

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.4<sup>th</sup> 210, 234 (2010);

(2) Failing to designate a proper “No Project” Alternative where Alternative 3, the existing, approved Master Plan, still includes the “Yellow Light” projects that were required by a settlement of the case of *City of El Segundo, et al. v. City of Los Angeles, et al.*, Riverside County Superior Court Case No. RIC426822 (“Settlement”) to be replaced by other projects that serve the same purposes, and over which Settlement the Court still retains jurisdiction;

(3) Disclaiming the manifest capacity enhancing impacts, both on and off-airport, of the project, including potential shifting of flight paths over the proximate communities of Inglewood and Culver City, despite FAA’s definition of capacity as “throughput rate, i.e., the maximum number of operations that can take place in an hour,” FAA Advisory Circular 150/5060-5, § 3, and despite the DEIR’s long discussion of the way in which greater runway separation will facilitate greater efficiency, and, thus, “throughput” by, among other things, providing an airfield “consistent with FAA design standards for the largest aircraft types currently in service . . . for all weather conditions,” and “[m]inimize modifications of standards, waivers, or operational restrictions, all of which reduce airfield efficiency and level of service.” DEIR, § 1.2.1.1, p. 1-11; and

(4) Failing to adequately analyze the project’s air quality, greenhouse gas, noise, land use and planning, and surface transportation impacts.

I. THE DEIR DOES NOT COMPORT WITH CEQA’S MANDATE TO DESIGNATE AN ACCURATE, STABLE AND FINITE PROJECT DESCRIPTION

In a new twist on the same old theme, the DEIR fails to designate a project at all. Rather, it states that LAWA will choose a “project” at the conclusion of public comments and in the Final EIR (“FEIR”), *see, e.g.*, § 1-26, 1.2.3 [“more detailed evaluation of that relationship [between each project objective and each SPAS alternative] will be completed in conjunction with further evaluation of the alternatives through preparation of the Final EIR and during the public hearings process.”].

In lieu of a “project,” the DEIR provides an array of airfield and surface traffic choices from which the public can choose “one from Column A and two from Column B” and, thereby, purportedly, compute the environmental impacts of each. In taking this approach, the DEIR flies in the face of judicial authority which unanimously requires not only that a project include “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change . . .” CEQA Guidelines § 15378(a); *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora*, 155 Cal.App.4<sup>th</sup> 1214, 1222 (2007), but also that the scope of the environmental review conducted, even for the Initial Study, “must include the entire project. Specifically, “[a]ll phases of project planning, implementation, and operation must be considered” as early as in the Initial Study of the project.” CEQA Guidelines § 15063(a)(1); *Tuolumne, supra*, 155 Cal.App.4<sup>th</sup> at 1222. Therefore, whether a program or project EIR is contemplated, by the time the DEIR stage is reached, a coherent whole must be presented to the public, not interchangeable parts in as yet indeterminate combination.

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.4<sup>th</sup> 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.4<sup>th</sup> 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

ongoing operation, the “projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.” CEQA Guidelines § 15126.6(e)(3)(A). *See also, Woodward Park Homeowners, supra*, 150 Cal.App.4<sup>th</sup> at 711. CEQA Guidelines § 15126.6(e)(3)(C) further provides that the lead agency “should proceed to analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” In addition, an EIR’s analysis of the no project alternative must also include a discussion of conditions existing at the time the notice of preparation is published, or, in the alternative, upon commencement of the environmental analysis. CEQA Guidelines § 15126.6(e)(2).

In this case, Alternative 3 does seem to meet the basic definition, *i.e.*, the situation on the ground including all previously approved projects. However, this is not a conventional case. Alternative 3 here includes “Yellow Light” projects which, according to the Settlement, are to be replaced with other projects which serve the same purpose. Therefore, Alternative 3 actually includes more components than are currently permitted or can be expected to be implemented.

In this unique situation, Alternative 4 would seem to be the appropriate “No Project” Alternative. That is because Alternative 4 represents the “project” with “Yellow Light” projects, *i.e.*, those that cannot “reasonably be expected to occur in the foreseeable future if the project were not approved,” CEQA Guidelines § 15126.6(e)(3)(C), eliminated.

It is also notable that Alternative 4 is used as the benchmark of analysis in the air quality analysis, Table 4.2-14, as the closest to the “no Yellow Light” condition. [“Of the nine alternatives, Alternative 4 has the least amount of improvements and most closely represents a future (2025) ‘no Yellow Light Projects’ scenario. . .”]. DEIR, p. 4-121. In summary, the existing Master Plan represented by Alternative 3 is not, in this peculiar case, the proper No Project Alternative against which to benchmark the impacts of the project.

### III. THE DEIR IMPROPERLY DISCOUNTS THE CAPACITY ENHANCING POTENTIAL OF THE PROJECT

As was true with respect to the 2003 Master Plan EIR, the DEIR here strongly emphasizes the safety enhancing purposes of the project, and downplays its capacity enhancing potential. In fact, the DEIR emphasizes that a 30-40% increase in aircraft and passenger activity is projected to occur regardless of the project (*i.e.*, would occur if none of the SPAS alternatives was implemented). DEIR, p. 1-47, § 1.4. Nevertheless, the proposed “safety” improvements, including increased runway separations and extension eastward for the north runways, the addition of centerline taxiways, and high speed runway exits, to accommodate departures of the New Large Aircraft (“NLA”) and other aircraft that cannot currently access the North Airfield without delay, are inextricably linked to capacity, defined by FAA as “throughput rate, *i.e.*, the maximum number of operations that can take place in an hour.” FAA Advisory Circular 150/5060-5, § 3.

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.”<sup>1</sup> 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 OMITTS 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.

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<sup>1</sup> *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.”

A. The DEIR Presents Supporting Data Insufficient to Allow the Public to Verify the Accuracy of the DEIR's Analysis

As a threshold matter, the DEIR only reflects air quality modeling for options 1 through 4 (the integrated alternatives). For options 5 through 7, specific aircraft modeling (*e.g.*, runway assignments, delay times, etc.) was not performed. Instead, results were apparently inferred from modeling data for Alternatives 1 through 4, again for “budget considerations.” LAX Specific Plan Amendment Study Report, Appendix F-2, p. 1. Moreover, the “inferred” data are not presented in either the main body of the DEIR or the appendices, and, therefore, it is not possible to evaluate the purported “inferences,” even if they had been documented with data. This is especially true for Alternative 5 which proposes to move Runway 24R 350 feet to the north, essentially requiring extrapolation of the data beyond the 260 foot northward movement of Runway 24R proposed in Alternative 1.

In addition, the data that is provided is inadequate to assess even the impacts of the “modeled” Alternatives 1 through 4. First, under the constant activity approach discussed in Section III above, the only variables that should affect airside emissions are taxi time and delay time. Aircraft approach, takeoff and climbout emissions should be identical across the evaluated alternatives, as should Ground Support Equipment (“GSE”) and Auxiliary Power Unit (“APU”) emissions. The DEIR, however, fails to present aircraft emissions by operating mode, making it impossible to confirm the expected consistency using presented data.

Specifically, the DEIR contains no comparative tables either listing or summarizing the way in which GSE and APU populations were estimated, the way in which those populations were assigned activity estimates, or the way emissions were calculated from the activity. Instead, there is the cursory discussion referencing:

(1) A purported survey of data on specific GSE types and their times in mode for servicing common aircraft types, although the discussion does not reveal how “common types” were chosen, why the analysis did not apply to all aircraft using GSE, and what times in mode are applicable to GSE;

(2) Use of the FAA’s Emissions Dispersion Modeling System (“EDMS”) to supplement site specific data, without complete disclosure of the “site specific” data supplemented and the analytic interaction between the site specific data and the EDMS assumptions;

(3) General use of emissions factors from the California Air Resources Board (“CARB”) OFFROAD2007 Model and 2011 Inventory Model for In-Use Off-Road Equipment in the analysis of GSE emissions without revealing the way in which each was used and the specific emissions factors derived from either. This is in spite of the fact that the DEIR acknowledges that “future year inventories of alternative-fueled GSE were based on these evaluations and LAX environmental policies.” DEIR, p. 4-92; and

(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.<sup>2</sup>

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<sub>x</sub>”) mode of operation. Thus, even though short in duration (normally 15 to 20 seconds per arrival), a high amount of NO<sub>x</sub> 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<sub>x</sub> 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.<sup>3</sup> 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.

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<sup>2</sup> 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.

<sup>3</sup> *See also* comments on noise analysis which suffers from the same omission.

D. The DEIR Lacks Any Evaluation of the Project's Greenhouse Gas Impacts

Greenhouse gas (“GHG”) emissions from APU are not estimated in the DEIR, on the premise that “[a]lthough operations of APUs are expected to contribute to GHG emissions, EDMS does not estimate CO<sub>2</sub> emissions or fuel consumption; therefore, APUs are not included in the emissions inventory,” DEIR, p. 4-390. It is true that EDMS does not provide such capability, but that does not lead to the conclusion that GHG emissions cannot be estimated. While no formal model may be available, there are brake specific fuel consumption data available for APU engines. These data, combined with APU design and operational characteristics, and the carbon content of jet fuel, can be used to generate CO<sub>2</sub> emissions estimates for APU engines. Methane and nitrous oxide emissions may be less certain, but “typical” emissions factors for similarly operating engines can be applied without inordinate error (as methane and nitrous oxide emissions constitute only a few percent of total GHG emissions for typical mobile sources). In reality, the use of zero as a “default” emission rate for GHGs (an assumption implicit in cases where non-zero emissions are not estimated) reflects an analytic error that is grossly more significant than the error that might be associated with an imprecise, but non-zero, GHG emission estimation methodology.

The failure to analyze GHG emissions is legally insupportable as well. In *Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4<sup>th</sup> 70 (2010), the court found the City of Richmond’s initial failure to conduct any GHG analysis on a proposed refinery, as well as its ultimate failure, once analysis was conducted, to prescribe mitigation measures, rendered the EIR defective. *Id.* at 93.

E. The DEIR Omits from its Evaluation of Construction Emissions the Realignment of Lincoln Boulevard

While the DEIR addresses construction impacts at some length, it appears to omit a significant component of those impacts, the reconstruction, including undergrounding, of portions of Lincoln Boulevard. Options 1, 5 and 6, which include relocation of Runway 6L/24R to the north, include, of necessity, the relocation of 6,080 feet of Lincoln Boulevard, and, to varying degrees, its depression into a tunnel.<sup>4</sup>

Nevertheless, and despite the substantial construction activity required to realign, and tunnel to accommodate, a major thoroughfare, the DEIR entirely omits to study, or report on, the construction related impacts of the reconstruction of more than a mile of proximate roadway. *See, e.g.*, DEIR, p. 4-88.<sup>5</sup> The remainder of the DEIR’s discussion of construction emissions

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<sup>4</sup> “Alternative” 1 requires 250 linear feet of tunnel; “Alternative” 5, 765 feet; and “Alternative” 6, 540 feet.

<sup>5</sup> “Construction activities were assumed to be located on the north airfield and at the north terminals, in the Central Terminal Area (CTA), at Manchester Square, in the current Parking Lot C, at the proposed Intermodal Transportation Facility (ITF) site just south of Lot C, on the east side of Aviation Boulevard south of Century Boulevard, on the Automated People Mover (APM) routes along Century Boulevard and 98<sup>th</sup> Street, and on the west side where batch plant operations permitted by the SCAQMD and USEPA and project support activities could occur.”



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<sub>2</sub>”) do not appear to have been estimated for GSE, motor vehicles, or stationary sources, based on the omission of any SO<sub>2</sub> data from the “detailed” operational emissions tables included in DEIR Appendix C (*see, e.g.*, Table 21, Operational Concentrations). SO<sub>2</sub> 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

signatures of the various aircraft, the absence of such critical raw data alone renders the noise analysis entirely inadequate.

Finally, the DEIR fails to explain why “Alternative” 5, with the greatest runway displacement of 350 feet, results in the least population exposed to the 65 CNEL contour, and the third least exposed to an increase of 1.5 decibels within the 65 CNEL contour, DEIR, p. 4-738, § 4.9.6.5, despite the fact that the “Alternative” 5 noise contour contains the second highest population newly exposed to the 75 decibel noise contour, DEIR, p. 1-83. Similarly, the DEIR concludes, without explanation, that “Alternative” 2, which does not contemplate any runway displacement, implicates more impacted land use than any other alternative, DEIR, p. 4-706, § 4.9.6.2.

These apparent, but unexplained inconsistencies, are merely systematic of a larger issue within the DEIR. While the DEIR cavalierly reaches numerous conclusions, not merely about noise, but also about air quality and other impacts, those conclusions are never fully explained either in the body of the DEIR or in its associated appendices. Thus, while the DEIR’s noise analysis is notable for its lack of underlying data and coherent analysis, its failure to explain its conclusions in such a way as to allow the public to adequately evaluate them is endemic to the entire DEIR.

VI. THE DEIR’S LAND USE AND PLANNING ANALYSIS SIGNIFICANTLY MISSTATES THE IMPACTS OF, AND MITIGATION POTENTIAL FOR, THE PROJECT

The DEIR relies on its land use and planning analysis as the bulk of its mitigation for the yet to be fully analyzed noise impacts of the various project options. That reliance is misplaced, not only from a substantive perspective, because the noise impacts still remain to be accurately analyzed, but also from a procedural perspective, as implementation of the FAA purchase and sound insulation programs upon which LAWA relies for mitigation, are years, even decades in the future, and, under recently published FAA policies, may never be applicable at all for a substantial portion of the impacted population.

The DEIR’s land use impacts analysis, § 4.9.6, p. 4-689, is procedurally flawed in several ways. First, it benchmarks the consistency of its alternatives to the existing LAX Specific Plan, recognizing at the same time that it is the fundamental purpose of the DEIR to document the amendment of the existing Specific Plan. Thus, the DEIR creates a moving target as a benchmark for analysis.

Second, with respect to the potential acquisition of property as mitigation for noise impacts, the DEIR indefinitely and impermissibly defers evaluation of the need for acquisition associated with changes in Runway 6L/24R’s Runway Protection Zone (“RPZ”), brought about by the runway’s movement north, despite the identification in § 4.7.2 of land uses in the RPZs for all options, thus leaving potential mitigation requirements unsatisfied. *Communities for a*

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*Better Environment, supra*, 184 Cal.App.4<sup>th</sup> 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.<sup>6</sup> 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

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<sup>6</sup> 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.

configuration but will be changed under the new regimen, may be left without mitigation, at least for the foreseeable future, a salient fact that is not acknowledged, let alone discussed or analyzed in the DEIR.

In summary, even though noise mitigation is alleged to be feasible, the DEIR is inadequate, both because necessary mitigation measures are entirely omitted with respect to the impacts of property acquisition; and because, in the alternative, even where mitigation measures are provided (although vague), “mandatory performance standards to ensure that the measures, as implemented, will be effective,” *Communities for a Better Environment, supra*, 184 Cal.App.4<sup>th</sup> at 94, are similarly absent.

VII. The DEIR Does Not Adequately Analyze or Mitigate the Project’s Admittedly Significant Surface Traffic Impacts

In spite of the DEIR’s acknowledgment of the significance of the project’s direct and indirect impacts on various intersections within the study area, it relegates those impacts to the category of “significant but unavoidable.” It is Cities/County’s position, however, that not only are those impacts, in fact, more extensive than reported in the DEIR, but also avoidable through the application of reasonable mitigation measures not offered in the DEIR.

A. The DEIR Does Not Fully Delineate or Mitigate the Surface Traffic Impacts of the Project on Culver City

First, the criteria used in the DEIR for calculating the project’s intersection impacts on Culver City is inaccurate. More than five years ago, Culver City requested that LAWA and City of Los Angeles Department of Transportation (“LADOT”) 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.” (*See*, letter of October 31, 2006 from Charles Herbertson, Culver City Director of Public Works and City Engineer to Jim Richie, LAWA, attached to this letter as Exhibit 5).

The rationale behind Culver City’s request is directly related to the SPAS. “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.” (*See also*, letter to Gloria Jeff, General Manager, City of Los Angeles Department of Transportation, October 31, 2006, attached to this letter as Exhibit 6).

Nevertheless, the traffic study used Culver City’s, not City of Los Angeles’ traffic impact analysis criteria to assess the impact of the project on Culver City intersections. Use of Culver City criteria significantly understates the project’s impacts on those intersections. For instance, using LADOT criteria, the intersections of Centinela/Washington Boulevard (Intersection No. 30), Overland/Culver (Intersection No. 43) and Sepulveda/Slauson (Intersection No. 130) would, in fact, be impacted, as would the non-signalized intersections of Overland/Sawtelle (Intersection No. 154) and Walgrove/Washington (Intersection No. 156) which are already revealed as

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.

# BuchalterNemer

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In summary, the DEIR's inadequacies are no less substantial and significant for being, in many cases, repeats of old errors, because the public living and working in the project study area will be the ultimate victims of these analytic deficiencies. From a more global perspective, the DEIR represents not only a flawed attempt to implement an as-yet undesignated project with as-yet unanalyzed environmental impacts, but, insofar as LAWA's efforts go exclusively toward the expansion of capacity and associated improvements at LAX, also a patent abnegation of responsibility under the Settlement to regionalize air travel for the purpose of mitigating LAX's impacts on close-in populations, while providing increased air travel opportunities to the rest of Southern California. Due to the DEIR's manifest inadequacies, Cities/County strongly recommend LAWA revise and recirculate the DEIR in strict compliance with CEQA's unequivocal mandates.

Sincerely,

BUCHALTER NEMER  
A Professional Corporation

By 

Barbara Lichman

Attachments