

FIX THE CITY

Supplemental Testimony CF 15-0719, Mobility Plan 2035 FEIR

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This letter and links included should be included in the Administrative Record.

INCREASED CONGESTION FROM MP 2035 WILL INCREASE

GREENHOUSE GASES AND AIR POLLUTION

Traffic congestion has been estimated to cost the Los Angeles economy \$10 Billion a year (Paul Sorenson, "Reducing Traffic Congestion and Improving Travel Options in Los Angeles," <http://www.newgeography.com/content/001318-reducing>). Thus the plan yields no economic benefit that could be used to justify a Statement of Overriding Considerations (SOC) for the MP 2035 FEIR. It does not create jobs, nor does it protect the general welfare. And public convenience is not served by the added congestion. Public Health is in fact jeopardized by violating the Congestion Management Plan, and this makes MP 2035 inconsistent with the Health Element of the General Plan. "Reducing congestion should help to improve quality of life, enhance economic competitiveness, reduce greenhouse-gas emissions, improve air quality, and improve mobility for drivers and transit patrons alike" (Paul Sorensen, Martin Wachs, Endy M. Daehner, Aaron Kofner, Liisa Ecola, Mark Hanson, Allison Yoh, Thomas Light, James Griffin, Reducing Traffic Congestion in Los Angeles, RAND, 2008).

MP 2035 is a loser for Los Angeles, based on its economic impacts, its emergency response impacts, and its public health impacts of increasing, rather than reducing, air pollution and greenhouse gases. Cycling next to cars stuck in traffic generating pollution is certainly not healthy for cyclist, nearby residents, or commuters. This is why air filtration systems are now required by the City of Los Angeles within 500 feet of a freeway.

The EIR provides substantial evidence and concludes that, contrary to the findings in the EIR, the plan will violate the Congestion Management Plan of MTA, a regional plan to balance land-use and transportation to reduce air pollution and greenhouse gases. It is therefore impossible to conclude that the plan complies with local plans, and that it will reduce greenhouse gases and air pollution. To support a Statement of Overriding Considerations in the absence of substantial evidence, when the SOC itself provides substantial evidence to the contrary is a gross violation of the very purpose of CEQA, to protect the environment.

FIX THE CITY

The SOC admits that it will harm emergency response time and access, increase congestion (and therefore air pollution and greenhouse gases), and yet the City Council has been asked to approve the Statement of Overriding Considerations based on a the false premise that air quality and greenhouse gases will be reduced. To support a SOC on an unsupported, speculative statement does not meet the letter or spirit of CEQA. To do so is arbitrary and capricious.

The basis of support for approving the Statement of Overriding Considerations for the MP 2035 FEIR is a false claim that greenhouse gas emissions and air pollution will be reduced by implementing MP 2035. It may be the stated motivation for the plan, but the admission in the SOC that the Congestion Management Plan will be adversely impacted is substantial evidence that the plan does not improve, but rather worsens, air quality and greenhouse gases.

The statement uses a speculative hedge word “aimed” at reducing greenhouse gases. Aimed at is not substantial evidence. It is speculative. Given the admission in the Statement of Overriding Considerations (SOC) that the Congestion Management Plan will be exceeded, it is contradicted and shown to be a false statement. CEQA requires independent, objective, accurate analysis so that decision makers and the public can make informed choices and to err on the side of protecting the environment.

This EIR is based on a provably false theory that removing vehicle lanes which represent 80% of the trips in favor of adding bike lanes which represent just over 1% of the trips will improve the environment. It will not. Simple math makes it clear: removing one of two travel lanes in each direction for autos and buses reduces capacity by 50% for 80% of the trips. A plan that admits it increases traffic congestion cannot simultaneously claim it will improve air quality. This represents an insurmountable flaw in the EIR. This is especially true for local air quality which will be negatively impacted by increased vehicle hours traveled. VHT, rather than VMT, is the most accurate measure of congestion, i.e., how long a trip takes. State law also references VHT and yet this measure is not utilized in the analysis presented here and therefore fails to provide the most accurate measure of mobility, that is, how long it takes to get from Point A to Point B. The longer the trip, the slower the traffic, the greater the fuel and air pollution generated.

On May 28, 2015, Claire Bowin of the Planning Department testified before the City Planning Commission that work trips account for only 20 percent of all trips. She failed to provide any substantial evidence to support this claim. We hereby submit substantial evidence that most trips are work-related, and that bicycle transport is not suited to these long trips

(<http://planning.lacity.org/StaffRpt/Audios/CPC/2015/05-28-2015/Track7.mp3> and Transcript pp. 32-34) .

Instead, MP 2035 will violate the Congestion Management Plan regional air quality plan for transportation and land-use adopted by MTA, as admitted in the Statement of Overriding

FIX THE CITY

Considerations. If it violates the CMP, it is increasing, not reducing, air pollution and greenhouse gases. As the articles below explain, when automobile engines are in stop and go traffic, fuel consumption and air pollution rise. The claims in support of the SOC are not supported by substantial evidence and the EIR must be revised and recirculated to accurately reflect the increased air pollution, and in addition, impacts on the State Implementation Plan.

Substantial evidence submitted below, shows that the only conclusion that can be reached is that the plan will increase air pollution in a non-attainment zone, will increase greenhouse gases (even with a fleet change to electric vehicles for those who can afford them, the electricity is produced overwhelmingly from fossil fuel power plants. In fact, in the LADWP service area, in 2013 42% of power was generated from coal.).

MP 2035 will increase traffic congestion and violate the Congestion Management Plan, a regional plan for Los Angeles. Unless

congestion is reduced, rather than increased (due to removing travel lanes from arterial roadways to accommodate bicyclists, who represent one percent of all trips), air pollution and greenhouse gases will increase, and not as claimed, be reduced. The false and misleading conclusion of the EIR and the plan itself is that by providing multi-modality (bike lanes), air quality will improve. The reality will be that bicyclists will be breathing even worse air and it will be unhealthy to cycle due to air pollution. <http://saferoutescalifornia.org/2013/12/16/la-cmp-update/>

http://planning.lacity.org/eir/LA_Entertainment_District/draft/text/appendices/Volume%20II/Appendix%20E/07_Congestion_Management_Plan_Analysis.pdf

CF12-0272-S2, Westside Mobility Plan (in preparation).

Power Content Label

Annual Report of Actual Electricity Purchases for LADWP Calendar Year 2013			
ENERGY RESOURCES	LADWP Power ACTUAL MIX	LADWP Green Power ACTUAL MIX	2012 CA POWER MIX** (for comparison)
Eligible Renewable***	23%	100%	19%
-- Biomass & waste	6%	98%	3%
-- Geothermal	1%	0%	4%
-- Small hydroelectric	1%	0%	1%
-- Solar	1%	0%	2%
-- Wind	14%	2%	9%
Coal	42%	0%	8%
Large Hydroelectric	4%	0%	8%
Natural Gas	17%	0%	44%
Nuclear	10%	0%	9%
Other	0%	0%	0%
Unspecified sources of power*	4%	0%	12%
TOTAL	100%	100%	100%
* "Unspecified sources of power" means electricity from transactions that are not traceable to specific generation sources.			
** Percentages are estimated annually by the California Energy Commission based on electricity sold to California consumers during the previous year.			
*** This is in accordance with LADWP's RPS Policy and Enforcement Program, amended December 6th 2013 Resolution No. 014119.			
For specific information about this electricity product, contact LADWP at 1-800-DIAL-DWP (1-800-342-5397). For general information about the Power Content Label, contact the California Energy Commission at 1-800-555-7794 or http://www.energy.ca.gov/consumer .			

FIX THE CITY

Substantial evidence of the increase, rather than decrease, in air pollution and greenhouse gases due to increased congestion, is hereby submitted to challenge the accuracy and adequacy of the EIR.

According to a RAND study, **Reducing Traffic Congestion in Los Angeles** (2008), “Reducing congestion should help to improve quality of life, enhance economic competitiveness, reduce greenhouse-gas emissions, improve air quality, and improve mobility for drivers and transit patrons alike” (http://www.rand.org/pubs/research_briefs/RB9385/index1.html).

The Statement of Overriding Considerations states that congestion will increase as a result of the plan and that the degree of impact cannot be mitigated back down to the level of significance. According to Table 4.

<http://www.environmentalleader.com/2012/01/05/how-traffic-jams-affect-air-quality/#.VcYf3oP4KcM.email>

<http://www.sciencedaily.com/releases/2013/10/131021131002.htm#.VcYgrZqylSw.email>

http://www.rand.org/pubs/research_briefs/RB9385.html

<http://www.epa.gov/otaq/nearroadway.htm>

http://www.rand.org/pubs/external_publications/EP20100047.html

<http://www.newgeography.com/content/001318-reducing-traffic-congestion-and-improving-travel-options-los-angeles>

FINDINGS OF FACT (EIR EXHIBIT C.2) ARE NOT SUPPORTED BY THE EIR AND SOC

On page 2 of the Findings of Fact, required to certify the EIR, a false statement is made that is contradicted by the SOC: The claim is made that the plan “reflects current State and regional policies....” However, according to the SOC, the Congestion Management Plan is violated by the plan, and thus the plan does not reflect a plan designed to reduce congestion. It is designed to increase congestion (traffic calming, road diets, etc.).

Incorrect Finding of Fact 4.3 Air Quality

The finding claims no adverse impact on air quality because it (falsely) claims that no air quality plan would be impacted. The Congestion Management Plan is a land-use and transportation plan to reduce air pollution in the region. It therefore does adversely impact air quality by increasing congestion, as acknowledged in the SOC would have a significant unavoidable impact on the congestion management plan. Adding congestion adds increases air pollution, as documented by experts (Kai Zhang and Stuart Batterman, “Air Pollution Health risks due to

FIX THE CITY

Vehicle Traffic,” **Science of the Total Environment**, pp. 307-316, 2013; **Canadian Medical Association Journal**, “Traffic-related air pollution substantial public health concern,” 2013, <http://www.sciencedaily.com/releases/2013/10/131021131002.htm>).

It is not credible, nor supported with substantial evidence, that there will not be a substantial increase in air pollution due to increased congestion, as evidenced in Tables 4.1-20 and 4.1-19, p. 4.1-32 to 33, REIR. This increase in pollution and greenhouse gas emissions is due to more fuel being burned at stop-and-go congestion speeds than smooth-flowing traffic (<http://www.environmentalleader.com/2012/01/05/how-traffic-jams-affect-air-quality/#.VcYf3oP4KcM.email>). The EIR must be revised to accurately assess the air quality impacts of significant additional congestion.

Mitigation Measures MM T-1: Not Feasible because of the addition of Bicycle Signals at many intersections (Exhibit C-2, p. 7)

Signal timing is proposed to mitigate circulation system impacts. Many of the intersections that have ATSAC/ATCS, for example, are already mitigated – with many of those intersections having received such enhancement as a required mitigation under CEQA. The introduction of additional signal phases to accommodate bicycle turning, would eliminate the theoretical capacity improvements provided by ATSAC/ATCS per LADOT policy (currently 7%). This reduction in intersection capacity is not analyzed in the EIR and must be addressed, nor has the EIR studied the impacts of removing previously adopted mitigations for other projects which implemented ATCS as a mitigation for project impacts. It is one thing to adjust timing of signals in a dynamic system (real time). It is completely different to add a signal phase that slows down movement in all directions. Further, there is no analysis of increased queue requirements or other impacts which may be caused by increased arterial congestion. As a result of the above, the EIR fails as an informative document and its conclusions are unsupported. It must be revised and recirculated.

MM T2, TDM has no indication of how much mitigation TDM actually achieves at private projects in the City. In fact, this is already a required mitigation for many projects, but we are not aware of any monitoring or enforcement of such mitigations. It is yet to be proven effective in the city, though it has been included for decades in EIRs.

Incorrect Finding of Fact 4.4 Greenhouse Gases

Like 4.3 above, the Finding of Fact falsely states that the plan does not violate any adopted plan. It violates the Congestion Management Plan, which seeks to reduce air pollution. Greenhouse gases are created by the combustion of fossil fuels. Thus added congestion not only adds to pollution in a non-attainment air shed, it also generates more greenhouse gases

FIX THE CITY

since cars that are idling burn more fuel than those that are moving at speeds established for the street or roadway (<http://www.environmentalleader.com/2012/01/05/how-traffic-jams-affect-air-quality/#.VcYf3oP4KcM.email>).

Incorrect Finding of Fact 4.11 Hydrology

The SOC states that there may be significant adverse impacts on wetlands. This would have significant adverse impacts on hydrology, and yet this is not analyzed or acknowledged. While the plan may not directly impact hydrology, it will have significant indirect impacts on hydrology that must be analyzed and supported with substantial evidence.

Incorrect Finding of Fact 4.13 Population and Housing

Again, the indirect impacts of MP 2035 have not been analyzed, as required by CEQA. In this instance, constant reference is made to SB 743, which grants by-right development entitlements. The impacts of such added entitlements and compliance with SB 743, must be analyzed and disclosed. The Response to Comments claimed that MP 2035 is not a land-use plan. However, by complying with SB 743, it is impacting land-use as it incentivizes growth in the project area.

Incorrect Finding of Fact 4.14 Public Services

Extensive comments and substantial evidence have already been provided in the record to show that public services, especially emergency services, are not presently adequate, and that added congestion will significantly and adversely impact emergency access and response time.

The failure to provide current baseline response times, and forecast impacts of substantial delay on those already insufficient services, must be corrected in a revised and recirculated EIR. In particular, response time impacts are required to be analyzed under the CEQA checklist (“in order to maintain acceptable service ratios, **response times** or other performance objectives for any of the public service” *italics added*). No such analysis was conducted or presented.

Incorrect Finding of Fact 4.16 Utilities and Service Systems

As with the rest of the EIR, the cumulative analysis of baseline conditions is missing, and the impacts (direct and indirect) of MP 2035 are not analyzed. Take water supply and water lines. A drought currently exists in Los Angeles. The water lines are failing on a daily basis throughout the city. MP 2035, by complying with SB 743, will impact the construction of additional housing that will require additional water supplies. Therefore, the indirect impact of MP 2035 on water supply may be substantial, and must be analyzed in a revised and recirculated EIR.

FIX THE CITY

Section 5: Feasibility of Project Alternatives, Findings of Fact

The literature on improving urban traffic flow is replete with proposals that were never examined in this EIR and that are feasible. For example:

1. congestion pricing, as proposed by economists and traffic engineers at RAND (possibly a study paid for by the City of Los Angeles?).
2. Deep discounting for public transit.
3. A system of one-way streets is another recommendation (not pursued, as admitted by Claire Bowin at the CPC hearing on 5/28/15). If a one-way system were proposed with provision of off-street parking for local businesses financed by the Special Parking Revenue Fund, and accompanied by a neighborhood protection plan against cut-through traffic, this might be a significant boon to traffic movement. Without parking and neighborhood protection, such a plan would clearly be unacceptable, as acknowledged by Ms. Bowin.

However, the city has never developed a full package of replacement parking (and financing for it), neighborhood protection and a one-way system. These are feasible alternatives that were not analyzed in this EIR. We recommend that Los Angeles take a careful and thorough look at the recommendations from RAND and include them as alternatives in a revised and recirculated EIR. Those suggestions are paradigm shifting, the proposals included in MP 2035 are band-aids that make things worse not better.

Incorrect Finding of Fact on Alternative 1 – No Project Alternative

Table 4.1-20 in REIR shows that there will be less congestion (LOS increase) without the project than with the project. Therefore the adverse impacts of the SOC would be reduced, not increased, as claimed in this finding. The statement made for this finding is not supported by substantial evidence and is in fact, contradicted by substantial evidence. Also, it would increase safety (emergency response time and emergency access) since there would be less congestion. So again, the finding is not supported by substantial evidence. The safety of cyclists and pedestrians is enhanced if emergency services can reach them, which they will not do as rapidly, under MP 2035.

Thus even Vision Zero would be adversely impacted by slowing emergency services to those are injured, not necessarily killed. Taking Vision Zero literally, it calls for zero fatalities. This will be hard to achieve if ambulances cannot reach the injured. There is no substantial evidence to support that impairing emergency services will not also adversely impact Vision Zero.

FIX THE CITY

INCONSISTENCIES WITH OTHER CITY PLANS, POLICIES AND LAWS

Finding of Fact 4.2 Land Use and Planning is Incorrect

MP 2035 would be inconsistent with the Transportation Element of the General Plan Framework and its monitoring requirements; as well as inconsistent with CMP (which is a land-use and Transportation Plan for Freeways to reduce air pollution), Community Plans, the Housing and Population Element, the Public Services Element, Great Streets(<http://planning.lacity.org/PolicyInitiatives/Mobility%20and%20Transportation/LA%20Street%20Classification%20Final%20Report%20October%202010.pdf>), the Westside Mobility Plan (not completed yet, but it will conflict with its goals and objectives to reduce, not add, congestion). See also [http://planning.lacity.org/PolicyInitiatives/TransitOrientedDistrictPlanning/LATransitCorridorsStrategyWhitePaper%20Final%20\(2012-10-01\)%20Carlton.pdf](http://planning.lacity.org/PolicyInitiatives/TransitOrientedDistrictPlanning/LATransitCorridorsStrategyWhitePaper%20Final%20(2012-10-01)%20Carlton.pdf).

MP 2035 would indirectly adversely impact land-use through the Regional Transportation Plan, which confers by-right land-use entitlements under SB 743. Please be aware of and abide by the requirements of Charter Section 555 since May 28, 2015 regarding MP 2035.

Please incorporate by reference in the Administrative Record the following documents <http://www.fixthecity.org/docs/MP2035BackupDocs.pdf>.

MM LU1 study replacement parking if on-street parking removed

Unless funding is provided to purchase and build off-street parking in impacted areas, for example, using the Special Parking Revenue Fund, intended to build and operate off-street parking within the parking districts funding it, it is unlikely that off-street parking will ever be created by the city. Instead of using this fund for its intended purpose, the City Council transfers the Parking Revenue Fund into the General Fund. MP 2035, should propose a by-right entitlement to those funds within each district to build and operate public parking facilities. This would help the local business districts and result in added revenue for the city. In addition, the In Lieu Parking Fee Fund should be used to similarly fund off-street parking for local business districts.

In addition, MP 2035 the Mayor's Sustainability Plan and Great Streets Plan, which call for reducing, not increasing, congestion and air pollution: "Traffic **congestion** impacts the movement of people and goods, and emissions from motor vehicles negatively affect air quality and public health." Thus road diets that create congestion lead to air pollution and harm public health, according to LA DOT and the Mayor. Yet MP 2035 mandates increased congestion by

FIX THE CITY

removing lanes to accommodate 1 percent of the travelers. The City cannot have it both ways: if it wants to reduce congestion, it must find alternatives such as those recommended by the 2008 and 2010 RAND Corporation studies for Los Angeles.

MM T-3: Traffic calming for neighborhood streets impacted by traffic calming on arterials

This mitigation makes no sense. But is an admission that traffic calming displaces traffic and does not eliminate it.

MM T5 Emergency Response Access:

This is not understandable. If lanes are removed, access is reduced. The Fire Preemption System is a signal override, it does not create lane space for LAFD. Once lane space is gone, it is gone. There is no baseline for current response access and what MP 2035 would do to current response access, nor, just as important with regard to mandatory CEQA analysis, no data or analysis of impacts of MP 2035 on emergency response rates, current and in the future. The EIR's failure to propose mitigation for emergency response due to population increase, densification, and congestion on streets and freeways is a threat to public safety that should be the starting point for MP 2035, not a shrug of the shoulders saying the city knows it will make it worse, but can't figure out feasible mitigation. Of course it can. Look at the RAND corporation's mobility suggestions that aid mass transit and do not remove capacity.

Section 5.6 Environmentally Superior Alternative

With regard to reduced congestion, it appears that the no project alternative would not create as much congestion as MP 2035. It is the environmentally superior alternative. The conclusion reached is not supported by substantial evidence in the record.

Comparisons with cities that have enhanced bicycle networks neglect that many of these cities have well-established public transit. New York City, San Francisco, Washington, D.C., etc., are not Los Angeles, which lacks an integrated subway, light rail or bus system (see page 30, Exhibit C-2, Findings of Fact).

Benefits of MP 2035 Claimed to Support SOC are Not Supported by Substantial Evidence

Benefit 4, p. 32 of Exhibit C-2 claims that MP 2035 supports the policies and goals of the General Plan Framework. There is no substantial evidence in the record to support this statement. There is evidence in the record that it undermines the goals and policies of the Public Services Element, the Housing and Population Element, the Health Element, Community Plans, and other plans and policies cited above. It specifically violates the CMP.

FIX THE CITY

Benefit 5 is not supported by evidence. The SOC contradicts this statement. It will not improve local mobility. It will increase local congestion, delay emergency response time, violate the CMP, etc.

Benefit 6 is not supported by substantial evidence that greenhouse gases will be reduced since congestion will increase and the CMP will be violated.

Benefit 7 is not supported by substantial evidence in the record. The person carrying capacity of streets is not increased, but reduced.

Benefit 8: the math does not make sense. The comma is confusing for 219,00 per day reduction in trips. How is this number derived? And VMT does not make sense (1.7 million fewer miles per day) since there are only 1% of all trips on bikes, even 1.7% bikers would not add up that much, especially given the distances covered for commuting, and increased transit boardings are not clearly derived from MP 2035. The total number of current trips, boardings, etc., should be compared with the number reduced for each mode.

Benefits 9 and 10 do not provide information regarding the equitable distribution of benefits in each Council District.

Benefit 11 does not connect the funding mechanism with sidewalk repairs. It is not known what “active transportation spending” (p. 32) means.

Benefit 12 is not supported by substantial evidence, and the SOC contradicts it. Air quality and public health benefits will not occur as a result of MP 2035 because regional trips will not be reduced. Perhaps some local trips, but not regional, commuting trips. Violation of the CMP means more, not less air pollution, and cars idling means more fuel is burned, generating more greenhouse gases, not less. Congestion increases pollution and greenhouse gases.

Benefit 13 (see comments above re. emergency response time and emergency access adverse impacts and resulting deaths for pedestrians and bicyclists because first responders are stuck in traffic with no emergency access to reach them and prevent fatalities.

Benefit 14 claims a reduction in Greenhouse gases which is impossible if congestion is significantly increased. The SOC states the CMP will be impacted, that circulation will be impacted. Since cars idling rather than moving burn more fuel and create more pollution, greenhouse gases will not be reduced. They will be increased and thus regional and state regulations mandating GHG reductions will not be met.

Benefit 15 is not true that consumption of fuel will be reduced because congestion under MP 2035 will increase significantly and cause more fuel to be burned.

FIX THE CITY

Benefit 17 is not supported by substantial evidence in the record. The added congestion due to MP 2035 does not help balance the policy goals and objectives of the city, since many of the policies, goals, programs and plans mandate reducing, not increasing, congestion.

Independent Review by City Council

In certifying an EIR, CEQA requires that the City Council exercise its own independent evaluation of the EIR. Councilmember Bonin stated on the record on August 4, 2015, that he felt that the SOC was a worst case and was not likely to produce the dire consequences stated in the EIR. Thus it appears that he rejected the EIR's conclusion without any substantial evidence of his own to support his claim that congestion will be less with the project than without, a conclusion that is refuted by Table 4.1-20 in the REIR. Thus the City Council Committees, in approving MP 2035, made an arbitrary and capricious decision to ignore substantial evidence that warned of dire consequences from MP 2035 with regard to congestion, emergency response, neighborhood intrusion, the CMP and wildlife habitats.

CEQA mandates that decision makers base their decisions on substantial evidence, not "aspirations," a word bandied about in the EIR, MP 2035 and in the Council Committee meetings. Thus far, it appears that the Council is relying on aspirations, not substantial evidence. In addition, the claims of reasons to support the SOC are not based on substantial evidence, but even more aspirational claims. This EIR constitutes voodoo environmental analysis through sloganeering, not data and analysis.

Sincerely,

LAURA LAKE

Laura Lake, Ph.D., Director, Fix the City

Attachment: Transcript LA City Planning Commission Hearing on MP 2035, May 28, 2015.

Professional Qualifications

Laura Lake, Ph.D., is an environmental professional who has authored books and articles on environmental policy implementation, testified before the LA City Council, California Legislature, and US Congress on environmental regulation and compliance. Dr. Lake's testimony has been accepted as substantial evidence by the LA Superior Court.