

March 27, 2009

Exposition Metro Line Construction Authority
Attn: Monica Born, PE, Project Director
707 Wilshire Boulevard, 34th Floor
Los Angeles, CA 90017

Re: EXPOSITION CORRIDOR TRANSIT PROJECT PHASE II
DRAFT ENVIRONMENTAL IMPACT REPORT COMMENTS
(State Clearinghouse No. 2007021109)

VIA: Personal Delivery, and E-Mail

Dear Ms. Born:

The Cheviot Hills Homeowners' Association (CHHA) appreciates the opportunity to comment on the 2009 Exposition Corridor Transit Project Phase II (Phase 2) Draft Environmental Impact Report (DEIR).

INTRODUCTION AND HISTORY

The CHHA is incorporated as a non-profit homeowners' association representing a geographic area that encompasses approximately 1400 single-family homes. CHHA was incorporated to support and defend quality of life issues defined by the stable, mostly single-family residential neighborhood, whose first homes date back to the early 1920s. Within or adjacent to our boundaries are Overland Avenue Elementary School, the Riddick Youth Center, Beverly Hills Country Club, Rancho Park Golf Course, Palms Park Recreation Center, and Palms/Rancho Park Library. Our northern border is Cushdon Avenue (south side), Lorenzo Drive and Monte Mar Terrace. The eastern border is Patricia Avenue, near the Rancho Park Golf Course, and Anchor Avenue further east. The southern border is Queensbury Drive and Motor Avenue. Overland Avenue defines the Western border from Cushdon to Exposition/Northvale Road. Motor Avenue and Pico, in the shadow of Fox Studio and Century City, is the northern gateway to the Cheviot Hills Community and Motor at Manning Avenue is the southern portal. The southwestern border of the community is defined by the Exposition Right-of-Way (Expo ROW, or ROW) emerging from a tunnel under the I-10 Freeway into a trench where it rises gradually to street level a few blocks before Overland Avenue.

The Expo ROW is an abandoned rail corridor, now owned by MTA, whose historical use as passenger rail line was limited from 1920 to 1953, to a single round trip a day, leaving Santa Monica at 6:45 a.m. going to Los Angeles and returning at 5:30 p.m. Freight movement was mostly confined to evening hours so as not to interfere with traffic. Some at-grade intersections were protected by flagman, others were stop and proceed. If the trains did proceed through

intersections, the speeds were limited to 10 miles per hour. If the freight line ran today in the Expo Corridor it would most likely be grade separated as Mayor Villaraigosa has recently committed Prop 1B and Measure R funds to speed up freight and unblock traffic by grade separating trains in the port areas and throughout Los Angeles.

After considered and lengthy review of the Phase 2 DEIR, recently completed and published by the Exposition Construction Authority (Expo Authority), and in light of the CHHA mandate to preserve quality of life standards in our community, CHHA cannot support the Phase 2 light rail project as proposed. If the project is to be built, the following flaws, as described herein, need to be remedied: faulty data, flawed methodology, misleading project description, insufficient impact identification and measurements, mitigation deficiencies, limited Traffic Study Area, flawed Alternative Analysis evaluation, unsafe grade crossing analysis, poor public notification and retention of records, failure to adhere to California Environmental Quality Act (CEQA), failure to respond to scoping comments, failure to fully analyze cumulative impacts, and others. Our attempt has been to be thorough, but in no way should these comments be construed as exhaustive or dispositive. The CHHA hereby requests that the following comments be entered into the administrative record of the project.

THE DEIR DOES NOT EVALUATE ALL FEASIBLE ALTERNATIVES.

CEQA Guidelines states that “it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (§ 21002.) They further state, “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” The Expo Authority has clearly failed in their analysis of alternatives. The DEIR does not discuss a reasonable range of feasible alternatives, improperly rejects suggested feasible below grade and aerial designs, and fails to provide sufficient information regarding a choice of alternatives that would significantly reduce or eliminate significant environmental impacts.

Further, the 2001 *Mid-City/Westside Transit Corridor Draft EIS/EIR* studied light rail on Segment 1a, LRT Alternatives 3 and 4, the Venice/Sepulveda route, between Robertson and Sawtelle. The 2009 DEIR makes no accounting of how the 2001 DEIR analysis, which designed the entirety of Segment 1a (Alternative #3 in the 2001 DEIR) as an at-grade alignment from Robertson to Sawtelle, with one single property taking, changed to a radically different design which in 2009 necessitates up to 194 property acquisitions and 197 displaced residents. What physical, economic, demographic, or environmental changes in Segment 1a (LRT Alt.3 and 4) precipitated the radically different analysis of the feasible operation of light rail in the same corridor 8 years later? Are there newly identified risks or impacts to an at-grade alignment on Segment 1a that were unidentified in 2001? If the 2001 at-grade alignment on Segment 1a (Alternative #3 in the 2001 DEIR) was fairly compared to the current at-grade alignment of Segment 1 (ROW), for ridership, access to transit dependent households, proximity to employment centers, traffic and land use impacts, and opportunity for Transit Oriented Development, would Segment 1 still be the environmentally preferred alternative? The changes

in the project description on Segment 1a (Alternative #3 in the 2001 DEIR) from the 2001 DEIR to the 2009 DEIR are further support for the insufficient 2009 DEIR study of grade separated alternatives on Segment 1, LRT Alternatives 1 and 2. Segment 1a has been more thoroughly studied than Segment 1 and with radically different conclusions over 8 years. Segment 1 needs to be more thoroughly studied, with all grade crossing options fairly evaluated, or it cannot be determined to be environmentally superior.

THE METRO GRADE CROSSING POLICY CIRCUMVENTS SAFETY AND DEFERS OR ENVIRONMENTAL REVIEW.

The DEIR states that the at-grade crossing designs were determined by application of the Metro Grade Crossing Policy, but The Metro Grade Crossing Policy (GCP) is not a safety based policy. According to 20 year veteran and former lead NTSB accident investigator, Russell Quimby, "...as far as I can tell, the policy has nothing whatsoever to do with safety and is concerned almost entirely with Metro's operational convenience regardless of safety concerns... In other words, if the traffic volume and train frequency were deemed sufficiently high, the crossing was grade separated; if traffic volume and/or train frequency were low, the crossing was designated at grade. The only 'further analysis required' involved further refinements to already designated at-grade crossings."

U.S.C. Professor, Dr. Najmedin Meshkati, a world renowned "Human Factors" professor and researcher, quoted in his recent sworn testimony before the CPUC from *How Well Can Child Pedestrians Estimate Potential Traffic Hazard?* a seminal research article by Sarkar, S, et al., "because they are unable to appreciate interrelationships among duration, velocity, and distance until about the age of 11" Children's hazardous decisions while crossing roads can be attributed to their "short attention span for failure to orient themselves. Children also forget instructions during times of impulsive behavior or confusing conditions." Professor Meshkati goes on to say, "Good alignment choices and design geometry are essential for safe LRT operation. The LRT alignment must be chosen carefully with full consideration given to motor vehicle and pedestrian travel patterns and roadway operating conditions. Where the geometry is poor, traffic control devices may provide relatively little safety benefit. Accident analysis indicates that most collisions (92%) occur in shared rights-of-way under 35 mph even though these alignments account for the smallest percentage of the total system mileage (31%). This is because shared rights-of-way have the greatest potential for conflicts." Has Expo undergone any additional safety analysis beyond the application of the GCP in its decision to construct an at-grade crossing at Overland at Northvale/Exposition crossing within 75 feet of Overland School? What other criteria has Expo used to determine at-grade crossings at Bagley, Westwood, Military Sepulveda, and Barrington?

The application of the Metro Grade Crossing Policy, which is predisposed to determining all crossings at-grade before they are environmentally reviewed, prematurely eliminates grade separated alternatives which may be environmentally superior, thus undermining CEQA Guidelines. By using the insufficient standard of measuring "individual traffic lane volumes" to purge grade separated crossings before CEQA/NEPA evaluation, the public is put at risk for unsafe at-grade crossings. The environmental impacts of at-grade rail compared to grade separated rail may never be evaluated at all because of economic interests. The Grade Crossing

Policy undermines the CEQA/NEPA Alternative Analysis criteria and the California Public Utilities Commission (CPUC) safety criteria by making the initial crossing design decisions outside the evaluative processes of those regulatory bodies. Why hasn't MTA (Metro) revised the GCP to include safety criteria and environmental impacts in their grade crossing determinations? CEQA and the CPUC both say that safety and environmental criteria should weigh more heavily than costs. Why has Expo chosen to ignore state rightful oversight and guidelines on safety and environmental impacts? Following are rail grade separation guidelines from the *Railroad-Highway Grade Crossing Handbook - Revised Second Edition August 2007* which should be incorporated into the GCP as they appropriately apply to light rail crossings.

“Grade Separation

The decision to grade separate a highway-rail crossing is primarily a matter of economics. Investment in a grade-separation structure is long-term and impacts many users. Such decisions should be based on long-term, fully allocated life-cycle costs, including both highway and railroad user costs, rather than on initial construction costs. Such analysis should consider the following:

- Eliminating train/vehicle collisions (including the resultant property damage and medical costs and liability).
- Savings in highway-rail grade crossing surface and crossing signal installation and maintenance costs.
- Driver delay cost savings.
- Costs associated with providing increased highway storage capacity (to accommodate traffic backed up by a train).
- Fuel and pollution mitigation cost savings (from idling queued vehicles).
- Effects of any “spillover” congestion on the rest of the roadway system.
- Benefits of improved emergency access.
- Potential for closing one or more additional adjacent crossings.
- Possible train derailment costs.”

It could not be clearer. Grade separations may be the most expensive part of rail construction's upfront capital costs but they also provide the greatest level of safety for pedestrians, cyclists, vehicles and rail passengers. When considering lifecycle costs of a 75-100 year project and the superior environmental/safety mitigation of grade separations, they are a better economic choice. Knowing this, how did the Expo Authority fail to study grade separations on Segment 1, LRT Alternatives 1 and 2, and yet declared that at-grade route to be the environmentally superior alternative? At-grade crossings have severe adverse safety and environmental impacts that cannot be mitigated to community standards. Recognizing the greater level of safety and mitigation for environmental impacts, the CHHA requests that an underground alignment be studied, funded and built if LRT Alternative 1 or 2 is chosen as the Locally Preferred Alternative.

THE DEIR IMPROPERLY RESTRICTS THE PROJECT STUDY AREA AND THUS FAILS TO ADEQUATELY STUDY TRAFFIC.

The Traffic Study Area is not sufficiently large to evaluate all of the traffic and safety impacts of the Phase 2 Expo project. It does not consistently follow the ½ mile study area identified in the DEIR. West Los Angeles is highly congested and the north/south streets along the entire

Exposition right-of-way are heavily impacted with existing traffic and the environmental challenges that brings. They will be even more impacted if motorists have to wait for light rail trains to cross at street level across 4 north/south streets within ¾ mile, as frequently as 2 ½ minutes, for as long as 82 seconds, 22 hours a day.

Pico Boulevard at Manning Ave, Overland Ave, Westwood Blvd. and continuing to west of Veteran Ave is not part of the traffic study area even though they are within the ½ mile study area defined by the DEIR. So evaluation of cut through traffic, traffic queuing and delay at Pico Boulevard has not been studied for impacts to the communities of Beverlywood, Cheviot Hills, Tract 7260, California Country Club, and Westwood South of Santa Monica among others. What are the potential traffic impacts to those intersections and those communities? How is air quality impacted? What is the impact on greenhouse gas emissions from increased traffic congestion?

Westwood and Overland are north/south streets that support a significant portion of the traffic between the I-10 Freeway and major employment centers, including UCLA, (community of) Westwood, Century City and Rancho Park. Although the intersection of Pico and Motor Avenue is about 1.5 miles away from the Exposition right-of-way, Motor Avenue is the main street in and out of the Cheviot Hills neighborhood. The Motor Avenue Bridge will be the only train crossing which is grade separated between Motor and Sepulveda so Motor can expect to see a significant increase in traffic. Traffic counts and analysis should be conducted for the intersections of Pico and Westwood, Pico and Overland, Pico and Manning, Pico and Patricia, Pico and Beverly Glen, and Pico at Motor, regardless of whether or not they are within ½ mile of the Exposition right-of-way, because of the potentially significant traffic impacts to the north/south streets.

Underground crossings at Overland, Westwood, Military and Sepulveda would mitigate the significant adverse traffic impacts caused by an at-grade alignment, except those caused during the construction period. Elevated crossings would mitigate the traffic impacts but may create other adverse impacts such as noise, loss of privacy to residences and the visual blight of a massive aerial structure over a mostly single story, lo-rise neighborhood.

RESTRICTED ACCESS FOR VEHICLES AND EMERGENCY SERVICE PROVIDERS INCREASES PUBLIC HEALTH AND SAFETY RISKS

The DEIR Expo ROW proposal (both LRT 1 and LRT 2 Alternatives) includes restricted access on certain streets in the area. Limiting access affects traffic circulation, increases traffic on other streets and further slows emergency response time for medical emergencies, fires, and crime. The DEIR proposes street modifications that would limit egress from residential neighborhoods and also increase public safety risks for residents who need to evacuate the area in a natural disaster such as an earthquake or a manmade disaster such as a train wreck or an explosion. These restrictions will increase the response time for fire personnel coming from Fire Station 92 located on the south side of Pico between Manning and Prosser Avenues that serves the CHHA neighborhood. The DEIR concludes that there will be no impact on fire department response time when, in fact, the traffic impacts of Expo Phase 2 LRT Alternatives 1 or 2 on the traffic on Pico Boulevard, where the fire station is located, were not studied. That location on Pico

Boulevard falls outside of the DEIR traffic study area. If traffic in the vicinity of Fire Station 92 is not studied then it is incorrect to conclude that there will be no delays to emergency response time from that station.

THE DEIR IMPROPERLY RESTRICTS THE PROJECT STUDY AREA AND THUS FAILS TO STUDY ECONOMIC IMPACTS.

The Exposition Construction Authority has stated that it will comply with FTA regulations regardless of the fact that they have withdrawn from seeking Federal environmental clearance (subject to NEPA Requirements) on the Expo Phase 2 Transit Project. If that is indeed the case, as it is recognized that the proposed Expo Phase 2 Transit Project may have economic impacts, those impacts should be included in the DEIR to be compliant with NEPA regulations, and thus with FTA environmental standards. The Expo Phase 2 Transit Project may cause substantial displacement of businesses and individuals, disrupt business activities, and influence regional construction costs. Because of the size and scope of the Expo Phase 2 Transit Project, the Exposition Construction Authority, as the lead agency, should include a detailed economic impact analysis for impacts to home values which might result in taxation changes, possibility of displacement of homes and businesses, costs of disruption to businesses during both construction and operation, and any influence on regional construction costs.

The Traffic Study Area is not sufficiently large to include study of the fiscal impacts to the businesses along Pico Blvd, Westwood Blvd and Overland Avenue (all within ½ mile of Expo) that will result from the physical changes to the environment as a result of construction and operation of Expo Phase 2.

- a) The estimated 4 years of construction will cause economic impacts that need to be studied.
- b) The potential for severe traffic impacts will cause fiscal impacts by impeding customer access and reducing parking options.
- c) Division of the entire WLA community between Overland and Sepulveda by an at-grade train alignment will discourage customers from accessing the local businesses from communities south by requiring stoppages at Exposition at each crossing up to 24 times per hour.

How will the fiscal/economic impacts to the local businesses from the Expo Phase 2 construction and operation be identified, studied and mitigation implemented?

A fully underground alignment would mitigate all of the economic impacts to businesses within ½ mile that are a result of the physical changes to the environment caused by the Expo project except those caused during the construction period. An elevated design would eliminate many of the impacts as well but may create other adverse environmental impacts.

TRAFFIC IMPACTS AT OVERLAND SCHOOL INCREASE SAFETY HAZARDS TO STUDENTS, STAFF AND OTHER PEDESTRIANS

The proposed at-grade crossing at Overland and Exposition/Northvale near Overland Avenue Elementary School will increase the safety hazards to students, staff and other pedestrians. Traffic circulation around Overland Avenue Elementary School and access to the student drop-off zone would be significantly impacted by the implementation of the Expo Phase 2 LRT Alternatives 1 or 2. The elimination of left turns from Northvale Road onto Overland Avenue

southbound would create severe vehicle queuing on Northvale both in the morning and afternoon drop-off times at Overland Avenue Elementary School. There is not enough distance between Northvale and Ashby Avenue on Overland to accommodate vehicle queuing for right turns amid the rush of northbound cars which would be crossing the Expo ROW at regular intervals subsequent to train gates lifting.

The DEIR incorrectly identifies the student drop-off zone location as Ashby Avenue. The student drop-off zone is located on the westbound side of Putney Road. Putney Road is a short block that dead ends at Northvale, causing cars that are leaving the drop-off zone to exit onto Northvale in either a northbound or southbound direction. Vehicle queuing on Northvale at Overland is likely to back up the entire length of this short block to Putney Road, blocking right turns from Putney Road onto Northvale and thus creating extended vehicle queuing and blockage in the drop-off zone itself. The large number of pedestrians in the area before and after school compounds the possibility of a catastrophic incident. How can Expo mitigate the severe impacts to pedestrians at this location? How can the traffic circulation be improved with the constraints imposed by the proposed at-grade Expo crossing at this location.

THE DEIR DOES NOT DISCLOSE OR ADDRESS SIGNIFICANT SAFETY RISK TO SCHOOL AGE CHILDREN AT OVERLAND ELEMENTARY SCHOOL.

Overland Avenue Elementary School is located on the Expo ROW Alternatives 1 and 2, 75 feet from the street-level Expo crossing at Northvale Road. Overland has approximately 500 students as young as 4 years old. The use of an at-grade crossing in the immediate vicinity of Overland Avenue Elementary School poses a significant safety hazard, particularly to young school age children, which has not been adequately addressed in the DEIR. The Expo Transit Project Phase 2 DEIR should study two additional alternatives, as originally requested during the scoping process, that analyze both a below-grade and an aerial alternative along the Expo ROW.

The DEIR improperly concludes that right-of-way accidents would not be a significant impact for pedestrians, particularly school age children, because of the installation of crossing barriers and fencing. This contradicts other sections of the DEIR that state walls would only be installed if necessary for noise and aesthetic mitigation compliance. Since the installation of walls and/or fences is not being proposed under any circumstances along the entire length of the project, the use of crossing gates would not sufficiently protect the children who must cross the path of the proposed light rail line. The DEIR should fully disclose these risks to Overland Elementary School, and should propose adequate mitigation measures to mitigate the risks to school children in the form of a below-grade or aerial alternative along the Expo ROW. If the light rail is below or above grade, the risk that school children will inadvertently enter the tracks when the light rail is coming is adequately mitigated.

RISK OF DERAILMENT

The DEIR should include evaluation and mitigation of derailment risk at the Overland Avenue and Northvale Road/Exposition Crossing. DEIR Drawing RW-006 shows the ROW as currently owned by MTA and proposes an expanded Expo ROW accomplished by the apparent acquisition of property, owned or recently owned, by the City of Los Angeles. Moving the Expo ROW and

train movement several feet closer to Overland Avenue Elementary School removes an important buffer to train derailment hazards to the school population and property, as well as vehicles and other pedestrians on Northvale Road.

Further, the CPUC requires a minimum line-of-sight at any at-grade railroad crossing and the current diagonal crossing at Overland Avenue and Exposition/Northvale has an insufficient line of sight. Due to the houses and trees along the east side of Overland Avenue from Dunleer Place to the Expo ROW near Northvale Road, the northbound Overland Avenue drivers have no visual warning of a train approaching other than the mechanical gates and possible LED warning lights. A catastrophic incident involving student pedestrians lined up waiting to cross the street is predictable, in the likelihood of a mechanical failure of the gates or lights, and a northbound driver's failure to perceive or obey the traffic or warning lights. The risk to vehicles and train passengers is increased as well. Given that Overland Avenue Elementary School classrooms and a kindergarten yard are less than 75 feet from the possible impact site, a sufficient crash wall that would protect the school site from the risk of train derailment should be devised and installed at a minimum, prior to the testing or revenue service. An underground alignment and crossing at Overland Avenue would eliminate the risk of derailment and elevated train crossing may increase the chance and severity of impacts should a derailment occur.

THE PROPOSED MITIGATION MEASURES FOR MITIGATING SAFETY HAZARDS TO SCHOOL CHILDREN AND PEDESTRIANS ARE NEITHER ADEQUATE NOR ENFORCEABLE.

The DEIR states that educational programs, and compliance with “policies and procedures that have been developed to reduce the possibility of an accident,” would be utilized to prevent pedestrians, and school children from entering the tracks. (See DEIR, page 3.15-6.) Also fences, barriers, and signs would be utilized to discourage people from walking onto the tracks. However, as mentioned above, these fences and barriers would not run along the entire length of the Expo ROW routes, thus at some points, there would not be fences or barrier to protect pedestrians. The DEIR also suggests that these measures “have been very effective in providing for both pedestrian and vehicular safety.” (DEIR, page 3.2-85.) However, as a measure of the “success” of these measures, the DEIR points out that only seven auto/train collisions at gated crossings, seven auto/train collisions at non-gated, traffic-signal-controlled crossings, and one non-gated crossing “incident” with a pedestrian have occurred on the Pasadena Gold Line which uses these mitigation measures. If fourteen collisions with vehicles and one collision with a pedestrian is not “significant” then the thresholds of significance need to be adjusted. The loss of human life is surely a significant impact. If the proposed mitigation measures have allowed so many collisions in Pasadena, why would they perform any better on the Westside of Los Angeles? The DEIR itself shows that the proposed mitigation measures are not adequate. The EIR should fully disclose the inadequacy of the proposed mitigation measures, and their impacts on human safety. A below-grade or aerial alignment would prevent the tragedies that have occurred in Pasadena, and elsewhere around the Southern California region.

SAFETY

The DEIR must fully disclose and analyze all potential impacts to public safety, including the

potentially disastrous impacts that could occur as a result of not grade-separating the project. When a train or light rail runs through an urban area, the potential for collisions with vehicles, bicyclists, and pedestrians are great. The DEIR must disclose these safety implications, and implement mitigation measures that will actually mitigate these risks to public safety. CEQA requires identification and mitigation of a project that would “substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections). A significant and catastrophic impact is likely to occur at every at-grade train crossing. Do train safety warning devices and crossing gates eliminate all safety hazards of at-grade rail? Underground crossings eliminate a greater number of safety hazards than any at-grade crossing, even with every imaginable safety mitigation installed. Why, then is an underground alignment not studied in the DEIR? Why were underground crossings eliminated from being chosen as the environmentally superior alternatives they are?

PARKING IMPACTS ON RESIDENTIAL NEIGHBORHOODS AND ADJACENT COMMERCIAL STREETS FROM PARKING AREAS AT THE WESTWOOD BOULEVARD RAIL STATION

Parking impacts would occur as a result of the implementation of the proposed parking area adjacent to the Westwood Boulevard Station that are not being mitigated completely, yet the DEIR concludes that the impacts will be less than significant after mitigation. For example, the Westwood Boulevard Station will have 170 parking spaces adjacent to the station on the north and south side of the rail tracks. The study identifies 286 spaces are needed based upon parking surveys conducted during the daytime on weekdays. Determining the need based upon parking survey information limited to daytime hours is insufficient to produce accurate and complete information. Commuters who would access light rail transportation at the Westwood Boulevard Station would park either in the station lot or in the surrounding neighborhood. It is reasonable to expect that they would not leave their vehicles only during the daytime hours, but predictably commuter parking would extend into the evening hours, overlapping with residents' parking needs when they return home from work. Therefore, the parking demand surveys and analysis should also include and be based upon evening hours to reflect the true demand and extent of the impact and thus determine whether the proposed mitigation measure would be sufficient. Additionally, the accuracy and reliability of the parking surveys are questionable when the surveys state that only one car was parked on the south side of Ashby between Westwood and Overland. Ashby Avenue is a heavily congested street that has very little parking available on either side of the street at any time during daytime, evenings and weekends. It is currently the case that opposing traffic on Ashby must often give way to oncoming cars as the narrow width of Ashby does not permit clearance for 2 cars passing when there are cars parked on both sides of the street, which is often the case. The proposed mitigation measure (MM TR-4) also limits the responsibility of Metro to that of paying for any studies and signage costs incurred by the local jurisdictions if permit parking is required. However, the mitigation measure EXPO proposes specifically excludes any cost incurred by the residents to pay for permit parking. Such permit parking would not be needed if the Westwood Boulevard station were not built there, or if sufficient parking was provided in the first place. Addressing a foreseeable impact and relegating the cost of mitigation to those impacted does not fulfill agency obligations under CEQA.

Furthermore, the access to the southern side of the Expo ROW is provided from both

Westwood and Overland with circulation impacts occurring through the neighborhood especially to the south. The Westwood Boulevard station is located in close proximity to the Sepulveda station, only ½ mile away. The Westwood Boulevard station should be limited to a pedestrian station only and it should not provide parking. Westwood Boulevard is served by several bus lines that have bus stops on the east and west sides of the street at Ashby as well as other bus stops at Pico and Westwood less than ½ mile away. The Sepulveda station should be designed to provide adequate parking for vehicular needs in the neighborhood. Eliminating the two proposed parking lots at the Westwood Boulevard Station would eliminate the impacts described above as well as minimize the light and glare impacts and flood hazard impacts

PARKING LOTS AND STATION PLACEMENT UNFAIRLY BURDEN WEST LOS ANGELES RESIDENTIAL COMMUNITIES.

Given the excessive cost of property within the study area Expo concluded that the parking "plan" would be limited to placing parking only on "public rights-of-way or on property that would be acquired for project-related features such as stations or guideways" (DEIR, page 2-63). The result is that parking is simply squeezed in wherever there is space without apparent regard to ridership, convenience or neighborhood impacts. Most of the proposed station parking is concentrated in the West Los Angeles portion of the Expo ROW, instead of developing a parking plan for the EXPO Transit Project Phase 2 that would distribute passenger loads to meet passenger demand and to encourage a more balanced traffic flow to and from each station. The number of parking spaces proposed for the City of Santa Monica (DEIR, Table 3.2-30) is 320 spaces maximum. This is woefully inadequate to serve the ridership demand in Santa Monica, and will likely result in increased demand for parking at stations in West Los Angeles. The placement of 250 parking spaces at the Expo/Bundy Station, 260 spaces at the Expo/Sepulveda Station, and 170 spaces at the Expo/Westwood Station will almost guarantee that passengers from the eastern part of Santa Monica will drive to and park at those locations, imposing a disproportionate burden of traffic, noise, and air quality impacts on the neighboring single-family residential communities in West Los Angeles. The security lighting, station activity and constant traffic circulation 22 hours a day will create noise, congestion, and loss of privacy. The assumptions in the DEIR regarding the Phase 2 alignment appear to be that most, if not all passengers want to go to Santa Monica, and that only 320 people in Santa Monica will drive to a station to take the train. Expo needs to re-evaluate the over saturation of stations and parking lots within West Los Angeles. At a minimum, passengers embarking from Santa Monica should be able to do so from within their own borders. Therefore parking lots need to be considered for the 17th Street Stations on Segment 3 or 3a, the Olympic and 26th Street Station, or an additional station with parking should be planned for eastern Santa Monica. Expo has not studied the adverse cumulative impacts of concentrating so many stations and parking in such a confined and congested area. Expo indicates that the community near the Westwood Station will experience, among other impacts, an increase in buses routed down Westwood to access the LRT station planned there. The removal of the station and 170 car parking lot at that location should be considered as mitigation for the cumulative impacts discussed elsewhere in this letter.

THE DEIR DOES NOT STUDY VIBRATION IMPACTS.

The DEIR acknowledges the relationship between the number of ground borne vibration daily events and the degree of annoyance, assessing adding an 8 VdB higher impact threshold if there are fewer than 30 events per day and a 3 VdB higher impact threshold for fewer than 70 events per day. The current train peak period headways are to predicted at 5 minutes, for a minimum of 6 hours a day there will be the possibility of 72 events in the morning and 72 in the afternoon rush hour, plus additional events occurring at a frequency of 12 events hourly when headways are 10 minutes. Those numbers suggest severe adverse impacts to some sensitive receptors such as residences, Overland School, and perhaps some businesses. Since ground vibration can vary from structure to structure what kind of analysis and mitigation will be done to eliminate adverse vibration impacts?

The closest Overland School classrooms are less than 100 feet from the light rail tracks as they approach and cross Overland Avenue at Northvale Road. The closest classrooms are, in fact, temporary bungalows, some of them in use on campus decades after their intended removal dates. Those classrooms are on temporary foundations that make them much more subject to vibration than structures with permanent foundations. Further, there are children with developmental disabilities meeting in those classrooms that may be more sensitive to the distraction of constant vibration. Kindergarten children are also meeting in some of the classrooms closest to the Expo tracks. Will Expo be retrofitting the “bungalows” by rebuilding the foundations so they are less likely to vibrate? The original Overland School buildings are 76 years old. Has evaluation been done to determine if the original window and hanging light fixtures will be subject to “annoying” vibration impacts? These impacts need to be identified and mitigation implemented prior to the beginning of construction to ensure that the Los Angeles Unified District (LAUSD) is not left with the responsibility of mitigating impacts created by the Expo project. The failure of Expo to mitigate vibration impacts, which are a physical change to the environment, should not create adverse Economic or Fiscal Impacts to LAUSD.

NOISE EVALUATIONS, CONCLUSIONS AND MITIGATION ARE FLAWED.

The current noise barrier on DEIR Drawing T-006 begins just north of Palms Park as the elevation of the train begins to rise to street level. The noise mitigation area is indicated only for the south/west side of the Expo ROW. Although the houses that face Dunleer Place are within 50 feet of the ROW, the DEIR fails to fully evaluate and mitigate for adverse noise impacts. The homes on Northvale Road, many less than 50 feet from the ROW, are at risk for severe noise impacts from both wheel squeal and the propulsion noise of the train traveling up to 55 miles per hour on this exclusive portion of the ROW. The entirety of the track as it exits the tunnel beneath the I-10 Freeway and passes Overland Avenue is on a curve which will produce substantial and prolonged wheel squeal. The DEIR measures sound from the light rail train to be close to 80 dBA at 100 feet and that does not consider wheel squeal. Many of the homes northeast of the ROW in Cheviot Hills are closer than 100 feet. The single long term ambient noise measurements taken on Northvale Road at Dunleer Place (DEIR, Table 3.12-1) averaged 65 Ldn (dBA). Noise from the train is estimated at 15 decibels louder, plus wheel squeal. That is considered severe by FTA Noise Impact Criteria (DEIR, Table 3.12-4). The cumulative impacts, given the proposed train frequency (24 times per hour) and duration (22 hours per day);

will present intolerable noise intrusion to homes along Northvale Road and perhaps east on adjacent streets.

Long-term measurement sites L-2, L-3 and L-4 (DEIR, Table 3.12-2) in the residential community of Cheviot Hills are insufficient to capture the impacts of nighttime noise on sensitive receptors with recurrent frequent impacts as often as every 5-10 minutes at night from at-grade intersections, wheel squeal, and propulsion noise. Separate nighttime measurements should be made and averaged to get an accurate nighttime average ambient noise to more clearly reflect impacts. Even the short term measurements on LRT Alternative 1 and 2, Segment 1, (DEIR, Table 3.12-2) were taken mid-afternoon even though the three locations on Segment 1a, Venice/Sepulveda Alternatives 3 and 4, were measured at night showing higher short term ambient noise levels. Nighttime ambient noise was not measured in the DEIR when and where people would most likely be sleeping or engaged in quiet or passive activities where noise might be more intrusive. The FTA standard assumes that nighttime noise levels are significantly lower. When the major source of daytime noise is identified, in this case the I-10 Freeway, the dramatic nighttime reduction can be easily quantified. The DEIR is unclear as to whether or not the FTA standard of adding 10 dBA for nighttime occurrences (DEIR, page 3.12-4) is added for every passing train throughout the night. This needs to be clarified. Since the FTA places residences in Land Use Category 2, "where nighttime sensitivity to noise is assumed to be of most importance" (DEIR, Table 3.12-3), NFSR asks that the residential areas along or within ¼ mile of the Expo ROW, on both sides be measured for night time noise and that those measurements be used as a baseline for the added noise so the severe noise impacts to homes are not underestimated. The methodology used to study noise is flawed in that it gives insufficient empirical data on the land use categories most sensitive to noise impacts. Using averages when there are definable and notable differences in sensitivity to noise between day and night is unacceptable because it under reports noise impacts.

CHHA is concerned about the adequacy of measuring sound on one side of the Expo ROW at site LT-2 starting at 11:49 pm, lasting for 43 hours and measuring 2 morning and 2 evening rush hour periods on the I-10 Freeway (the primary noise source), and then a week later measuring across the street at site LT-3 for only 24 hours including a single morning and evening rush hour. When taking long-term measurements close to a freeway interchange with several on ramps and exits nearby, simultaneous comparative measurements must be made if mitigation is going to rely on those measurements. A single police action on the freeway, circling helicopters, or a car accident would boost the averaged measurements. The longer the measured time, the more chance there is for the noise measurement to be elevated by single incidents. Noise measurements for locations on both sides of the Expo ROW need to be made concurrent in time to accurately evaluate the need for sound mitigation. Otherwise there is a likelihood of creating additional noise impacts by implementing mitigation at one location that will result in a reflected increase in noise on another. It is likely that a sound barrier placed only on the south/west side of the Expo ROW may amplify and exacerbate the adverse noise impacts to the homes and properties across Northvale Road.

THE DEIR FAILS TO ACCOUNT FOR THE CUMULATIVE EFFECT OF NOISE ON RESIDENTIAL COMMUNITIES AND ON NEARBY SCHOOLS.

The cumulative noise impacts of train whistles and crossing bells in such close proximity with train frequencies as often as every 2 ½ minutes will severely impact the quiet residential communities of Cheviot Hills and Rancho Park (along Segment 1 of LRT Alternatives 1 and 2). There will be only short periods of time during the daytime and evening hours seven days a week when crossing bells and train whistles will not be heard ringing for the hundreds of adjacent homes that lie within ½ mile of the alignment, thus permanently eliminating all quiet time and affecting hundreds of residents' ability to sleep. Overland Avenue Elementary School classrooms and playground will also be subject to cumulative noise impacts because of the frequent repetitive noise of the train whistles and crossing bells. The severe adverse noise impacts could be mitigated completely with a below-grade alignment. An elevated alignment would relieve much of the crossing warning noise but conversely, would greatly increase distribution of the propulsion noise and wheel squeal in the residential communities.

Overland school playground and classrooms will suffer the continual cumulative impacts of not one, but four sequential crossings announcing the passage of 24 trains an hour. The increase in noise from the project must be considered *together with* projected increases in noise from traffic flow. The EIR must not "brush aside" the projected noise increases as insignificant without considering their cumulative impact, nor simply state that because future projects will comply with established standards and policies that the cumulative impacts are insignificant. Simple compliance with an established policy does not necessarily mean there will be no impact. How will Expo mitigate the cumulative noise of four sequential at-grade crossings within ¾ of a mile?

INADEQUATE MITIGATION OF AESTHETIC AND NOISE IMPACTS

Mitigation measures specified in the DEIR do not include a time frame to ensure that mitigation will occur prior to the impact, as required by CEQA. The DEIR discusses the use of a combination of a 4-foot high berm and 8-foot high wall with sound insulation material, or the use of just a sound wall, with no specifics to ensure that noise mitigation will occur to approved residential standards of 45 to 50 dbA. The measures also discuss mitigation through sound insulation techniques of retrofitting residents' windows and doors. This option may not be acceptable to some residents and there is no discussion providing sufficient options to mitigate the identified noise impacts. Furthermore, the DEIR indicates that the noise and vibration impacts may not be completely mitigated. The EXPO Phase 2 Transit Project impacts sensitive receptors (children) at the Overland Avenue Elementary School which is located less than 100 feet away, across the street from the EXPO ROW along Northvale. The DEIR identifies aesthetic and noise impacts for all LRT alternatives; however, the language in Mitigation Measure MM AES-2 only provides mitigation for Segment 1a of LRT 3 and LRT 4. Mitigation Measure MM NOI-1 does not require that the installation of the sound walls and landscaping or alternate mitigation be installed prior to operation of the EXPO Phase 2 light rail line when the impact would occur. Mitigation Measure MM AES-2 must be reworded to include sound walls and landscaping requirements along Segment 1. Mitigation Measures MM AES-2 and MM NOI-1 must state that they will be implemented prior to operation of the EXPO Phase 2 light rail line. Deferred mitigation is unacceptable to the community and an improper application of

CEQA regulations. The use of mitigation which in it self causes other impacts, for example sound walls dividing a community, or producing reflected sound impacts elsewhere needs to be studied.

The noise mitigation of triple glazing windows and providing sealed air filtration systems for homes, schools and community resources that would eliminate the need to open the windows is insufficient to remove the significant adverse effects of the noise of the train project. In attempting to mitigate sound Expo creates other significant impacts. Most homes in the communities adjacent to the ROW do not have central air conditioning systems because they are able to take advantage of the coastal breezes from the west. Removing the natural ventilation would create extreme adverse impacts by limiting resident's enjoyment of fresh air and would result in higher electrical costs. Further, there may be additional health liabilities with breathing recycled air that might result from improper filtration maintenance or filter installation. It is unreasonable to expect residents to not only lose the benefits of fresh air but to also incur permanent financial responsibility of the mitigation.

Unmitigated noise impacts Expo Phase 2 that interfere with the expectation of quiet enjoyment of the outdoor spaces surrounding residences on the ROW from Motor Avenue to the Sepulveda Avenue at-grade crossing are considered significant adverse impacts and a "Taking" of property owner rights.

INADEQUATE MITIGATION FOR NOISE IMPACTS FROM WHEEL SQUEAL

The DEIR identifies a significant noise impact resulting from wheel squeal, which would be moderate to severe in Segment 1 of the Expo ROW (LRT Alternatives 1 and 2). The proposed mitigation measure NOI-3 would only provide for rail and wheel lubrication for the first year of operation. After the first year, walls, landscaping and sound attenuation of windows and doors would be instituted as specified in mitigation measure NOI-1 if the sound levels continued to exceed the Federal Transportation Administration (FTA) moderate impact thresholds. This is not mitigation. Mitigation must be instituted before the impact occurs or simultaneously with the occurrence of the impact, not one year after it has occurred on an on-going basis. CEAQ Guidelines section 15126.4(a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. While it also states that mitigation measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way, Guidelines section 15126.4(a)(2) also states that mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. Furthermore, you cannot claim to be mitigating an impact to less than significant if you allow the impact to exceed the threshold of significance for a year after operation.

LOSS OF PRIVACY

An at-grade alignment where train passengers have unblocked viewing of the homes, window and yards of residents results in a "taking" of the assumption of privacy that many homes along the ROW currently have. The DEIR gives offers no mitigation for the likelihood of loss of privacy to homes due to the construction of at-grade trains and a station that may be on a raised

berm through the right of way and therefore likely to allow visual intrusion into the property or homes of residents residing along the ROW. What mitigation would be sufficient for the loss of privacy to private property?

EXPO/WESTWOOD STATION ARCHITECTURAL DESIGN AND COMMUNITY DIVISION

The CHHA is concerned with the station design as envisioned by the DEIR, Section 4.2.2. The ROW from the National/Palms station to Sepulveda Boulevard passes through mostly single-family neighborhoods. These well established neighborhoods with mature landscaping contain homes built from the 1920's to the present. The predominant range of architectural styles include: Spanish, Mediterranean, Tudor, Cape Cod, Ranch, and traditional. There is a small number of post modern homes throughout the area. The DEIR descriptions of cast concrete and steel structures and the renderings of Phase 1 station canopies and station design seem very industrial and starkly incompatible with the surrounding residential area. The proposed Westwood station location and design would be particularly intrusive visually if great care were not taken to integrate the design into the uniquely residential setting of the ROW. Elimination of the station, or the use of an underground station would reduce or eliminate the visual intrusion of an incompatible architectural design. An elevated alignment and station design would create unmitigable aesthetic impacts and neighborhood division.

CEQA Guidelines section 15131, subdivision (b) states that “[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” The construction of either LRT alternative 1 or LRT alternative 2 would divide an existing community. There will be significant economic and social effects for both the residential community and the business community. These significant effects will result from the traffic delays for vehicles proceeding across the Expo ROW during AM and PM peak hour periods caused by the frequency of trains (effectively every 2 ½ minutes) and the duration of time (42 to 82 seconds) that it takes light rail trains to cross Overland Avenue, Westwood Boulevard, Military Avenue, and Sepulveda Boulevard at grade. Additionally, the sound walls that would be needed for LRT alternatives 1 and 2 also add physical barriers in the middle of the community. These sound walls would not be needed with a below-grade design. Major employment centers north of the Expo ROW, including UCLA and the business districts in Westwood, Century City and Rancho Park will be impacted. Residents south of the Expo ROW will find it difficult and discouraging to access and use businesses north of the Expo ROW, including, but not limited to, the business districts in Rancho Park, Westwood, and Century City, the Westside Pavilion mall, and neighborhood-serving shops and restaurants along Pico and Westwood Boulevards. Access to UCLA will also be difficult for residents who are located south of the Expo ROW, which may cause economic and social impacts by discouraging residents from enjoying academic, cultural and sports activities at the university. Conversely, residents north of the Expo ROW will find it difficult to access and use businesses south of the Expo ROW, including, but not limited to neighborhood-serving shops, restaurants, and markets along National and Sepulveda Boulevards. The substantial time delays in crossing the Expo ROW tracks will also have a significant social effect on residents visiting

their neighbors on the opposite side of the tracks within the Rancho Park, Westside Gardens, and Cheviot Hills communities. The DEIR must analyze these impacts. The DEIR should analyze a below-grade design for the project along the LRT Alternative 1 and LRT Alternative 2 alignments since the economic and social impacts identified above could be eliminated.

COMMUNITY RESOURCES HAVE NOT BEEN STUDIED FOR IMPACTS.

The Phase 2 DEIR is flawed and incomplete because it fails to identify impacts to sensitive receptors and community resources which will be affected by construction and operation of the Phase 2 Expo Line.

The Marshall P. Riddick Youth Center, 2642 Overland Avenue, was established in 1945 and has operated continuously as a youth activity center for Boy Scouts, Girl Scouts, the children and parents from Overland school, and the community at large. It is an evening meeting place for neighborhood governance groups such as the Westside Gardens Civic Association and the CHHA. The DEIR identifies the Riddick Center as Item 20 in Figure 3.14-2, the Community Facilities Map, and it is listed by name on the Communities Facilities List, Figure 3.14-2. The DEIR fails to identify any impacts to the facility from the Phase 2 project yet DEIR maps show curb-cutting and redesign in front of the building. Adverse construction impacts to the building and its operation are not studied in the DEIR. What are the adverse impacts of these changes and what mitigation has been devised to minimize disruption to the use of the facility by the community? The removal of street parking along Overland Avenue, which is the only parking adjacent to the Riddick Center not permitted or restricted, is a significant adverse impact to the Riddick Center. What alternate parking plan will be devised to accommodate those who attend meetings and events at the community center? The Riddick Center may be Historical Resource Eligible. If it is, impacts need to be studied. How have the facilities been studied for impacts to sensitive receptors?

Vista Del Mar Child and Family Center located at 3200 Motor Avenue, , was originally founded as the Jewish Orphan's Home of Southern California in 1908. It is sited within ¼ mile of the ROW. Vista is a community resource and a sensitive receptor site. The 18 acre campus is one of the most comprehensive care facilities for children with mental health problems, behavioral problems, emotional problems, or social problems in Los Angeles. Vista schools serve children as young as 4 and the residential program houses youth from 12-18 years of age on the campus. It further serves as a community center where neighborhood meetings are held including a number of Expo Authority community workshops and meetings of the Cheviot Hills HOA. Because of its proximate location to the Expo train tracks and crossings, the location should be evaluated for adverse environmental impacts of noise, especially wheel squeal, and vibration. As the existing Motor Avenue Bridge offers the only elevated crossing of Expo trains between Cheviot Hills/Palms area and Sepulveda Boulevard, where north/south commuters and local traffic can pass without train delays, it is reasonable to assume there will be increased adverse traffic impacts in that area. The Motor Avenue Bridge is less than 100 feet from the entrance/exit to Vista and there is peak period vehicle queuing now. How will increased traffic impact Vista? Proximity to the Palms/National station which has no station parking may result in additional traffic impacts which need to be studied.

PALMS PARK RECREATION CENTER, DAYCARE AND LIBRARY/SAFE ROUTES TO SCHOOL

Although the Palms Park Recreation complex and Library are identified on the Publicly Owned Parks and Recreation Resources map (DEIR Figure 3.14) and the Community Facilities Map (DEIR, Figure 3.14-2), no impacts appear to have been studied or identified. The recreation center provides indoor and outdoor sports and recreation facilities, an outdoor playground, and a picnic area. The recreation center provides a variety of social activities and classes for adults as well in the community room and auditorium. Children attend the Palms Park Daycare Program and the Palms Park After School Program.

The Palms Park recreation and daycare complex and Palms Library are heavily used with limited on-site parking availability. Many community meetings and special events are held in the library community rooms. Additionally, frequent sporting events, cultural events, and school and camp programs bring groups to the site as well. On-site parking is filled to capacity throughout the day and into the evening 7 days a week. There is limited street parking available in front of the park facilities. No other parking is available because it is adjacent to the I-10 freeway and the back of the park fronts on the EXPO ROW. The DEIR proposes to remove the parking on the east side of Overland Avenue from Northvale Road to Coventry Place, which would adversely impact access and use of the Palms Park Library and other facilities. The impact caused by the removal of parking needs to be studied and replacement parking needs to be identified.

The Safe Routes to Schools Program is a Federal-Aid program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). The Program was created by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (SAFETEA-LU). The SRTS Program is funded at \$612 million over five Federal fiscal years (FY 2005-2009) and is to be administered by State Departments of Transportation (DOTs). LADOT has identified and implemented several Safe Routes to School in the West Los Angeles area. The DEIR has failed to propose mitigation for impacts to the Safe Routes beyond student education and pedestrian crossing gates. Students walk from the Overland Avenue Elementary School to the Palms Park Recreation Center, Library and daycare facility daily. The street level (at grade) train crossing planned for Overland Avenue at Northvale Road/Exposition will create substantial risk to the students walking each day. The students' route follows a LADOT identified Safe Route to School (DEIR, Table 3.2-39). The introduction of 3-coupled, 250-ton double train cars passing every 2 ½ to 5 minutes and blocking traffic from 42 to 82 seconds, 24 times per hour at street level will create severe adverse impacts to the Overland Avenue Elementary School students. The DEIR has not identified or studied the safety impacts of the construction, testing or operation of the train project on the children walking after school to Palms Park. The pedestrian gates are not sufficient to prevent children from crossing under them. Signage and LED lighting appropriate for adults may not be readily visible to small children, especially in the mid-afternoon when sunlight may distort or obscure the warning lights. The proposed MTA student train safety education lacks specificity and measurement of effectiveness. The DEIR needs to study the safety hazards resulting from the at-grade crossing and devise suitable mitigation for the identified impacts.

THE DEIR FAILS TO STUDY ALL CUMULATIVE IMPACTS.

· Will the Expo LR project be impacted by the Olympic/West-Pico/East Initiative (Olympic/Pico Plan)? The DEIR should extend the Traffic Study area to account for the traffic impacts identified by LADOT if the project is implemented. The DEIR makes a baseless claim that the Olympic/Pico Plan is “expected to reduce queuing and/or potential future congestion in the immediate project area and help the overall circulation conditions.” Even if that were true, and LADOT certainly has doubts, even traffic **benefits** by a cumulative project in the “immediate (Expo) project area” need to be studied by Expo to fully comply with CEQA whose interests in environmental impacts goes beyond traffic impacts. Such things as degraded air quality, increased Greenhouse Gas Emissions, added noise levels, safety impacts and economic impacts that affect taxation, small businesses.

· The DEIR must also discuss and analyze any additional traffic impacts that would occur over time as a result of the Overland Avenue Bridge Widening Project, and how these impacts relate to cumulative traffic impacts that affect the Expo Phase 2 LRT Alternative 1 and Alternative 2 analysis. When traffic flow improves on an arterial corridor as a result of road widening projects, commuters migrate to using the widened road if parallel arterial corridors are highly congested. Therefore, since Westwood and Sepulveda Boulevards are highly congested and operate at an unacceptable level of service now (both operate at LOS F in the PM Peak Period), it can be anticipated that traffic volumes on Overland avenue will increase over time as commuters increase their usage of Overland as a north/south arterial corridor. Higher per lane traffic counts may change the at-grade determination of the Metro Grade Crossing Policy on the crossing proposed for Overland at Northvale/Exposition resulting in a grade separation determination.

· The DEIR does not include study of the I-10/Robertson/National Area Circulation Improvement Project as a cumulative project with feasible impacts on Phase 2. The Expo DEIR Study Area includes the location of this expansive project as it sited on the Expo ROW, and MTA/Expo has identified funds for the planning and completion of the Circulation Improvement Project. Why was the project not included for study as a cumulative impact with the potential for significant construction impacts, economic impacts, and traffic impacts in conjunction with the Expo Phase 2 project? Is the selection of a LPA on Expo Phase 2 dependent on a commitment to construct the I-10 Circulation project? Are funds for the Circulation project included in the Expo Budget?

MAINTENANCE FACILITIES

The maintenance facility appears properly located in a light industrial area, however, the CHHA supports respecting the visual aesthetics for the residential community on the south of the facility. Attention must be given to the architectural details of the office building indicated in the project description (DEIR MF-100). The residences are currently adjacent to a large parking lot so additional parking should create minimal impact and disruption. However, given the planned 24-hour operation, the main entrance to the parking area should be moved to Stewart Street to minimize traffic noise for neighbors to the south of the proposed facility. Shared access by easement through the Santa Monica College parking lot should be considered. Given the need to

minimize noise impacts to the residential community, efforts should be made to limit all diesel and gas engine traffic at the site in evening hours. Electric vehicles and necessary charging stations should be incorporated into the design and operations for intra-property travel and delivery, especially at night, to minimize noise and CO2 emissions on the property that might disturb residents nearby. The vehicle service entrance must be limited to operation between 8:00 a.m. and 6:00 p.m. unless the entrance can be moved to a location not immediately adjacent to the residences.

Architecture of the facility should avoid an industrial boxlike design which would be incompatible with the residential community adjacent. Landscaping and design of any walls facing the residences should be designed to mitigate any external visual representation of the industrial nature of operations within. Creating a park like or garden setting for the property facing the south would enhance the bike path, the neighborhood and the working environment for employees. A solid flat block wall built around the perimeter that is industrial in nature should be avoided in favor of a wall that has articulation and setbacks. Existing mature trees should be preserved where possible and integrated into the landscaping.

Necessary maintenance operations like horn testing and brake testing that might require the discharge of persistent or loud noises should be confined to the hours of 8:00 a.m. to 6:00 p.m. so as not to create a nuisance to residents. Night time lighting for security of operations or parking lots should be directed downward or shaded in such a way as not to intrude on the adjacent homes. Communications within the property must be accomplished without the use of loudspeakers or other intrusive communication devices. There should be no bells, horns, sirens or other amplified means used to indicate shift changes or other facility operations. To minimize intrusive noise from the Traction Power Substation (TPSS) it should be located farthest from the residents as possible and, if necessary to mitigate noise or vibration, placed within an external sound proofed enclosure.

Further, the proposed maintenance facility appears properly located in a light industrial area. CHHA has concerns regarding the possibility of reconsidering the location of the facility because of concerns raised in recent public hearings in Santa Monica. Should the Exposition Metro Line Construction Authority reconsider the location of the maintenance facility for placement elsewhere along the Expo ROW, a different location for the maintenance facility may pose new potentially significant impacts. This would change the Phase II project description and require additional analysis in the DEIR, thus requiring a new public notice and additional public hearings, and recirculation of the DEIR pursuant to the requirements of CEQA.

RADIO TOWERS

Expo identifies the placement of up to two radio towers (DEIR, page 2035) to support communications, one located just west of Motor Avenue on the shoulder of the I-10 Freeway (DEIR, Drawing No. T-007) on the Caltrans ROW and one west of the Expo/Sepulveda Station located within the Exposition ROW (DEIR, Drawing T-005). The aesthetic impact of having a 70-foot radio tower adjacent to a single or multi-family residential community and the visibility of the tower have not been adequately addressed in the DEIR. A DEIR map page is provided for the tower west of Motor Avenue but no tower is indicated on the page. Please clarify whether

either or both of the proposed tower locations serve the needs of the project if Alternative 3 or 4, the Venice/Sepulveda route, is chosen. Will the proposed location of the towers be adjacent to any schools or LADOT identified Safe Routes to School? Do radio towers emit a significant amount of microwave or EMF transmissions that they may pose a health hazard at any identifiable distance? Has the amount of EMF, Radio Frequency, or microwave transmissions from the towers been measured in conjunction with the EMF transmission already in the environment and/or the EMF transmission of the catenary system of the proposed project in the two areas? What is the "footprint" of the towers at their base? Is the base of either of the proposed towers enclosed in security housing to prevent the tower from becoming an attractive nuisance? Will the design of any housing of the structure be integrated into the natural or built environment so that it mitigates any visual intrusion? The towers are specified as up to 70 feet high. Will either of the towers interfere with or pose a hazard for aircraft in any flight vector approaching or taking off from Santa Monica Airport? Will either of the radio towers interfere with the radio signal or communications between pilots and the communications tower at Santa Monica Airport? Will either of the radio towers interfere with wireless computer networks, cell phone usage, Bluetooth connections, GPS systems, or portable telephone usage? Please revise the DEIR to address the above issues raised in this comment.

TPSS IMPACTS AND MITIGATION

Noise from the TPSS Units will occur during the entire daily operational period, 22 hours a day from 4:00 a.m. to 2:00 a.m. Seven of the fifteen TPSS Unit locations in LRT Alternatives 1 and 2 will exceed thresholds of significance for noise impacts. In the DEIR, Mitigation Measure MM NOI-4 requires that noise impacts be eliminated by specifying a noise limit of 44 dBA at 50 feet from any part of the TPSS Units in the seven impacted locations, and restricting TPSS Units from being located closer than 20 feet from a residential land use. The mitigation measure is inadequate because it does not specify how the noise limit will be achieved and thus defers the formulation of the mitigation measure.

The TPSS units generate electromagnetic fields (EMF's) and are proximate to sensitive receptors in the residential community and at Overland Avenue Elementary School. Three TPSS units are located in Segment 1 of LRT Alternatives 1 and 2. TPSS Unit Location 7, Alternate B and TPSS Unit Location 3, Alternate A are both located proximate to single-family residential property. TPSS Unit Location 6, Alternate B is proximate to single-family residential property and Overland Avenue Elementary School. The DEIR makes general statements about light rail systems generating "relatively weak" EMF's but presents no site measurement data near Overland Avenue Elementary School for comparison, and no data on what might be considered weak, nor under what circumstances, nor to which sensitive receptors. Measurements of the EMF transmissions that exist presently at Overland Avenue Elementary School need to be taken and evaluated with the additional predicted EMF measurements of the TPSS units proposed along the Expo ROW proximate to the school. The analysis should include the EMF measurements from the overhead catenary system wires for the light rail combined with those of the TPSS unit in Alternate 1, Option A and the existing overhead power lines to determine if a significant adverse cumulative impact would be created. Additionally, the same analysis should be provided for Charnock Elementary School (on LRT Alternatives 3 and 4) and for homes along the Expo ROW that are proximate to TPSS units. Cumulative impact analysis for EMF

transmissions should be provided for all sensitive receptor locations along the proposed routes. Mitigation should be proposed to reduce the impact to less than significant.

Additionally, the appearance of these TPSS Units is very industrial and should be screened from view with an attractive architecturally designed enclosure and landscaping. A mitigation measure must be provided that requires screening of the TPSS units with an architecturally designed enclosure and landscaping that eliminates the industrial appearance.

EMF TRANSMISSIONS

The DEIR makes general statements about light rail systems generating “relatively weak” EMFs but presents no site measurement data near Overland School for comparison, and no data on what might be considered weak and under what circumstances and to which sensitive receptors.

Measurements of the EMF field presently existing at Overland School need to be taken and evaluated with the additional EMF field measurements predicted in the proposed Light Rail environment along the ROW proximate to the school. The EMF measurements should be studied for the overhead wires and for the potential TPSS structure (Alternate 1, option A). Further, when combined with existing overhead power lines generating EMFs, does the addition of the “relatively weak” OCS and TPSS EMFs create a cumulative EMF hazard that might be considered significant and adverse. What are the measured existing EMF emissions near Overland School and Charnock School now? What are the measurements for any other sensitive receptors such as schools and homes along the proposed Expo routes, and what will they be with the addition of the light rail OCS and TPSSs. What will the EMF transmissions be for all TPSS locations considered? What will the total cumulative environmental EMF transmissions be at all sensitive receptor locations along all of the proposed routes? If the addition of new EMF transmissions combined with existing EMF’s create a significant increase environmental hazard what mitigation is considered sufficient to reduce the impact to less than significant? The DEIR states that power poles will need to be moved near the Northvale/Exposition crossing? What location has been identified for re-planting of the poles?

BICYCLE ROUTE

The CHHA is disappointed that Expo has reneged on its commitment to create a continuous bicycle path as part of the Phase 1 and Phase 2 LRT project. As a result of removing the bike path from the current DEIR many questions and concerns entered by CHHA into the Phase 2 Scoping Process remain unanswered. Funds for the project were allocated in 2001 for construction of a bike way on the ROW, as MTA had chosen the Venice/Sepulveda Alternative as the environmentally superior LPA for light rail. MTA has stalled on the implementation of that plan for 8 years and now, in spite of commitments to the contrary, Expo has relegated planning and environmental clearance to “Others.” Recently, some of the “others,” representatives of the Expo Authority, the LA Bike Coalition, and the CD-5 City Council office convened a meeting with seven Cheviot Hills HOA (CHHA) homeowners and residents to discuss property acquisition along Northvale Road that would provide adequate right-of-way for a bike path. The homeowners voted unanimously not to concede, relinquish or sell their property under any circumstances. At that time they were told that the project, still fully funded by MTA,

had “nothing to do with EXPO Phase 2.” As a result of that meeting the CHHA would offer into the DEIR record the following:

- The CHHA is opposed to any taking, by eminent domain, by the Expo Authority, MTA, LADOT, The City of Los Angeles or any other Public Agency, any private property within the boundaries of the CHHA for the construction of a bike path.

- The CHHA is opposed to any use of Northvale Road as a Class III Bike Route. The small residential street is narrow, has many blind curves and is already impacted by insufficient parking. Insufficient street width on Northvale Road currently requires drivers to give way to oncoming traffic if there are cars parked on both sides of the streets. A designated bike path on that location would be dangerous to bicyclists and motorists, even though bicycles are considered legitimate vehicles on California roadways.

RESPONSIBLE AGENCIES AGREE. GRADE SEPARATED CROSSINGS ARE BETTER THAN AT-GRADE CROSSINGS.

- The City of Culver City General Plan Circulation Element 2.N **prohibits at-grade crossings of light rail in Culver City and 2.O prohibits at-grade or elevated alignments of light rail transit adjacent to residential uses within Culver City.** The Culver City Redevelopment Agency echoed those elements in its on subsequent resolution. On Phase 1 Expo respected the Culver City resolutions so that no child in Culver City, no bicycle or car in Culver City will ever have to cross street level rail crossings. Why does Expo expect residents in Cheviot Hills and West Los Angeles to have lesser standards for safety and environmental impacts?

- Los Angeles City Councilmen Bill Rosendahl and Tom LaBonge have submitted a resolution to the Los Angeles City Council that **prohibits at-grade crossings on Phase 2** in West Los Angeles. Both councilmen sit on the Council Transportation Committee.

- LAUSD School Board member, Marguerite LaMotte has drafted a “Keeping Kids Safe” resolution expressing concerns for rail safety at both Overland Avenue Elementary School and Charnock Road Elementary School supporting the community’s position of no at-grade rail Expo Phase 2.

- LADOT sent letters on June 6, 2008 and another on March 3, 2009. Expressing concerns and calling for grade separations at many Expo intersections in West Los Angeles that Expo has designated at grade.

- City chartered neighborhood councils including the Westside neighborhood Council, the Mar Vista Community Council, and the West Los Angeles Neighborhood Council have passed resolutions in support of grade separated crossings on Expo.

- Macerich Corporation, the parent company of Santa Monica Place and Westside Pavilion has entered comments into the DEIR record supporting grade separations at Overland Avenue and at Westwood Boulevard.

FAILURE TO RESPOND TO SCOPING DOCUMENTS AND STAKEHOLDER COMMENTS

The Cheviot Hills Homeowners' Association, and their members submitted Scoping Comments prior to the Screening of Alternatives on the Expo Phase 2 Transit Project. The Exposition Construction Authority has failed to sufficiently address many issues and concerns raised in those comments. The DEIR did not study below-grade (underground) and aerial alignments and crossings for all alternatives. The DEIR only studied elevated crossings and trenching for the Venice/Sepulveda route. The DEIR did not identify land use designations near Segment 1 in Alternatives 1 and 2 that would be consistent for Transit Oriented Development (TOD). The DEIR does not identify zoning changes that may be necessary to accommodate TOD's. The DEIR did not adequately compare residential density, employment density, populations with no access to a vehicle or limited to one vehicle, employment density, household income for the Venice /Sepulveda Route versus the ROW to determine the potential ridership numbers predicted to be served by both alternatives. Though there is almost no multi-family housing save a couple of duplexes, and no major employment centers except a mall with a high current vacancy rate, Expo has determined that the station with the largest ridership, Westwood/Expo Station, should be right in the middle of a residential area. Support for this conclusion is unsubstantiated and fails to address the Scoping Comments. The DEIR failed to address comments requesting that any use of the Expo ROW be studied for "cut-and-cover or fully enclosed subterranean" crossings and alignment. The DEIR failed to discuss the possibility of and remedies for "Inverse Condemnation." The DEIR did not study the need for shuttle buses that may be required to bring passengers to those train stations on the Expo ROW which are neither near any employment centers nor multi-family housing. The DEIR did not sufficiently address comments regarding traffic methodology nor did it address all intersections identified for study by the NFSR and CHHA scoping comments, most of which are within ½ mile of the Expo ROW and proposed Alternative 1 and 2 alignments. The DEIR included assumptions that the light rail line would ease congestion and therefore improve air quality instead of providing verifiable data as to light rail impact on air quality as requested by the CHHA comments. The DEIR did not address CHHA comments not to have stations adjacent to residential property nor did it evaluate requests for parking facilities on the Expo ROW that are "subterranean or structured parking that is wrapped up with a multi-use development." The DEIR did not address concerns about public restrooms in the light rail environments. The DEIR fails to sufficiently respond to comments regarding cumulative projects. The DEIR does not respond sufficiently to comments regarding sound wall construction and materials. Noise mitigation responses are insufficiently addressed in the DEIR. The DEIR fails to sufficiently address concerns and comments about ground borne vibration. Damage or mitigation from lateral loading impacts is not discussed in the DEIR. Finally, the DEIR fails to respond sufficiently to comments regarding safety of pedestrians and vehicles; risk of terrorism; derailment of trains in the event of an earthquake; economic impacts; park impacts; emergency services; project life cycle costs; cost per passenger mile or opportunity costs of other uses of the ROW.

CONCLUSION

The community of Cheviot Hills is very aware of the risks to safety and the severe environmental impacts to residences, community facilities, to Overland School, and to traffic, community cohesion, and community aesthetics. There is no community support in Cheviot Hills for at-grade rail in West Los Angeles and there is little individual support. Therefore, the CHHA and the residents of Cheviot Hills request Expo readdress the unanswered questions from our original CHHA Scoping Document and expect the Expo Authority's careful review to the comments herein submitted. We look forward to thorough and complete response to the many questions and concerns expressed as CEQA Guidelines require.

Sincerely,

KevinHughes,
President, CHHA

Colleen Mason Heller
Light Rail Chair, CHHA