BuchalterNemer
A Professional Law Corporation

18400 Von Karman Avenue, Suite 800 Irvine, California 92612-0514
Telephone (949) 760-1121 / Fax (949) 720-0182

Direct Dial Number: (949) 224-6292
Direct Facsimile Number: (949) 224-6480
E-Mail Address: *blichman@buchalter.com*

May 20, 2013

VIA FACSIMILE ((213)626-0434), ORIGINAL TO FOLLOW BY U.S. MAIL

David W. Louie, Chair
Los Angeles County Department of Regional Planning
Attn: Airport Land Use Commission (ALUC)
320 West Temple Street
13th Floor
Los Angeles, CA 90012

Re: Impasse Appeal by Cities of Culver City and Ontario, and County of San Bernardino - Project No. R2013-00396-(2); Aviation Case No. 201300001 - General Plan and Specific Plan Amendment Project (City of Los Angeles)

Dear Mr. Louie:

The Cities of Culver City and Ontario, and County of San Bernardino ("Cities/County") have reached an impasse with the City of Los Angeles and Los Angeles World Airports (collectively "LAWA") regarding the Los Angeles International Airport ("LAX") Specific Plan Amendment Study Project ("SPAS Project"). Pursuant to the California State Aeronautics Act, Cal. Pub. Util. Code § 21670.2(a), and the "Los Angeles County Airport Land Use Commission Review Procedures," Cities/County hereby submit this Impasse Appeal to the Los Angeles County Department of Regional Planning, sitting as the Los Angeles County Airport Land Use Commission ("ALUC"). This appeal is based on: (1) LAWA's failure to submit to the ALUC, and the ALUC's failure to consider, the entire SPAS Project when determining its consistency with the Los Angeles County Airport Land Use Compatibility Plan ("ALUCP"); (2) the ALUC's consequent failure to consider the SPAS Project's manifest inconsistency with the ALUCP's policies governing, among other things, structural incursions into the protected area at the east end of the LAX North Airfield, denominated the Runway Protection Zone or RPZ, inclusion of large "assemblies of persons," in the RPZ in patent violation of ALUCP policies and the Federal law that governs them, Cal. Pub. Util. Code § 21240 ["This state recognizes the authority of the federal government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the department (Caltrans) the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways"], and LAWA's failure to mitigate these patent violations of state law and the ALUCP itself.

purpose of memorializing the Airfield Improvements which are the gravamen of the SPAS Project.

II. CITIES/COUNTY HAVE STANDING TO PROSECUTE AN IMPASSE APPEAL

As Cal. Pub. Util. Code § 21670.2(a) applies only to the County of Los Angeles, the ALUC has promulgated the "Los Angeles County Airport Land Use Commission Review Procedures (December 2004)" ("Review Procedures") which govern appeals to the ALUC. Review Procedures, § 5. Review Procedures § 5.2.1 set forth the basic requirements for standing to appeal.

First, an appeal may be brought by "[a]ny public agency involved in an impasse over the airport planning of another public agency, where the airport or the airport's planning area boundary extends into the County of Los Angeles." A "public agency" is defined as "[a] county, city, school district, or other governmental body." Review procedures, § 1.2.22. Second, the matter appealed must pertain to "[a]ny significant unresolved issue between the appellant public agency and the public agency proposing the project regarding proper airport planning as it relates to the project at issue." Review Procedures, § 1.2.16. Third, the "public agency" must "demonstrate that it has, at a minimum, participated in the airport planning process and has expressed its concerns to the public agency governing body regarding the airport planning project." Review Procedures, § 5.2.1. Cities/County have met all three prongs of the test.

First, there can be no disagreement that Cities/County meet the review procedures' definition of "public agency;" that the matters appealed relate to the still unresolved issues of project definition and ALUC safety and regionalization policies created by the SPAS Project. Nor can it be disputed that Cities/County have fully participated in, and communicated their positions concerning, the SPAS Project, to various agencies, commissions and representatives of the City of Los Angeles. *See, e.g.*, Comments of the Cities of Inglewood, Culver City, Ontario and County of San Bernardino on Draft Environmental Impact Report, October 10, 2012 (attached to this Impasse Appeal as Exhibit A), and Comments of Cities of Inglewood, Culver City, Ontario and County of San Bernardino on the Final Environmental Impact Report, March 8, 2013 (attached to this Impasse Appeal as Exhibit B). In addition, representatives of Cities/County appeared at the meeting of the Los Angeles Board of Airport Commissions on February 5, 2013; the Los Angeles Planning Commission on February 14, 2013; the ALUC on March 27, 2013; and the Joint Meeting of the Los Angeles City Council Planning and Land Use Management Committee and Trade, Commerce and Tourism Committee on April 9, 2013. It is equally indisputable that the matters appealed relate to the SPAS Project which involves LAX, the planning boundaries of which lie comfortably within the County of Los Angeles.

III. THE IMPASSE

In Public Utilities Code section 21670, the California Legislature declared the purpose of the California Aeronautics Act. "It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as

- 153 passenger gates
- Development of an Intermodal Transportation Facility (ITF), Consolidated Rent-A-Car Facility (CONRAC), and parking outside the Central Terminal Area (CTA)
- Construction of an Automated People Mover (APM) to link new facilities to the CTA and provide connectivity with planned Metro facilities."

FEIR, § 2.1.1, p. 2-1.

In an apparent effort to minimize the magnitude of the SPAS Project's potential impacts on "the general welfare of the inhabitants within the vicinity of the airport," Cal. Pub. Util. Code § 21675, and, thus make a finding of consistency possible, LAWA submitted only the Plan Amendments to the ALUC for a determination of consistency, rather than the SPAS Project as a whole. Thus, in making its determination of consistency, the ALUC admittedly and purposefully ignored the Airfield Improvements that are the heart of the SPAS Project, *see, e.g.*, FEIR, § 2.1.2, p. 2-2, and the only reason the Plan Amendments were required in the first instance. Because the Airfield Improvements are an identity with the SPAS Project, and, because the Plan Amendments merely document the existence of the Airfield Improvements, the consistency of the SPAS Project with the ALUCP cannot be adequately evaluated without also evaluating the characteristics and impacts of the Airfield Improvements themselves.

In this regard, Cal. Pub. Util. Code § 21676(c) provides that a public agency owning an airport "shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission." Here, the SPAS Project is a comprehensive change to the Airport Master Plan that cannot be considered except as a whole. Similarly, Section 5.3.1 of the California Airport Land Use Planning Handbook addresses "the obligations of local agencies with regard to submitting land use projects . . . for the commission's review." Here, LAWA defied the clear expectation that a single project would be submitted to the ALUC as a whole, and not divided into segments, with each segment submitted separately at a different time, in an effort to minimize the potential environmental impacts of each submission.

B. The ALUC Impermissibly Failed to Consider the Inconsistency between the SPAS Project as a Whole and the ALUCP's Policies Governing Structural and Population Incursions into the RPZ.

The Plan Amendments evaluated by the ALUC are derived entirely from the Airfield Improvements which include the relocation of Runway 6L/24R 260 feet northward. *See, e.g.*, DEIR, § 2.2, p. 2-1. The relocation of Runway 6L/24R "shift[s] the associated RPZ northward by that same amount, which would extend over existing developed uses near the east end of the runway that are not currently within the existing RPZ." Final EIR, § 2.3.7.2.1, p. 2-111. While the FEIR acknowledges that "[t]he presence of such uses . . . may be considered incompatible with FAA design recommendations that RPZ areas be clear of all obstructions and occupied uses," FEIR, § 2.3.7.2.1, p. 2-117, it nevertheless claims, without a scintilla of documentary

impermissibly sanctions LAWA's failure to provide mitigation of these clearly substantial safety violations. "The need, if any, for acquisition or other appropriate measures associated with changes in the RPZs will be determined by the FAA in later stages of planning and therefore are not addressed in this EIR." FEIR, § 2.3.9.1, p. 2-140. This nonspecific mention of potential mitigation, as well as its rejection, is not only inconsistent with the ALUCP's policies, but flies in the face of both Federal and State law, and requires the appropriate exercise of the ALUC's discretion to find the SPAS Project inconsistent with the ALUCP.

IV. CONCLUSION

For all the foregoing reasons, Cities/County respectfully requests that the ALUC set a hearing and grant this Impasse Appeal, finding the SPAS Project inconsistent with the governing ALUCP.

Sincerely,

BUCHALTER NEMER
A Professional Corporation

By Barbara Lichman

Barbara Lichman

I. PROCEDURAL HISTORY

In 1991, the ALUCP for LAX was adopted.[1] In 2004, Los Angeles proposed a new Airport Master Plan for LAX accompanied by a joint State Environmental Impact Report ("EIR") pursuant to the California Environmental Quality Act, Cal. Pub. Util. Code § 21000, *et seq.*, ("CEQA") and Federal Environmental Impact Statement ("EIS") pursuant to the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.*, ("NEPA"). During the same period, the ALUC reviewed the LAX Airport Master Plan for consistency with the ALUCP, and found the Airport Master Plan inconsistent with the ALUC policies governing safety impacts of increased airport capacity and regionalization of aviation demand. Also in 2004, the Los Angeles City Council overruled the ALUC determination of inconsistency by a two-thirds vote, pursuant to Cal. Pub. Util. Code § 21676.5.

In 2005, the County of Los Angeles and the City of El Segundo filed an Impasse Appeal concerning certain aspects of the LAX Airport Master Plan. Disagreement was in the areas of measuring airport capacity, the need to develop a regional approach to airports, noise, safety and security. The ALUC heard the impasse at an appeal hearing and upheld the appeal in the areas of measuring airport capacity and the need to develop a regional approach to airports, and denied the appeal in the areas of noise safety and security.

Also in 2005, the County community group, Alliance for a Regional Airport Solution to Airport Congestion ("ARSAC") and the Cities of El Segundo, Inglewood, and Culver City ("Petitioners") filed a legal challenge under CEQA to the Los Angeles City Council's adoption of the joint EIR/EIS for the LAX Airport Master Plan. Later that year, the parties settled the legal challenge through a Stipulated Settlement which required, among other things, that: (1) Petitioners withdraw the Impasse Appeal; (2) future LAX projects, identified in the Master Plan as "Yellow Light" projects, be evaluated through a subsequent study, the Specific Plan Amendment Study ("SPAS"); and (3) full CEQA review be undertaken at the conclusion of the SPAS. In 2006, LAWA commenced the process of developing alternatives for inclusion in the SPAS. The final SPAS EIR and accompanying "SPAS Report" included nine alternatives that could be mixed and matched to achieve the final project. No preferred alternative was designated.

On February 5, 2013, the LAX Board of Airport Commissioners ("BOAC") certified the SPAS EIR and selected Alternative 1, which was predicated upon airfield improvements, including the movement of the northernmost runway, Runway 6L/24R, 260 feet to the north, with an associated movement of the RPZ, with resulting inclusion of several populated structures (collectively, the "Airfield Improvements"). The SPAS Project also included a number of administrative amendments to portions of the City of Los Angeles General Plan including: (1) the LAX Specific Plan; (2) the Land Use Element, including the LAX Plan and the Westchester/Playa de Rey Community Plan; (3) the Transportation Element; and (4) the Noise Element. Those subsidiary plan documents ("Plan Amendments") were offered merely for the

[1] The document was titled, at that time Los Angeles County Comprehensive Land Use Plan.

to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems." *Id.* at § 21670(a)(1). In addition, "[i]t is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses." *Id.* at § 21670(a)(2).

To ensure that these purposes are achieved, the Public Utilities Code requires that each county with an airport serviced by a scheduled airline establish an airport land use commission. Cal. Pub Util. Code § 21670(b). Each commission is responsible for formulating, "an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general." Cal. Pub. Util. Code § 21675(a). In addition, airport land use commissions must, among other things, review the plans of local agencies to determine whether those plans are consistent with the county's ALUCP. Cal. Pub. Util. Code § 21674(d).

Here, pursuant to LAWA's limited application for review, the ALUC reviewed not the entire SPAS Project, the genesis of the impacts on the "general health and welfare" that the ALUC is charged with protecting, but only a number of Plan Amendments memorializing planned changes to the airfield, amendments which would have been entirely unnecessary absent the underlying comprehensive plan for the airfield. Cities/County disagree with the narrow scope of the ALUC's review of the project; its determination of consistency for just the supporting ancillary plans, made at LAWA's behest; its decision to ignore the SPAS Project's manifest violations of the ALUCP; and ultimately with a finding that the Project is consistent with the requirements of the ALUCP. Cities/County have therefore reached an impasse with LAWA regarding the SPAS Project.

A. LAWA and the ALUC Impermissibly Segmented the SPAS Project in Order to Create Consistency with the ALUCP

The SPAS Project is a comprehensive land use project providing the blueprint for the Airfield Improvements. The FEIR defines the

> "key features of the LAWA Staff-Recommended Alternative [to] include:
> - Relocation of Runway 6L/24R 260 feet north
> - Construction of a centerline taxiway
> - Easterly extension of Runway 6R/24L
> - Improvements to north airfield taxiways
> - Development/redevelopment/extension of Terminal 0, Terminal 3, Tom Bradley International Terminal, and the future Midfield Satellite Concourse

support, that the runway realignment "is not considered to pose a significant safety hazard compared to baseline conditions." *Id.*

In ignoring the FEIR's acknowledgment of the Project's safety impacts, LAWA and the ALUC apparently forget both State and Federal law governing uses in the vicinity of airports, as well as the provisions of the ALUCP. FAA's Advisory Circular 150/5300-13A specifically sets forth rules governing permitted uses within RPZs. "It is desirable to clear the entire RPZ of all above-ground objects. Where this is impracticable, airport owners, as a minimum, should maintain the RPZ clear of all facilities supporting incompatible activities." Advisory Circular 150/5300-13A, § 310.a.(2), p. 70. Incompatible activities include, but are not limited to, those which lead to an assembly of people. Advisory Circular 150/5300-13A, § 310.a.(2), p. 70, citing FAA Memorandum, Interim Guidance of Land Uses Within a Runway Protection Zone, 9/27/2012.

Incorporating this standard into state law, the Public Utilities Code, which governs and structures all airport land use plans within the state, including that of Los Angeles County, explicitly recognizes the preemptive authority of Federal law in the area of aviation safety. "This state recognizes the authority of the federal government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the department the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways." Cal. Pub. Util. Code § 21240. As the RPZ is "primarily for the purpose of safety and convenience to people on the ground," Advisory Circular 150/5300-13A, § 310.a.(1), p. 70, its appropriate uses are designated entirely by Federal law and regulation. Last, but certainly not least, the ALUCP is clear concerning the prohibition of any occupancy of the RPZ. ["[The RPZ] is the most critical safety area under the approach path and should be kept free of all obstructions. No structure will be permitted nor the congregation of people allowed within this zone." ALUCP, § III, Safety, p. 9.]

Despite these clear legal mandates, LAWA's implementation of the Airfield Improvements will add to the RPZ at least 40 land uses, FEIR, Table SRA-2.3.7.2-2, more than one-half of which implicate "assemblies of persons." *Id.* Moreover, the new approach surface for Runway 24R mandated in FAA's regulation, 14 C.F.R. Part 77, and incorporated into the ALUCP by reference, now includes "the upper portion [of an] existing 5- story office building located at the northwest corner of Sepulveda Boulevard and Westchester Parkway," FEIR, § 2.3.7.2.1, p. 2-110, which was not formerly included in the RPZ. As the ALUC is obligated to follow the mandates of Federal law, and that law, as well as the ALUCP, require the maintenance of a clear RPZ to the extent legally allowable, LAWA's request for a determination of consistency on only derivative aspects of the full project, as well as the ALUC's sanctioning of addition incursions into the RPZ are clearly inconsistent with the policies of the ALUCP and the Federal mandate upon which they are based.

Finally, and despite the clear violations of both Federal law and its own ALUCP, by finding consistency with only the plan amendments, and failing and refusing to consider the Airfield Improvements that give rise to them and are their raison d'etre, the ALUC

BuchalterNemer
A Professional Law Corporation

18400 Von Karman Avenue, Suite 800 Irvine, California 92612-0514
Telephone (949) 760-1121 / Fax (949) 720-0182

Direct Dial Number: (949) 224-6292
Direct Facsimile Number: (949) 224-6480
E-Mail Address: *blichman@buchalter.com*

October 10, 2012

VIA E-MAIL (SPASEIRCOMMENTS@LAWA.ORG)

Los Angeles World Airports
Facilities Planning Division
Attn: Diego Alvarez
1 World Way
Los Angeles, CA 90045-5803

Re: Draft Environmental Impact Report for the Los Angeles International Airport Specific Plan Amendment Study - Comments of City of Inglewood, City of Culver City, City of Ontario and County of San Bernardino

Dear Mr. Alvarez:

The following are the comments of the City of Inglewood, City of Culver City, City of Ontario and County of San Bernardino (collectively "Cities/County") concerning the Draft Environmental Impact Report for the Los Angeles International Airport Specific Plan Amendment Study ("DEIR"). From a global perspective, Cities/County view the DEIR as just the latest illustration of the ancient adage – "The more things change, the more they stay the same," where the DEIR reflects the same analytic deficiencies as Cities brought to the attention of Los Angeles World Airports ("LAWA") in their comments on the environmental review of the Draft and Supplemental Draft Environmental Impact Report/Environmental Impact Statement, Los Angeles International Airport Proposed Master Plan and Master Plan Addendum in 2003 and comments on the Notice of Preparation of Draft Environmental Impact Report (SCH No. 1997061047) – Los Angeles International Airport Specific Plan Study on June 17, 2008 and Revised Notice of Preparation of Draft Environmental Impact Report (SCH No. 1997061047) – Los Angeles International Airport Specific Plan Study on November 29, 2010, which are attached to this letter as Exhibits 1, 2 and 3 respectively, and incorporated in it by reference.

Specifically, the DEIR continues LAWA's long tradition of:

(1) Failing to designate a "project," substituting instead an array of project components, leaving it up to the reviewer to aggregate and analyze the collective impacts of the various ground and air components, in defiance of the mandate of the California Environmental Quality Act, Cal. Pub. Res. Code § 21000 *et seq.*, ("CEQA") for an "accurate, stable and finite description." *See, e.g., Planning and Conservation League v. Castaic Lake Water Agency*, 180 Cal.App.4th 210, 234 (2010);

Here, in direct contravention of these unequivocal requirements, the DEIR presents nine options from which the public may choose. The options are not "alternatives" to one another in the standard sense, because only options 1 through 4 are complete projects, *i.e.*, include both airfield components and off-airfield surface traffic components. Alternatives 5 through 7 omit any mention of associated surface traffic or its impacts. Conversely, options 8 through 9 evaluate only surface traffic, and omit any mention of airfield improvements. Apparently, this approach was chosen on the assumption that the impacts of various components are additive, *e.g.*, the air quality and noise impacts of Alternative 5 can simply be added to those of Alternatives 8 or 9 as assumed in the EIR. Certain impacts, however, such as noise are evaluated logarithmically. That means the noise impacts from the surface traffic discussed in Alternatives 8 and 9 may be subsumed within the far greater noise impacts calculated from airfield operations when the two are added together, masking the true impacts of both.

Nor can the DEIR's approach be justified on the ground that the airfield and surface traffic options have "independent utility," *see, e.g., Planning and Conservation League, supra*, 180 Cal.App.4th at 237, and would occur with or without the project. It is clear from the DEIR that surface traffic improvements are critical to the stated purpose of the project as a whole, the replacement of the "Yellow Light" projects, as defined in the Settlement, which includes both airfield and surface traffic projects. *See, e.g.*, DEIR, Project Description, § 2.2, Objective No. 2, "Improve the Ground Access System at LAX to Better Accommodate Airport-Related Traffic, Especially as Related to the Central Terminal Area." [Emphasis added.]

In short, the DEIR fails to designate a "project" or preferred alternative at all. Rather, it confronts the public with four "projects" and five components of a single project, and asks it to evaluate several in combination, all with the same level of specificity, as any one or more may be chosen to be implemented. The same sort of obfuscation was summarily rejected by the court in *Woodward Park Homeowners Association, Inc. v. City of Fresno*, 150 Cal.App.4th 683, 711 (2007). In that case, the court rejected the use of a baseline predicated on a previously approved project, rather than the existing physical condition of the property, which would have required the public to research prior published documents to create a relevant comparison with project impacts. Its holding applies to the complex conglomeration of options at issue here including the synergistic impacts of each of those options with those projects of Alt. D, the current Master Plan, which are still being implemented. "The sum of the earlier identified impacts and those identified now would be the actual impacts of the present project. . . Even assuming this [addition] would have been possible, an agency cannot satisfy its CEQA obligations by imposing a burden of that kind on the public." *Id.* at 711.

II. THE DEIR INCORRECTLY RELIES ON ALTERNATIVE 3 AS THE "NO PROJECT" ALTERNATIVE WHERE IT INCLUDES IMPLEMENTATION OF THE "YELLOW LIGHT" PROJECTS THAT WERE ELIMINATED BY THE SETTLEMENT

The purpose of the "no project" alternative is to allow a comparison of the environmental impacts of approving the proposed project with the effects of maintaining the status quo. CEQA Guidelines § 15126.6(e)(1). When the project involves revisions of an existing plan, policy, or

The DEIR itself does not disclaim this link to capacity enhancement. It makes clear that the further separation of the north runways is necessary to efficiently accommodate NLAs, and to allow for some larger aircraft currently using the South Complex to use the North Complex as well. *See, e.g.*, DEIR, pp. 1-10, 2-2. Nevertheless, aircraft activity is held constant across all evaluated runway alternatives. In other words, the number of flights into and out of LAX is identical (2053 operations per peak day), as is the aircraft fleet mix through which those flights are conducted. By assuming constant aircraft activity in 2025 under all four runway "integrated" alternatives, the DEIR is implying that LAX can handle the forecasted aircraft demand – even that related to the new generation of NLA – regardless of whether any redesign of the northernmost runways is implemented. That is, the DEIR assumes that the same aircraft, in the same numbers, will fly into and out of LAX whether the runways are moved or left as is, whether or not more efficient runway exits are constructed, and whether or not taxiways are or are not reconfigured. The explicit assumption is that the potential improvements will enhance the safety of these aircraft operations. However, in this case the improvements made to enhance safety also enhance effective runway capacity. It is this additional capacity that should allow for differential levels of activity under the various alternatives.

However, and despite the DEIR's admission that the various airfield alternatives will have differential operational effects, depending on the type of aircraft, time of day and weather, the capacity enhancing impacts of these differential operational effects remain stubbornly unanalyzed because of "budget considerations."[1] Neither the CEQA Guidelines nor the courts recognize such budget constraints on reasonable analyses, fundamental to a complete picture of project impacts. Until such analyses are conducted and their results reported, including an analysis of the differential operational characteristics of options 1 through 7, and their resulting capacity enhancing characteristics, including the potential for more divergent flight paths taking additional aircraft over proximate communities such as Culver City and Inglewood than currently exist, the DEIR will remain fatally defective.

IV. THE DEIR AIR QUALITY SECTION OMITS DATA AND ANALYSIS CRITICAL TO A DETERMINATION OF THE IMPACTS OF THE VARIOUS ALTERNATIVES

In another exercise in "déjà vu all over again," the DEIR air quality analysis omits both the data and analysis necessary to fully and accurately disclose the air quality impacts of any of the potential alternatives.

[1] *See* LAX Specific Plan Amendment Study Report, Appendix F-2, p. 1: "For the purposes of developing detailed airside design assumptions that could be utilized in modeling a reasonable range of airfield configuration options, and do so in an efficient and cost-effective manner taking into account contract scope and budget considerations, the simulation analysis focused on only Alternatives 1 through 4. Based on the detailed information developed for those alternatives, the SPAS Environmental Team was able to estimate performance assumptions and projections for Alternatives 5 through 7, as utilized in the aircraft noise and air quality analyses."

(4) For APU emissions rates, use of emissions factors from EDMS without disclosing the way in which the assumption that all gates would be equipped with preconditioned air (making APU use less necessary) was reached, the numerical impacts of that assumption, or the data or analysis underlying the assumption. DEIR, p. 4-93.

Finally, the aircraft emissions data that is presented in the DEIR reveals a fundamental inconsistency between Alternatives 3, Master Plan Alternative D, and Alternative 4, the "No Project" Alternative for air quality purposes (*see, e.g.*, Table 4.2-14). Presented data for Alternative 4 indicates 27.72 minutes per landing/takeoff cycle ("LTO"), and for Alternative 3, Alt. D, 29.56 minutes, *i.e.*, more aircraft emissions for the same total traffic. The 2003 Master Plan EIR, however, reached precisely the opposite conclusion with the taxi and delay times for the "No Action" Alternative exceeding that of Alt. D by 3%, and Alt. D exhibiting airside emissions generally 5% lower than those of the "No Action" Alternative.[2]

B. Reverse Thrust Emissions are Omitted from the Air Quality Analysis

Just as in the 2003 Master Plan EIR, and as addressed in Inglewood's comments on that document attached, emissions associated with reverse thrust operations are not considered in the current DEIR. The bottom line then, as now, is that reverse thrust operations are common at LAX under all alternatives (*see, e.g.*, DEIR, p. 4-829), and there is an accepted procedure for estimating them. They are, moreover, a high thrust, high nitrogen oxide ("NO_x") mode of operation. Thus, even though short in duration (normally 15 to 20 seconds per arrival), a high amount of NO_x is produced, all of which is emitted at ground level. The absence of any analysis of reverse thrust, therefore, casts doubt on the aggregate analysis of NO_x emissions from all project alternatives.

C. The DEIR Omits Critical Engine Assignments

The DEIR contains no information regarding the specific engine types used in the modeling of aircraft operations.[3] As a result, it is impossible to evaluate whether the selection methodology and resulting emissions estimates are accurate. This omission is important because aircraft engines available and employed by different airlines for a given airframe can differ dramatically in their emissions profiles. Thus, the selection of specific engine types can have a significant bearing on the overall air quality impacts of any alternative that affects aircraft operations. As with the issue of reverse thrust emissions, aircraft engine selection was addressed in detail in Inglewood's comments on the 2003 Master Plan EIR. At minimum, the DEIR should provide a list of the engine assignments utilized in the air quality modeling so that the potential significance of the engine differentials can be determined. The omission of that data renders the DEIR air quality analysis deficient.

---

[2] The total taxi and delay times for Alternative D (in the 2003 Master Plan EIR (then the Preferred Alternative)) was 31 minutes per LTO cycle, compared to 29.6 minutes per LTO cycle in the current DEIR.

[3] *See also* comments on noise analysis which suffers from the same omission.

suffers from the same deficiencies. *See also*, DEIR, pp. 4-112 and 4-118 re: emissions for Alternative 5, which alternative involves in the most radical realignment of Lincoln Boulevard.

F. The DEIR Lacks Any Data or Analysis of Sulfur Dioxide Emissions

Finally, emissions of sulfur dioxide ("SO_2") do not appear to have been estimated for GSE, motor vehicles, or stationary sources, based on the omission of any SO_2 data from the "detailed" operational emissions tables included in DEIR Appendix C (*see, e.g.*, Table 21, Operational Concentrations). SO_2 emissions are exclusively a function of the sulfur content of fuel, which is relatively easily assessed, leaving no stated reason for their omission, but a gaping hole in the analysis.

In summary, budget constraints are not a sufficient excuse for depriving the public of the requisite air quality analysis and complete disclosure under CEQA. Moreover, this project will eventually require FAA funding. In order to obtain it, the project must comply with the conformity requirements of 42 U.S.C. § 7506(c), and its implementing regulation, 40 C.F.R. 93.150, *et seq.* Compliance will require that the project not exceed the emissions thresholds set forth in that section. It is Cities/County's position that LAWA will be unable to establish the requisite conformity absent the filling of the data void specified here. And any reliance on a previous finding of conformity, based on the 2003 Master Plan EIR and associated conformity analysis, is seriously misplaced. That analysis never established conformity methodologically, but relied on an "exemption" provided by Southern California Air Quality Management District ("SCAQMD"), which was not delegated the duty of granting such an "exemption" under the then existing statutory regime. Thus, Cities/County strongly recommend the DEIR be revised to provide a thorough disclosure of the various options' air quality impacts, in order to satisfy both Federal and State unequivocal mandates.

V. THE DEIR FAILS TO ADEQUATELY DISCLOSE THE PROJECT'S NOISE IMPACTS

The DEIR is dramatically deficient in its purported analysis of the noise impacts of the various alternatives. Notably, none of the noise contours depicted in the DEIR include the 1992 contour employed by LAWA for sound insulation purposes in Inglewood, *see* DEIR, p. 4-665.

Perhaps most notably, the noise analysis does not appear to have been based on the Integrated Noise Model ("INM"), the model required for use by FAA. FAR Part 150, Appendix A, § A150.103(a); FAA Order 1050.1E, § 14.2b. Instead, the flight tracks depicted in the EIR and used in the noise analysis appear to be radar tracks, wholly independent of the INM protocol.

Moreover, the noise analysis lacks critical fundamental data concerning types of aircraft, numbers of each type of aircraft projected, the number of operations anticipated for each aircraft type, and the source of the data in the DEIR database. Instead, the DEIR substitutes percentages without revealing the source or calculation of those percentages. Given the differential noise

Better Environment, supra, 184 Cal.App.4th at 92, citing CEQA Guidelines § 15126.4(a)(1)(b) ["Formulation of mitigation measures should not be deferred until some future time."].

In doing so, the DEIR may be incorrectly relying on the claim that, in gaining compliance with the "clear zone" requirements for the RPZ, and included Runway Safety Area ("RSA"), FAA has the option of redirecting or removing an object. Page 4-512, § 4.7.2.6.1. FAA has no such option, because only the local land use jurisdiction possesses such power.

Moreover, the DEIR disclaims the need for any acquisition under options 5 through 7, purportedly because only airfield projects are at issue in those options, not the "integrated" options 1 through 4, thus disavowing the need for mitigation. The basis for this disclaimer is not discernible, in that the DEIR makes clear that it is the movements of the runways under options 5 and 6, as well as 1 and 3, that create the need for acquisition of property in the RPZ in the first instance, not the surface traffic options that are "integrated" into options 1 through 4.

From a substantive perspective, the DEIR omits relevant factors in the calculation of land use impacts resulting from the project. First, it entirely omits from its land use impacts analysis the Westchester Business District, part of which may be affected by the RPZ for one or more of the alternatives, without accompanying explanation. Second, it deceptively portrays the City of Los Angeles as the jurisdiction with the greatest existing impacted total land area, DEIR, p. 4-668, *see also* Table 4.9-4, by including the land mass of the airport in the calculation. If the calculation were not arbitrarily skewed by including the land area of the airport, the origin of the impact, in the determination of the impact's scope, it is the City of Inglewood that would have, by far, the greatest land area impacted.[6] The analysis, as well as the planning, should be predicated on that assumption alone.

Finally, the DEIR asserts that the impacts of noise can be mitigated to insignificance by sound insulation, as set forth in MM-LU-1. The DEIR ignores the fact that a sound insulation program encompassing the vast area already exposed to LAX's noise impacts, as well as new areas in surrounding communities, will take decades to implement, if it is funded by FAA at all. And the totality of that funding is now in question. FAA recently published Program Guidance Letter 12-09, "AIP Eligibility and Justification Requirements for Noise Insulation Projects," August 17, 2012 ("PGL") which will limit the access of populations newly brought into the 65 CNEL contour, or affected by an increase of 1.5 dB or more, to sound insulation of all but a small percentage of homes with an average, across all habitable rooms, of less than 45 dB interior noise levels (*see*, September 17, 2012 letter to FAA regarding "Program Guidance Letter – 12-09 – AIP Eligibility and Justification Requirements for Noise Insulation Projects," attached to this letter as Exhibit 4). This means, among other things, that those who are newly impacted by the project, but also who, in good faith, installed sound insulation with their own funds in some rooms; or who could afford to sound insulate bedrooms but not public spaces; or whose dwellings were below the 45 dB interior noise standard under the former operational

[6] Table 4.9-2 seems to indicate that Inglewood has the greatest existing land area of noise impacted uses, in direct contradiction to the statement that "[t]he jurisdiction with the greatest total area (on- and off-airport) within the 65 CNEL or higher noise contour is the City of Los Angeles . . .," DEIR, p. 4-668.

impacted in the DEIR. Despite the acknowledged significance of the impacts on the latter intersections, however, the DEIR states that they already meet the Manual of Uniform Traffic Control Devices ("MUTCD") warrants for the installation of these traffic signals and, therefore, Culver City should be fully responsible for the installation of the traffic signals. In this instance, as the project contributes to the significant impacts on those intersections, it stands to reason that Los Angeles should be responsible for the installation of traffic signals to mitigate the impacts.

Further, the DEIR traffic study, DEIR, p. 4-1301, indicates the project would have a significant impact at the intersection of Lincoln Boulevard and Washington Boulevard (Intersection No. 110), which is not in Culver City, but in the City of Los Angeles. The DEIR indicates that the addition of a southbound through lane would fully mitigate the project at this location. However, adding a southbound lane would require widening of the southbound approach and departure and is not considered feasible. In addition, the DEIR finds that there are no other feasible improvements that could fully mitigate the project's impacts , and, thus, declines to mitigate, leaving the impact on that intersection significant and unavoidable.

With respect to the intersection of Lincoln Boulevard and Washington Boulevard, as with respect to other intersections within the project study area of which the DEIR deems the impacts "unavoidable," there are, in fact, feasible mitigation measures that would alleviate these impacts. For example, with respect to northbound Lincoln Boulevard to westbound Washington Boulevard, the County of Los Angeles' SR90 connector road to Admiralty Way would mitigate the project's impact at this intersection as it would reduce the left turn traffic demand. Similarly, the Costco project at the intersection of Lincoln Boulevard and Washington Boulevard was required to pay Culver City $1.5 million toward the SR90 connector road to Admiralty Way to mitigate Costco's impact at this intersection. In the same way, LAWA should be responsible for contributing toward the SR90 connector road to Admiralty Way to mitigate the SPAS project's significant impacts that, with the named mitigation, would be avoidable.

B. The DEIR Does Not Fully Delineate or Mitigate the Surface Traffic Impacts of the Project on Inglewood

The traffic analysis is flawed as it relates to Inglewood as well. First, although the Future (2025) with Alternative Impact Analysis Summary Table lists 25 of the 29 Inglewood intersections studied as having significant traffic impacts with one or more alternatives, the DEIR indicates that some potential intersection improvements such as those for the intersection of Arbor Vitae Street and Aviation Boulevard are not feasible (*see, e.g.*, § 4.12.2.6.4, p. 4-1283; § 4.12.2.7, p. 4-1285; and § 4.12.2.7.1, p. 4-1291). The DEIR does not, however, set forth the specific criteria upon which that determination was based. This is despite the fact that lack of right of way was cited as one factor of concern, but the acquisition of right of way is common as an element of intersection capacity improvement. The inevitable conclusion is that, even though Inglewood is a significant, perhaps primary conduit, for airport directed traffic, the DEIR shortchanges the manifest traffic, as well as other, impacts on Inglewood as well as on Culver City.

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOS ANGELES INTERNATIONAL AIRPORT SPECIFIC PLAN AMENDMENT STUDY

COMMENTS OF CITY OF INGLEWOOD, CITY OF CULVER CITY, CITY OF ONTARIO AND COUNTY OF SAN BERNARDINO

EXHIBIT 1A

should be further noted that issues raised in Attachment 1 with regard to the analytic adequacy of the DEIR with respect to Alternatives A through C may impact the adequacy of the SEIR's analysis of Alternative D. With that caveat, the issues raised with respect to Alternative D fall generally into six categories:

(I) The SEIR's Project definition is improperly attenuated in that: (a) its baseline for analysis is 1996, almost 10 years before scheduled commencement of Project construction. While arguably reflective of physical environmental conditions in the vicinity of the Project when the Notice of Preparation ("NOP") for the DEIR was published in 1997, a 1996 baseline cannot faithfully represent environmental conditions 10 years later; and (b) the SEIR's purported 15 year term, from the year 2000 to the year 2015, does not take into account the four to five year delay in Project implementation from 2001 to at least 2005-6, and, thus, leaves the final five (5) years of the 15-year term of Project implementation, from 2015 to 2020, and the environmental impacts that may arise during those years, unanalyzed;

(II) Alternative D does not represent a meaningful constraint on capacity because it does not consider the capacity enhancing capability of new large aircraft or the Project's airfield reconfiguration designed to accommodate them;

(III) As a result, the SEIR's noise analysis fails to fully reveal the Project's aircraft and traffic noise impacts on homes and schools, the vast bulk of which fall on Inglewood, or to provide adequate measures to mitigate those impacts;

(IV) The SEIR's air quality methodology and resulting analysis does not adequately portray the emissions impacts of construction vehicles, aircraft and ancillary Ground Support Equipment ("GSE") or truck traffic associated with the Project;

(V) The SEIR's traffic analysis understates the Project's traffic impacts;

(VI) The SEIR's proforma discussion of environmental justice does not fully address the skewed distribution of the Project's impacts which fall almost entirely upon the minority/low income citizens of Inglewood, or offer adequate measures to avoid, minimize or mitigate the maldistribution of Project impacts.

I. THE SEIR'S PROJECT DEFINITION IS INCOMPLETE.

The SEIR's Project definition is improperly circumscribed by: (1) the utilization of the vehicle of a "supplemental" EIR, where a complete new EIR, encompassing Alternatives A through D would have been appropriate; (2) the utilization of a 1996 baseline, dating back seven years from the publication of the SEIR, where data indicates that the correct baseline would have been the full year 2001; and (3) the utilization of the years 2000 to 2015 as the 15-year term of

Moreover, the SEIR exceeds the proper scope of a supplement as set forth in the CEQA Guidelines. A supplement only "augments a previously certified EIR", CEQA Guidelines § 15163, Discussion, and only where "minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." CEQA Guidelines § 15163(a)(2). Neither of these conditions exists here. The DEIR was never certified. Further, the changes to the Master Plan contained in the SEIR are far from minor. In fact, they constitute a new "preferred alternative", supported by new goals, objectives, methodological approaches, and data, as well as resulting comparisons and ultimate conclusions.

The legislature and the public resources agency charged with CEQA's implementation have taken the position that, prior to ultimate certification, a single project must be analyzed in a single comprehensive document. The rationale for this position becomes clear with reference to the SEIR. The isolation of a single alternative, Alternative D, and the consequent welter of cross-references to the previous DEIR, a two year old document, its technical reports and appendices, as well as to the SEIR, its technical reports and appendices, is a nearly insurmountable challenge to the public and to decision makers, even if the analytic framework of the DEIR and SEIR were comparable, thus defeating CEQA's principal goals of "informed decision-making and informed public participation." *Save Our Peninsula Committee v. Monterey County Board of Supervisors*, 87 Cal.App.4th 99, 118 (2001).

B. The Use of the Years 1996 and 2015 as the Project's Temporal Parameters is, in Practical Terms, Inappropriate.

Despite the distinct justification and framework of analysis for Alternative D, the SEIR links Alternative D to the DEIR through the use of the same 1996 environmental baseline and 2015 Project end date. While the 1997 date for publication of the NOP (or 1996, the last full year of data before publication) theoretically constitutes the correct environmental baseline, CEQA Guidelines § 15125(a),[1] it does not in this case, for at least two reasons. First, the 1996 baseline used in the DEIR does not accurately reflect the physical conditions in the vicinity of the Project even at the time of the publication of the NOP in July 1997 (see Attachment 1, pp. 3-6). Second, even if 1996 did accurately reflect conditions applicable to the DEIR, it does not do so where, as here, a complete new comprehensive EIR containing equivalent analyses of all alternatives is required. The new EIR would have required publication of an NOP sometime after the year 2001, when the DEIR was originally circulated. Thus the years 2001 or 2002, the

---

[1] CEQA Guidelines § 15125 states, in pertinent part: "An EIR must include a description of the physical and environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." CEQA Guidelines § 15125(a).

II. ALTERNATIVE D DOES NOT REPRESENT A MEANINGFUL CONSTRAINT ON CAPACITY, AND, THUS, WILL CAUSE IMPACTS IN EXCESS OF THOSE ANTICIPATED FROM THE "NO PROJECT" ALTERNATIVE. .

One of the SEIR's stated goals is to "encourage the development and use of regional airports to serve local demand by constraining the facility capacity at LAX to approximately the same aviation activity levels identified in the no action/no project alternative." In support of that goal, the SEIR proposes a purported reduction in the available number of loading gates and spaces from 163 to 153; reduction in the linear feet of terminal frontage; and maintenance of cargo warehouse space at 3.1 million square feet. Despite these changes, the SEIR does not meet its goal of constrained capacity.

A. The New Runway Configuration Encourages Access for New Large Aircraft.

First, the reduction in available gates will not meaningfully constrain capacity because of the evolution toward higher utilization of New Large Aircraft ("NLA"), including the A380. With increasing use of NLAs, the airport will be able to accomplish more throughput with fewer gates, although of a larger size. The close to doubling in terminal capacity as between the 1996 baseline and Alternative D (from 3,997,000 square feet to 6,550,000 square feet) will also serve to accommodate the apparent projected increase in passengers resulting from introduction of NLA's.

NLAs are not however included in the projected fleet mix for the Project (SEIR, App. SC-1, Table S7), although it is apparent that the real aim of the Project is to accommodate them. The reconstruction and separation of Runways 7R/25L and 7L/25R in the south complex, and the addition of parallel taxiways (SEIR, Section 3, p. 3-48), as well as the ultimate extension of Runway 6R/24L to 1,280 feet to the east, to a total length of 11,700 feet and the extension of Runway 6L/24R 1,495 feet to the west, for a total length of 10,420 feet (SEIR, Section 3, p. 3-41) confirm that conclusion.

B. The Separation of Runways and Additional Taxiways Will Encourage Increased Capacity for Conventional Aircraft.

Second, even without NLAs, capacity would increase. Staggered runway ends (SEIR, Figure S3-8), permits simultaneous arrivals and departures in Visual Flight Rule (clear) weather, as do increased runway separations. The construction of two parallel taxiways between existing sets of runways will also allow an increase in the number of operations the airport can accommodate. Aircraft will be able to land with minimal separation and will be able to hold on taxiways between arrival and departure runways. Aircraft will then be able to land on one parallel runway and depart on the other without interruption. Multiple aircraft can be held between runways crossed to the terminal when there is no departure demand. This changed

SEIR, that the characteristics and impacts of Alternative D are more or less the same as those of the "No Project" alternative is, at minimum, an overly optimistic assessment.

III. ALTERNATIVE D'S NOISE IMPACTS ARE, AT BEST, UNVERIFIABLE AND, AT WORST, UNDERSTATED.

Alternative D's noise impacts in general, and on Inglewood specifically, appear significantly understated. As a consequence, the mitigation measures set forth in both SEIR, Sections 4.1, Noise, and 4.2, Land Use, are inadequate to compensate for its impacts.

A. The SEIR Appears Methodologically Flawed.

One of the most notable issues from a methodological perspective is, as set forth above, the absence of the NLA, the A380 aircraft, from the fleet mix from which the noise analysis was derived (see SEIR, App. SC-1, Table S7). If, as set forth above, the NLAs are the principal beneficiaries of Alternative D's proposed reconfiguration of the airfield, their operation should be anticipated from a noise perspective. As it stands, however, Inglewood, and other affected communities, remain in the dark regarding the potential noise impacts of the larger, heavier, and potentially noisier aircraft. And, as Inglewood is the principal recipient of arrival noise, the size and shape of the contour over Inglewood may be materially affected by the omission of the A380 and other NLAs from the Project fleet mix.

The second issue arises out of the bifurcation of the analyses of DEIR Alternatives A through C, from SEIR Alternative D. SEIR App. S-C1 states that the DEIR was prepared with the INM 6.0 model, and the SEIR with the INM 6.0c model. As the two model versions use slightly different databases, it is not possible to ascertain whether the comparisons contained in the SEIR between alternatives are, in fact, accurate.

Similarly the flight track assumptions in the DEIR and SEIR diverge. SEIR, App. SC-1, Exh. S2, contains what purports to be existing flight tracks to the west for the noise analysis of Alternatives A through C, showing multiple turns originating immediately at the ends of the runways. SEIR, App. SC-1, Exhibit S4, however, reveals accurate flight tracks which do not begin to diverge until at or about the shoreline. The use of flight tracks that diverge immediately after takeoff, and prior to the shoreline, results in noise contours artificially expanded to the north and south along departure routes in areas west of the airport. Had the actual fight tracks represented in SEIR, App. SC-1, Table S4 for Alternative D, been used in the DEIR noise analysis of Alternatives A through C, the noise contours to the north and south depicted in the DEIR for Alternatives A through C would have been nearly identical to those in the SEIR for the analysis of Alternative D. As a result, the purported beneficial change to communities north and southwest of the airport from implementation of Alternative D may not exist if the correct

analyses for Alternative D are also underpredicted by the same 0-3dB. Although a deviation of 3 dB CNEL is significant, as alluded to in the SEIR significance criteria used for assessing airport noise impacts, the SEIR contains no attempt to investigate the accuracy of the input data for the INM model for the purpose of calibrating the model to actual measurements at LAX, or verifying the results of the noise analysis.

B. Alternative D Does Not Fully Assess the Noise Impact on Inglewood Schools.

It is above dispute that, in general, the potential impacts of airport noise on children, and particularly children in a learning environment, are of critical importance, not only to the children and their families, but to society as a whole. Of particular importance to Inglewood, however, is that, as set forth in SEIR, App. SC-1, Alternative D will result in12 additional schools in Inglewood exposed to single event noise levels sufficient to disrupt classes, as compared to noise levels in 1996. Nevertheless, the SEIR disaffirms significant impact from the increased exposure. SEIR Section 4.1.2.1.2, Project 4-11. ["no reliable statistical relationship between the amount of aircraft noise exposure present and the degree of learning difficulty experienced by children at affected schools" has been established.]

The treatment of the noise methodology used to evaluate noise impacts on schools reflects this conclusion. For example, SEIR Section 4.1.2.1.2, states that the peak hour of airport operations during school hours was used to assess the impact of aircraft noise on the schools. While this would be the proper approach (based on the threshold of significance established for the Project), SEIR, App. S-C1 reveals that instead of the peak hour, an average of 8 school hours was used in the analysis.

Moreover, the L_{eq} metric used in SEIR, App. SC-1, Table S33 appears incorrectly calculated. The average L_{eq} for the 8 hour school day in Table S33 is obtained by adding 10 log (3) to the 24 hour L_{eq} calculated by the INM model. The basis for this calculation appears to be that the 8 hour school day is 1/3 of the 24 hour day. However, this methodology is not correct since flights are not evenly distributed throughout the day. The result of the analysis is an average L_{eq} that is too low because most flights at LAX occur during the daytime. It should be further noted that, as set forth above, the model is acknowledged to underpredict L_{eq} values by 0 to 3 dB in any event. This underprediction, as well as the diminution in L_{eq} values caused by averaging were apparently not considered in the analysis or assessment of impact which should have been based on the peak, not average, hour, as acknowledged in SEIR Chapter 4.1.

Finally, while Section 4.1.2.1.2 also states that the "time above" was used as a threshold to evaluate noise impacts on schools, "time above" was not identified as a significance criterion in SEIR, App. S-C1. In fact, as set forth in SEIR Section 4.4.1.1, it is not clear whether the "time above" criterion is cumulative for a school day or for the peak hour, or whether it applies to each individual aircraft event. If it is cumulative, it can take many aircraft disruptions to achieve the 3

is accompanied by a number of mitigation measures, some of which are to be applied immediately upon Project implementation, and based on the determinations contained in the SEIR. There is, therefore, no cognizable reason, and the SEIR provides none, why reasonable, feasible mitigation measures to allay the impact of airport noise on children in 12 Inglewood schools should not be set forth in the SEIR.[2]

D. The SEIR's Analysis of Newly Awakened Population is Unclear and Potentially Inaccurate.

The SEIR reveals that the vast bulk of the population newly exposed by Alternative D to noise sufficient to awaken it on a regular basis, *i.e.*, 17,030 persons,[3] lives in Inglewood, while all other affected jurisdictions, including the City of Los Angeles, Los Angeles County and El Segundo will experience a net decrease of up to 19,000 residents in population exposed to SEL levels sufficient to awaken. SEIR, Table 4.2-29. For that reason alone, Inglewood has a deep concern that the analysis of Alternative D's sleep impacts be accurate, understandable, and that proposed mitigation measures be adequate to mitigate those impacts. Thorough review of the SEIR and its Appendices fails to disclose relevant answers.

1. The Methodology Employed to Analyze Sleep Impacts of Aircraft Noise is Unclear and Leads to a Potentially Inaccurate Conclusions.

The SEIR uses a 94 dB SEL "noise contour" as a metric to measure aircraft noise sufficient to awaken. SEIR § 6.1.2 contains a description of the methodology used to calculate the location of the 94 dB SEL noise contour. That description is, however, unclear. The 94 dB level represented in SEIR Section 6.1.2 is based on a study that states that 10% of the population exposed to this level of noise will be awakened no more than once every 10 days. To establish a noise contour for operations that would occur once every 10 days, it appears that the methodology only considered aircraft operations that occur at least 0.1 times per day (or once every 10 days). If this is a correct understanding of the methodology, then the methodology is in error. If the methodology includes only aircraft that have at least 0.1 operations per day, then some operations have been excluded from the analysis. This could mean for example, that

---

[2] To further complicate the issue, SEIR, Section 6.2.3, based eligibility for school noise mitigation on CNEL levels, a much higher, cumulative hurdle than the SEL criteria used to assess noise impacts on schools in SEIR Section 6.2. The SEIR should be revised to apply the relevant SEL criteria consistently to both the determination of noise impacts on schools and the eligibility for mitigation of those noise impacts.

[3] When the population removed from the noise affected area by change in airfield configuration and resultant shift in the noise contour is considered, the net population in Inglewood exposed to regular awakening is 12,800 persons.

only incomplete mitigation. As SEIR, App. S-C1, Section 3.1.6 indicates, the Part 161 application will only eliminate gratuitous use of nighttime takeoffs to the east. For safety reasons, takeoffs to the east will still occur during Santa Ana conditions or when coastal fog limits visibility. As acknowledged in SEIR, App. S-C1, Section 3.1.6, these safety reasons account for the great majority of takeoffs to the east. Therefore, the mitigation measure that is the subject of a Part 161 application will be only intermittently applicable, and, thus, may provide little relief to the residents of Inglewood. Finally, SEIR, App. S-C1, Section 6.1.3 states that the Part 161 application will only apply to eastbound takeoffs between midnight and 6:30 a.m. However, SEIR, App. S-C1, Section 6.1 states that the analysis of nighttime awakenings applies to the hours between 10:00 p.m. and 7:00 a.m. Therefore, the proposed mitigation measure will not cover a period of two and one-half hours each night.

In the last analysis, the gravamen of the mitigation for nighttime awakenings is the sound insulation program identified in SEIR, App. S-C1, Section 6.1.3. However, without further clarification concerning the extent of the units and population that will be covered by the sound insulation program, the program appears inadequate to mitigate the full noise impacts of Alternative D.

E. The Expansion of the ANMP Contemplated in Mitigation Measure MM-LU-1 May Provide Only Limited Relief to Inglewood Residents Newly Exposed to Noise in Excess of 65 dB CNEL.

The SEIR makes painfully clear that the vast bulk of the population newly exposed by Alternative D to noise in excess of 65 dB CNEL will be in Inglewood. Specifically, Alternative D is projected to increase the number of Inglewood residents impacted by noise in excess of 65 dB CNEL by 4,190, when compared to the 1996 baseline (as opposed to zero in El Segundo, 790 in the City of Los Angeles, and 380 in Los Angeles County). Nevertheless, the scope of MM-LU-1's applicability to these newly affected populations is not clearly defined.

For example, while MM-LU-1 proposes to expand the existing ANMP to "mitigate land uses that would be rendered incompatible by noise impacts associated with implementation of the LAX Master Plan", SEIR, 5-19, it also imposes criteria for inclusion in the ANMP that require the existing ANMP to be completed before expansion to newly impacted residences. As the current ANMP already involves thousands of units in Inglewood alone, not to speak of other communities; and as the process of sound insulation construction can be a lengthy and complex one, the almost 5,000 newly impacted residents of Inglewood may have to wait in line behind other residents of Inglewood and other communities for up to 10 years, all the while suffering the debilitating impacts on sleep, learning and living in general caused by Alternative D.

Moreover, as an alternative to insulation, MM-LU-1 proposes "acquisition of properties within the highest CNEL measurement zone" as well as those with "high concentrations of

noise, Section 4.1.2.1.3, p. 4-12, it does so by converting both traffic and aircraft noise to a 24 hour L_{eq} metric, rather than converting traffic noise to a CNEL metric. The result is a comparison of "apples and oranges", that deprives the public of the simplicity of a consistent metric. If using the L_{eq} metric would result in a more accurate characterization of the Project's noise impacts, its use would be acceptable. However, the SEIR does not claim that this is so.

In short, while the SEIR states that the computation of the combined noise impacts of traffic and aircraft are for "information purposes" only, the reality is that noise in the vicinity of the project will have multiple components, two of which are aircraft and traffic, and another, construction noise as set forth below. The SEIR has an affirmative responsibility to fully and accurately depict the cumulative impacts of all three.

G. The Impact of Construction Noise From the Proposed GTC on Residents of Inglewood Has Not Been Adequately Evaluated.

SEIR Section 4.1.6.4.3 states, in pertinent part, that: (1) as the closest noise sensitive uses to the GTC are more than 1,000 feet to the east across La Cienega Boulevard and the I-405 in the City of Inglewood; (2) because construction equipment noise of 86 dBA L_{eq} would dissipate to approximately 66 dBA L_{eq} at that distance; and (3) because the road traffic and other noise would mask any construction noise, the impact of construction noise on homes in Inglewood would be less than significant. In reaching that conclusion, the SEIR relies on a theory conclusively rejected by the court in *Los Angeles Unified School District, supra*, 58 Cal.App.4th at 1025.

In its EIR in that case, as in the SEIR here, Los Angeles reasoned that "the noise level around the schools is already beyond the maximum level permitted under Department of Health Guidelines so even though traffic noise from the new development will make things worse, the impact is insignificant." *Id.* After characterizing Los Angeles' position, the court rejected it, relying on *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 720 (1990).

> "This ratio theory, the court explained, 'trivialized the project's impact' by focusing on individual inputs, not their collective significance. . . [T]he relevant issue to be addressed in the EIR on the plan is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools." *Id.* quoting *Kings County Farm Bureau, supra.*

The SEIR's analysis of the construction noise impacts of Alternative D is predicated upon precisely the same impermissible "ratio theory" as that rejected in *Los Angeles Unified School*

south coast regional emissions to current south coast regional emissions. For PM_{10}, the process is similar but is based on the ratio of estimated future year PM_{10} concentrations to current PM_{10} concentrations in central Los Angeles. Both methods seem likely to produce optimistic (too low) background concentrations for LAX.

First, both methods assume that regional reductions affect all areas of the region equally. However, background concentrations, as well as future emission reduction influences are constrained by geography around LAX. Since the prevailing wind is from southwest to northeast, the Pacific Ocean represents a physical constraint and it is unlikely that background pollutant concentrations coming into LAX will be reduced in proportion to emission reduction occurring downwind. In addition, the emissions based approach assumes that fully 100% of the background can be reduced, *i.e.*, if emissions go to zero, ambient concentrations go to zero. While this may be true in an idealized situation, transport and biogenic emissions represent a floor below which air quality cannot be locally reduced. For example, emissions associated with shipping may represent a floor for background NO_x and SO_2 at LAX. The SEIR does not provide enough data from which to make that determination.

The SEIR does, however, provide additional evidence to support the conclusion that the Project's baseline concentrations are artificially reduced. For example, the SEIR's methodology assumes that emissions from LAX are already included in background concentrations, and, thus, they must represent conservative background pollutant concentration baselines for air quality analysis, as LAX emissions will be added on top of a background that already includes those same LAX emissions. This assumption is based on data concerning baseline short-term (sub-annual) background concentrations measured at an on-site monitoring station located just east of the southern runway configuration, and annual concentrations based on data collected at a SCAQMD monitoring facility in Hawthorne, located near, but southeast of LAX. Because, as set forth above, the prevailing wind direction for LAX area is southwest to northeast, the bulk of airport activity, including all terminal and motor vehicle operations, occur under the influence of a prevailing wind plume that is further north than the onsite monitoring station. While certain aircraft takeoff and queuing emissions are undoubtedly accounted for in the on-site baseline concentrations, these represent only a small fraction of overall airport emissions.

National Weather Service data for 1984 through 1992 at LAX demonstrates the likelihood that these monitoring data are not significantly impacted by LAX emissions. Winds are out of the west or southwest 48 ± 6% (or approximately ½) of all hours in that period. To get a better idea of the significance of this distribution, if a circle were centered at LAX and split into 16 equal "slices", the wind would be blowing off the ocean through only two of those 16 slices for fully ½ of all hours. Moreover, these winds would be blowing in a direction such that LAX emissions would have no influence on the off-site monitoring station and little, if any, influence on the on-site measurement. Perhaps most tellingly, winds moved in a prevailing south to north direction (from the bottom half of the circle to the top half) 82 ± 3% of all hours between 1984

data demonstrates that U.S. jet fuel averages about 600 PPMW sulfur, the appropriate adjustment factor for the SEIR would be about 13.2. However, as the SEIR uses unadjusted emissions factors, PM_{10} emissions are underestimated by a factor of 13.

This alternative approach to PM emission factor estimation is based on a strong statistical relationship between measured PM and the inverse of measure NO_x (with co-efficients significant at 99+% confidence levels). With such a relationship, the entire existing database of aircraft NO_x emissions rates can be evaluated to develop aircraft engine and operating mode specific PM emissions rates. This approach produces PM emissions rates that range from 4 to 37 times higher (depending on operating mode) than those used in the DEIR and SEIR. The smallest differentials are observed at the highest thrust modes. For a typical landing/takeoff ("LTO") cycle at LAX (*i.e.*, using local times in mode), the SEIR appears to underpredict the aggregate PM emission factor by a factor of about 17. The effect on related PM air quality analysis is obvious.[6]

Interestingly, if the appropriate carbon-to-total PM emission factor correction of 13.2 is applied to the emissions rates used in the DEIR and SEIR, the differential between the two emissions factor estimation approaches is dramatically reduced, from a factor of 17 to a factor of 13. However, even this differential is worthy of investigation since mode specific differences are in and of themselves significant and the overall air quality impact depends on how individual mode significance changes over time.

2. The SEIR Inaccurately Represents Aircraft Taxi Times.

The DEIR did not present any aircraft to taxi/queue times. The SEIR, however, does present a single set of taxi/queue times that are stated to have been "used to estimate aircraft emissions for all alternatives in both horizon years". SEIR, App. S-E, p. 10. However, based on analysis of the data set forth in SEIR App. S-E, this statement does not appear to be accurate. As shown in Table 1 below, the main benefit ascribed to Alternative D is a reduction in taxi times.

---

[6] Inglewood acknowledges that the available PM emissions testing database is both small and dated. It does not, however, agree with the DEIR that the age of available testing data renders it valueless. While engine technology has advanced relative to the engines represented in the database, the fundamental combustion characteristics that give rise to PM formation have not. Further, the claim that the existing aircraft emissions factors are not of value since they reflect total PM as opposed to PM_{10} is also without merit. Virtually 100% of combustion related PM is PM_{10}, so any error resulting from the substitution of total PM for PM_{10} is insignificant relative to the analysis errors contained in the DEIR and SEIR. Ironically, the PM emission factor estimation approach employed in both the DEIR and SEIR requires the very same assumption of equivalency between total PM and PM_{10}.

4. The SEIR Air Quality Analysis Does Not Include Reverse Thrust Emissions.

The SEIR, like the DEIR, omits from its air quality analysis emissions from aircraft reverse thrust operations, on the ground of lack of adequate emissions factors and short usage times. Both of these claims are, however, misleading. Reverse thrust is essentially a high thrust operating mode and emissions factors for such modes (*i.e.*, climb out and takeoff) are readily available. Common practice utilizes takeoff emission factors. It is true that the time in mode for reverse thrust operations is short. However, high thrust modes produce very high NO_x per unit time relative to other operating modes such as aircraft taxi. For example, at a commonly utilized reverse thrust mode time of 15 seconds, overall effective takeoff time would increase by approximately 25% (approximately one minute standard takeoff time plus 0.25 reverse thrust minutes vs. one minute without reverse thrust). This, in turn, increases NO_x by 25% relative to takeoff alone. Since takeoff accounts for about 35% of total aircraft NO_x under all alternatives, including the No Project alternative, the overall aircraft NO_x inventory could increase by about 10% simply due to the inclusion of reverse thrust related emissions. Without some enforceable measure prohibiting reverse thrust operations, there is no supportable rationale for excluding reverse thrust emissions from the air quality analysis.

C. The SEIR Overstates Emissions Benefits from Electrification of Aircraft Ground Support Equipment and the Use of Gate Based Power.

As a threshold matter, emissions factors employed in the DEIR for off road engines, including, but not limited to, construction equipment and aircraft GSE were significantly underestimated by the use of outdated emissions factor sources. The SEIR purports to have corrected that flaw though the use of emissions factors for off road construction equipment derived from the California Air Resources Board ("CARB") OFFROAD Emission Factor Model. This would be the correct approach. However, it is not possible to confirm that the revised emissions factors are derived from the OFFROAD model, as the SEIR contains only an aggregate emissions summary (as opposed to the DEIR's actual emissions factors for comparison).

With respect to GSE, the SEIR relies on emissions factors derived from the latest version of the FAA's EDMS model (updated since the DEIR). While the emissions factors in the SEIR also appear consistent with those contained in EPA's NONROAD Emission Factor Model, the SEIR still raises significant concerns regarding the overall propriety of the GSE emissions analysis.

TABLE 2

	NO_x (tpy)	VOC (tpy)	CO (tpy)	SO_2 (tpy)	PM-10 (tpy)
NA/NP Alternative	618.7	240.4	5,685.9	11.4	24.0
Alternative D	135.5	88.1	1,523.2	1.4	30.8
Percent Change	-78%	-63%	-73%	-88%	28%

There are only two possible explanations for the reported differences. Either the Table in Attachment N is incorrectly labeled, and actually reflects mitigated emissions differentials, or the GSE electrification is included in the "unmitigated" emissions from the Project.

In the final analysis, it is clear that the reason air quality impacts under Alternative D are reported to be less than those of the No Project alternative can be traced almost entirely to emissions reductions associated with GSE and aircraft taxi times. In fact, impacts for all other emissions sources under Alternative D are either null or negative compared to the No Project alternative.

TABLE 3

	NO_x (tpy)	VOC (tpy)	CO (tpy)	SO_2 (tpy)	PM-10 (tpy)
NA/NP Alternative	6,278.8	1,775.0	14,413.1	251.8	170.0
Alternative D	5,746.5	1,625.0	9,660.3	246.4	187.1
Total Emissions Difference	-532.3	-150.0	-4,752.8	-5.4	17.1
GSE Emissions Difference	-483.2	-152.3	-4,162.7	-10.0	6.8
Percent of Total Difference Due to GSE	91%	102%	88%	185%	40%
Aircraft Taxi Difference	-64.1	-87.3	-425.0	-9.0	-3.2
Percent of Total Difference Due to Taxi	12%	58%	9%	167%	-19%
Percent of Total Difference Due to GSE and Taxi	103%	160%	97%	352%	21%

If that conclusion is correct, then all air quality benefits accruing from GSE electrification in Alternative D could just as readily be applied to the No Project alternative, rendering any air quality benefits from Alternative D ephemeral at best.

4. The SEIR Overstates the Emissions Benefits of Gate Based Power and Understates the Potential for Auxiliary Power Unit Emissions.

Like the DEIR, the SEIR assumes that 100% of air carrier gate power and conditioned air needs will be satisfied by gate-based electrically powered systems, as opposed to fossil fuel powered Auxiliary Power Units ("APU") or GSE. This assumption is overly optimistic because,

D. The SEIR, Like the DEIR, Improperly Defers the Requisite Conformity Analysis.

The SEIR acknowledges the applicability of Federal conformity requirements, as set forth in Clean Air Act, 42 U.S.C. § 7506, and its implementing regulations, but, like the DEIR, defers both the conformity analysis and potential conformity determination to a final EIR/EIS. Such an approach makes it impossible for the public to comment constructively on either potential emission mitigation measures or the conformity process, since these processes and their result will be released for comment only after the underlying decision making has been finalized.[7]

Moreover, the absence of a draft conformity analysis in the SEIR has more fundamental impacts. The Clean Air Act specifies, in pertinent part, that "no department, agency, or instrumentality of the federal government shall engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to an implementation plan after it has been approved . . ." Clean Air Act § 7506(c)(1). Without at least a preliminary conformity analysis, it is impossible to document Alternative D's potential compliance or noncompliance with state air quality implementation plan (or verification that the project is already included in the State Implementation Plan). Absence of at least a draft conformity analysis at this stage of the Project's documentation violates the most fundamental goal of CEQA, *i.e.*, "to encourage informed public information and decision making," and, consequently, may constitute a fatal flaw in the SEIR.

V. THE SEIR'S ANALYSIS OF SURFACE TRAFFIC IMPACTS IS INCOMPLETE.

The SEIR's analysis of Alternative D's surface traffic impacts, like the more global analysis of Alternatives A through C in the DEIR: (1) omits analysis of certain critical intersections, and reaches conclusions based on data absent from the SEIR, or inconsistent with data contained in other planning documents for the same areas; (2) omits analysis of the traffic impacts, either beneficial or detrimental, of proposed off airport FlyAway terminals; (3) provides incomplete explanation of the Project's trip generation potential, including trip distribution and its potential impact on Inglewood; (4) fails to explain the way in which the proposed mitigation for the traffic impacts of construction, and the ultimate buildout of the Northside project, will be effectively implemented; and (5) fails to address the direct as well as cumulative traffic and parking impacts on Inglewood of the construction and subsequent utilization of the GTC.

---

[7] Inglewood hereby reserves its right to comment on the Draft and Final Conformity Analyses and/or determination for the Project.

2. The SEIR's Analysis of Traffic Impacts at Individual Off-Airport Intersections Conflicts with That of Other Contemporaneously Prepared Environmental Documents for Other Projects in the Same Area.

The SEIR was not prepared in a vacuum. It acknowledges that other projects are being planned and will be carried out contemporaneously with Alternative D. The environmental documentation for one of those cumulative projects, the Village at Playa Vista, was published as late as August, 2003. A comparative analysis of the Playa Vista EIR with the SEIR reveals significant discrepancies between the analyses of what are substantially the same relevant areas.

For example, the Playa Vista EIR identified two intersections not mentioned in the SEIR: (1) Centinella at La Brea; and (2) La Brea at Manchester, both apparently within the analysis area for the SEIR. Both intersections were identified as level of service F for both a.m. and p.m. hours, even without the Project. Since both the LAX and Playa Vista projects are geographically proximate, the baseline traffic analysis should use substantially the same assumptions and data, with the same results.

However, even intersections that are analyzed in both the SEIR and the Playa Vista EIR had notably different volume to capacity ratios and levels of service. The SEIR contains a table of the projected traffic in 2008 for Alternative D. The Playa Vista EIR provides similar information for the horizon year 2010. The following Table compares the levels of service for those two projections.

TABLE 1
COMPARISON
LEVEL OF SERVICE PROJECTIONS

	A.M. Peak		P.M. Peak	
Intersection	LAX	Playa Vista	LAX	Playa Vista
Aviation - Arbor Vitae	D	B	B	D
La Cienega – Abor Vitae	E	B	E	C
Aviation – Manchester	F	F	D	E
La Cienega – Manchester	C	E	D	E
Interstate 405 NB – Century	B	F	A	B

The discrepancies in projected levels of service, *i.e.*, the lower levels of service reflected in the Playa Vista EIR, are not explained by any data or analysis contained in the SEIR.

peak hour passenger and related trips are anticipated to increase by 1,198. However, there is a projected reduction of 7,825 collateral trips, resulting in a net decrease in trips of 6,627.

The source of the collateral trip reduction is, apparently, the change in the land use for the projected Northside and Continental City projects. SEIR, Appendix S-2b provides the basis for the projected reduction in collateral trips.

	A.M. Peak			P.M. Peak		
	No Project	Alt. C	Alt. D	No Project	Alt. C	Alt. D
Northside	7,217	3,922	3,922	7,131	4,423	4,421
Continental City	5,323	0	0	5,348	0	0
Manchester Square	0	212	212	0	233	233
TOTAL	12,540	4,134	4,134	12,479	4,656	4,654

The issue associated with the "collateral trip" reduction is the discretionary actions needed to modify the allowable land uses on the Northside and Continental City properties.

SEIR Section 4.2, Land Use, sets forth a "master plan commitment" that states:

> "to the maximum extent feasible, all [Q] conditions from City of Los Angeles Ordinance No. 159.526 that address the LAX Northside project area will be incorporated by LAWA into the Zoning Code Amendment and LAX Master Plan implementing Ordinance for the Westchester south side project. Accepting that certain conditions may be updated, revised, or determined infeasible as a result of changes to the LAX Northside project, the final [Q] conditions for the Westchester south side project will insure that the level of environmental protection afforded by the full set of LAX Northside project [Q] conditions is maintained."

"CEQA requires agencies to implement feasible mitigation measures or alternatives identified in the EIR." *Fairview Neighbors, supra*, 70 Cal.App.4th at 243. Further, as set forth above, "it is improper for lead agencies to defer formulation of possible mitigation measures by simply requiring future studies to see if mitigation may be feasible." *Id.* at 244. Thus, the suggestion that the trip cap on the Northside project, the principal mitigation measure for Alternative D's off airport surface traffic impacts, may, at some future time, for reasons as yet undisclosed, be deemed infeasible, is unacceptable under CEQA.

In fact, it is readily ascertainable even now that the trip cap may not, in fact, be feasible. First, both the Northside and Continental City projects have approved entitlements, allowing 4.5 million square feet of development in the Northside project alone. Alternative D has no impact

E. The SEIR Does Not Address the Way in Which Traffic Impacts from Utilization of the GTC Independently, or Cumulatively With Construction Traffic, Will be Mitigated.

The SEIR acknowledges that the GTC is located as close as 1,000 feet across the I-405 freeway from residences in the City of Inglewood, and, further, that the GTC will be the "primary access point for all passenger drop-off and pick-up and vehicle parking", SEIR, p. ES-19, under the assumptions of Alternative D. The SEIR further acknowledges that vehicles would access the GTC from, among others, eastbound Century Boulevard, and that direct access to Century Boulevard would be available for west bound traffic. SEIR Section 4.3.1.6.1.2, p. 4-226, 227. It is, therefore, reasonable to assume that the greatest preponderance of all LAX-bound traffic (847,394 vehicles in the year 2000, SEIR, Table S4.3.1-2) will terminate as close as 1,000 feet from the homes of Inglewood citizens. Moreover, the SEIR further acknowledges that demand for parking will exceed parking capacity under Alternative D, SEIR, Table S4.3.1-7, p. 4-235. Nevertheless, the SEIR gives short shrift to the potential surface street impacts of travelers looking for parking in lots that are already full, as well as those reluctant to pay the price of parking on City owned lots, or attempting to avoid delays in accessing crowded parking facilities.

As important, the SEIR fails to fully address the construction traffic impacts on proximate surface streets in Inglewood. While it acknowledges that "when the ITC comes on line, there is expected to be a substantial shift in airport traffic patterns", SEIR, Section 4.3.2.6.2.2, p. 264, and that "the SEIR's general approach and methodology does not account for construction traffic for the three primary peak hours", SEIR, Section 4.3.2.6.2.2, p. 264 [emphasis added], the SEIR does not similarly acknowledge the same potential impact resulting from the opening of the GTC. Instead, it states only that "the facility is not expected to be opened until after 2008, at which time most of the final mitigation plan should be in place." SEIR, Section 4.3.2.6.2.2., p. 264 [emphasis added].

The SEIR misses the point. The only mitigation offered is that "the project would be managed to ensure that there would not be any notable construction related traffic generated by the project during those critical hours." SEIR, Section 4.3.2.6.2.2., p. 4-264, 265. Therefore, the SEIR does not offer sufficient firm mitigation to compensate for the potential adverse impacts arising from the normal but unanalyzed operation of the GTC, let alone the cumulative surface traffic impacts arising from Project construction, which is anticipated to last a minimum of seven years and perhaps as many as 12-13 years after the 2008 anticipated completion of the GTC.

In summary, the SEIR ignores Alternative D's surface traffic impacts on Inglewood, arising not only from traffic accessing the GTC, but from parking and construction traffic as well.

Order would have to be made prior to project approval and the Final EIS/EIR would disclose those findings." [p. 4-335] However, as set forth above, it is "improper for lead agencies to defer formulation of possible mitigation programs by simply requiring future studies to see if mitigation may be feasible." *Fairview Neighbors, supra,* 70 Cal. App. 4th at 244. Moreover, the SEIR does not need additional studies as it already concludes unequivocally that, despite the proposed mitigation, the adverse environmental and human health impacts of the Project, under any alternative, will fall disproportionately on minority and low-income communities east of the Airport. [See, *e.g.*, SEIR, pp. 4-321, 4-323, 4-424, 4,329]

Finally, the SEIR relies in part on a Memorandum of Understanding ("MOU") between Los Angeles and Inglewood for compliance with the mitigation requirements of the Environmental Justice Program [p. 4-337]. The SEIR does not disclose, however, that the MOU, which addresses measures involving residential noise insulation, air conditioning and studies to improve compliance with over-the-ocean takeoff and night-time over-ocean procedures, is terminable at will, by either City, and will expire by its own terms in February, 2011, at least four, and more likely 10 years before final implementation of the Project. Therefore, MOU, like the remainder of the suggested mitigation measures, does not create a sufficient commitment to Inglewood to comply with the mandates of Executive Order 12898 and DOT Order 5610.2.

A. The SEIR Fails to Adequately Address Avoidance or Minimization of the Project's Adverse Environmental and Health Risks Impacts Which Would Fall Disproportionally Low Income and Minority Communities Including Inglewood.

The SEIR acknowledges that the Project will have overwhelmingly disproportionate adverse impacts on Inglewood, a predominately minority and low-income community, in the areas of Land Use and Relocation, Airport Noise, Air Quality and Health Risks. The SEIR fails, however, to address avoidance or minimization of those impacts.

Environmental Justice Section 4.4.3.5.1 acknowledges that noise impacts associated with all alternatives will fall disproportionally on minority and low-income communities and that, under Alternative D, by Year 2015, approximately 93 percent of those newly exposed to high noise levels [4,030 residents] will be minority and/or low-income residents [SEIR, p. 4-324], and 85 percent of those newly exposed to single event noise awakening [15,340 residents] would be located within minority and/or low-income communities. [SEIR, p. 4-324].

The effects of aircraft noise on public schools will also fall on schools located predominately within minority and/or low-income communities. Eleven of the 12 public schools that will be newly exposed to the adverse impacts of increased aircraft noise levels or the 94 dB SEL noise contour by 2015 are located within the Inglewood Unified School District. [SEIR, p. 4-324]

populations may be more severely affected because they may be more susceptible to asthma and other chronic respiratory illnesses trigger by the high O_3 levels in the area; children within minority communities may be particularly susceptible to health effects of PM_{10}, ozone and NO_2, and thus may be more severely affected than other communities exposed to equivalent level of those pollutants; and children living in poverty who lack access to adequate health care may be especially at risk. [SEIR, p. 4-330]

Despite these acknowledged severe project impacts, and perhaps because of the further claim of the purported utility of proposed aggregate air quality mitigation measures, the SEIR fails to explore further minimization of specific effects, by feasible means such as committing to air condition homes and schools affected, see *Los Angeles Unified School District, supra*, 58 Cal.App.4th at 1029-30, or relocating impacted populations.

B. The SEIR's Proposal to Provide Job Benefits to Minority And/or Low-Income Communities Is Inadequate Where it Is Contingent on FAA Approval of the Use of Airport Revenues and Ignores the Projected Decrease in LAX Related Jobs under Alternative D.

DOT Order 5610.2 § 6.b.(2) requires that measures be proposed to provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by DOT programs. The "Benefits" section [unnumbered] of the SEIR states that jobs are one of the economic benefits directly and indirectly attributable to LAX [p.4-339], and that LAX is working to create job recruitment, job training and job placement programs that will enable local youths and adults to more easily access jobs at and around LAX in the future. [SEIR, p. 4-339 - 4-340] However, the jobs related proposal is a house of cards where: (1) adoption and implementation of job recruitment, training and placement programs are subject to FAA approval of the use of airport revenue to fund such activities; and (2) even if use of airport revenues is approved for recruitment and job training, job placement under Alternative D will be difficult, where the SEIR acknowledges that Alternative D would have no meaningful contribution to job growth. [SEIR, p. 4-351]

The SEIR proposes to expand existing programs and create new programs at its Jobs Outreach Center which would be primarily focused on minority and/or low-income residents located east of LAX, including Inglewood. [SEIR, p. 4-340] Inglewood, as acknowledged in the SEIR is already disadvantaged with respect to employment at LAX, where only 2,304 (3.9%) of the 59,000 badged employees at LAX reside in Inglewood. [SEIR p. 4-339, fn. 100]. The SEIR's job creation proposal contains some giant loopholes. For example, funding for the proposed jobs related programs is totally contingent upon FAA approval of diversion of airport revenues for that purpose. The SEIR contains no evidence that LAX has made application for FAA approval, provides no information to the public on the likelihood that FAA approval will be granted, and offers no alternative plan for funding jobs programs if the FAA does not approve

2. NOISE COMPATIBILITY PLANNING AND IMPLEMENTATION.

(a) COMPLETION AND EXPANSION OF RESIDENTIAL SOUND INSULATION PROGRAM - A firm, binding commitment to: (1) provide funding to complete the existing residential sound insulation program provided in the ANMP and MOU between Inglewood and Los Angeles; (2) expand that program to include residences in the 60 CNEL contour and the 94 dB SEL "awakening" contour as set forth in the SEIR; and (3) maintain 45 dB interior noise levels over time in all properties subject to the residential sound insulation program, including, but not limited to, replacement of equipment and improvements that malfunction due to age or environmental factors, or become obsolete due to increases in noise levels applicable to the properties.

(b) RELOCATION OF SCHOOLS - A firm, binding commitment, not contingent on the results of future studies, to relocate schools currently and newly impacted by noise resulting from the implementation of the project to sites specified by Inglewood;

(c) IMMEDIATE SOUND ATTENUATION OF ALL SCHOOLS, CHURCHES AND OTHER PUBLIC PLACES THAT CANNOT BE RELOCATED - A firm, binding commitment to sound attenuate, not contingent on further studies, all of the schools identified as impacted by the project in any way that cannot be relocated, as well as noise impacted churches and other public gathering places including medical and rehabilitation facilities;

(d) LOCATION OF A FLY AWAY FACILITY - A firm, binding commitment to locate a fly away facility at the proposed location of the corner of Prairie Avenue and Century Boulevard in Inglewood;

(e) ADDITIONAL ROAD AND STREET IMPROVEMENTS - A firm, binding commitment to improve streets used heavily for access to LAX and the new remote fly away facilities including, but not limited to, Century Boulevard, Manchester Boulevard, Arbor Vitae Street and Florence Avenue;

(f) GENERAL PLAN - Binding commitment to provide funding for the development of a General Plan for the City of Inglewood to supercede its currently outdated land use element, and enable Inglewood to plan compatibly with airport operations;

(i) CENTURY BOULEVARD SPECIFIC PLAN - Development of a Specific Plan for the half mile length of Century Boulevard between La Cienega Boulevard and Inglewood Avenue in order to exploit its unique location to create a focused airport-patron environment predominantly composed of hotel and restaurants, with supportive retail and office uses, thus enhancing the primary portal into LAX from the freeway;

(h) JOB TRAINING - A firm, binding commitment to begin immediate training of Inglewood residents in: (a) construction related skills necessary to participate in the construction phase of the project; and (b) skills necessary to obtain long term employment at LAX, including, but not limited to, the creation of a new vocational school dedicated to preparing students for careers in aviation industries and emerging hi-tech industries of aviation maintenance, as required in concept by the MOU;

(i) FUNDS FOR JOB TRAINING - A firm, binding commitment to provide local funding for jobs training programs, either to augment Federal funds provided for training, or to fund the training program in its entirety if the FAA does not authorize the use of airport revenue for training purposes;

(j) MODIFICATION OF THE MOU - A firm, binding commitment to extend the MOU at least through the year 2015, concurrent with the implementation of the LAX Master Plan, including, but not limited to, the abrogation of the requirement to dedicate avigation easements; acknowledgment that easements as yet unrecorded will not be re-recorded at the expiration of the MOU, and the reconveyance of all easements previously recorded.

3. ADDITIONAL RESEARCH.

In addition to all other studies specified in the DEIR and SEIR, a study be conducted of the incidence of air pollutants, resulting from aircraft operations, traffic and other sources related to LAX, and their health effects, both generally and on residences of the City of Inglewood specifically.

In summary, while Inglewood appreciates the efforts that have been made by Los Angeles to cope with the difficult problems of limitation of airport operations and environmental compatibility with surrounding communities, more clearly needs to be done to remedy the problems that fall squarely on the shoulders of Inglewood and particularly its low income and minority residents. Inglewood looks forward to continuing its ongoing cooperation with Los Angeles in fostering both economic growth and improved quality of life for all citizens of Los Angeles and its neighboring communities.

Inglewood thanks Los Angeles for this opportunity to comment.

Sincerely,

ATTACHMENT 1

DRAFT ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT,
LOS ANGELES INTERNATIONAL AIRPORT
PROPOSED MASTER PLAN IMPROVEMENTS -
COMMENTS RE: ALTERNATIVES A THROUGH C

The following constitutes comments, pursuant to the requirements of the California Environmental Quality Act, Public Resources Code § 21000, et seq., ("CEQA") and the National Environmental Policy Act, 42 U.S.C. § 4321, et seq., ("NEPA"), concerning the Draft Environmental Impact Statement/Environmental Impact Report ("Draft EIS/EIR") for the Los Angeles International Airport ("Airport") Proposed Master Plan Improvements ("Project"), prepared jointly by the Federal Aviation Administration ("FAA") and the City of Los Angeles ("Los Angeles"),[1] and Alternatives A through C presented therein.

The issues raised by these comments fall into seven general categories, although they are not limited only to those categories:

(I) the baseline used in the Draft EIS/EIR, against which the various environmental impacts of the Project are compared, is not properly designated;

(II) the discussion of the Project's surface traffic impacts is misleading;

(III) the noise impacts of the Project are inadequately addressed;

(IV) the potential air quality impacts of the Project are not fully disclosed;

(V) the Draft EIS/EIR does not explore all reasonable alternatives, and, thus, paves the way for its ultimate conclusion that expansion of the Airport's airside and groundside facilities are the sole way to meet future demand;

(VI) the LAX Master Plan and Draft EIS/EIR fail to satisfy applicable law because they do not conform to other relevant plans;

(VII) the Draft EIS/EIR fails to adequately specify mitigation measures or methods to enforce them;

---

[1] The FAA and Los Angeles shall, for the remainder of these comments, be referred to collectively as "Project Proponents".

A. The Draft EIS/EIR's Base Year Does Not Reflect the Physical Conditions on the Project at the Time of the Publication of its Notice of Preparation.

The Airport Master Plan, November, 2000, Technical Analysis ("Master Plan") is the basis of the analysis contained in the Draft EIS/EIR (Master Plan, Preface, page i). The analyses contained in Master Plan, Chapter II, Existing Conditions Working Paper, 4/19/96, use data from the base year 1994 (see, e.g., § 2.3.1, page II-2.1, re: Annual Weather Conditions; Figure II-2.17, page II-2.53, re: Design Day Hourly Distribution of Operations and Tables following). The Notice of Preparation, however, was published in July, 1997 (Draft EIS/EIR, page ES-2), almost three years after the conditions reflected in the original Master Plan data and analysis. Courts have consistently taken the position that a baseline should not "be set a number of years earlier than the commencement of the current project". Save Our Peninsula Committee, supra, 87 Cal.App.4th at 127.

Moreover, the Master Plan and Draft EIS/EIR contain multiple inconsistent base years such that it is impossible for the public to ascertain which base year is used for a given purpose. On the one hand, the Draft EIS/EIR (page ES-2) states that the environmental analysis normally describes existing conditions as of the July, 1997 date on which the Notice of Preparation was published (even though none of the data in the Master Plan upon which the Draft EIS/EIR is based reflects a 1997 origin). On the other hand, the Draft EIS/EIR states that, where a full year's worth of data is needed, data from 1996 is used (see, e.g., Draft EIS/EIR Technical Report on Surface Traffic), and sometimes earlier years [unspecified], and sometimes even data from the later years 1999 and 2000 (even though these latter are more than two years after the publication of the Notice of Preparation). Additionally, the Master Plan is unclear as to whether 1994 or 1995 data is used. Finally, different base years are used for different components of the analysis, e.g., 1996 for surface traffic and noise, 2000 for water resources.

Such selective shifting of baselines has substantive consequences. For example, the use of a 1994 (or even 1996) baseline in analysis of aircraft noise impacts artificially elevates the baseline for analysis by incorporating noise from the larger numbers of Stage 2 aircraft in the fleet in 1994/96. These aircraft were totally phased out of the United States fleet by the year 2000. Further, the use of a 1994 (or 1996) baseline year in the air quality analysis potentially overstates the baseline level of criteria pollutants in the L.A. region which has since come into attainment for all criteria pollutants except Ozone and Particulate Matter.[3] In short, the

---

[3] The Draft EIS/EIR also states that its use of earlier years results in a more "conservative" analysis, because there were fewer passengers and operations in earlier years, and, thus, less noise and fewer emissions to compare against those generated by the Project. This claim is inaccurate at least with respect to noise and air quality analyses as set forth below. In any event, it does not account for the opposite effect of using later years 1999/2000 as the baseline, which would, by the logic used in the Draft EIS/EIR, artificially elevate the baseline and, consequently minimize the environmental impacts of the Project. As neither the Master Plan nor Draft EIS/EIR are specific as to the distribution of various baseline years throughout the

Further, the OAG is published for the express purpose of identifying the arrival and departure times of various airlines. When the airlines set up their schedules, they factor in the average delay for each leg of flight between city pairs. Thus, the OAG also builds delay into the departure and arrival times based on each airline's historical data and operating experience for each flight segment.

In summary, ACARS data is not original source data but is the product of third party intervention. It is manipulated by various airline functionaries before a final report is released. Similarly, OAG data is manipulated to include delay not after, but before the fact. Therefore, because both sources of data already include a delay factor, their use in the Master Plan's modeling, as set forth below, is likely to cause a double counting of delay.[5]

Instead of ACARS or OAG data, the Master Plan should have relied on radar data. Radar data is a memorialization of the movement of arriving aircraft from a specified distance outside the terminal control area until touchdown and, conversely, for departing aircraft, from the aircraft's lift-off from the runway to the same distance outside the airport's control area. Every operation is tracked in real time without the intervention of third party interpretation, manipulation, or extraneous factors, unrelated to the operational capacity of airport infrastructure.

The effects of this confounding of substantive with non-substantive delay factors are reflected in the Master Plan's modeling of demand/capacity/delay. The FAA's Simulation Model ("SIMMOD"), Version 2.1, was apparently used in the Master Plan's demand/capacity/delay analysis. SIMMOD simulates the movement of arriving and departing aircraft from their entry/exit into the Los Angeles Terminal Air Traffic Airspace through approach and landing phase, or taxi and takeoff, to their exit from the terminal air traffic airspace. Proper calibration of SIMMOD is essential since the resulting statistics depend upon the data used to develop the baseline assumptions and operating instructions for the model. In this case, ACARS and OAG data were used to calibrate SIMMOD. Because of the potential double counting inherent in these data sources, and the consequent exaggeration of delay in the model, the principal conclusion that is drawn from SIMMOD is that the only way to remedy delay is to build additional airport infrastructure. The most obvious flaw of such an analysis is that it eliminates, at the outset, opportunities to gain efficiency through improvements in operating practices and minor modifications to the air traffic system. Thus, what seems like a relatively minor data collection/designation problem pervades the demand/capacity/delay

---

and weather. These items are also introduced and incorporated into the ACARS report as a delay factor.

[5] In addition, the Master Plan analysis relies on numerous sources other than ACARS or OAG data including personal observations, a small sampling of users and an unique determination of aircraft speeds and routes, none of which is suitable, let alone optimal, for developing baseline analyses or formulating assumptions. (See, e.g., Master Plan, § 2.1.3, pages II-2.5 - II-2.6)

FAA Air Traffic Control, on the other hand, computes delay based on actual delay time en route. An arriving aircraft is considered delayed only if the aircraft is held en route to the destination for 15 minutes or more at any given moment during the flight. It is possible that these aircraft could be held at more than one interval during a flight. However, if each holding period does not exceed the 15 minute threshold, no delay is recorded, even though the total delay might well be in excess of 15 minutes. Further, inbound delay is kept separate from outbound delay. A departing aircraft is not counted as delayed until: (1) the average taxi time for the airport; (2) the time from the gate to the runway; and (3) 15 minutes have cumulatively elapsed. Air Traffic Control delays do not consider airline schedules or internally generated delays in their reporting system. The majority of Air Traffic Control delays are as a result of weather and not system capacity. Finally, the Department of Transportation grades airline performance on the time of arrival at the destination airport within 14 minutes of the scheduled arrival time. The Master Plan utilizes none of those benchmarks. Thus, the Master Plan fails to adequately explain the basis for its demand/capacity/delay analysis.

2. The Master Plan's Assumptions Concerning Turboprop Operations are Manifestly Inaccurate.

Referring to its analysis of existing noise abatement procedures as they pertain to the creation or maintenance of demand/capacity/delay, the Master Plan states that "based on actual information obtained by the Los Angeles Noise Management Bureau, turboprop departures were permitted to turn slightly earlier than jet departures at the Airport VOR, which is located between runways 7L and 7R, west of Pershing Drive" (Master Plan, § 2.3.3, page II-2.31). In addition, Figures II-2.11 and II-2.12 indicate that, when the Airport is operating on a west flow, turboprop aircraft turn at the VOR.

These representations are inaccurate and lead to incorrect assumptions about flight paths. In fact, if such a turn were permitted, it would occur prior to the shoreline, contrary to current noise abatement procedures. Turning the turboprops early allows faster aircraft to depart behind the turboprops at a more accelerated rate than is currently allowed, thus allowing more aircraft to depart in a given interval. The results of this inaccurate assumption are that: (1) the baseline departure capacity is artificially elevated to a level higher than would be realized had actual air traffic data been used and the noise abatement procedures modeled as they are actually used; and (2) turboprops, as depicted in the Master Plan and Draft EIS/EIR, are directed over noise sensitive areas not previously overflown, and, as a result, elevate the baseline noise levels, thereby concomitantly reducing the apparent noise impacts of the Project.

3. The Master Plan's Flight Schedule Assumptions Are Outdated.

The Master Plan reports the results of a SIMMOD analysis conducted in 1994, using 1994 data and 1994 assumptions. In addition to this obsolete data, the ACARS data upon which the SIMMOD analysis is based includes less than 51% of commercial operations and more than 46% of the total operations in the design day flight schedule. As: (1) operational configurations

arrives in TRACON airspace. By modeling only the terminal area, the results of the model are skewed for both arriving and departing aircraft. For departing aircraft, if the model does not consider the inherent constraints of the en route air traffic system, including differences in aircraft performance and the impacts of other air traffic transiting the area for other airports, the departure flow pictured in the model will remain unconstrained and aircraft can take off at a constant, predetermined rate. When reaching the boundary, the aircraft are dropped from the scenario, and the model does not further consider constraints of the en route system which naturally impact the TRACON airspace. Unfortunately, this unconstrained flow scenario is not normally possible in today's complex air traffic control system.

Similar problems exist in modeling arrivals without consideration of airspace outside the TRACON. Inbound aircraft are assumed, in the Master Plan model, to be at the entry point of terminal airspace when required by the model. Aircraft proceed inbound at a set speed, reduce speed at a predetermined point, land and proceed unimpeded to their gate. This is not a reasonable representation of a typical aircraft arrival. In fact, there is almost no likelihood that aircraft can be delivered to the terminal inbound fix at a rate consistent with the model's assumptions.

Instead, the Master Plan's arrival model appears to have been developed to insure that an arriving aircraft would be at the inbound fix at the specific time required in order to maximize the arrival rate for the airport. Although Air Traffic Control consistently tries to keep the aircraft sequenced as closely as possible "intrail", it is not possible to consistently space aircraft a set distance apart for extended periods of time. The availability of aircraft to fit into the sequence, aircraft speeds, the mix of large and small aircraft, a lack of demand, aircraft deviations due to weather, intrail restrictions though an en route sector or intrail restrictions required for an airport approach control facility and other variables cause the in trail spacing of arrival aircraft to be inconsistent. As a result of these and many other factors, there is unused capacity in each of these arrival sequences. In summary, the Master Plan's failure to adequately consider constraining factors outside the TRACON airspace calls into question the validity of the model's result.

2. The Master Plan Should Have Modeled Gate Capacity.

The Master Plan did not include in its modeling aircraft gate operations for future activity levels, allegedly because of the inability of the existing gate facilities to accommodate the higher activity levels.[6] (Master Plan, § 2.5.3, page II-2.104) The Master Plan disclaims the importance of this omission ["The inability to model gate operations in detail does not impact the results of

---

[6] Performance measures contained in the Master Plan, § 2.5.1, include "outbound ground delay" which, in turn, appear to include gate related variables such as "gate push-back delay". This performance measure was apparently used in the modeling of existing gate operations but not future ones. (Master Plan, § 2.5.1, page II-2.97)

predictor of capacity. The precise degree in which the interaction of the independent and dependent variables in the model affect the analysis cannot be ascertained at this point without re-running SIMMOD. Suffice it to say that a new surrogate for demand, derived, for example, from airline market surveys, or annual enplanements, is necessary to insure the integrity of the model's results.

II. THE DRAFT EIS/EIR DOES NOT FULLY ANALYZE THE PROJECT'S OFF-AIRPORT SURFACE TRAFFIC IMPACTS.

While the Draft EIS/EIR's off airport surface traffic analysis adequately depicts some aspects of the Project's surface traffic generation potential, it is notably deficient in the following ways: (1) the use of the Adjusted Environmental Baseline for comparison with the Project's surface traffic impacts creates a misleading picture of the magnitude of those impacts; (2) the Draft EIS/EIR improperly equates the direct and cumulative impacts of surface traffic; (3) the Draft EIS/EIR provides inadequate information regarding the Northside/Westchester Southside Project; (4) the Draft EIS/EIR transportation planning horizon is improperly attenuated; and (5) the Draft EIS/EIR lacks a mitigation monitoring program detailing implementation of mitigation measures for the impacts of surface traffic.

A. The Use of the Adjusted Environmental Baseline for Comparison With the Project's Surface Traffic Impacts is Misleading.

Three scenarios were used as baselines against which to evaluate the surface traffic effects of the proposed Master Plan improvements: (1) Environmental Baseline; (2) Adjusted Environmental Baseline; and (3) the No-Project/No-Action alternative. The Environmental Baseline is the existing condition pre-project. It includes existing roadways and land uses, and the current airport configuration. The year used in this baseline changed during the development of the Master Plan. At the initiation of the Master Plan process, the baseline year used was 1994. Information is reported in different Master Plan sections for 1994 and 1995. For the third iteration of the Master Plan, the baseline became 1996. The technical reports for the Draft EIS/EIR used 1996.

The Adjusted Environmental Baseline uses the current airport configuration but assumes that future off airport roadways and land uses already in the pipeline will be completed (see Section B.1 below). As with the Environmental Baseline, the definition of Adjusted Environmental Baseline changed with the development of the Master Plan. The existing condition section of the Master Plan (Chapter IV, Section 7) used horizon years of 2000 to 2015. The "constrained" alternatives section (Chapter V, Section 3) used the years 2005 and 2015. Finally, the No-Action/No-Project Alternative is the converse of the Adjusted Environmental Baseline and assumes that off-airport development will remain constant, but currently approved airport projects will be completed.

3b, Table 2-3, present projected regional roadway improvements. Master Plan, Chapter V, Section 2.6 indicates that the future roadway network used in the analysis includes those projects ". . . currently funded and approved or which have a high probability for completion by 2015 . . ." Clearly, the distinction between "approved" and "planned" projects is critical to a functional definition of Adjusted Environmental Baseline. The baseline will be set much higher (and the consequent relationship of the Adjusted Environmental Baseline with the Project's impacts much lower) if all planned projects are included in addition to all approved projects.

Finally, Chapter IV of the Master Plan (Table VI-8.1, page IV-8.5) provides a "preliminary list of related projects" that differs from the list presented in Table 2.2 of the Draft EIS/EIR Traffic Technical Report, 3b. While differences are to be expected between the 1996 version of the Master Plan and the Updated 2000 version of the Traffic Technical Report, one difference may be more crucial than others - the projected size and resulting traffic impact of the Playa Vista Project. For example, according to the Master Plan, Table IV-8.1, the Playa Vista Project will contain 13,156 single-family units and 8,262 multi-family units. Master Plan, Chapter V, Appendix L, and the Draft EIS/EIR Traffic Technical Report specifies 13,085 multi-family units and no single-family units for the same Project. There is no explanation for the change, nor any reference to the source of either number. The difference is crucial because the traffic analysis assumed three people for each single-family home, and only two for each multi-family residence. The change therefore results in a significant diminution in traffic if the latter multi-family numbers are correct. Considering the potential of over 13,000 housing units for traffic generation, a complete explanation is needed to render the Draft EIS/EIR surface traffic analysis.

2. The Applicability of the Adjusted Environmental Baseline to the Draft EIS/EIR Traffic Analysis is Questionable.

As set forth above, the off airport surface traffic analysis in the Draft EIS/EIR uses the Adjusted Environmental Baseline as "the basis of comparison under CEQA for future mitigation for the three build alternatives" (Draft EIS/EIR, page 4-276). The Adjusted Environmental Baseline reflects projected conditions in the years 2005 and 2015 with off airport land use activities completed and regional circulation improvements in place, but without any increased use of the airport. This approach minimizes the potential direct impact from the adoption of the proposed Master Plan because: (1) the future traffic volumes without the Project increase thereby reducing the proportional effect of the added airport traffic from the Project and (2) additional circulation system improvements provide additional capacity. While it is reasonable to assess particular impacts at the time at which they might occur, relying on this approach requires assurances that the projected circulation improvements will actually be in place. No such assurances are provided in the Draft EIS/EIR.

The Off Airport Technical Report lists circulation system improvements that were included in the modeling process. This listing provides an indication of when certain improvements are anticipated. Without these improvements, the circulation system for the

Intersection[8]	Existing V/C(LOS)	Adjusted Baseline V/C(LOS)	Alternative C (*w/mit*) V/C(LOS)	Difference (*w*) Existing	Difference (*w*) Adjusted
Aviation/El Segundo	0.835(D)	1.097(F)	0.865(F)*		
Aviation/Rosecrans	1.121(F)	1.164(F)	1.171(F)	+.050	+.007
Highland/Rosecrans	1.069(F)	1.211(F)	0.947(E)	-.122	-.264
Sepulveda/El Segundo	0.869(D)	1.190(F)	1.161(F)	+.292	-.029
Sepulveda/Mariposa	0.730(C)	0.772(C)	0.803(D)	+.073	+.031
Sepulveda/Rosecrans	1.220(F)	1.275(F)	1.243(F)	+.023	-.032
Vista Del Mar/Grand	0.749(C)	0.918(E)	0.729(C)	-.02	-.189
Vista Del Mar/Imperial	0.465(A)	1.098(F)	0.903(E)	+.438	-.195

* Apparent error in Table 4.3.2-24 of the EIS/EIR (page 4-340)

Using this concept of the Adjusted Environmental Baseline, the result is that the cumulative impacts of the Project are often significant and not mitigated even when the Project's direct effects have been.[9]

C. The Draft EIS/EIR Inadequately Documents the Northside/Westchester Southside Project.

The Draft EIS/EIR's impact analysis for off airport surface traffic is dependent upon the assumption that there will be a substantial reduction in the number of trips generated from the Northside Project. By "reconstituting" the Northside Project into the Westchester Southside Project, the Draft EIS/EIR projects that there will be a significant decrease in collateral trips with the adoption of the proposed Master Plan.

The source of the collateral trip reduction is the change in the land use for the Northside Project and Continental City Project. Attachment A of Technical Report 3b provides the basis for the reduction in collateral trips.

---

[8] Change in V/C Rates of .01 defines significant impact for intersections at LOS F (Draft EIS/EIR, p. 4-291).

[9] Note that if the comparison had been between Alternative C and the No-Project/No-Action Alternative, the difference would have been even greater, as the No-Project/No-Action Alternative provides for on-airport, potentially capacity-enhancing, improvements, but not off-airport surface traffic impact mitigation.

generation from the Westchester Southside Project is significant. Without a more adequate demonstration of the Master Plan's ability to achieve that reduction, and a concrete commitment to meeting those goals, the Draft EIS/EIR will remain inadequate.

D. The Transportation Planning Horizon Used in the Draft EIS/EIR is Improperly Shortened So As To Minimize the Full Build Out Surface Traffic Impacts of the Project.

The Draft EIS/EIR modeled future conditions for the years 2005 and 2015. The current regional transportation plan, however, uses 2025 as the horizon year. The use of a later year between 2015 and 2025 for analysis is proper in light of the fact that the Project is anticipated to take 16 years to complete.[10] If the Project commences as early as 2002, it will not be completed until 2018, three years after the 2015 horizon has expired. With the year 2013 being the second greatest peak construction year (Draft EIS/EIR, page 4-270), the proposed Master Plan improvements will not be complete by the time the present horizon year of 2015 is reached. The import of the choice of 2015 as horizon year, before the Project is completed, is that the full build-out ("worst case") impacts of the Project will remain unanalyzed.

Further, while the impacts resulting from the adoption of the proposed Master Plan are generally evaluated against the Adjusted Environmental Baseline, much of the Draft EIS/EIR's discussion of surface traffic is compared to the No-Project/No-Action alternative (i.e., the alternative that assumes growth in operations and passenger demand at the Airport, along with completion of improvements already planned, but no off airport traffic or other development improvements). The comparison of the Project with two separate baselines in the years 2015 presents a misleading picture. While the reconstitution of the Northside Project may provide a reduction in the traffic generated in 2015, the existing airport improvements clearly permit growth beyond that currently possible. Therefore, the further into the future conditions are projected, the greater the effect of the proposed Master Plan improvements on traffic.

E. The Impacts of Construction Traffic Are Largely Ignored.

While the Project's construction will stretch over a period of 14 years, the impacts of the numerous construction vehicles that will be in use during that period remain unexplored. First, the Draft EIS/EIR acknowledges a volume of construction vehicles which includes 2.8 trucks per minute, 10 hours per day, 6 days per week, or 1.2 trips per minute, 20 hours per day in a 7 day work schedule (Draft EIS/EIR, page 4-319). While the Draft EIS/EIR purports to address mitigation by recommending that trucks trips be divided among four locations on the construction site, that purported mitigation does not consider the trucks' impacts on surrounding arteries even a short distance from the construction site.

---

[10] The Draft EIS/EIR, Purpose and Need Section (Chapter 2, pages 2-12 through 2-13) indicates that the Project will be implemented in two phases. The first phase will last six years and the following phase 10 more years.

consequence of the above omissions, the Draft EIS/EIR's analysis of construction traffic impacts is materially deficient.

F. The Draft EIS/EIR Lacks a Mitigation Monitoring Program.

The Draft EIS/EIR, Chapter V is entitled "Environmental Action Plan". It is not specific as to whether this constitutes a Mitigation Monitoring Program required by CEQA (CEQA Guidelines § 15091(d)). If it does represent a Draft Mitigation Monitoring Program, it is inadequate. The Section lacks a clear statement of the party responsible for implementing the mitigation, the mechanism for enforcement of the mitigation and the timing of implementation. Moreover, it lacks detailed explanation of the way in which the diminution of traffic from the Northside Project, as well as other surface traffic mitigation measures will be achieved.

III. THE DRAFT EIS/EIR NOISE ANALYSIS UNDERSTATES THE PROJECT'S AIRCRAFT NOISE IMPACTS.

A. The Draft EIS/EIR minimizes the Project's noise impacts by artificially inflating the Environmental Baseline.

As noted earlier, a threshold issue in environmental analysis is the establishment of a "baseline". The function of a "baseline" is to provide a benchmark of existing conditions against which the environmental impacts of a project may be measured. If the baseline is incorrectly designated at too high a level, the impacts of the Project will be improperly minimized. In this case, the Draft EIS/EIR utilizes three separate and distinct baselines for analyzing the impacts of the Project: (1) the Environmental Baseline (1996), i.e., the purported conditions in existence before implementation of the Project; (2) "No-Project" baseline for 2005 (and 2015) which includes "natural" growth on the airport resulting from implementation of already approved airport projects continued in the current Master Plan that purportedly would have occurred even if the Project is not implemented; and (3) Adjusted Environmental Baseline predicated on projected conditions in the years 2005 and 2015 with off-airport land use activities completed and regional circulation improvements in place, but without any improvement to airport facilities.

The Draft EIS/EIR chooses 1996 (i.e., the Environmental Baseline) as the base year for evaluation of aircraft noise impacts, and states that in 2015, the Project's horizon year, Alternative C "would reduce the total number of people exposed to aircraft noise above 65 CNEL compared to current conditions as represented by the Environmental Baseline year." (Draft EIS/EIR, page 4-11) By using 1996 as the benchmark, the Draft EIS/EIR's noise analysis artificially minimizes the apparent growth in noise impacts associated with the Project. This is because, in 1996, many noisy Stage 2 aircraft remained in the fleet (which were then phased out

---

period anticipated in the Draft EIS/EIR.

> "A study sponsored by the EPA, constituting one of the most notable studies of animal noise exposure, examined cardiovascular effects of noise on monkeys. This research demonstrated that monkeys subjected to industrial noise at levels between 85 to 90 dba for several months developed significant elevations of systolic and diastolic blood pressure. It is particularly notable that these changes persisted long after exposure ceased, demonstrating that noise has a chronic effect on blood pressure."

Fred M. Svinth, Illingworth & Rodkin, Inc. "The Effects of LAX Aircraft Noise on Local Communities," January 2001, p. 9, attached hereto as Exhibit "I". LAWA admits that such studies exist and that noise has effects, but refused to seriously consider such reports. Instead, LAWA simply concludes that such studies are controversial and, therefore, that no in-depth analysis is required.

> "Some studies suggest that there are indicators that high noise levels, particularly from aircraft, may have a detrimental effect on the cardiovascular system, mortality rates, birth defects, achievement scores, psychiatric admissions, sleep disturbance, and overall psychological well being; others show no conclusive evidence of these effects. However, the results of such studies continue to be controversial and are not accepted by the general scientific community at this time. Specifically, the scientific community has cited methodological and epidemiological problems with the studies and none of the studies has gained the universal acceptance from researchers that would allow them to be used as a basis for impact assessment."

Draft EIS/EIR Section 4.24.2 page 4-1041.

However, LAWA argues that it is impossible to "quantify" the relationship between noise and adverse human health effects. LAWA argues that no "threshold of significance" exists:

> "Although there is consensus that noise has some health effects, there is no agreement as to the degree of the effects or the level at which they become significant. The scientific community and regulatory agencies have not developed numerical thresholds beyond which the health effects of noise are considered to be significant."

Draft EIS/EIR Section 4.24.2 page 4-1046.

> particularly difficult to document due to the confounding factors of background noise, school quality, and socioeconomic status. Additional research is being performed to try to account for these factors."

Draft EIS/EIR Section 4.24.2 page 4-1043. Similarly, LAWA admits but dismisses summarily the very real problem of sleep disturbance caused by aircraft noise. LAWA states:

> "Generally, laboratory studies have shown considerably more disturbance than field studies, perhaps due to the subject's lack of familiarity with the location and experience. Sleep disturbance studies have also involved the collection of cumulative data from subjects.... A review of existing studies and literature indicates that additional research is required to clarify the relationships between aircraft-related noise and sleep disturbance."

Draft EIS/EIR Section 4.24.2 page 4-1044.

LAWA tries to minimize the sleep disturbance caused by aircraft operations at LAX. LAWA states, "LAX undertakes a different operational procedure for takeoffs and landings between midnight and 6:30 a.m. These 'over-ocean' procedures route both arrivals and departures over Santa Monica Bay, directing aircraft noise away from residential areas to the east of LAX during nighttime hours." Draft EIS/EIR Section 4.24.2 page 4-1045. However, due to constraints caused repeatedly by weather conditions, residents of Inglewood and other nearby communities are subjected to late night overflights. The Draft EIS/EIR fails to adequately analyze these issues.

IV. THE DRAFT EIS/EIR AIR QUALITY ANALYSIS IS INADEQUATE.

The Draft EIS/EIR's air quality analysis exhibits serious deficiencies, not the least of which is the total absence of a formal air quality conformity analysis required under federal law where, as here, the Project's air quality impacts are not claimed to be insignificant (see 42 U.S.C. § 7506[12]). The absence of a conformity analysis necessarily renders the following comments preliminary.

---

[12] "No department, agency, or instrumentality of the federal government shall engage in, support in any way or provide financial assistance for, license, permit or approve any activity which does not conform to an implementation plan . . ." (42 U.S.C. § 7506(c)(1))

airport capacity expansion, but outside the formal planning process of the airport. One must recognize that the estimates of reduced emissions under the action alternatives (either the preferred or alternative scenarios relative to a No-Action/No-Project scenario) are due almost entirely to "flow" improvements in the form of reduced taxiway congestion and improved traffic movement both on and offsite. If these congestion reductions are eliminated or reduced through increased air travel or associated demand that is not properly accounted for in the Draft EIS/EIR, the predicted emissions impacts will not be accurate.

B. Future Background Pollutant Concentrations Are Not Appropriately Estimated.

Background pollutant concentrations are required to accurately estimate the impact of the proposed Airport expansion on National Ambient Air Quality Standards/California Ambient Air Quality Standards ("NAAQS/CAAQS") compliance. These concentrations must account for the combined impacts of the universe of emission sources not explicitly accounted for in the airport analysis. In effect, the background concentrations determine the emissions baseline upon which Airport emissions are placed. If this base is underestimated, the overall affect of airport expansion on NAAQS/CAAQS compliance could be similarly understated. Alternatively, if the base is too high, the Draft EIS/EIR analysis could be conservative. While the Draft EIS/EIR presumes the latter (Draft EIS/EIR, Technical Appendix G, page 46), it contains no data to support such a conclusion and some reason to believe that the converse may be true.

Current short term (sub-annual) background concentrations for the Draft EIS/EIR are based on measurements taken at an onsite monitoring station located just east of the southern runway configuration. Current annual concentrations are based on data collected at a South Coast Air Quality Management District ("SCAQMD") monitoring facility (Hawthorne) located near, but southeast of the Airport (Draft EIS/EIR, Technical Report 4, Attachment A, page 3). On the premise that measurements from these sites inherently include emissions from the Airport, the Draft EIS/EIR concludes that such emissions represent conservative background concentration baselines for air quality analysis (since Airport emissions will be added on top of a background that already includes Airport emissions).

However, the prevailing wind direction for the Airport area is southwest to northeast (Draft EIS/EIR, Technical Report 4, Attachment A, page 3). Therefore, there is probably little influence from the Airport on the offsite concentrations used as background, as well as only moderate influence on the onsite-based background concentrations. The bulk of airport activity, including all terminal and motor vehicle operations occur under the influence of a prevailing wind plume that crosses Airport property to the north of the onsite monitoring station. While certain aircraft takeoff and queuing emissions are undoubtedly accounted for in the onsite baseline concentrations, these represent only a small fraction of overall airport emissions. Comparative data for concentrations from both monitoring stations could demonstrate the validity of the claim of conservatism, (i.e., do the observed concentrations for identical monitoring periods show a higher background at the onsite station?), but the Draft EIS/EIR apparently contains no data for the offsite monitoring station (other than the specific background

minutes versus 0.7 minutes). Since takeoff accounts for about 35 percent of total aircraft NO_x (Draft EIS/EIR, Technical Report 4, Attachment C), the overall aircraft NO_x inventory could increase by nearly 13 percent simply due to the inclusion of reverse thrust-related emissions alone. Without some affirmative determination that such operations will be prohibited under the action alternatives, reverse thrust emissions should be included in the Draft EIS/EIR air quality analysis.

D. The Applicability of the Construction Equipment NO_x Standard is Overstated.

The Draft EIS/EIR states that only construction vehicles meeting a 2.5 grams per brake horsepower-hour (g/bhp-hr) NO_x standard will be used for airport construction projects by 2005 (Draft EIS/EIR, Technical Appendix G, page 3). Furthermore, this requirement will be phased in between 2001 and 2005, beginning at 20 percent of vehicles and increasing at a rate of 20 percent per year. This "requirement" raises several concerns as it is applied to the construction equipment emissions analysis in the Draft EIS/EIR.

First, the 3.0 g/bhp-hr NMHC+NO_x standard (that is the basis for the 2.5 g/bhp-hr NO_x assumption) for construction vehicles does not take effect until 2005 for 300-750 horsepower (hp) engines, 2006 and 2007 for 100-300 hp engines, or not at all for engines of other hp. Mandating this equipment for Airport work at an accelerated schedule beginning in 2001 may or may not be successful, but clearly requires some statement of commitment by the regulated parties. Voluntary, so-called "Blue Sky Series," engines can be certified by manufacturers before 2005 but there is no requirement to do so (and little incentive since these engines cannot be used in the emissions averaging programs associated with non-Blue Sky engines, averaging programs which are currently relied on by all heavy duty engine manufacturers for emissions standards compliance). In reality, construction firms will only be able to provide equipment that is available on the market and it is dubious that the number of engines meeting the suggested standard in the required years will be significant.

Second, the mandatory "clean engine" standards that do begin in 2001 require NO_x at levels around 4.0 g/bhp-hr (an exact value is not possible since the standard is again expressed as NMHC+NO_x, in this case 4.8 g/bhp-hr). However, these standards also only apply to 300-750 hp equipment. While a number of construction equipment engines fall into this category, many others range from as low as 25 hp up through 300 hp. For these lower hp categories, standards do not begin until 2003 or 2004 and get progressively less stringent as engine size decreases (to 5.6 g/bhp-hr for engines below 100 hp).

Third, even if this low emissions requirement could be enforced (i.e., allow use of only new Blue Sky Series engines at the Airport), an assumption of 100 percent in-use compliance is overly optimistic. While it is not possible to say with certainty what fraction of equipment may operate at emissions levels above certification standards, experience has demonstrated that engines employing sophisticated engine management strategies and aftertreatment controls (as is expected for engines meeting these stringent standards) are subject to both malperformances and

F. Ground Support Equipment Populations Are Not Appropriately Specified.

As stated above, the Draft EIS/EIR uses the FAA's EDMS model to estimate GSE emissions (Draft EIS/EIR, Technical Report 4, Attachment A). Inherent within this approach is an assumption that EDMS properly estimates GSE populations. Since the current GSE population at the Airport is known, it would be appropriate to determine whether EDMS assumptions are consistent with the Airport's actual population and use-hour statistics. This would provide support for the validity of EDMS equipment estimation algorithms and allow for a more appropriate assessment of the accuracy of the GSE emissions estimates and air quality impacts of the Draft EIS/EIR.

G. Emissions Benefits of Conversion of GSE to Electric, Hybrid, and Alternative Fuels are Overstated.

The Draft EIS/EIR contemplates a widespread GSE replacement program under all three of the action alternatives, while retaining primarily fossil fuel powered GSE for the No-Action/No-Project Alternative (Draft EIS/EIR, Technical Report 4, Attachment L). While this could be construed as a mitigation measure and, in fact, is listed as the single most effective mitigation measure on the list of potential mitigation measures included in the Draft EIS/EIR (pages 4-514 through 4-519), it is arbitrary to apply the measure only to the action alternatives, as there are no specific constraints to such substitution today or under the No-Action/No-Project Alternative. Electric GSE is cost effective from a market standpoint today. Therefore, whatever incentive or mandate will be offered under the action alternatives to move toward electrification could just as readily apply today. Required infrastructure modifications are relatively modest, with no dependency on the expansions associated with any of the action alternatives. But by far the most troubling issue is that the replacement program already appears to be accounted for in the "unmitigated" emission estimates for all three action scenarios. If this is the case, no additional emission reductions will be achieved through GSE electrification as is claimed in the proposed list of mitigation measures.

H. Incorrect Aircraft PM Emission Factors Are Used in the Draft EIS/EIR Air Quality Analysis.

Two issues exist with respect to the aircraft PM analysis that result in an underestimation of the Project's potential air quality impacts. First, it appears that the Draft EIS/EIR is based on the incorrect emission factors from the supporting analysis undertaken to develop those factors (Draft EIS/EIR, Technical Report 4, Attachment H). Second, it appears that the approach used to

while at the same time recognizing the substantial progress that has been made in aircraft engine performance. It is, however, critical that such relationships consider possible operating mode-specific differences in any identified PM relationship, as engine and combustion efficiency vary substantially across modes. For example, one would expect PM emission rates to be inherently low in high efficiency (high NO_x) modes of operation since the same high temperature, high pressure conditions that give rise to high NO_x also favor more complete fuel combustion. Conversely, PM would be expected to be high in low efficiency combustion modes. In short, it should not be expected that the significance of any inter-species relationship(s) is/are invariant across the full range of operating modes.

A very strong statistical relationship between measured PM and the inverse of measured NO_x is observed in three of the four standard aircraft operating modes (approach, takeoff, and climbout), with coefficient t-statistics all significant at 99-plus percent confidence. A strong coefficient can also be observed for the taxi mode, but it explains virtually none of the observed variation in PM and NO_x (whereas variance explanatory significance exceeds 99 percent confidence for the other three modes). The magnitude of the relationship coefficients varies from 28.4 in takeoff mode to 45.0 in climbout mode, and is 33.0 in approach mode. While all three modes exhibit significant relationships, takeoff mode serves as the best basis for an overall relationship, as it statistically produces the smallest root mean square error based on regression data (an error 35 to 40 percent lower than those of climbout and approach modes). Using this takeoff mode PM-to-NO_x relation as a means to estimate aircraft takeoff PM emission rates for each of the engines with NO_x measurements in the overall ICAO emissions database, PM emission rates for the other three operating modes (climbout, approach, and taxi) can be developed based on observed statistical relationships between mode-specific PM and takeoff PM (i.e., PM-to-PM regressions across modes). Linear coefficients for all three modes (1.42 for climbout, 1.53 for approach, and 3.10 for taxi, all in pounds per thousand pounds fuel burned space) are significant at 99-plus percent confidence, with adjusted correlation coefficients for climbout and approach at 0.78 and 0.83 respectively. Taxi mode correlation is poor, but the PM-to-PM relation does account for observed variance at greater than 99 percent confidence.

Using existing ICAO emissions measurement statistics, this alternative approach produces PM emission rates that are 4 to 37 times higher than those used in the Draft EIS/EIR. The smallest differentials are observed at the highest thrust modes. The differentials grow with reducing thrust possibly because the Draft EIS/EIR approach does not take operating efficiency differentials between modes into consideration. Nevertheless, for a typical LTO cycle (as per Draft EIS/EIR times-in-mode), the aggregate aircraft PM emission factor will be underpredicted by a factor of 17 using the Draft EIS/EIR approach. The effect on PM air quality analyses is obvious.[18]

---

[18] Interestingly, if the appropriate carbon-to-total PM emission factor correction of 13.2 is implemented as suggested in the support material for the Draft EIS/EIR (Technical Report 4, Attachment H), the bulk of the emission factor differentials between the two estimation approaches virtually disappear (i.e., a correction factor of 13 versus an underestimation factor of

L. Aircraft Taxi Times are Not Included in the Draft EIS/EIR or Supporting Data.

Aircraft taxi-idle times are not included in the Draft EIS/EIR, its technical appendices or supporting documentation.[19] It can be deduced from the included emissions estimates for aircraft taxiing that those emissions decrease substantially under the action scenarios, but the actual times should be included to allow the public an opportunity to better evaluate their propriety. In addition, the ability of SIMMOD to accurately estimate aircraft taxi times must be demonstrated by comparing SIMMOD predictions for current conditions at the Airport to observed taxi times at the Airport. The issue of aircraft taxi times is critical. The bulk of Aircraft VOC and CO emissions are generated during taxiing. In addition, although NO_x emission rates are low during taxiing, the amount of time spent in taxi mode results in a significant taxi contribution to overall NO_x emissions. Most critically, it is expected that virtually all of the aircraft emissions differential between the project baseline and the project alternatives is due to assumed reductions in aircraft idle time. Clearly, it is important that taxi times be accurately modeled. However, sufficient information is not included in the Draft EIS/EIR to determine that accurate modeling was performed.

M. The Project's Conformity Cannot Be Determined from Data and Analysis Contained in the Draft EIS/EIR.

Even without consideration of the various issues noted above, the Draft EIS/EIR presents several air quality concerns relative to the NAAQS/CAAQS under the Preferred Alternative. Although a series of mitigation measures are discussed and preliminary emission reduction estimates presented, these estimates are not documented and therefore, the calculation methodologies cannot be evaluated. The Draft EIS/EIR defers formal review of potential mitigation measures until a Final EIS/EIR is developed (Draft EIS/EIR, page 4-459). Similarly, the Draft EIS/EIR acknowledges the applicability of federal conformity requirements, but defers both the conformity analysis and a proposed conformity determination to the Final EIS/EIR (Draft EIS/EIR, page 4-460). Unfortunately, such an approach makes it impossible to comment constructively on either potential emission mitigation measures or the conformity process, since these processes will be released for comment only after the underlying decision-making has been finalized.

---

[19] The Draft EIS/EIR contains references to the development of the taxi/idle times using SIMMOD, but no actual indications of what those times were.

cancer health risks for any year after 2015. However, the operation of the expanded airport during those latter years may well have continuing impacts on the residents of the surrounding communities. Health impacts are often seen in the resident population over a much longer time span than the 15-20 years assessed in the Draft EIS/EIR tables. Other major planning assessments, such as the RTP (2025) and the AQMP (2030), examine impacts of their action over a much longer time frame. Calkins Phase II Report p. 22. The Health Risk Assessment in the Draft EIS/EIR should be extended to conform to this model.

4. LAWA's Study Of Air Pollutants Fails to Consider Relevant Issues.

It is unclear in the Draft EIS/EIR what LAWA's criteria are for determining net change in chronic and acute hazard indices for air pollutants. LAWA does not include the criteria pollutants in this analysis, and this is a critical, indeed fatal, omission. The results of the Source Apportionment study, which was only recently initiated, would have provided valuable input to assessing criteria (NAAQS) as well as various toxic air pollutant impacts on health, if it were available to the LAWA at the time of preparation of the Draft EIS/EIR. The Draft EIS/EIR also appears to ignore the incremental cancer and non-cancer risks to people who do not "receive a certain hazard level criterion." Calkins Phase II Report p. 22. These issues must be addressed and resolved in the Draft EIS/EIR.

V. THE DRAFT EIS/EIR DOES NOT MEET THE REQUIREMENTS FOR ALTERNATIVES ANALYSIS OF EITHER CEQA OR NEPA.

A. The Draft EIS/EIR Alternatives Analysis Does Not Conform to the Requirements of CEQA.

The LAX Master Plan and Draft EIS/EIR fail to conform to CEQA because they do not properly consider alternatives to expansion at LAX. Proposals that entail expansion at other airports instead of LAX should have been analyzed and considered. Instead of considering only three "build" alternatives, each of which called for massive expansion of LAX (in comparison to a flawed No Action/No Project Alternative), LAWA and the FAA should have considered alternatives that included expansion and/or construction at Ontario Airport, El Toro Marine Corps Air Station, Palmdale Airport and March Air Force Base.

In discussing alternative locations for a project, the CEQA Guidelines state, "The key question and first step in analysis is whether any of the significant effects on the project would be avoided or substantially lessened by putting the project in another location." CEQA Guidelines § 15126.6(f)(2). The CEQA Guidelines 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

is to expand, massive construction will have to take place. The LAX Master Plan is simply not consistent with other plans, in particular SCAG's 2001 Regional Transportation Plan ("RTP") (see below for further discussion) and the 1999 and 2001 Air Quality Maintenance Plan's ("AQMP's"). Lastly, the LAX Master Plan virtually ignores the regional approach to airport expansion, by failing to fully analyze any alternative that does not call for massive expansion at LAX. Given the fact that LAWA owns several of the other airports in the region meets or exceeds the feasibility of expansion of LAX, when considering the factors mandated by CEQA.

B. The Draft EIS/EIR's Alternatives Fail to Satisfy the "Purpose and Need" for the Project.

The mandate to evaluate and compare alternatives is the "heart" of an EIS (CEQ Quidelines, § 1502.14). FAA Order 1050.1D, paragraph 63, implementing NEPA, mandates that an EIS "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." The FAA Order further requires that the EIS Alternatives analysis include a rigorous exploration and objective evaluation of all reasonable alternatives. Courts have concluded that to be reasonable, the suggested alternatives must meet the goals of the proposed action.[20]

The Draft EIS/EIR's alternatives analysis fails to meet the stated goals of the Project. The Draft EIS/EIR states that the general "[p]urpose and objectives of the Master Plan are to provide... sufficient airport capacity for passengers and freight in the Los Angeles region to sustain and advance the economic growth and vitality of the Los Angeles region." (Draft EIS/EIR, volume 1, pg. 2-1) More specifically, the Draft EIS/EIR outlines three objectives which the Project needs to satisfy: (1) "to respond to the local and regional demand for air transportation during the period 2000 to 2015, taking into consideration the amount, type, location, and timing of such demand"; (2) "to ensure that new investments in airport capacity are efficient and cost-effective, maximizing the return on existing infrastructure capital"; and (3) "to sustain and advance the international trade component of the regional economy and the international commercial gateway role of Los Angeles."[21]

It is not clear, however, that the proposed runway improvements that form an integral part of Alternative C, the Preferred Alternative, constitute a superior, or even an efficient way to accomplish the Project's stated purposes. For example, all three of the Project's objectives could potentially be, at least partially, achieved through airspace/air traffic modifications, both within the terminal airspace and in the en route system. This alternative is neither acknowledged nor explored in the Draft EIS/EIR. Nevertheless, this conclusion is supported by the fact that the

---

[20] See, generally, City of Carmel-By-The-Sea v. United States DOT, 123 F.32 1142 (1997); National Wildlife Federation v. Federal Energy Regulatory Commission, 912 F.2d 1471 (1990).

[21] Id.

The result of the Draft EIS/EIR's failure to acknowledge the Project's primary purpose, i.e., to increase the proportion of super long-haul aircraft in the fleet, is a concomitant failure to analyze the full range and magnitude of environmental impacts that may arise from the desired change in fleet mix. While it is, as yet, early in the NLA development process, some technical facts about the aircraft are already known, sufficient to make at least some educated projections concerning its impact. For instance, ascertaining the projected climb rate will enable an estimate of whether the NLA can meet current airport noise abatement operational requirements; or whether those will have to be altered; or whether the NLA will, ultimately, overfly noise sensitive communities as lower (or higher) altitudes, resulting in higher (or lower) noise levels over those communities. Similarly, preliminary data concerning engine type and emissions characteristics would enable at least a preliminary analysis of the air quality impact of the NLA, as well as the GSE needed to support it, if different from those categories already in use. Finally, the Draft EIS/EIR should have included the capacity/delay impacts from the increased use of NLA. As the Draft EIS/EIR fails to model ground operations in detail, the delay impacts that may result are not considered in developing an accurate analysis of arrival and departure flows and the congestion which may ensue even after Project implementation.

In summary, because the alternatives analysis is the "heart" of the NEPA process; because the Draft EIS/EIR fails to consider, or analyze, the impacts of eminently reasonable alternatives such as airspace changes to meet the Project's stated purposes; because Alternative C does not alone meet the Project's stated purposes; and because the most significant result of implementing Alternative C, the increased capacity to accommodate NLAs, remains unanalyzed from an environmental perspective, the Draft EIS/EIR's alternatives analysis is seriously flawed.

VI. THE LAX MASTER PLAN AND DRAFT EIS/EIR FAIL TO SATISFY APPLICABLE LAW BECAUSE THEY DO NOT CONFORM TO OTHER RELEVANT PLANS.

Federal regulations require that all airport development conform to local plans. The FAA's Airport Environmental Handbook clearly states that any airport plan must conform to the local air emissions plans:

> "Section 176(c) of the Clean Air Act Amendments of 1977 states in part that no Federal agency shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to a State Implementation Plan after it has been approved or promulgated under section 110 of that Act. It is FAA's responsibility to assure that Federal airport actions conform to state Plans for controlling area wide air pollution impacts."

regional plans. CEQA Guidelines § 15125(d). The Draft EIS/EIR fails to meet these requirements.

A. The LAX Master Plan Fails to Conform to the Air Quality Maintenance Plan.

The LAX Master Plan does not conform to the local air pollution reduction plan. Southern California is designated a "non-attainment area"[24] under the 1990 Clean Air Act. Therefore all major projects must be constructed with assurance to the Federal Government that the project fits into the current air pollution reduction plan, known as the Air Quality Maintenance Plan ("AQMP"). See Calkins Phase II Report pp. 11-12. Mr. Calkins has determined that the LAX Master Plan Draft EIS/EIR fails to conform to the relevant AQMP in regards to the following:

1. Emission Inventory - the 2001 AQMP, currently in development, will require changes to the Draft EIS/EIR's emission inventory.

2. Mitigation Measures - LAWA's failure to commit to specific mitigation measures in the Draft EIS/EIR inhibits development of the 2001 AQMP.

3. Baseline Issues - use of the "adjusted" environmental baseline for off-airport traffic impacts does not allow comparison of the Draft EIS/EIR alternatives with current conditions, but actually compares the alternatives to a future condition.

4. Aircraft Mix - the Draft EIS/EIR assumes an aircraft mix of mostly jumbo airliners, in conflict with the adopted 2001 RTP calculations, which will cause differences in projected emissions between the Draft EIS/EIR and the AQMP.

5. Stationary Source Emissions - LAWA's alternatives do not take into account the increase in nearby, off-airport stationary source emissions, despite LAWA's assertions to the contrary; thus, it cannot conform to the regional plan.

6. Ground Support Equipment - LAWA failed to follow the California Air Resources Board's ("CARB") latest off-road emission model when concluding that emissions for future Ground Support Equipment would be zero.

Calkins Phase II Report at 13-14. These are serious conformance problems that must be first detailed, then remedied by LAWA before any action can be taken on the LAX Master Plan or its Draft EIS/EIR.

---

[24] A "non-attainment area" has monitored air pollution levels in excess of the National Ambient Air Quality Standards ("NAAQS").

Draft EIS/EIR plans for funding of all these projects, presumably from Federal Highway funds.

Calkins Phase II Report at pp. 9-10.

LAWA's failure to even discuss these issues is a serious deficiency in the Draft EIS/EIR. The Draft EIS/EIR cannot be acted upon until it is modified to conform to the RTP, assuming that is possible to do without simply scratching the entire analysis and starting over. If it is possible to salvage some small part of the plan, such as the mitigation measures, then the Draft EIS/EIR must be reissued for public comment.[25]

VII. THE DRAFT EIS/EIR DOES NOT ADEQUATELY SPECIFY MITIGATION MEASURES OR METHODS TO ENFORCE THEM.

CEQA requires that agencies identify the environmental impacts of a project, and implement mitigation measures to lessen the adverse environmental impacts. (CEQA Guidelines §15002 (a)(3)). However, the Draft EIS/EIR fails to comply with CEQA by (1) failing to provide a complete list of mitigation measures, and (2) failing to specify, at a minimum, a Draft Mitigation Monitoring Program to inform the public of how the project proponents intend to ensure the implementation of mitigation measures.

A. The Draft EIS/EIR Delays Disclosure of the Full List of Mitigation Measures Until the Final EIS/EIR.

CEQA Guidelines §15126.4(a)(1)(B) mandates that the "[f]ormulation of mitigation measures should not be deferred until some further time." While the Draft EIS/EIR acknowledges the existence of significant unmitigable impacts, it also states that, "A final package of design features, Master Plan Commitments, and Mitigation Measures will be developed ... The resulting Environmental Action Plan will be published in the Final EIS/EIR." (Draft EIS/EIR, Executive Summary, pg. ES-30) By deferring to the Final EIS/EIR to reveal the mitigation measures, the public's opportunity comment will have been attenuated.

B. The Draft EIS/EIR Fails to Provide a Draft Mitigation Monitoring Program.

California Public Resources Code §21081.6 requires that a public agency "adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project

---

[25] When new significant information becomes available after the public review period, Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5 required re-circulation of an EIR prior to certification.

In fact, the Airport can eliminate runway incursions only if it builds runways with no entrances and no exits. However, simple solutions such as enhanced marking and lighting for runways, increased awareness and training for pilots and controllers, improvements in communications and procedures, and resolving management issues at the FAA[27] are all basic and available measures that should be implemented at the Airport. In addition, affordable incursion-reducing technologies currently available to the Airport such as the Airport Movement Area Safety System (presently in use at the San Francisco International Airport), which uses radar to alert controllers to potential collisions, would minimize the problem as well.[28] In fact, even the FAA has even pressed the need for instituting technological improvements at airports to combat the runway incursion issue.[29]

While recent incidents have made runway incursions a "hot button" in the eyes of the public, Congress, and aviation organizations, this recently surfaced "safety" issue cannot serve as justification for a project which otherwise fails to meet environmental standards.

IX. THE DRAFT EIS/EIR IS INSUFFICIENT AS A MATTER OF LAW BECAUSE IT DOES NOT SATISFY ENVIRONMENTAL JUSTICE REQUIREMENTS.

A. The Master Plan and EIS/EIR Unfairly Burden the Minority and Lower-Income Communities Surrounding LAX in Violation of Federal and California Law.

Federal law requires that each federal agency "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (Executive Order 12898, February 11, 1994). Environmental Justice is also a requirement of California law. Cal. Pub. Res. Code §72000-72001. Under California law Environmental Justice means "the fair treatment of all people of all

---

[27] Transportation Department Inspector General Kenneth M. Mead recently told a House subcommittee that the "FAA's director of runway safety has little authority over FAA employees who work on runway safety projects. Result: Almost every FAA runway safety project runs years late at more than double the anticipated cost, often failing to meet original expectations." The Washington Post Company, "Runway Alert", page A22, July 7, 2001.

[28] "It's the first surface detection equipment that really gives an alert to the controller and allows the controller to prevent a collision." CNN, "Close Calls on Runways Alarm Aviation Experts", June 27, 2001.

[29] The Director of the FAA's Runway Safety Office, Mr. Bill Davis, expressed that "he needs additional authority to coordinate and speed up technological improvements." The Washington Post Company, "Runway Alert", page A22, July 7, 2001.

Minority and low-income populations are and have been disproportionately burdened by the impacts of LAX long before the massive expansion planned under the LAX Master Plan:

> "[M]inority and low-income residential communities within the study area are currently concentrated east of LAX, separated from the airport by predominantly commercial and industrial airport-related land uses and the I-405 freeway. In contrast, residential areas of El Segundo and Playa Del Rey/Westchester, to the immediate north and south of the airport, do not have high concentrations of minority and low-income populations. LAX has always had an east-west runway configuration to take advantage of the prevailing wind pattern and to maximize efficient use of airspace. The combination of the long-standing runway orientation and more recent changes in the demographic patterns in the area around LAX means that minority and low-income residential communities are directly under the primary arrival flight path The primary impacts on minority and low-income communities from current airport operations are therefore most associated with aircraft noise and air emissions. While residential areas of El Segundo and Playa Del Rey/Westchester directly adjacent to the airport are also exposed to high levels of side-line noise, the areas of exposure are much smaller in comparison to the noise-impacted residential communities to the east."

Id. at 16.

Inglewood is one of the predominantly minority communities located east of LAX which receives a disproportionate share of the impacts of LAX. Inglewood's population is 46.4% African-American, 46% Hispanic, 4.1% White, 1.6% Multi-racial, 1.1% Asian, 0.3% Pacific Islander, 0.2% Native American, and 0.2% Other. California Department of Finance, Demographic Research Unit, California State Census Data Center, Census 2000, "Table Two, Population by Race/Ethnicity, Incorporated Cities by County, p. 5, attached hereto as Exhibit "A". In addition, a large percentage of the low-income census tracts in LAWA's study area are located in Inglewood. Draft EIS/EIR, Appendix F, Environmental Justice Technical Report, Figure 3, "Low-Income Census Tracts Within the Study Area."

LAWA's plan for massive expansion of LAX unfairly burdens the minority and lower-income communities surrounding LAX. LAWA failed to consider alternatives that would have shifted burdens away from minority or low-income populations, or that would at least have distributed the burdens and benefits of expansion more equitably. Instead of planning for massive expansion of LAX, LAWA should have considered alternatives to massive expansion of LAX.

B. The EIS/EIR Fails to Disclose LAWA's Economic Gain from the Proposed Expansion at the Expense of Surrounding Minority and Low Income Populations.

The LAX Master Plan Draft EIS/EIR fails to disclose the increased revenues that LAWA and the City of Los Angeles expect from the massive expansion plan, or that it comes at the expense of local low income and minority communities. As Dr. Hattis notes:

> "[T]here are some glaring omissions of important effects from the economic impact analysis. Economic impacts are assessed in terms of changes in employment, and overall economic activity, for the South Coast as a whole, Los Angles County, and the City of Los Angeles. Changes in on-airport employment are also described, as are the expected capital costs of the various policy options. Unaccountably, there does not seem to be any readily locatable presentation of expected effects on operating revenues and costs for the major economic actors that are directly affected by the proposed project LAWA itself, the City of Los Angeles as owner and taxing authority, and the airlines. Projections of these expected impacts must exist. Moreover, they are highly relevant to judgments of the equity (fairness) of the distribution of expected good and bad effects on the different policy options for different groups, including an expanded Environmental Justice analysis."

Hattis Report p. 6.

LAWA and the City of Los Angeles stand to reap tremendous financial benefits from LAX expansion. Since these benefits are not specified, the comparative benefit to local low income and minority communities--or the lack thereof--cannot be and has not been evaluated. LAWA must disclose these figures for a meaningful analysis of the relative benefits and burdens to be considered.

C. The Master Plan Creates a Disproportionate And Unfair Distribution of Incremental an Total Direct Job Impacts.

The LAX Master Plan does not fairly distribute new jobs among local minority and low-income communities. According to LAWA's own economic analysis, cities in the "Primary LAX Area" (El Segundo, Hawthorne, Inglewood, Del Aire and Lennox) receive only 3.8% of the incremental "direct jobs" at LAX due to expansion. LAX Master Plan Draft EIS/EIR, Economic Impacts Technical Report, Table 46, "Distribution of Incremental Direct Job Impacts of the LAX Master Plan Alternatives, By County and City, 1996-2015", p. 95. This same area also receives only 3.4% of the total direct job impacts from LAX in 2015. LAX Master Plan Draft EIS/EIR, Economic Impacts Technical Report, Table 47, "Distribution

X. THE DRAFT EIS/EIR FAILS TO SATISFY APPLICABLE LAW BECAUSE IT IMPROPERLY MEASURES HUMAN HEALTH RISKS.

A. LAWA's Study does not Adequately Factor Time as a Variable.

LAWA analyzes environmental health impacts for two years - 2005 and 2015; however, the environmental health impacts will occur over time. Accordingly, LAWA's analysis inaccurately minimizes certain risks and fails to consider numerous cumulative impacts.

Further, as noted by Dr. Hattis, "2005 does not represent even the peak year for construction-related impacts." Hattis Report p.4. In fact, emissions of particulate matter in year 2004 are expected to be more that twice those in 2005 (approximately 44,000 lbs/day versus 19,000 lbs/day). For a proper analysis, LAWA should "analyze and express impacts in terms of both peak-year and integrated bottom-line measures of effect over a reasonably foreseeable extended time over which the facilities will be built and operated." Hattis Report p. 4.

B. The Draft EIS/EIR Fails to Adequately Delineate Health Risks.

The increased health risks associated with the LAX Master Plan should be set forth with more clarity and specificity in the Draft EIS/EIR. Impacts are expressed primarily in terms of "significance" of effects for the most exposed individual, or, when considering certain carcinogenic effects, in terms of the areas or numbers of people exposed to concentrations expected to exceed a 1/100,000 lifetime incremental cancer risk criterion or an unusual criterion for non-cancer effects of a hazard index of 5. Hattis Report p. 4.
However, the usual criterion used in many impact assessments under other environmental statutes, including Superfund, is a hazard index of 1.5.[30] Id. Dr. Hattis notes:

> "These ways of expressing health impact results are of some relevance because they help the audience judge the fairness of the burden of extra risk imposed for residents of the areas most affected by the project options. However, exclusive definition of impacts in terms of the area or number of people who receive an increment of risk or (for non-carcinogenic agents) exposure to pollutants from LAX-related sources alone that is deemed to exceed a single bright line of 'significance' ignores the incremental cancer and non-cancer risks to people who do not happen to be moved across such a criterion level. Further, these ways of summarizing impacts can not, by themselves, give decision-makers

---

[30] The difference between a hazard index of I and 5 is fivefold in the toxicity-weighted concentrations of the pollutants covered by the index in terms of risk. The fraction of people who suffer irritation and other non-cancer effects is likely to be larger than fivefold, depending on the shape of the dose response relationship.

existing boundaries of the air dispersion modeling study, but it is important to have impacts broken down by various political jurisdictions covering the most affected communities. Hattis Report pp. 5-6. LAWA's current approach on this risk assessment fails to fully capture all relevant data.

D. LAWA Failed to Conduct a Sensitivity Analysis of Its Human Health Risk Assessment.

LAWA failed to conduct a sensitivity analysis of its health risk assessment. This failure means that the health risk assessment does not attempt to assess and communicate uncertainties in a quantitative way. Whether through sensitivity analysis, or use of a more sophisticated model, such analysis can be and is used to inform interested parties of the uncertainties in key results. Hattis Report p. 6. One aspect of the modeling that needs such analysis is the assumed behavior responses of airlines to increasing delays as the intensity of usage of airport facilities increases. Id. This variable affects "capacity" calculations, emissions estimates and economic results. LAWA should perform such sensitivity analysis of its methods and conclusions.

XI. CONCLUSIONS.

Based on the above analyses, the Draft EIS/EIR does not serve its most fundamental purpose as an "environmental alarm bell" to "alert the public and responsible officials to environmental changes before they have reached ecological points of no return." (See, e.g., County of Inyo v. Yorty, 32 Cal.App.3d 795, 810 (1993).) Among other things, the varying baselines, selectively applied to areas of potential impact so as to artificially diminish the apparent impacts of the Project; and the lack of consideration of imminently reasonable alternatives, including air traffic alternatives, to the expenditure of billions of dollars in what are ultimately only marginally effective airfield improvements, require substantial analytic revisions to the Draft EIS/EIR. Absent further revision of the analyses set forth in the Draft EIS/EIR as set forth above (Center Sensible Planning, Inc. v. Board of Supervisors, 122 Cal.App.3d 813, 822 (1981), the public will have been denied its statutorily mandated opportunity to test, assess and evaluate the new data and conclusions contained in the Draft EIS/EIR, and to make informed judgments as to their validity, in direct contravention of CEQA requirements.

CHEVALIER, ALLEN & LICHMAN LLP
Attorneys at Law
Aviation Law & Litigation • Environmental Law & Litigation • Commercial Litigation

Gary M. Allen, Ph.D.
John Chevalier, Jr.*
Berne C. Hart
Barbara E. Lichman, Ph.D.
Jacqueline E. Serran, LL.M.[3]
Steven M. Taber[1,2]
Anita C. Willis[4]
Frederick C. Woodruff[1]

*Retired
[1]Admitted in New York
[2]Admitted in Illinois
[3]Admitted in Florida
[4]Of Counsel

695 Town Center Drive, Suite 700
Costa Mesa, California 92626
Telephone (714) 384-6520
Facsimile (714) 384-6521
E-mail cal@calairlaw.com

June 17, 2008

By Facsimile and U.S. Mail
(310)646-1891

Herb Glasgow, Senior Planner
City of Los Angeles
Los Angeles World Airports
1 World Way, Room 218
Los Angeles, CA 90045

Re: Notice of Preparation of Draft Environmental Impact Report (SCH No. 1997061047) - Los Angeles International Airport Specific Plan Study

Dear Mr. Glasgow:

The following are the comments of the Cities of Inglewood and Culver City ("Cities") concerning the Notice of Preparation ("NOP") for the Los Angeles International Airport ("LAX") Specific Plan Amendment Study ("SPAS"). The NOP commences the environmental review of the implementation of five development activities at LAX, including construction of the Ground Transportation Center ("GTC"), Automated People Mover ("APM") from the GTC to the Central Terminal Area ("CTA"), and associated on-site road improvements; demolition of Terminals 1, 2 and 3; and reconfiguration and separation of Runways 6L/24R and 6R/24L on the North Runway Complex (these activities, taken together will be referred to as "Project"). Cities regard the Project as a component of a more comprehensive expansion plan, including, but not limited to, construction of Midfield Satellite Terminal, a Crossfield Taxiway, and additional gates at the Tom Bradley International Terminal ("TBIT").

As a threshold issue, please be advised that Cities respond to Question No. 2, NOP, p. 2, as follows: neither City falls within the category of "responsible agency" or "trustee agency," as those terms are defined in 14 Cal.Code Regs. §§ 15096, 15381, and 15386.[1] Please be further advised that the following comments concerning significant environmental issues raised by the Project, alternatives and mitigation measures are necessarily preliminary, due to the attenuated

---

[1] CEQA's implementing regulations will be referred to throughout these comments as "CEQA Guidelines".

Runway 6R/24L 340 feet south, demolition of Terminals 1 through 3, and movement of passenger check-in off site, severely attenuates the previous attributes of Alternative D. Thus, it is questionable that the original Master Plan project, characterized as Alternative D, actually exists as an alternative for purposes of the environmental and development process.

In short, the significant differences between Alternative D, the "No Project/No SPAS Alternative (Approved Master Plan)," and the actual "No Project Alternative" raises the question of what is left of the original Master Plan, in terms of viable project alternatives, to make tiering an appropriate option. Given these circumstances, the Cities question the appropriateness of the "tiering" of the NOP projects upon the Master Plan EIR.

II. THE NOP'S PROJECT DEFINITION IS INCOMPLETE.

The five components of the Project being environmentally reviewed are apparently derived from the Stipulated Settlement between Petitioners in *El Segundo, et al. v. City of Los Angeles* ("Settlement"), § V which provides for "potential alternative designs, technologies, and configurations for the LAX Master Plan program that would provide solutions to the problems that the yellow light projects were designed to address consistent with a practical capacity of LAX at 78.9 million annual passengers (the 'Alternative Projects')." Stipulated Settlement, § V.D.2.

First, it should be noted that the Project's five components actually boil down to only two: (1) the North Airfield Reconfiguration; and (2) the proposed GTC. This is because the APM and onsite road improvements are necessitated by, and part and parcel of, the proposed GTC. It also appears, according to the description of the various components and their alternatives in the NOP, that the APM and onsite road improvements would only occur for the purpose of linking the GTC and CTA. Thus, if the GTC were not built (the existing condition), the ancillary transportation improvements would not occur either.

In addition, the options relating to the demolition of Terminals 1 through 3 are constrained to "yes" or "no". As there is no off-site ticketing facility proposed, as there was in Alternative D, there is, in reality, no "yes" option, because such an option would effectively obliterate 30% of the airport's terminal capacity, without any potential replacement.

Moreover, at least one of the two remaining components, the North Airfield Runway Reconfiguration, is inextricably linked to other projects either in planning or ongoing at LAX, but excluded from the NOP's current project definition. For example, it has long been conceded by LAWA that one of the principal purposes of the North Airfield Reconfiguration is to provide

III. THE EIR'S CUMULATIVE IMPACT ANALYSIS SHOULD AT MINIMUM INCLUDE ALL PROJECTS NOT INCLUDED IN THE SPAS.

Even if, for argument's sake, the myriad of projects currently planned or being implemented at LAX were not part of a larger project "the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect," CEQA Guidelines § 15165. "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project, when added to other closely related past, present and reasonably foreseeable probable future projects." CEQA Guidelines § 15355.

It is beyond dispute that the complex of projects at issue in this NOP are "closely related" both to each other, as well as to other "present", or, at minimum, "reasonably foreseeable future" projects such as the Midfield Satellite Terminal and the Crossfield Taxiway. Their collective scope, however, requires more than a simple "comment". If the projects are not evaluated as part of the same project, substantially the same attention should be paid to their impacts in the cumulative impacts analysis. Absent the requisite attention to the collective effects of the myriad of projects that are or will shortly be implemented to enhance "throughput rate", *i.e.*, capacity, FAA Advisory Circular 150/5060-5, page 1, on the LAX airfield, the EIR will be inadequate.

IV. THE NOP FAILS TO ADDRESS SURFACE TRAFFIC IMPACTS RESULTING FROM THE PROJECT.

Cities are concerned about the Project's potentially significant impacts on surface traffic, not merely in areas immediately contiguous to LAX, but also on routes frequently traveled to get there. Cities are already suffering from the surface traffic generated by current operations, most, if not all, of which remains unmitigated. As passenger traffic and capacity at LAX increases, so does traffic on the surface streets and interstates (I-405, I-105) used to access it. As the traffic on the freeways becomes more congested, travelers exit these freeways seeking alternative routes which usually end up being the surface streets of Inglewood, Culver City and Westchester, in particular Sepulveda Blvd.(N/S) as far north as Slauson Ave. & Centinela Ave.; La Cienega (N/S) from Centinela to Imperial Highway; as well as Manchester and Century Blvds. (E/W) and Imperial Hwy. (E/W).

The proposed Project has the potential to cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. It may easily exceed the level of service standard established by the county Congestion Management Agency for designated roads and highways; cause a substantial increase in hazards; and increase demand for

particularly that of allowing triple simultaneous arrivals to both the North and South Runway Complexes.

Moreover, the reconfiguration will likely affect the size and location of the noise contours, moving them north and east, beyond the scope of the relatively extensive 1992 noise contour used by LAWA for the determination of sound-mitigation construction funding for Inglewood. The reconfiguration may also displace overflights on approach to relocated Runway 6L/24R to the north, thereby bringing increased noise impacts, as well as air quality and other impacts not only to Inglewood, but to Culver City as well. Finally, the NOP gives little attention to the environmental impacts of the original impetus for the runway separation, *i.e.*, to accommodate the NLA which have a wing span of 262 feet and carry up to 800 passengers.

It should be noted that neither NOP Figure 5, nor Figure 11, fully depicts the configuration of the North Airfield, as both omit: (1) the displaced threshold intended for use on Runway 6L/24R, to ensure arrivals at the same runway point as on the current runway length; and (2) the Runway Protection Zones ("RPZ") for both runways. The latter are important because of the constraints on the use of the land that falls within them. Specifically, FAA regulations require that RPZ property belonging to the airport be kept largely clear of structures in order to "enhance the protection of people and property on the ground." FAA Advisory Circular 150/5300-13, § 212. Moreover, to the extent that property within other jurisdictions such as Westchester fall within the RPZ, the ALUCP for LAX may constrain the reuse of such property by its owners, California *Public Utilities Code* § 21675(a).

In summary, the proposed runway reconfiguration is potentially damaging to Cities. Cities have, instead, offered, in partnership with co-Petitioners El Segundo and ARSAC, and continue to support, the alternative which allows movement of Runway 6L/24R 100 feet to the north. (*See*, NOP, Figure 11). Petitioners offer this alternative in recognition of LAWA's need to facilitate operations on the airfield, but with the equivalent understanding that such improvement need not come at Petitioners' environmental expense. Movement of Runway 6L/24R 100 feet to the north will allow the same runway separation as now exists on the South Runway Complex, the current targeted recipient complex for all NLA traffic, which LAWA has deemed "safe" for that purpose. The 100 feet north alternative would, thus, allow precisely the same balance between the runway complexes as that articulated as a primary goal in the LAX Master Plan § 1.1, Goal 7, while, at the same time, providing environmental mitigation to surrounding communities.

In short, the alternative that allows movement of Runway 6L/24R 100 feet to the north offers LAWA the same benefits it sought for the South Complex, without either the adverse

Petitioners' Overview of Guiding Principles for Environmental Analysis: LAX Specific Plan Amendment Study EIR

Submitted by Petitioners: City of El Segundo, City of Inglewood, City of Culver City, County of Los Angeles, and Alliance for a Regional Solution to Airport Congestion (ARSAC).

Background: In January of 2005, Petitioners filed lawsuits challenging the approval of the LAX Master Plan Program and the associated Environmental Impact Report (EIR) prepared by Los Angeles World Airports (LAWA) under the California Environmental Quality Act (CEQA). These suits were resolved by a 2006 Stipulated Settlement between LAWA and Petitioners. In response to the Notice of Preparation (NOP) recently released by LAWA for the Specific Plan Amendment Study (SPAS) Draft EIR, Petitioners now jointly submit this overview of principles that should guide LAWA in that environmental review process. Petitioners will also submit detailed individual comments.

LAWA's Obligation to Avoid and Reduce Impacts to Surrounding Communities. As LAWA proceeds with refinement and analysis of options as part of the SPAS process, it must continually recognize its obligation to avoid and mitigate impacts to the communities that surround LAX. Options under consideration must be evaluated and ranked based on how they would impact the environment, public health and safety in surrounding communities (e.g., noise, air quality, traffic). All alternatives should be subject to a full and fair evaluation in the SPAS DEIR and LAWA should remain open to options that would avoid or mitigate impacts to its neighbors, taking care not to prematurely select a preferred alternative.

Continued Consultation with Surrounding Communities. The alternatives described in the SPAS NOP were developed and selected by LAWA during a lengthy consultation process with Petitioners. That consultation process grew out of the 2006 Stipulated Settlement, which states, in relevant part, that "An LAX Specific Plan Amendment Process Advisory Committee shall be created consisting of representatives of the City of Los Angeles, County of Los Angeles, El Segundo, Inglewood, Culver City, and ARSAC. LAWA shall consult with the Committee during each significant step of the LAX Specific Plan Amendment Process." Petitioners wish to recognize LAWA's compliance to date with this provision of the Stipulated Settlement. LAWA must now ensure that it continues to consult with Petitioners as the EIR process proceeds and the SPAS alternatives are developed in more detail. In particular, LAWA should take care to consult with Petitioners regarding the details and analysis of the alternatives supported by any Petitioner.

Extension of Gate Constraint. LAWA, FAA and the Petitioners all agree that limiting the number of gates at LAX will promote efficient passenger operations and encourage other airports in the Los Angeles basin to increase capacity to serve aviation demand. Accordingly, the long term success of the regional approach to serving aviation demand depends on maintaining appropriate gate constraints at LAX. The 2006 Stipulated Settlement between LAWA and the Petitioners limits the number of permissible gates at LAX to 163 and, commencing in 2010, requires LAWA to begin reducing the number of operating gates at LAX to 153. This settlement provision is operative through December 31, 2020. As part of the SPAS process, LAWA must analyze the continuation of the LAX gate constraints beyond 2020, as well as the possible

EXHIBIT A

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOS ANGELES INTERNATIONAL AIRPORT SPECIFIC PLAN AMENDMENT STUDY

COMMENTS OF CITY OF INGLEWOOD, CITY OF CULVER CITY, CITY OF ONTARIO AND COUNTY OF SAN BERNARDINO

EXHIBIT 3

agency," as those terms are defined in 14 Cal.Code Regs. §§ 15096, 15381, and 15386.[2] Please be further advised that the following comments concerning significant environmental issues raised by the Project, alternatives and mitigation measures are necessarily preliminary, due to the attenuated character of the Revised NOP. Cities therefore reserve their right to supplement these comments in response to future environmental documents.

I. THE REVISED NOP STILL CONTEMPLATES "TIERING" OF THE NOP ON THE "APPROVED MASTER PLAN" WHICH WILL RESULT IN IMPROPERLY ATTENUATED ENVIRONMENTAL REVIEW.

The Revised NOP continues to state, despite Cities' prior comments on the Original NOP concerning the pitfalls of this approach, that the SPAS EIR will be a Supplemental EIR tiered from the LAX Master Plan EIR (NOP, p.5), "providing new or revised analyses of the environmental impacts specific to the alternatives associated with the Yellow Light Project options. . ." Moreover, LAWA, in its NOP for the Crossfield Taxiway Project (which was published contemporaneously with the publication of the Original NOP), justified expedited environmental review on the premise that adequate environmental review was already completed during the prior Master Plan environmental review. While the Legislature has directed local agencies to "tier" EIRs whenever feasible, the utility of tiering is limited to those situations where the individual projects are consistent with the larger project such as the approved Master Plan project which has already been environmentally reviewed. "[T]iering is a process by which agencies can adopt programs, plans, policies, or ordinances with EIRs focusing on 'the big picture,' and can then use streamlined CEQA review for individual projects that are consistent with such . . . [first tier decisions]. . ." Koster v. County of San Joaquin, 47 Cal.App.4th 29, 36 (1996). [Emphasis added.]

In this case, despite the fact that the "approved Master Plan" remains in place, many of its most salient features, such as the Ground Transportation Center ("GTC"); closure of the CTA to surface traffic; and movement of Runway 6R/24L 340 feet to the south, necessitating the restructuring of Terminals 1 through 3, are being replaced by the Projects currently being evaluated under this Revised NOP. Thus, because of the proposed amendments, the components of the proposed Airport Master Plan differ materially from the project originally evaluated in the approved Master Plan and cannot serve as a "baseline" for analysis. As an example, the proposed movement of Runway 6R/24L 400 feet north is a radical departure from the movement

---

[2] CEQA's implementing regulations will be referred to throughout these comments as "CEQA Guidelines."

stage for the exacerbation of the outflow of airline traffic and passengers from other LAWA operated airports, particularly Ontario International Airport ("ONT"), and into LAX.

ONT has lost 22 years of traffic growth since 2007, a loss of $400 million to the Inland Empire economy and more than 8,000 jobs. Moreover, airlines are continuing to downsize ONT and it lost its last international passenger flight in February, 2010. Certainly, part of the problem can be attributed to the current state of the national economy, but by no means all, as other airports in the region such as Palm Springs, Long Beach and John Wayne actually gained passengers during the period 2000-2009. While passenger traffic at ONT declined 27.7% between the years 2000 and 2009, LAX itself lost comparatively fewer passengers at 9%.

The best explanation lies in ONT's cost structure when compared with that of LAX and surrounding airports, as well as LAWA's de-emphasis on encouraging growth. For example, ONT's airline costs per passenger are higher than at any other secondary airport in Southern California or the United States (the second highest airport costs for Southwest Airlines after New York's LaGuardia). Moreover, L.A.'s Living Wage Ordinance for airport workers add significant cost burden to airlines serving ONT.

Equally important is the LAWA staff's emphasis on supporting LAX. When ONT lost its last international passenger flight, LAWA staff publicly stated that ONT would not receive international flights in the future. In addition, L.A. Airport Commissioners have publicly spoken on the need to make LAX the priority for restoring passenger traffic to the region. To add insult to injury, no credible marketing plan has been introduced for ONT or airports under LAWA sponsorship other than LAX. In 2010, for example, LAWA will spend $6.4 million marketing LAX, but only $450,000 marketing ONT.

This trend, and its encouragement by the dramatic reconfiguration of the North Airfield, has impacts not only for the Inland Empire, but for residents living around LAX as well. While the Settlement requires that the SPAS, among other things, "identify specific plan amendments that . . . minimiz[e] environmental impacts on surrounding communities," Settlement § V.C., it is clear that the dramatic reconfiguration of the airfield necessary to accommodate Category VI aircraft will affect the size and location of the LAX noise contours, moving them north and east; potentially displace overflight on approach to the north; and realign Runway Protection Zones at each end of the North Airfield runways, causing additional, hitherto unanalyzed constraints on land use in communities to the north and east.

Apparently, at least partially relinquishing the safety justification, the Revised NOP emphasizes instead the attributes of a "Modified Group VI airfield . . . designed to accommodate the new generation of wide-bodied airplanes that began to operate at LAX in 2008," Revised NOP, p. 6. The rationale articulated in the Revised NOP is that "the North Airfield configuration set forth in the approved LAX Master Plan [movement of Runway 6L/24R 340 feet south] was designed to accommodate the largest aircraft types . . . reduce the risk of runway incursions, enhance the safety and efficiency of aircraft operations at LAX, and provide a better balance in heavy aircraft operations between the North Airfield and the South Airfield," Revised NOP, p. 6.

In taking that position, the Revised NOP ignores the data arising from the first four years of the Specific Plan Amendment Study process, in which Petitioners participated, and during which it was determined that less extreme alternatives such as movement of Runway 6L/24R 100 feet to the north could also accommodate centerline taxiway and other airfield improvements, Revised NOP, p. 6, increase the length of Runway 24L, *Id.*, and, thus, also reduce the risk of runway incursions, enhance safety and efficiency of aircraft operations and provide a better balance between runway complexes.

In summary, given LAWA's apparent continuing dedication to the attributes of the Project set forth in the approved Master Plan, and reconfirmed in the Original NOP, it appears from the Revised NOP that the Project has fallen victim to the flaw of "pre-commitment" that will render the EIR based on it, inadequate.

IV. THE EIR'S CUMULATIVE IMPACT ANALYSIS SHOULD, AT MINIMUM, INCLUDE ALL PROJECTS PLANNED OR RECENTLY IMPLEMENTED AND NOT INCLUDED IN THE SPAS.

"The agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect," CEQA Guidelines § 15165. "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." CEQA Guidelines § 15355(b).

Here, the synergistic impacts of the various projects is beyond question. The Crossfield Taxiway is a necessary component of access to and from the North Airfield. Similarly, the new Midfield Satellite Terminal, and the reconstruction and addition of gates at the TBIT are intimately related to the changes in the North Airfield complex, as the new, associated taxiway system appears to encourage expedited access from the North Airfield complex, without which

ground." FAA Advisory Circular 150/5300-13, § 212. Moreover, to the extent that property within other jurisdictions such as Westchester falls within the RPZ, the ALUCP for LAX may dramatically constrain the use of such property by its owners, *see*, Cal. Pub. Util. Code § 21675(a).

In summary, the revised alternatives for runway reconfiguration in the Revised NOP are, in large part, damaging to Cities. Cities have, instead, offered, in partnership with co-Petitioners El Segundo and ARSAC, and continue to support, the alternative which allows movement of Runway 6L/24R 100 feet to the north. (*See*, Revised NOP, Figure 7). Petitioners offer this alternative in recognition of LAWA's need to facilitate operations on the airfield but with equivalent understanding that such improvements need not come at Petitioners' environmental expense. Movement of Runway 6L/24R 100 feet to the north will allow the same runway separation as now exists on the South Runway Complex, the current targeted recipient complex for NLA traffic; is sufficient to accommodate a center taxiway to enhance efficiency and expedite movement of the NLAs; and has been deemed "safe" by LAWA for that purpose. The 100 feet north alternative would, thus, allow precisely the same balance between the runway complexes as that articulated as a primary goal in the LAX Master Plan, § 1.1, Goal 7, while, at the same time, providing environmental mitigation to surrounding communities.

In short, the alternative that allows movement of Runway 6L/24R 100 feet to the north offers LAWA substantially the same benefits it sought for the South Complex, without either the adverse impacts or potential controversy that will unavoidably accompany the increased capacity, air and surface traffic, and environmental impacts attendant upon movement of Runway 6L/24R to the north in accordance with the most extreme alternatives proposed in the Revised NOP. Petitioners strongly urge that the alternative of moving Runway 6L/24R 100 feet to the north be adopted as the EIR's Preferred Alternative.

Cities appreciate this opportunity to comment and look forward to partnering with LAWA to implement a mutually acceptable and environmentally sensitive airport development.

Sincerely,

CHEVALIER, ALLEN & LICHMAN, LLP

Barbara Lichman

Barbara E. Lichman, Ph.D.

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOS ANGELES INTERNATIONAL AIRPORT SPECIFIC PLAN AMENDMENT STUDY

COMMENTS OF CITY OF INGLEWOOD, CITY OF CULVER CITY, CITY OF ONTARIO AND COUNTY OF SAN BERNARDINO

EXHIBIT 4

I. THE PGL DID NOT ALLOW FOR ADEQUATE NOTICE AND COMMENT BY AFFECTED JURISDICTIONS

Inglewood is concerned about the absence of the notice and comment process for the PGL that would normally accompany the amendment of an order through the official rulemaking process, which includes publication in the Federal Register. The PGL states that Attachment 1 "contains the replacement paragraph 812 Noise Insulation Projects of FAA Order 5100-38C, the AIP Handbook, in its entirety, effective as of the date of this PGL." PGL, p. 2, ¶ 5. However, the law requires that "Each agency shall separately state and currently publish in the Federal Register for the guidance of the public -- (D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and (E) each amendment, revision, or repeal of the foregoing," 5 U.S.C. § 552(a)(1)(D) and (E) ("Administrative Procedures Act").

The PGL fits directly into the categories covered by the above sections of the Administrative Procedures Act. It is an amendment to a "substantive rule of general applicability," *i.e.*, FAA Order 5100.38C, originally adopted in accordance with regulatory procedures "as authorized by law," including publication in the Federal Register. Moreover, the same publication procedure would be required even if the PGL were not so manifestly regulatory, but were simply "a statement of general policy" or an "interpretation of general applicability."

Perhaps most notably, "except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published." Administrative Procedures Act § 552(a)(1). In this case, neither Inglewood nor any other affected jurisdiction received notice or an opportunity to be heard before the PGL became effective, by its own terms, "as of the date of this PGL." PGL, p. 2, ¶ 5. Despite the absence of the notice and opportunity to be heard so fundamental to due process, Inglewood wants to continue to work cooperatively with FAA and LAWA. Toward that end, Inglewood anticipates that FAA, for its part, will make some accommodation to Inglewood's operational concerns and the practical issues posed by LAWA's and Inglewood's obligations under their 2006 Settlement Agreement as set forth below.

II. PGL CREATES SIGNIFICANT PRACTICAL ISSUES THAT GO TO THE HEART OF COMPLIANCE

In addition to its manifest procedural deficiencies, the PGL creates practical problems for jurisdictions responsible for providing their citizens with adequate protection from airport noise impacts. First, the PGL creates the hard standard of 45 dB interior sound level below which a residence's original condition cannot fall and still be eligible for insulation. On its face, the regulation does not provide for any standard deviation, so that a residence that falls even slightly below the facial standard, *e.g.*, 44.5 dB, would arguably be excluded from the insulation program. And even if, for argument's sake, the PGL and its attached revision to FAA Order

impermissible.

In summary, the PGL "guidance" still leaves open questions with respect to its proper applicability to, and coordination with, the currently existing regulations governing sound insulation projects. Inglewood looks forward to FAA's responses to its inquiries for clarification, and to working with FAA and LAWA to resolve these pending issues.

Sincerely,

BUCHALTER NEMER
A Professional Corporation

By Barbara Lichman

Barbara Lichman

Culver CITY
PUBLIC WORKS DEPARTMENT
9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507
(310) 253-5635 • FAX (310) 253-5626

CHARLES D. HERBERTSON
Public Works Director
and City Engineer

October 31, 2006

Mr. Jim Richie
Los Angeles World Airports
One World Way, 10th Floor
Los Angeles, CA 90045

TRAFFIC IMPACT ANALYSIS FOR DEVELOPMENT PROJECTS IN THE CITY OF LOS ANGELES THAT POTENTIALLY IMPACT CULVER CITY

Dear Mr. Richie:

As Mr. Barry Kurtz, our traffic engineering consultant, discussed with Mr. Pat Tomcheck of your staff, the City of Culver City is in the process of updating our guidelines for preparing traffic impact studies. In the interim, for development projects in the City of Los Angeles, we have requested that as of this date, LADOT require traffic consultants to use thresholds of significant transportation impact identified in LADOT's traffic impact analysis guidelines to analyze the impact on intersections and streets in Culver City. Therefore, the LAX Specific Plan Amendment Study should use LADOT guidelines to analyze intersections in Culver City. This will simplify the preparation and review of the LAX Specific Plan traffic study, since the City of Los Angeles and Culver City share jurisdiction of several intersections that will be analyzed as part of the study.

If you have any questions please call Mr. Barry Kurtz at (310) 253-5625.

Sincerely,

Charles Herbertson
Director of Public Works and City Engineer

Bc: Thomas Gorham
Barry Kurtz
Max Paetzold
Joseph Montoya

Culver CITY
PUBLIC WORKS DEPARTMENT
9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507
(310) 253-5635 • FAX (310) 253-5626

CHARLES D. HERBERTSON
Public Works Director
and City Engineer

October 31, 2006

Ms. Gloria J. Jeff
General Manager
City of Los Angeles Department of Transportation
100 S. Main Street
Los Angeles, CA 90012

TRAFFIC IMPACT ANALYSIS FOR DEVELOPMENT PROJECTS IN THE CITY OF LOS ANGELES THAT POTENTIALLY IMPACT CULVER CITY

Dear Ms. Jeff:

For developments in the City of Los Angeles that potentially impact intersections in Culver City, the City of Los Angeles Department of Transportation (LADOT) presently refers the traffic consultants to Culver City, and we do the same for developments in Culver City. This process has benefited both the City of Los Angeles and Culver City as it has resulted in development projects being responsible to mitigate their impact regardless of jurisdictional boundaries. To strengthen this arrangement, we request that the LADOT require developers to include Culver City in the scoping process for the traffic impact analysis of any City of Los Angeles development that could potentially impact locations in Culver City. Culver City will do the same for developments in our City that could potentially impact locations in the City of Los Angeles.

The City of Culver City is in the process of updating our guidelines for preparing traffic impact studies. In the interim, for development projects in the City of Los Angeles, we request that as of this date, the LADOT require traffic consultants to use thresholds of significant transportation impact identified in LADOT's traffic impact analysis guidelines to analyze the impact on intersections and streets in Culver City. This will simplify the preparation and review of traffic impact studies, since we share jurisdiction of many intersections with the City of Los Angeles. We have sent similar letters to the County of Los Angeles Department of Public Works, the City of Inglewood and several traffic consultants.

If you have any questions please call our traffic engineering consultant, Mr. Barry Kurtz at (310) 253-5625.

Sincerely,

Charles Herbertson
Director of Public Works and City Engineer

Bc: Thomas Gorham
Barry Kurtz
Max Paetzold
Joseph Montoya

implemented. Thus, significant and unavoidable interim noise impacts would be experienced over an indeterminate period of time." FEIR, § 2.3.10.1.3, p. 2-167.

In addition, communities to the east of the airport, including Culver City, will be subjected to inadequately analyzed air emissions impacts from aircraft operations, construction, and vehicle emissions, the last of which are exacerbated by similarly incomplete analyses of the Project's surface traffic impacts. For all these reasons, as well as those set forth below, the FEIR, like the DEIR before it, provides an incomplete, although already bleak, picture of the Project's potential impacts, leaving the affected communities to guess at their full scope, and rendering the FEIR, like the DEIR before it, inadequate.

I. THE COMMITMENT PROVIDED IN THE FEIR IS INADEQUATE TO MITIGATE THE PROJECT'S EXTREME NOISE IMPACTS

The extreme scope and significance of the Project's noise impacts on surrounding communities could theoretically be mitigated by a massive commitment to an Airport Noise Mitigation Program ("ANMP"), providing sound insulation for all residences significantly impacted by noise from the Project. In this case, however, that commitment is vitiated by: (1) the apparently "indeterminate" period before implementation of mitigation; and (2) the Federal Aviation Administration's ("FAA") Program Guidance Letter 12/09, purporting to amend FAA Order 5100.38C, which has drastically changed the way in which eligibility for sound insulation is calculated.

First, while the FEIR appears to set forth tangible conditions for implementation of mitigation measure MM-LU-1, Implement Revised Aircraft Noise Mitigation Program, and provides that "LAX Master Plan Mitigation Measure MM-LU-1 . . . would incorporate all eligible dwellings and non-residential noise-sensitive facilities that are newly exposed to noise levels 65 CNEL or higher into the Aircraft Noise Mitigation Program (ANMP) to mitigate the significant noise impact described in Table SRA-2.3.10.1-9," FEIR, § 2.3.10.1.3, p. 2-166, it also maintains that, despite these "revised" measures, "significant and unavoidable interim noise impacts would be experienced over an indeterminate period of time," FEIR, § 2.3.10.1.3, p. 2-167. CEQA, however, mandates that, to be "feasible," a mitigation measure must be "capable of being accomplished in a successful manner within a reasonable period of time." Cal. Pub. Res. Code § 21061.1 [emphasis added]. While the formulation of the ANMP as a mitigation measure does not appear to have been improperly deferred, the unspecified period for its implementation does not satisfy CEQA's requirement that the lead agency have "committed itself to a specific performance standard," *Gray v. County of Madera*, 167 Cal.App.4th 1099, 1119 (2008).

LAWA argues that "the performance standard for this noise insulation measure is 45 CNEL; therefore, any homes that have achieved this interior noise level are considered less than significant under CEQA." Response to Comment SPAS-AL00007-30, p. 4-195. The 45 dB level is not, however, a "specific performance standard," or specific means for achieving a certain noise level, analogous to the creation of a specific water supply mechanism in *Gray*,

Figure 1a. Example EDMS (B747-400) Emission Rates by Operational Mode

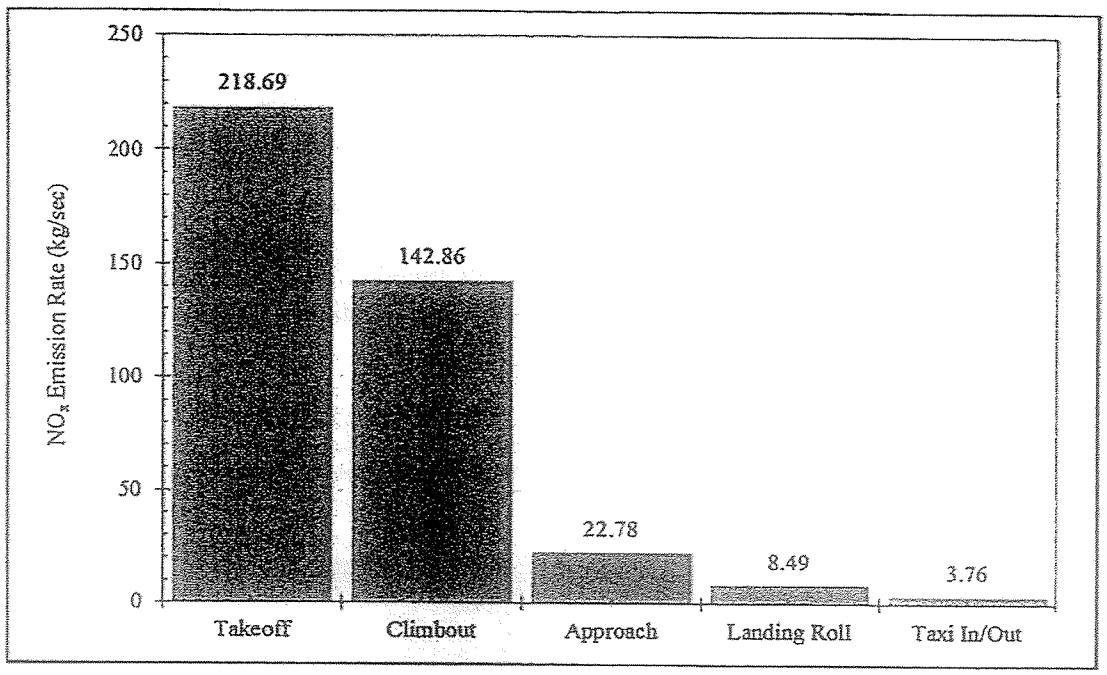


Figure 1b. Example EDMS (B737-800) Emission Rates by Operational Mode

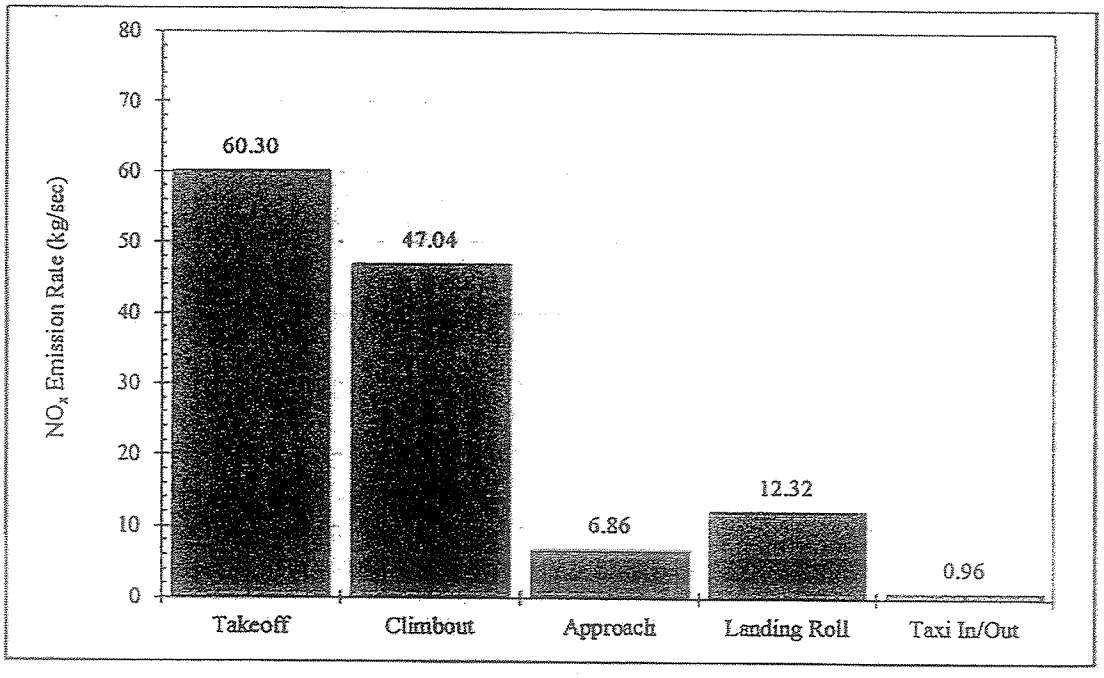


Figure 3a. Example EDMS (B747-400) Emission Rates by Second

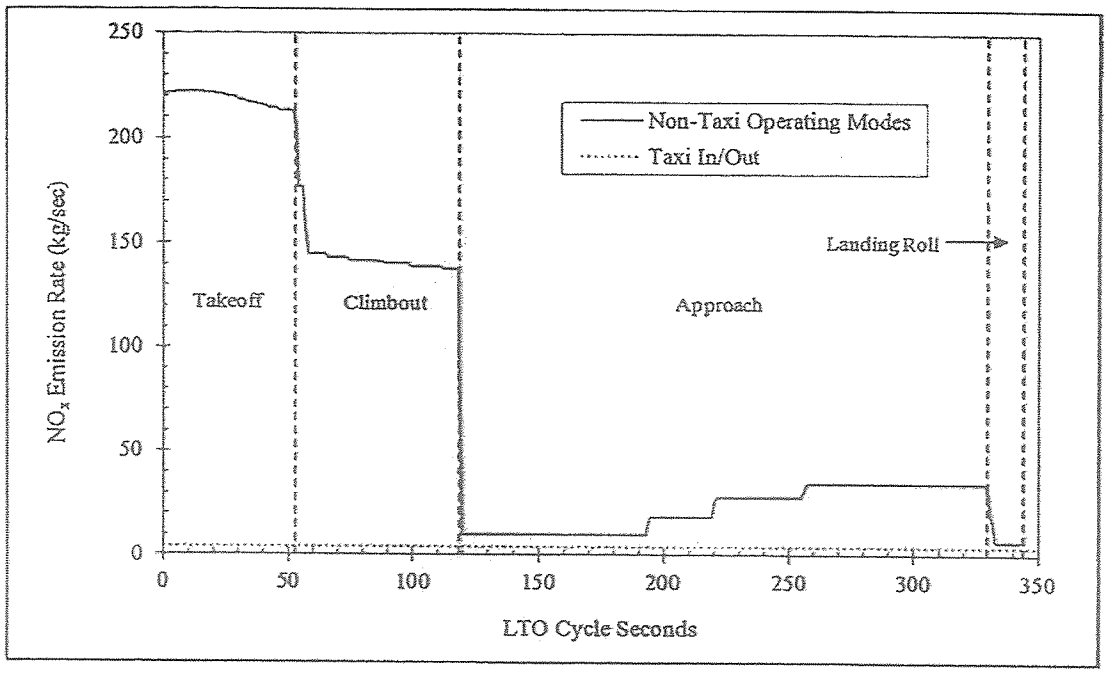


Figure 2a demonstrates that the duration of the entire landing roll operational mode is less than 15 seconds. The reverse thrust operation alone would generally endure for that entire period. Moreover, in Figure 3a, which depicts the second-by-second data for the aircraft operating modes, the transition from approach to landing roll operations clearly reflects the absence of any NO_x spike of any duration associated with the B747 landing roll.

The results are somewhat different for the B737. Figure 1b demonstrates a minor increase in landing roll NO_x from approach thrust, but this increase is far lower than the high thrust operations that would normally be expected from reverse thrust.

Figures 2b and 3b show that, as was the case for the B747 example, the "muted" effect does not result from any landing roll averaging. In fact, the thrust increase is fairly constant across the complete 17 second landing roll, as depicted in Figure 4b.

Figure 4a. Example EDMS (B747-400) Relative Thrust (as NO_x) by Mode

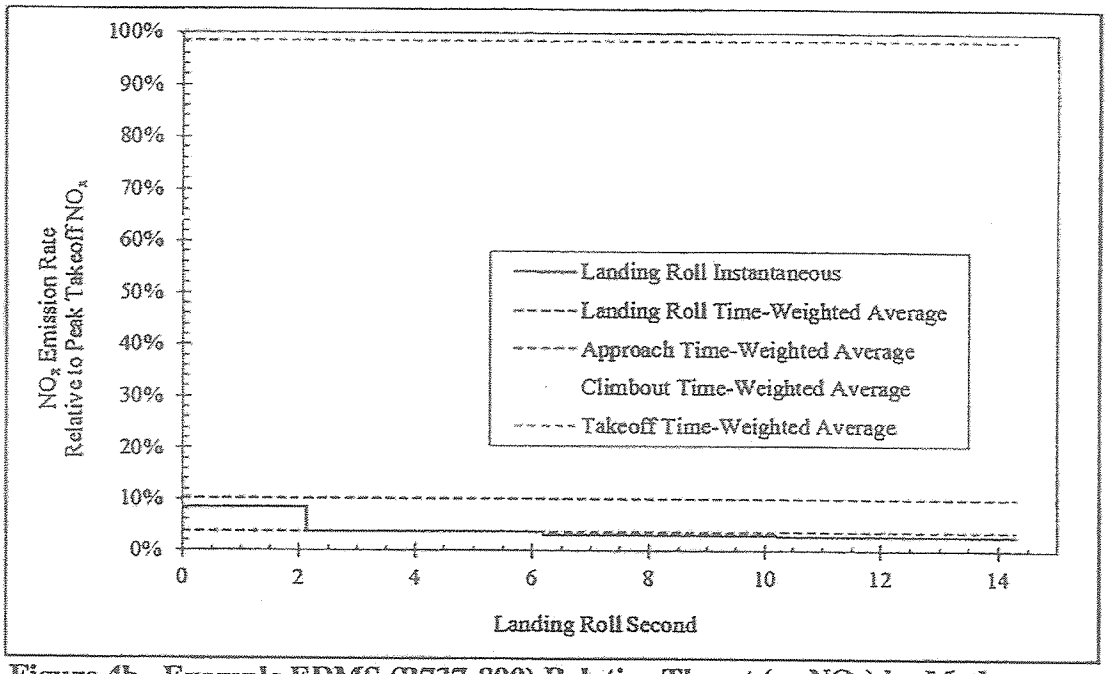
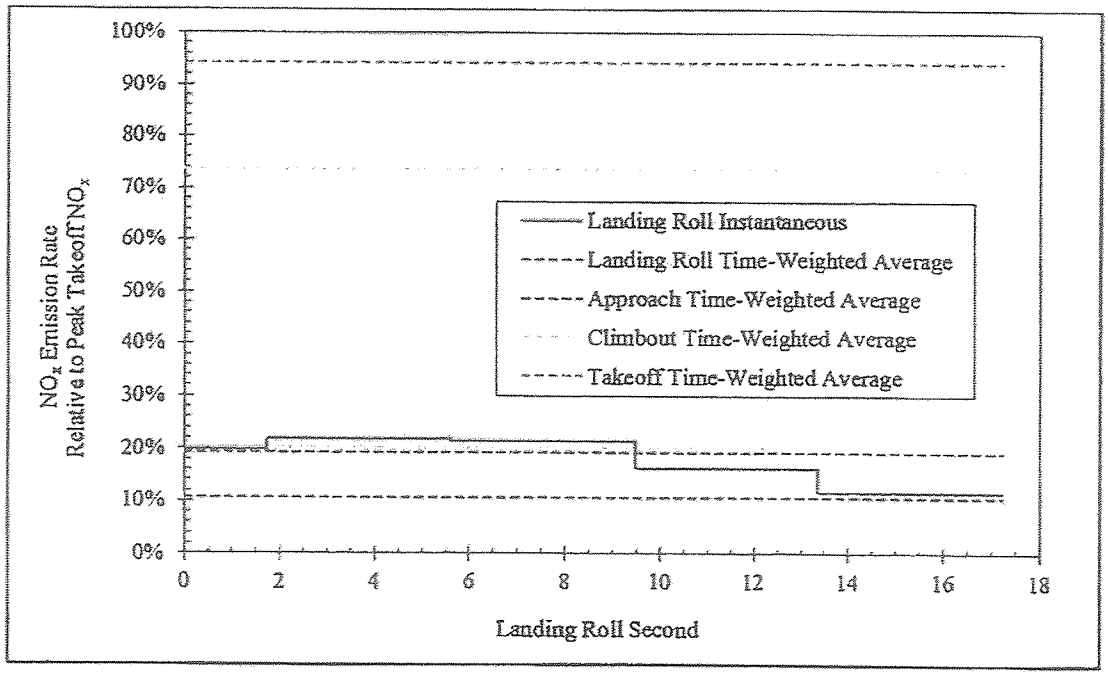


Figure 4b. Example EDMS (B737-800) Relative Thrust (as NO_x) by Mode



basis purpose of providing "sufficient information . . . to allow meaningful evaluation, analysis, and comparison with the proposed project." CEQA Guidelines § 15126.6(d).

Third, the EIR does not specifically designate the engines used where no default engine assignment is made. Fourth, even where default engine selection is specified, neither the DEIR nor FEIR provides sufficient information to allow the public to ascertain if the engine assignments used remain appropriate in the face of continuing technological development. This is especially important as FAA voluntarily withdrew EDMS from the United States Environmental Protection Agency ("USEPA") list for guideline models for air quality analysis in November, 2005, 70 Fed.Reg. 68,218. Therefore, since that time, EDMS has not been required to undergo non-FAA review and critique.

Finally, this absence of outside verification is evidenced in at least two errors in the EDMS model itself. First, startup emissions (for which EDMS estimates only hydrocarbon-based emissions) are underestimated because the model algorithm apparently does not account for the fact that startup emissions apply to more than one engine at a time. For the four engine B747, startup emissions are underestimated by 75%. For the two engine B737, startup emissions are underestimated 50%. Second, EDMS produces non-methane hydrocarbon ("NMHC") emissions estimates that are greater than total hydrocarbon ("THC") emissions. Since the former is a subset of the latter, this is not physically possible. Similar inconsistencies affect NMHC versus volatile organic compounds ("VOC") emissions (NMHC is greater, which is also not possible), and NMHC versus total organic gas ("TOG") emissions (NMHC is equal to TOG, which is not possible).

In short, given the palpable errors in the EDMS model, absent public scrutiny of the EDMS algorithms used in developing the emissions estimates in the EIR and the data resulting from the use of those algorithms, the results of the EIR's analysis of operational emissions, entirely dependent upon broad references to EDMS, is, at best, inadequate.

C. The FEIR Similarly Omits Relevant Data Related to GSE and APU Emissions Estimation

The FEIR fills in some of the blanks left in the DEIR Ground Support Equipment ("GSE") and Auxiliary Power Unit ("APU") emissions estimates. What notably remains missing, however, is not the results of the GSE and APU emissions estimates, but the data and methodology used to arrive at these results. For example, the FEIR cites two California non-road emissions models (OFFROAD2011 and OFFROAD2007), yet provides no exemplar of the types of equipment assumed, the resulting emissions factors, or why associated emissions factors from the EDMS model are not used. In summary, the GSE and APU portions of the emissions analysis remains substantially under documented.

determine significance "depending on the nature of the area affected." *Id.* The "nature of the area affected" necessarily encompasses the standards applicable within that "affected area."

In addition, LAWA's commitment to mitigate the traffic impacts on Culver City is seemingly reluctant, and, ultimately, inadequate. For instance, even though Culver City commented extensively on the Project's impacts on the intersections of Overland/Sawtelle and Washington/Walgrove and the enhanced need for traffic signalization at those two locations, LAWA responded that it is "willing to pay a fair share contribution; however, there is an insufficient nexus to require LAWA to pay for the entire improvement, nor would such payment be roughly proportional to the impact caused by the SPAS alternatives." LAWA goes on to claim that the impacts on the two intersections are a "cumulative impact" of the Project and that "[t]he majority of this cumulative impact is not caused by this SPAS alternative," Response to Comment SPAS-AL00007-33, p. 4-198. It is Culver City's position, however, that LAWA's reliance on the assumption that the bulk of the impact would have occurred as a result of ambient growth in the region is unsupported by any evidence, let alone substantial evidence, Response to Comment SPAS- AL00007-33, p. 4-198; and therefore LAWA should pay its fair share for at least the costs of design, administration and construction of traffic signals and the required interconnection based on an assessed high percentage of increased traffic generated by the SPAS Project at each of those intersections.

Finally, LAWA is similarly reluctant to provide mitigation for the admittedly impacted intersections at Lincoln and Washington Boulevards. Culver City pointed out in its comments on the DEIR that an appropriate mitigation measure would be the contribution of funding to the SR90 connector road to Admiralty Way project which would serve as a "relief valve" to Lincoln Boulevard when it reaches capacity, and, thus, effectively mitigate the impacts of the SPAS Project on that intersection. LAWA responds, however, that because "[t]he necessary approvals [for the SR90 connector road to Admiralty Way project] from Caltrans and the City of Los Angeles have not been obtained," Response to Comment SPAS-AL00001-1, p. 4-121, the SR90 connector is not an adequate mitigation measure. Contrary to LAWA's supposition, however, the County of Los Angeles, which administers the SR90 connector road to Admiralty Way project, considers the connector road to be an active project as described on pages 11-10 and 11-11 of the Marina del Rey Land Use Plan, February 8, 2012. Caltrans has approved the project's study report for the project. Therefore, at this point in time, the project is active pending availability of funds, and should be designated as a reasonable and feasible mitigation measure for the demonstrable impacts of the SPAS Project.

IV. THE PROJECT DEFINITION REMAINS NONSPECIFIC

LAWA admits that it did not define a "single proposed project in the SPAS Draft EIR," Response to Comment SPAS-AL00007-6, p. 4-172, but argues, nonetheless, that its treatment of "alternatives" as projects is consistent with CEQA, because "the SPAS Draft EIR identifies the 'whole of an action' that would be associated with each alternative." Response to Comment SPAS-AL00007-6, p. 4-172, quoting CEQA Guidelines § 15378.

LAWA conveniently forgets to mention CEQA Guideline § 15126.6(d), requiring, among other things, that "[t]he EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." Instead, LAWA based its analysis on the purported similarity between Alternative 1 (proposing to move Runway 6L/24R 260 feet to the north) and Alternative 5 (proposing to move the runway 350 feet north). However, given the enormous increase in noise impacted population disclosed in the FEIR, as resulting from the Preferred Alternative, it is also reasonable to assume that moving the runway an additional 90 feet north would bring about some cognizable increase in the noise affected population which has not yet been disclosed, let alone analyzed. Moreover, Alternative 6 (movement of the runway only 100 feet north), was a recommendation made by Petitioners as part of the settlement of *City of El Segundo, et al. v. City of Los Angeles, et al.*, Riverside County Superior Court Case No. RIC426822, and was studied in depth during the early part of the SPAS process. It is hardly plausible that sufficient data does not already exist to make "reasonably feasible" a discussion of Alternative 6's actual impacts instead of a mere second hand "conclusion" about them.

In short, while "the range of alternatives required in an EIR is governed by a 'rule of reason,'" CEQA Guidelines § 15126.6(a) and (f), for those alternatives that are presented, which in this case also include Alternatives 5 through 7, "[t]he EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." CEQA Guidelines § 15126.6(d). [Emphasis added.] That information is absent here, making the FEIR's alternatives analysis as deficient as that of the DEIR.

VI. THE FEIR OBFUSCATES THE PROJECT'S LACK OF CONSISTENCY WITH THE LOS ANGELES COUNTY AIRPORT LAND USE PLAN

While the FEIR ultimately concludes that "[t]he LAWA Staff-Recommended Alternative would be consistent with the objectives of the Caltrans Handbook," and, therefore, "impacts would be less than significant," FEIR, § 2.3.9.1, p. 2-140, that conclusion is belied by the FEIR's disclosures.

First, the FEIR claims that "[t]he proposed airfield improvements would be designed in conformance with FAA safety requirements, as set forth in FAR Part 77, and would be consistent with ALUP policies that address RPZs and limit uses within these zones." FEIR, § 2.3.9.1, p. 2-139. However, the FEIR also discloses that "[t]he proposed relocation of Runway 6L/24R 260 feet northward would shift the associated RPZ northward by the same amount, which would extend over existing developed uses near the east end of the runway that are not currently within the existing RPZ," FEIR, § 2.3.7.2.1, p. 2-111. In another turnaround, the FEIR further claims that while "[t]he presence of such uses . . . may be considered incompatible with FAA design recommendations that RPZ areas be clear of all obstructions and occupied uses; however, it is not considered to pose a significant safety hazard compared to baseline conditions." FEIR, § 2.3.7.2.1, p. 2-117.