunnyvale	147,055	Charter	Appointed	Assistant City Manager
Susanville	15,832	General Law	Appointed	City Administrator
Sutter Creek	2,442	General Law	Appointed	
Taft	8,942	General Law	Elected	N/A
Tehachapi	13,346	General Law	Elected	
Tehama	417	General Law	Appointed	
Temecula	106,289	General Law	Appointed	
Temple City	36,134	Charter	Appointed	
Thousand Oaks	129,039	General Law	Appointed	City Manager
Tiburon	9,090	General Law	Appointed	
Torrance	147,706	Charter	Elected	N/A
Tracy	85,146	General Law	Appointed	Assistant City Manager
Trinidad	361	General Law	Appointed	
Truckee	15,981	Charter	Appointed	Town Manager
Tulare	61,857	Charter	Appointed	
Tulelake	1,011	General Law	Appointed	
Turlock	70,132	General Law	Appointed	City Manager
Tustin	78,360	General Law	Appointed	

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Twentynine Palms	26,576	General Law	Appointed	
Ukiah	16,185	General Law	Appointed	
Union City	72,155	General Law	Appointed	City Manager
Upland	75,147	General Law	Appointed	
Vacaville	93,613	General Law	Elected	N/A
Vallejo	118,470	Charter	Appointed	City Manager
Ventura		Charter	Appointed	City Manager
Vernon	122	Charter	Appointed	
Victorville	120,590	Charter	Appointed	
Villa Park	5,935	General Law	Appointed	
Visalia	129,582	Charter	Appointed	
Vista	96,122	Charter	Appointed	City Manager
Walnut	30,112	General Law	Appointed	
Walnut Creek	66,183	General Law	Appointed	
Wasco	26,159	General Law	Elected	City Manager
Waterford	8,619	General Law	Appointed	City Manager
Watsonville	52,508	Charter	Appointed	City Council
Weed	2,956	General Law	Appointed	
West Covina	107,828	General Law	Elected	
West Hollywood	35,072	General Law	Appointed	Director HR/Administrator
West Sacramento	50,836	General Law	Appointed	
Westlake Village	8,386	General Law	Appointed	City Manager
Westminster	91,652	General Law	Appointed	City Manager
Westmorland	2,301	General Law	Elected	
Wheatland	3,495	General Law	Appointed	City Manager
Whittier (Clerk/Treasurer)	86,538	Charter	Appointed	City Manager
Wildomar	33,718	General Law	Appointed	City Manager
Williams	5,363	General Law	Appointed	
Willits	4,937	General Law	Appointed	
Willows	6,154	General Law	Appointed	
Windsor	27,104	General Law	Appointed	Town Manager
Winters	6,979	General Law	Elected	N/A
Woodlake	7,711	Charter	Appointed	
Woodland	57,223	General Law	Appointed	City Manager

City	Population	General Law or Charter	Appointed or Elected City Clerk	If Appointed, Who Does City Clerk report to?
Woodside	5,496	General Law	Appointed	Town Manager
Yorba Linda	67,069	General Law	Appointed	
Yountville	3,017	General Law	Appointed	City Manager
Yreka	7,840	General Law	Appointed	
Yuba City	65,677	General Law	Appointed	
Yucaipa	52,654	General Law	Appointed	
Yucca Valley	21,053	General Law	Appointed	



City of Sierra Madre Agenda Report

Gene Goss, Mayor
Rachelle Arizmendi, Mayor Pro Tem
John Capoccia, Council Member
Denise Delmar, Council Member
John Harabedian, Council Member

Melinda Carrillo, City Clerk
Michael Amerio, City Treasurer

TO: Members of the City Council

FROM: Gene Goss, Mayor

INITIATED BY: Laura M. Aguilar, Assistant to City Manager 

DATE: May 10, 2016

SUBJECT: CITY COUNCIL LIAISON APPOINTMENTS AND CONSIDERATION OF RESOLUTIONS 16-27, 16-28, AND 16-29, PERTAINING TO APPOINTMENTS TO THE L.A. SANITATION DISTRICTS, SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS, AND CALIFORNIA JOINT POWERS INSURANCE AUTHORITY, RESPECTIVELY

SUMMARY

Mayor Goss has prepared his list of recommended appointments, which will be presented at the May 10, 2016 Council meeting. A few of the appointments require the approval of a resolution, and draft resolutions are attached to this report. The appointments requiring authorization by resolution are: the Los Angeles County Sanitation Districts, San Gabriel Valley Council of Governments and the California Joint Powers Insurance Authority.

ANALYSIS

With liaison appointments, the intent of the assignments is to ensure that the City Council can enjoy the reciprocal communication with the respective commissions, committees, and organizations. Similarly, the City Council liaisons actively participate in inter-jurisdictional organizations to ensure the interests of the community are represented in regional public policy discussions.

Traditionally the Mayor makes recommended appointments of City Council members to commissions and organizations. The Mayor's recommendations will be included in the chart that is presented. Additionally, it is recommended that the City Council adopt resolutions appointing the Mayor and Mayor Pro Tem as the voting member and alternate member of the Los Angeles County Sanitation District, and adopt resolutions

making liaison appointments to the San Gabriel Valley Council of Governments and the California Joint Powers Insurance authority. All appointments would be effective immediately.

FINANCIAL REVIEW

There is no direct financial impact associated with the appointments; other than staff time preparing this report.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of the report are available on the City's website at www.cityofsierramadre.com, at City Hall and the Sierra Madre Public Library.

ALTERNATIVES

The City Council has the following options:

1. The City Council could accept the Mayor's appointments and authorize the attached resolutions.
2. The City Council may request additional information from the Mayor.

RECOMMENDATION

It is recommended that the City Council accept the Mayor's designation of City Council Members to various commissions/organizations/agencies, and the City Council adopt the attached resolutions.

Attachments:

1. Liaison Chart
2. Los Angeles County Sanitation Districts Resolution 16-27
3. San Gabriel Valley Council of Governments Resolution 16-28
4. California Joint Powers Insurance Authority Resolution 16-29

Sierra Madre City Council Liaisons

Commission/Committee	15-16* Liaison	15-16* Alternate	16-17* Liaison	16-17* Alternate
Planning Commission 1 st & 3 rd Thursday, 7 PM	Capoccia	Arizmendi		
Senior Community Commission 1st Thursday, 3 PM	Arizmendi	Harabedian		
Community Services Commission 3 rd Monday, 6 PM	Goss	Capoccia		
Energy, Environment and Natural Resources Commission 3 rd Wednesday, 7 pm	Harabedian	Harabedian		
Library Board of Trustees 4 th Wednesday, 7 PM	Delmar	Goss		

Ad Hoc Committee/Organization Standing Sub-Committee	15-16 Liaison	15-16 Alternate	16-17 Liaison	16-17 Alternate
Volunteer Fire Department Wednesday (odd months) 7 PM	Delmar	Goss		
Chamber of Commerce	Arizmendi	Harabedian		
Sierra Madre Elementary School	Arizmendi	Capoccia		
LA County Sanitation District 4 th Wednesday, 1:30 PM	Capoccia	Goss	Goss	Arizmendi
Sierra Madre Police Dept.	Goss	Arizmendi		
Council Water Sub-Committee	Capoccia	Goss		
Public Safety Committee	Goss	Arizmendi		

Associations	15-16 Liaison	15-16 Alternate	16-17 Liaison	16-17 Alternate
San Gabriel Valley COG 3 rd Thursday, 6 PM	Harabedian	Capoccia		
Southern California Association of Governments	Arizmendi	Delmar		
League of Calif. Cities 1 st Thursday, 6 PM	Delmar	Harabedian		
Foothill Workforce Investment Board	Harabedian	Delmar		
Calif. Joint Powers Ins. Authority 4 th Wed. 5:30 PM	Delmar	Arizmendi		
Independent Cities Assoc.	Goss	Delmar		

ATTACHMENT

RESOLUTION 16-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE AFFIRMING THE DESIGNATION OF A MEMBER AND AN ALTERNATE MEMBER TO THE COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, County Sanitation Districts of Los Angeles County are made up of 25 separate Sanitation Districts working cooperatively under a Joint Administration Agreement; and

WHEREAS, the newly appointed Mayor of each city within the District automatically is appointed a Director of the County Sanitation Districts; and

WHEREAS, each city is also requested to appoint the Mayor Pro Tem as an alternate director of the Board of Directors of County Sanitation District No. 15 of Los Angeles County to act in the place of the presiding officer of the City Council during his absence, inability or refusal to act as a representative of said Sanitation District 15.

NOW, THEREFORE BE IT RESOLVED, the City Council hereby appoints Mayor Gene Goss as a Director of the County Sanitation District, and Mayor Pro Tem Rachelle Arizmendi as the alternate representative to the Los Angeles County Sanitation District Board effective immediately.

APPROVED AND ADOPTED this 10th day of May, 2016

Mayor Gene Goss

ATTEST

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the 10th day of May, 2015.

AYES:

NOES:

ABSENT:

City Clerk Melinda Carrillo
City of Sierra Madre, California

RESOLUTION 16-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE AFFIRMING THE DESIGNATION OF A MEMBER AND ALTERNATE MEMBER TO THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, the San Gabriel Valley Council of Governments provides a vehicle for the members to voluntarily engage in regional and cooperative planning and coordination of government services and responsibilities for the collective benefit of cities in the San Gabriel Valley; and

WHEREAS, the City Council hereby appoints _____ to represent the City of Sierra Madre as a representative of the San Gabriel Valley Council of Governments; and

WHEREAS, the City Council hereby appoints _____ to represent the City of Sierra Madre as an alternate representative of the San Gabriel Valley Council of Governments to act in the place of the designated representative during his/her absence, inability or refusal to act as a representative of said Council of Governments.

NOW, THEREFORE BE IT RESOLVED, the City Council hereby appoints _____ to serve as the City's representative and appoints _____ as the alternate representative of the San Gabriel Valley Council of Governments effective immediately.

APPROVED AND ADOPTED this 10th day of May, 2016.

Mayor Gene Goss

ATTEST

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the 10th day of May, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk, Melinda Carrillo
City of Sierra Madre, California

RESOLUTION 16-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPOINTING
A VOTING DELEGATE AND ALTERNATE TO THE SOUTHERN CALIFORNIA JOINT
POWERS INSURANCE AUTHORITY (SCJPIA)**

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY RESOLVE:

WHEREAS, members of the Southern California Joint Powers Insurance Authority (SCJPIA) are made up of council members, city managers, finance officers and risk managers, and

WHEREAS, as members of the SCJPIA, one member of the City Council is required to serve as the voting delegate to attend annual Board of Directors' meetings and other special meetings as considered necessary; and

WHEREAS, the City is requested to appoint alternates to act in place of the voting delegate during his/her absence, inability or refusal to act as a representative of said SCJPIA.

NOW, THEREFORE BE IT RESOLVED, the City Council hereby appoints Council Member _____ to serve as the City's voting delegate and appoints _____ as the alternate voting delegate of the Southern California Joint Powers Insurance Authority effective immediately.

APPROVED AND ADOPTED this 10th day of May, 2016.

Mayor Gene Goss

ATTEST

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the 10th day of May, 2016.

AYES:

NOES:

ABSENT:

City Clerk, Melinda Carrillo
City of Sierra Madre, California