

January 2023 CON Public Comment – Item 24

From: [REDACTED]
Sent: Wednesday, January 18, 2023 12:32 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: Jarrett Thompson <jarrett.thompson@lacity.org>; Gary Gero <gary.gero@lacity.org>; Racine, Ned <RacineN@metro.net>; Walker, Marlon (James) <WalkerMJ@metro.net>; Sahag Yedalian <sahag.yedalian@lacity.org>; Daniel Rodman <daniel.rodman@lacity.org>
Subject: CD 5 opposition to Spot Check #3 regarding CCCS Relocated UPE Plenum at Westfield Mall | Item 24 at the 1/19/23 Construction Committee

Dear Metro Board of Directors and Members of the Construction Committee,

Councilwoman Katy Yaroslavsky is in opposition to Spot Check #3 regarding CCCS Relocated UPE Plenum at Westfield Mall, part of [item 24](#) at the 1/19/23 [Construction Committee](#).

The Councilwoman believes that the future success of the Century City Station is contingent upon ease of access to the station. Removing one of the access points for this crucial station could be detrimental to meeting the goals of increased transit ridership.

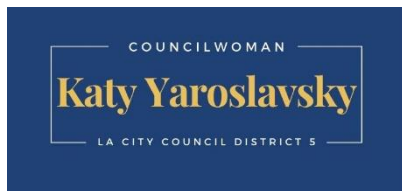
The 2009 development agreement between the City of Los Angeles and the ownership of the Westfield Century City Mall planned for an access point from the mall directly to the station box. This agreement remains in place to this day and is legally enforceable. The City and members of the public have held the expectation that the mall will provide an access point for over a decade and continue to maintain this expectation today.

The mall must have this access point and no Metro action should be taken towards its removal.

Please feel free to reach out to our office if you have any further questions.

Sincerely,
[REDACTED]

[REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] with the office of Councilwoman Katy Yaroslavsky (including any attachments), along with any associated personal identifying information, is considered a public record under the California Public Records Act and may be subject to public disclosure.

January 2023 RBM Public Comment – Item 7

From: [REDACTED]
Sent: Wednesday, January 25, 2023 6:50 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: firstdistrict@bos.lacounty.gov; HollyJMitchell@bos.lacounty.gov; ThirdDistrict@bos.lacounty.gov; FourthDistrict@bos.lacounty.gov; FifthDistrict@bos.lacounty.gov
Subject: OPPOSE METRO TCN Program: PULL FROM CONSENT, Thursday, January 26, 2023

Metro Board Clerk:

The Coalition for a Beautiful Los Angeles submits the following comments and requests the removal of Item # 7, the Metro Transportation Communication Network (TCN) Program, from consent at its Thursday, January 26, Metro Board Meeting.

In addition to our strong objections attached, the consideration of this item is improper given the recent election that has resulted in five new LA City Councilmembers and a new Mayor -- none of whom have had the opportunity to review the program, seek input from constituents, and consider and craft their comments to the Metro Board.

Further, there are significant jurisdictional, procedural, public safety, and environmental issues that warrant additional scrutiny.

Thank you,

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 25, 2023 3:14 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: Kelsey Jessup <kelsey.jessup@TNC.ORG>
Subject: Public comment for 1/26 Metro Board meeting on Item 7, Transportation Communication Network (TCN) Environmental Impact Report

Dear Metro Board,

The Nature Conservancy (hereafter, “the Conservancy”), submitted the attached letter to the Transportation Communications Network (TCN) Project Team on Monday, January 9th regarding the potential impacts of the TCN billboards near the Bowtie Demonstration Project. We first became aware of the TCN in the late fall during our attendance at a virtual meeting of a local Neighborhood Council when they discussed the TCN’s impacts on their community.

The Conservancy would like to submit the following additional comments for the Metro Board’s consideration on Item 7, TCN Environmental Impact Report 2022-0838 to recommend against the TCN Project; against certifying the TCN Final Environmental Impact Report (Final EIR), against adopting the TCN Final Environmental Impact Report (Final EIR), in accordance with CEQA, and against authorizing the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

An adequate lighting impact analysis was not completed of Sites FF-13 and FF-14 because analysis does not take into account current and future impacts to wildlife on and near the Bowtie Demonstration Project, which will include habitat enhancement features for wildlife on a property owned by California State Parks. The distance from FF-13 to the nearest edge of the Bowtie State Parks property is approximately 823 ft (251 m). The distance from FF-14 to the nearest edge of the Bowtie State Parks property is approximately 619 ft (188 m).

“Wildlife” is all living organisms including plants, animals, and others. The Conservancy has conducted field surveys to establish that the Bowtie Demonstration Project site already serves as habitat for some wildlife, and we plan to introduce large numbers of native plants and other habitat features to the site with the aim of providing habitat for many other species of valued native birds, butterflies, and other vertebrate and invertebrate animals. Many of these newly arriving species will come from the adjacent riparian habitats included in our [Water Supply and Habitat Resiliency Study](#) (appendices are [here](#)), which provides information about the historic ecology in Elysian Valley, historic and existing hydrological and hydraulic conditions, and one full year of multi-taxa biological surveys along a 2.5 mile stretch of the LA River in the Project area. The study also provided guidance for a suite of habitat enhancement options under different future river flow scenarios. The study informed the Bowtie Demonstration Project’s design and concluded that: 1) enhancing and increasing the amount of perennial riparian habitat in-stream alone will not create as much biological value as identifying complementary enhancement opportunities outside of the river channel in adjacent upper terrace floodplain and upland habitats; and 2) land uses adjacent to the river and throughout the watershed are a part of the solution and part of the LA River’s biological and hydrologic system. Using the 2016 study as a guide, the Conservancy completed a feasibility study in 2017 (found [here](#)) and determined the ideal location for the Bowtie Demonstration Project, which will be breaking ground later this year.

Furthermore, the Glendale Narrows is a particularly important stretch of riparian bird habitat on the LA River. Bird nests and egg set records from the Western Foundation of Vertebrate Zoology demonstrate that prior to the channelization of the LA River in the 1930s, Barn Swallow (*Hirundo rustica*), Black Phoebe (*Sayornis nigricans*), Black-headed Grosbeak (*Pheucticus melanocephalus*), Cliff Swallow (*Petrochelidon pyrrhonota*), Common Yellowthroat (*Geothlypis trichas*), House Wren (*Troglodytes aedon*), Least Bell's Vireo (*Vireo bellii pusillus*), Song Sparrow (*Melospiza melodia*), Western Wood-Pewee (*Contopus sordidulus*), Willow Flycatcher (*Empidonax traillii*), Yellow Warbler (*Setophaga petechia*), and Yellow-breasted Chat (*Icteria virens*) all used the Glendale Narrows as breeding habitat. Field surveys conducted in 2014 and 2015 found that some of these species are still breeding or attempting to establish breeding territories along this stretch of the river. An additional eight Continental Concern Species and six Regional Concern Species prioritized in the Californian Coasts and Mountains region of the Sonoran Joint Venture Conservation Plan were observed along this stretch of the river in 2014-2015. The attached spreadsheet is a summary of the iNaturalist observations around the Bowtie area with roughly 850 non-plant species. The Bowtie Demonstration Project will benefit most of these species by restoring high quality riparian, intermittent wetland, and upland habitats, thereby providing more breeding opportunities, in addition to food, shelter, and roosting and perching sites.

The EIR should not be certified by the Metro Board and rather should be reopened to include an analysis of the impacts on future wildlife within the Bowtie Demonstration Project and other similar locations.

Thank you for your consideration.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: [REDACTED]
Sent: Wednesday, January 25, 2023 4:41 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; clerk.cps@lacity.org
Subject: Opposed to TCN Program / Council File 22-0392

I strongly **OPPOSE** Item #7 on the Metro Board of Directors' agenda for the 10AM meeting this Thursday, January 26, 2023 for the following reasons:

- The final Environmental Impact Report (FEIR) is fatally flawed and therefore should NOT be approved.
- There has been no community outreach.
- It clearly undermines the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards.
- Newly elected City and County officials have not had time to evaluate the program and its impact on their communities.
- The TCN Program is **NOT** a transit program; the TCN program is an advertising program.

I respectfully request the TCN be pulled from the consent calendar and sent to LA City for public hearings.

Sincerely,

[REDACTED]

From: [REDACTED] >
Sent: Wednesday, January 25, 2023 5:33 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Item #7- OPPOSE TCN Program

January 25, 2023

Honorable Metro Board of Directors,

Most importantly, please do not approve the TCN Program on the consent calendar, and instead, send it to Los Angeles City for public hearings which have been so seriously deficient during this process.

- The City's 2002 Sign Ordinance with a ban on new off-site billboards is being ignored.
- The FEIR is severely flawed and incomplete.
- Safety of drivers is of great concern, as driver behavior is altered; attention is drawn away from traffic, a proven fact.
- The reduction of property values associated with nearby billboards is understated and not adequately addressed.
- Light disturbance on wildlife, especially nocturnal migrating birds, is mostly disregarded, especially with such heights and light intensity.

As is, the TCN Program is obviously an advertising/business venture, not a transit program.

Please see the light. Oppose.

Thank you,

[REDACTED]

From: [REDACTED] >
Sent: Wednesday, January 25, 2023 6:19 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: Item #7 OPPOSE

To whom it may concern: Your constituents have opposed this for quite some time now and it is time we were listened to! Los Angeles does not need MORE distractions in driving- pedestrians being hit by cars has increased dramatically. This is a simply a way for the city to not do it's job- and putting Angelenos in a public safety situation where injuries and deaths will occur. Not to mention how un-environmental the plan is.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 25, 2023 6:41 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: Agnda Item #7 OPPOSE the Transportation Communication Network (TCN)

Dear Board of Directors,

I **oppose** the TCN Program to install 97 changing digital billboards over 16 commercial corridors and 8 different freeways across LA City, including the Ballona Wetlands Ecological Reserve and other sensitive location. I live in Los Angeles' first Wildlife District and am well aware of the damage that these huge billboards will cause to wildlife consequently, to their habitat. NFF-4 at the NW corner of Lankershim Blvd. and Universal Hollywood Drive will be adjacent to our new Wildlife District. This is entirely inappropriate.

The FEIR is fatally flawed and cannot be approved. I am asking that you pull the TCN from the consent calendar and send to LA City for public hearings. This misguided program undermines the Los Angeles Sign Ordinance of 2002 and the City's ban on. new off-site billboards.

This is yet another program with no public benefit. It is purely an economic venture , selling advertising, no matter what the cost to the public. Those costs include dangerous impacts to safety, visual blight, privacy, human health issues associated with sleep disturbance, and harm to our environment.

Give the public a voice!

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 25, 2023 9:41 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; clerk.cps@lacity.org
Subject: Item #7 - OPPOSE

Item #7 – 1-26-2023: OPPOSE
City Clerk: Council File 22-0392

Please Halt Metro Approval of Huge Digital Billboards Across Los Angeles!

Please delay this entire matter until the neighborhood councils and community organizations have been given full presentations and opportunities to weigh in on this proposal.

Please ask Metro to pull the item off its consent calendar and send it to the City of Los Angeles for public hearings and environmental approval for the following reasons:

The community has not been given the opportunity to speak before the Metro Board or to review the Environmental Impact Report.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency.** LA City must be the lead.

ALSO Please remove from this proposal the billboards proposed to be placed surrounding the Ballona Wetlands Ecological Reserve, where Angelenos come to learn about and experience our unique wetlands ecology.

Thank you!

[REDACTED]

-----Original Message-----

From: [REDACTED] >

Sent: Wednesday, January 25, 2023 11:56 PM

To: Board Clerk <BoardClerk@metro.net>

Cc: Judith marlin <judymarlin@roadrunner.com>

Subject: Item #7

I vehemently OPPOSE Item #7!

This is an assault on our beautiful city in the service of the Billboard Industry and politicians who pander to them through donations to their campaigns.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 7:26 AM
To: Kevin Lee Miller <kevinleemiller01@gmail.com>
Cc: Board Clerk <BoardClerk@metro.net>; losangelesbeautiful@gmail.com
Subject: Re: Opposed to TCN Program / Council File 22-0392

Good Morning,

Your public comment will be uploaded.

In the future you may use the following link to upload your public comment <https://cityclerk.lacity.org/publiccomment/>

Thank you.

On Wed, Jan 25, 2023 at 4:41 PM Kevin Lee Miller <kevinleemiller01@gmail.com> wrote:
I strongly **OPPOSE** Item #7 on the Metro Board of Directors' agenda for the 10AM meeting this Thursday, January 26, 2023 for the following reasons:

- The final Environmental Impact Report (FEIR) is fatally flawed and therefore should NOT be approved.
- There has been no community outreach.
- It clearly undermines the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards.
- Newly elected City and County officials have not had time to evaluate the program and its impact on their communities.
- The TCN Program is **NOT** a transit program; the TCN program is an advertising program.

I respectfully request the TCN be pulled from the consent calendar and sent to LA City for public hearings.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 7:28 AM
To: Susanne Cumming <cumming@earthlink.net>
Cc: Board Clerk <BoardClerk@metro.net>; losangelesbeautiful@gmail.com
Subject: Re: Item #7 - OPPOSE

Good Morning,

Your public comment will be uploaded.

In the future you may use the following link to upload your public comment <https://cityclerk.lacity.org/publiccomment/>

Thank you.

On Wed, Jan 25, 2023 at 9:41 PM Susanne Cumming <cumming@earthlink.net> wrote:
Item #7 – 1-26-2023: OPPOSE
City Clerk: Council File 22-0392

**Please Halt Metro Approval of Huge Digital Billboards Across Los Angeles!
Please delay this entire matter until the neighborhood councils and community organizations have been given full presentations and opportunities to weigh in on this proposal.**

Please ask Metro to pull the item off its consent calendar and send it to the City of Los Angeles for public hearings and environmental approval for the following reasons:

The community has not been given the opportunity to speak before the Metro Board or to review the Environmental Impact Report.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues.

Metro cannot be the lead agency. LA City must be the lead.

ALSO Please remove from this proposal the billboards proposed to be placed surrounding the Ballona Wetlands Ecological Reserve, where Angelenos come to learn about and experience our unique wetlands ecology.

Thank you!

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 7:29 AM
To: Lois Becker/Mark Stratton <loismark@gmail.com>
Cc: Board Clerk <BoardClerk@metro.net>
Subject: Re: Item #7 - TCN program - OPPOSE (Council File 22-0392)

Good Morning,

Your public comment will be uploaded.

In the future you may use the following link to upload your public comment <https://cityclerk.lacity.org/publiccomment/>

Thank you.

On Thu, Jan 26, 2023 at 12:16 AM [REDACTED] wrote:
Please see that the attached message is delivered to the Metro Board.

Thank you very much.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 8:25 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; clerk.cps@lacity.org; councilmember.raman@lacity.org
Subject: Council File 22-0392 Item #7- OPPOSE

Dear Metro Board of Directors,

Save Coldwater Canyon, Inc. is a local environmental group representing over 1100 residents of Los Angeles.

Please STOP the Huge Digital Billboards Across Los Angeles and OPPOSE Item #7.

The TCN program is not a transit program, it's an advertising program -- and City of LA residents and homeowners **do not want** a City filled with the urban blight of such changing, **DISTRACTING AND DANGEROUS** digital billboards.

This undermines the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards.

Please OPPOSE the 97 changing digital billboards towering over 16 commercial corridors and 8 different freeways across LA City, including the Ballona Wetlands Ecological Reserve and additional sensitive locations.

Sincerely,

[REDACTED]

--

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 8:31 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; councilmember.raman@lacity.org
Subject: Council File 22-0392 Item #7- OPPOS

Dear Board of Directors,

I **oppose** the TCN Program to install 97 changing digital billboards over 16 commercial corridors and 8 different freeways across LA City, including the Ballona Wetlands Ecological Reserve and other sensitive locations. I live in Los Angeles' first Wildlife District and am well aware of the damage that these huge billboards will cause to wildlife consequently, to their habitat. NFF-4 at the NW corner of Lankershim Blvd. and Universal Hollywood Drive will be adjacent to our new Wildlife District. This is entirely inappropriate.

The FEIR is fatally flawed and cannot be approved. I am asking that you pull the TCN from the consent calendar and send to LA City for public hearings.

This misguided program undermines the Los Angeles Sign Ordinance of 2002 and the City's ban on new off-site billboards.

This is yet another program with no public benefit. It is purely an economic venture, selling advertising, no matter what the cost to the public.

Those costs include dangerous impacts to safety, visual blight, privacy, human health issues associated with sleep disturbance, and harm to our environment.

Give the public a voice...OPPOSE these dangerous advertising billboards.

Sincerely

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 8:42 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; councilmember.raman@lacity.org
Subject: Agenda Item #7 OPPOSE the Transportation Communication Network (TCN)

Dear Metro Board of Directors,

Please STOP the Huge Digital Billboards Across Los Angeles and OPPOSE Item #7.

The TCN program is not a transit program, it's an advertising program -- and City of LA residents and homeowners do not want a City filled with the urban blight of such changing, DISTRACTING and DANGEROUS digital billboards.

This undermines the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards. **The City should expect many lawsuits if this is approved as these distracting billboards will most definitely cause many accidents.**

Please OPPOSE the 97 changing digital billboards towering over 16 commercial corridors and 8 different freeways across LA City, including the Ballona Wetlands Ecological Reserve and additional sensitive locations!

Sincerely,

[REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: Thursday, January 26, 2023 9:16 AM

To: Board Clerk <BoardClerk@metro.net>

Subject: Item #7

OPPOSE

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:17 AM
To: Board Clerk <BoardClerk@metro.net>; Michael.Amster@LACity.org; clerk.cps@lacity.org
Subject: Item #7- OPPOSE - Halt Approval of Huge Digital Billboards Across Los Angeles - Council File 22-0392

To Metro, CD11,

I support the **Coalition for a Beautiful Los Angeles** to tell the Metro Board that this program's Final Environmental Impact Report (FEIR) is fatally flawed and cannot be approved.

Pull the item off its consent calendar and send it to the City of Los Angeles for public hearings and environmental approval for the following reasons:

The community has not been given the opportunity to speak before the Metro Board.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency**. LA City must be the lead.

Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. **Approval of an EIR is premature**.

Adoption of the TCN Program will likely **undermine** the City of Los Angeles's 2002 Sign Ordinance and the City's **ban on new off-site billboards**.

The TCN Program's signs will **significantly impact** sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.

Metro is **piecemealing** the program - an improper practice under CEQA. Metro seeks to expand the program in other cities while having presented the program as one exclusive to the City of Los Angeles. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.

Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes **deferred environmental mitigation**, which is generally improper under CEQA.

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:19 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: Oppose - Item #7 of today's agenda

Hello, I strongly oppose your current TCN program, to be discussed as item #7 at the board meeting today. This advertising program is not related to transportation and would significantly alter the landscape.

Best,

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:21 AM
To: Board Clerk <BoardClerk@metro.net>; clerk.cps@lacity.org
Cc: losangelesbeautiful@gmail.com
Subject: Oppose #7 TCN

We have enough digital advertising all over our neighborhoods and more is unacceptable. I understand Metro wants more money to spend--it NEVER has enough to do what you promise, but this is not the answer. Do what you're supposed to do and provide transportation.

LA City does a poor job of controlling billboards and digital advertising, but it is their responsibility. Stay focused on your purpose -- mass transit.

We look to LA City for transparency and to scale back as promised. This is a dual comment for Metro and for the LA City Council File 22-0392

--

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:29 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Re. Item #7 - OPPOSE

Dear Metro Board of Directors:

Please do not approve the final EIR for the TCN program. The community has not been given the opportunity to speak before the Metro Board.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency**. LA City must be the lead.

Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. **Approval of an EIR is premature.**

Adoption of the TCN Program will likely **undermine** the City of Los Angeles's 2002 Sign Ordinance and the City's **ban on new off-site billboards**.

The TCN Program's signs will **significantly impact** sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.

Metro is **piecemealing** the program - an improper practice under CEQA. Metro seeks to expand the program in other cities while having presented the program as one exclusive to the City of Los Angeles. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.

Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes **deferred environmental mitigation**, which is generally improper under CEQA.

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:46 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Today Jan. 26 No. 7 TCN

The EIR prepared for this TCN project is fatally flawed.

The City of Los Angeles should not have digital billboards that will distract drivers.

Please do NOT approve this matter.

Thank you for responding to the safety of all our citizens.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:46 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: Item #7- OPPOSE

Dear Board Members:

The public deserves a right to speak before a measure that blights the City and causes distracted and dangerous driving is approved. The City of Los Angeles rather than Metro is the appropriate lead agency. Such action would underline the sign ordinance and lead to proliferation of off-site digital advertising.

The joint agreement was reached prior to environmental review, which was improper.

I am appalled by this steamrolling and ask that the item be pulled from consent.

Thank you

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: Thursday, January 26, 2023 9:47 AM

To: Board Clerk <BoardClerk@metro.net>

Subject: Transportation Communication Network, Metro Board Agenda, 1/26/23, Item 7, OPPOSE

Members of the Metro Board,

We are writing to urge you to reject the TCN project, along with the associated actions on today's agenda. Our reasons are as follows:

- The TCN Program is NOT a transit program. Metro has knowingly misrepresented the project to mislead the public. The TCN program is a digital billboard program designed to generate ad revenue, and merely continues Metro's existing digital billboard program.
- This deceptive practice of separating the TCN from the existing billboard program, which has placed multiple digital billboards in surrounding cities, constitutes piecemealing. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.
- Metro should not be the lead agency. The project is limited to locations in the City of LA and requires changes to the LAMC. The City of LA should be the lead agency.
- The community has not been given the opportunity to speak before the Metro Board.
- Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. Approval of an EIR is premature.
- Adoption of the TCN Program will likely undermine the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards.
- The TCN Program's signs will significantly impact sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.
- Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes deferred environmental mitigation, which is prohibited under CEQA.

For these reasons we urge you not to approve the TCN.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:58 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: Dylan Sittig <dylan.sittig@lacity.org>
Subject: Board Item # 7 OPPOSE approval of FEIR for TCN Program

Dear METRO Board of Directors:

Your consideration of the Transportation Communication Network's (TCN) FEIR today demonstrates an effort on the part of METRO to fail in its responsibility to be a transparent, honest and credible agency.

At your December 1st meeting, there was an action taken to remove this program from that meeting's consent calendar for two reasons: 1) because the FEIR had only very recently been released, and 2) because by placing the program's consideration on the consent calendar, the public would not have had an opportunity to be heard.

It is somewhat shocking to find that the TCN is again on the Board's consent calendar. I say "somewhat" shocking because it has been quite clear that this program has been and is being treated from other METRO programs underway. There has been no effort to inform or involve the public in consideration of this program. Whereas METRO normally hosts a number of open house programs for programs being considered, there has been no visible effort to go out into the public to present the program in an effort to seek public input.

Individuals who submitted comments to the DEIR and have indicated interest and/or concern about the program have not been notified by Metro about pending meetings / hearings about the program. It is only in retrospect that we discover references to committee meetings. It appears that the TCN FEIR was approved in the Board's Planning and Programming Committee not long ago. But, even at that meeting, the program was on the committee's CONSENT calendar.

The manner in which this program is being presented and placed for approval is inappropriate. Metro presents this program as one exclusive to Los Angeles and as if it is a program just developed when it is a far larger project across numerous municipalities. This, and the fact that the project description allows for changes in sign placements suggests that this program is being piecemealed -- an unacceptable practice under CEQA.

This program has been identified for a number of years internally at Metro as an advertising program, and has been developed over those many years with Metro's selected partner All Vision (selected without a formal RFP process). It is inappropriate for Metro to be the lead agency for this is not a transportation program. Metro is a transportation agency -- not chartered to sponsor advertising programs. While I would

not want to see the City of Los Angeles promoting this program, from an administrative point of view, Los Angeles is the appropriate LEAD agency.

It must be noted as well that the process by which the program is being considered is entirely confused and improper. The City should never have entered into any Memorandum agreement about the TCN prior to the completion of an EIR or the presentation of the program to the public. The City's process, too, was shrouded under a veil of deception hidden as a subsection of a supplementary budget review report from the CAO's office.

Your constituents in LA City and LA County have just elected new representatives and yet you allow no time whatsoever for these new elected to reach out to their constituents and to review the potential impacts of this program on their communities. They are expected to get on the bandwagon where the lure of a share of advertising revenues has clouded the vision of those promoting the program. The revenues generated by this program will degrade our visual environment for decades to come. The changing nature of the billboards will degrade the quality of life of those who are forced to live in their proximity. They will create dangerous driver distractions adding to the carnage on our busy and congested roadways. They will damage the environment and disturb the life cycles of all creatures, large and small, who live in their realm.

At some point, the pursuit of money is not meant to prevail over public health and safety needs. This program has passed the point of acceptability.

This program should not be considered today. Concerns voiced by the public should be considered and addressed.

In addition to the comments above, I /we wish to conclude with the points below:

The community has not been given the opportunity to speak before the Metro Board.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency**. LA City must be the lead.

Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. **Approval of an EIR is premature.**

Adoption of the TCN Program will likely **undermine** the City of Los Angeles's 2002 Sign Ordinance and the City's **ban on new off-site billboards**.

The TCN Program's signs will **significantly impact** sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.

Metro is **piecemealing** the program - an improper practice under CEQA. Metro seeks to expand the program in other cities while having presented the program as one exclusive to the City of Los Angeles. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.

Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes **deferred environmental mitigation**, which is generally improper under CEQA.

Please take a deep breath, question, and reconsider this program, the manner in which it has been presented, pushed through the environmental and other steps in its consideration, and consider our City's visual environment. Consider public safety issues and question why no attempts were made to research existing traffic studies that document the dangers introduced as a result of driver distraction from these signs. Why must our shared visual environment be sold off and commercialized? In an ever densifying City, our shared public open space becomes a more and more valuable asset -- an asset which you propose to pollute with energy—consuming jumbo LED screens that will add to our night sky pollution.

I would appreciate an honest assessment of this program. The public deserves nothing less.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 10:03 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: I oppose item #7 on Council File 22-0292

[REDACTED]

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: Thursday, January 26, 2023 10:22 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: NO DIGITAL BILLBOARDS

They destroy neighborhoods and are unsafe for drivers. I mean, you've got to be kidding with these horrific distractions. Enough.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 10:44 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: ITEM #7 METRO CONSENT CALENDAR PLEASE PULL IT AND SEND TO CITY OF LA FOR PUBLIC HEARINGS AND ENVIRONMENTAL APPROVAL

Greetings:

I request that Metro pull this item off its consent calendar and send it to the City of Los Angeles for public hearings and environmental approval for the following reasons:

- The community has not been given the opportunity to speak before the Metro Board.
- Newly elected officials at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.
- The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency.** LA City must be the lead.
- Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. **Approval of an EIR is premature.**
- Adoption of the TCN Program will likely **undermine** the City of Los Angeles's 2002 Sign Ordinance and the City's **ban on new off-site billboards.**
- The TCN Program's signs will **significantly impact** sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.
- Metro is **piecemealing** the program - an improper practice under CEQA. Metro seeks to expand the program in other cities while having presented the program as one exclusive to the City of Los Angeles. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.
- Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes **deferred environmental mitigation**, which is generally improper under CEQA.

Thank you.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 11:06 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; traci.park@lacity.org
Subject: Item #7- OPPOSE

I OPPOSE moving digital billboards in Los Angeles. I cannot begin to understand this obsession with advertising. But to allow it to sway every aspect of our lives, including the physical wellbeing of our people, just makes no sense.

We live in sight of a former moving billboard – thankfully it was removed a few years ago with the city-wide ban. It shone into my child’s room and prevented her from sleeping. It was just terrible; it definitely impacted her ability to learn and grow up. It impacted her safety when her mother drove her on streets made more dangerous by this assaulting distraction. It impacted my capacity to parent with children bombarded by an unavoidable deluge of assaultive images.

Multiply this experience across LA’s basin by millions – what sort of absurdity is this? For what purpose do we *have* a government for and of the people, if not to protect them. Protect them from pointless, mindless, inhumane money-mongering by corporations, who are not... people.

Quit it.

Please DO NOT APPROVE digital billboards in Los Angeles. You have no right to impose this harm on the people of LA. At the very least, it should be discussed by the elected political representatives of CoLA: send it back to City Council please.

Thank you.

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Thursday, January 26, 2023 11:40 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Item 7

Oppose

[REDACTED]

From: [REDACTED]

Sent: Thursday, January 26, 2023 11:43 AM

To: Board Clerk <BoardClerk@metro.net>

Subject: oppose bill boards i.e. #7

I strongly oppose digital billboards. It degrades our city!!

[REDACTED]

From: [REDACTED]
Sent: Friday, January 27, 2023 6:59 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Attendees Mailing list - Abilities Expo 2023

Dear Exhibitor,

Hope this note finds you well.

I am following up to confirm, if you are interested acquiring the Attendees Mailing list.

Abilities Expo - Southern California 2023 (Los Angeles, CA USA/ March 10 - 12, 2023

Information fields include: Contact name, Company name, Job Title, Company Mailing address with Zip Code, Phone Number, Fax Number, SIC Code, Industry Classification, Website URL and contact person verified business email address.

The complete list is available for a small investment, with unlimited usage rights, you can use this list for your regular marketing campaigns too.

Please let me know your Interest so that I can get back to you with more details on Counts and Pricing available for the Attendees Mailing List.

Thank you and I awaiting your response.

Regards,

[REDACTED]



Coalition for a Beautiful Los Angeles
200 S. Barrington Ave., Box 49583
Los Angeles, CA 90049
losangelesbeautiful@gmail.com

Est.
1986

January 25, 2023

VIA ELECTRONIC MAIL

Board of Directors
Los Angeles County Metropolitan Transportation Authority
Board Administration
One Gateway Plaza
MS: 99-3-1
Los Angeles, CA 90012
Email: BoardClerk@metro.net

RE: OPPOSE ITEM # 7 (2022-0695)
Certification of the Final Environmental Impact Report for the Transportation
Communication Network (SCH# 2022040363)

Dear Metro Board Members:

Coalition for a Beautiful Los Angeles (CBLA)¹ writes in strong opposition to Los Angeles County Metropolitan Transportation Authority (Metro) Transportation Communication Network (TCN) Program. CBLA previously submitted comments in response to the TCN Program's Draft and Final Environmental Impact Report (EIR). (See Exhibits A and B.) The Program is presented as a joint initiative between Metro and the City of Los Angeles to install 56 full-sized digital billboard structures with 97 digital ad faces: 62 freeway-facing (reaching as high as 90 feet above grade), and 35 non-freeway-facing changing digital billboard faces (between 30-60 feet above grade), along 16 City streets and eight freeways.

At Metro's December 2022 board meeting, then-Councilmember Mike Bonin requested that the TCN Program be pulled from Metro's consent calendar. Since then, Metro has failed to provide notice to community members or publicize the consideration of the TCN in any publication or other update consistent with other proposed Metro projects. (See, e.g., Exhibit C.)

The TCN Program is now scheduled as a consent item on the agenda for Metro's Thursday, January 26, 2023 meeting, again robbing the public of the opportunity to speak. Newly elected Metro Board members and LA City Councilmembers have not been given the time to familiarize

¹ CBLA (formerly Coalition to Ban Billboard Blight) is a non-profit organization dedicated to protecting and enhancing the City's visual environment through education and political action on behalf of many important issues, including: reducing visual blight from billboards and other forms of commercial signage to promote traffic safety and improve public health; preserving urban forest and open space; establishing federally-recognized Scenic Byways; undergrounding utility lines; treating our scenic resources as treasures to be passed on to future generations; promoting equitable public policies to accomplish those goals.



themselves with this project, and have not heard directly from their constituents about the proposal's impacts on local communities or the challenge that will likely result to the City of Los Angeles's sign ban. In short, the measure must be pulled from the January 26 agenda and rescheduled for future consideration so new board members can hear from members of the public and have time to factor in these important considerations.

Former Councilmembers Koretz and Bonin and current Councilmember Ramen have all voiced concerns about this Program. (See Exhibits D, E, and F.) New Councilmembers Katy Yaroslavsky, Traci Park, Hugo Soto-Martinez, Tim McOsker, Eunisses Hernandez, and Mayor Karen Bass must all be given the opportunity to review the Program, consider community comments, and formulate their own comments for the Board's consideration.

In addition to the above procedural concerns, CBLA also objects to certification of the EIR for the reasons set forth below.

The City of Los Angeles Must be the Lead Agency for the Project, not Metro

CBLA voices strong objection to Metro acting as lead agency under the California Environmental Quality Act (CEQA) for the Project's environmental review instead of the proper lead agency, the City of Los Angeles, for the following reasons:

- 1) The TCN Program is *not a transit project*; it is an *advertising program* as described by Metro over the past decade – designed to generate advertising revenues. (See Exhibit G.)
- 2) The TCN Program as described in the EIR lies entirely within the boundaries of the City of Los Angeles, clearly within the City's jurisdiction.
- 3) The TCN Program's signage will significantly impact sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.
- 4) The TCN Program is dependent upon the City of Los Angeles City Council's final approval, including an enacting Ordinance and CEQA findings.
- 5) Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which also constitutes deferred environmental mitigation, which is generally improper under CEQA. (CEQA Guidelines, § 15126.4(a)(1)(B).)

CEQA strongly prefers to confer lead agency status on an “agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” (CEQA Guidelines, § 15051(b)(1).) Metro is an agency with a single purpose. But it does not have general governmental powers as the City of Los Angeles does, for example, to grant relief from City land use regulations, or to create sign districts.

Approval of the EIR is Premature

The City of Los Angeles and Metro have already entered into a Memorandum of Agreement (MOA), Contract Number C-139852, dated December 8, 2021, for the TCN Program prior to the completion of the required CEQA documentation and analysis.



According to the MOA, the City reserves its police power with regard to enacting the Ordinance or taking any other legislative action relating to this Agreement. Additionally, the MOA states the adoption of findings is required by CEQA for each significant effect of the Project, if any.

The City must first review the Project and ensure all potential significant impacts on City resources are appropriately disclosed, analyzed, and can be mitigated. At least two of the signs must go before the Coastal Commission, which must also be done prior to being included in the Program. CBLA notes that the above points also strongly support that the City of Los Angeles is the proper lead agency, not Metro.

Furthermore, the MOA states that Metro shall have the right to amend, modify, update, or replace structures “from time-to-time in order to develop the TCN Program.” However, these future changes are an admission of a shifting and uncertain project description which is improper under CEQA. Future unknown program modifications make it impossible to evaluate the Program’s true environmental impacts. (See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193: “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”) The TCN Program must be fully fleshed out with a stable and finite project description before the EIR may be certified.

The Metro Program, driven by an agency outside of the City, presents a serious challenge to the City’s enforcement powers and places the 2002 Sign Ordinance and its ban on new billboards at significant risk. The courts have been clear that new off-site signage can only be permitted within regulated Sign Districts in a manner that does not conflict with the ban’s purpose to reduce visual blight and improve community aesthetics and traffic safety (See *World Wide Rush v. City of Los Angeles* and *Vanguard Outdoor, LLC v. City of Los Angeles*, 648 F.3d 737 (9th Cir. 2011).)

Because the courts have given the City very strong direction that defines the City’s rights to regulate off-site signage under the City’s 2002 Sign Ordinance, which includes a ban on new billboards, the adoption of the TCN Program requires adoption of a City Ordinance consistent with the court’s directives. This is an especially important point for newly elected Los Angeles City Councilmembers to consider and comment on before Metro takes further action.

Finally, once mitigation measures are adopted, it is unclear as to whether Metro has the ability and expertise to enforce them.

Metro’s TCN Program Constitutes Piecemealing

By permitting changes to the locations of structures after completion of the FEIR as noted in Section 3.1.2 of the Program Memorandum of Agreement, it is evident that the entire TCN Program has not been presented to the public during CEQA review – the TCN Program is being piecemealed in its presentation.

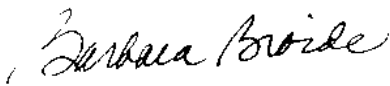
More importantly, CBLA is aware that Metro seeks to implement the Program in other municipalities across the region. This constitutes improper piecemealing under CEQA, which

CBLA

forbids breaking a larger project up into smaller pieces. (CEQA Guidelines, § 15378.) The Program is not limited to the City of LA. But CEQA mandates that the “whole of the action” be evaluated during environmental review of this project, not only the incomplete portion now being presented as if it were the whole project. The TCN Program’s impacts to the entire project area must be evaluated, not only the Los Angeles component’s impacts.

For all of the reasons stated above and those in our prior letters, we urge the Board to pull the item from consent and send it back for additional consideration and to address not only our concerns, but the concerns of newly elected Los Angeles Councilmembers and the Mayor.

Thank you for your consideration,



Barbara Broide
Co-President



Wendy-Sue Rosen
Co-President

cc:

Los Angeles Mayor Karen Bass
City Attorney Hydee Feldstein-Soto
Councilmember Eunisses Hernandez
Councilmember Katy Yaroslavsky
Councilmember Traci Park
Councilmember Hugo Soto-Martinez
Councilmember Tim McOsker

Attachments:

- A. Scenic Los Angeles Letter
- B. Channel Law Letter
- C. Metro Bulletin
- D. Letter from CM Koretz
- E. Letter from CM Bonin
- F. Email from CM Ramin
- G. Metro Board Memo

EXHIBIT A

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

November 30, 2022

VIA ELECTRONIC MAIL

Board
Los Angeles County Metropolitan Transportation Authority
Board Administration
One Gateway Plaza
MS: 99-3-1
Los Angeles, CA 90012
Email: BoardClerk@metro.net

RE: AGAINST ITEM # 13 (2022-0695) - Certification of the Final Environmental Impact Report for the Transportation Communication Network (SCH# 2022040363)

Dear Board Members:

This firm represents the Coalition for a Scenic Los Angeles (“Scenic LA”).¹ As detailed in this comment letter, the Final Environmental Impact Report (“FEIR”) for the Transportation Communication Network (“TCN”) (“Project” or “proposed Project”)² is fatally flawed and must be revised and then recirculated for additional public comment and review. In addition, Metro’s process is also fatally flawed and does not comply with the requirements of the California Environmental Quality Act (“CEQA”).

¹ The Coalition for a Scenic Los Angeles, currently in the process of a name change to Coalition for a Beautiful Los Angeles, is a non-profit organization dedicated to protecting and enhancing the city's visual environment through education and political action on behalf of many important issues, including: reducing visual blight from billboards and other forms of commercial signage to promote traffic safety and improve public health; preserving urban forest and open space; establishing federally-recognized Scenic Byways; undergrounding utility lines; treating our scenic resources as treasures to be passed on to future generations; promoting equitable public policies to accomplish those goals.

² The Draft and Final EIRs are available at:
<https://www.dropbox.com/sh/713vzv99twvyo2/AACpUEXTf80X3bLjEuk2TQ4da?dl=0>

1.0 INTRODUCTION

As described in Metro's findings of fact, the proposed:

Project would include the installation of up to 34 Freeway-Facing TCN Structures and 22 Non-Freeway Facing TCN Structures on Metro-owned property. The total amount of TCN Structure digital signage would be a maximum of approximately 55,000 square feet. The TCN Program would also include the removal of at least 110,000 square feet (2 to 1 square footage take-down ratio) of existing off-premise static displays within the City. The new TCN Structures would use intelligent technology to improve roadway efficiency and increase public safety and communication, while also generating advertising revenue for both Metro and the City.

As noted on DEIR page II-18, the proposed Project requires the following discretionary approvals:

- City adoption of Ordinance Amending Chapter 1 of the Los Angeles Municipal Code to authorize TCN Structures (Zoning Ordinance), including takedown requirements; and
- City adoption of any other necessary LAMC and General and/or Specific Plan amendments to provide for the implementation of the TCN Program.
- Issuance of a Coastal Development Permit by the California Coastal Commission and/or City for Site Locations FF-29 and FF-30.
- Other Metro and City discretionary and/or ministerial permits and approvals that may be deemed necessary, including, but not limited to, temporary lane closure permits, demolition/removal permits, grading permits, and sign approvals.

As part of the preparation of the FEIR, Metro conducted the following additional studies which are included as appendices to the FEIR:

- Lighting Study Supplemental Analysis, dated November 14, 2022 prepared by Francis Krahe & Associates
- Biological Resource Supplemental Analysis, dated November 14, 2022 prepared by HDR
- Transportation and Traffic Safety Supplemental Analysis, undated

Metro has failed to provide the public with adequate opportunity to review and comment on this additional analysis.

The proposed Project would result in significant unavoidable aesthetics, cultural resources and land use and planning impacts.

CEQA Requirements for Recirculation of a DEIR

As detailed in this comment letter, the EIR is fatally flawed and must be corrected and recirculated. Section 15088.5 of California Environmental Quality Act (“CEQA”) Guidelines specifies when recirculation of an EIR is required prior to certification. CEQA Guidelines Section 15088.5 states in part:³

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

³ CEQA Guidelines Section 15088.5(e) specifies: A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

2.0 PROJECT HISTORY

Prior to initiating preparation of the EIR, both the City and Metro engaged in actions that predisposed the two agencies to approval of the proposed Project. Prior to initiating preparation of the EIR for this Project, Metro and the City of Los Angeles (“City”) entered into a Privileged & Confidential Memorandum of Agreement (“MOA”) dated January 12, 2022.⁴ Although the agreement specifies CEQA compliance, the agreement and the various actions taken by the two agencies essentially as a practical and financial matter, have committed the two agencies to the Project.⁵ As detailed in *Save Tara v. City of West Hollywood*, 45 Cal.4th 116 (Cal. 2008), which dealt with public-private, rather than public-public agreements:

A CEQA compliance condition can be a legitimate ingredient in a preliminary public-private agreement for exploration of a proposed project, but if the agreement, viewed in light of all the surrounding circumstances, commits the public agency as a practical matter to the project, the simple insertion of a CEQA compliance condition will not save the agreement from being considered an approval requiring prior environmental review. . .

A public entity that, in theory, retains legal discretion to reject a proposed project may, by executing a detailed and definite agreement . . . and by lending its political and financial assistance to the project, have as a practical matter committed itself to the project. When an agency has not only expressed its inclination to favor a project, but has increased the political stakes by publicly defending it over objections, putting its official weight behind it, devoting substantial public resources to it, and announcing a detailed agreement to go forward with the project, the agency will not be easily deterred from taking whatever steps remain toward the project’s final approval.

3.0 METRO FAILED TO PROVIDE NOTICE TO THOSE WHO COMMENTED ON THE DEIR

Metro is acting on both the certification of the FEIR and approval of the proposed Project as a consent calendar item, as shown in **Attachment A**. No notice was provided to our client regarding the either the availability of the FEIR on Metro’s website or that the item would be before the Board on December 1, 2022, despite the fact Scenic LA commented on the DEIR, and specifically requested notification, as shown in **Attachment B**.

⁴ https://clkrep.lacity.org/onlinecontracts/2022/C-139852_c_2-3-22.pdf

⁵ We request that the full history of actions by Metro and the City of Los Angeles regarding this Project be included in the administrative record.

4.0 THE BOARD HAS FAILED TO REVIEW AND CONSIDER THE INFORMATION CONTAINED IN THE FINAL EIR

CEQA Guidelines Section 15090 requires:

15090. CERTIFICATION OF THE FINAL EIR

(a) Prior to approving a project the lead agency shall certify that:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

As demonstrated by the Board Agenda for this Project included as **Attachment B**,⁶ the decision-making body of the lead agency (i.e. Metro's Board) has failed to review and consider the information contained in the Final EIR prior to being asked to approve the Project. Certification of the FEIR is Item 13 on the Board's consent calendar. The agenda item includes:

1. APPROVING the Transportation Communication Network (TCN) Project;
2. CERTIFYING, in accordance with the California Environmental Quality Act (CEQA), the Final Environmental Impact Report (Final EIR) for the Transportation Communication Network, if the Board concludes that it satisfies the requirements of CEQA and reflects the Board's independent judgment following CEQA Guidelines, section 15090;
3. ADOPTING, in accordance with CEQA, the:
 1. Findings of Fact;
 2. Mitigation Monitoring and Reporting Program; and

⁶ The Board Agenda is available at:
https://metro.legistar1.com/metro/meetings/2022/12/2448_A_Board_of_Directors_-_Regular_Board_Meeting_22-12-01_Agenda.pdf

4. AUTHORIZING the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

The only attachments for the agenda item are:

[Attachment A - Locations](#)
[Attachment B - Findings of Fact](#)
[Attachment C – MMRP](#)
[Attachment D - Notice of Determination Presentation](#)

The Board has thus not been presented with a copy of the Final EIR (including the Draft EIR, and the comments and responses) for review and consideration. Metro has therefore failed to proceed in the manner prescribed by law.

5.0 THE RESPONSES TO COMMENTS ARE INADEQUATE

The responses to comments contained in the FEIR are inadequate and fail to address the issues raised. All comments on the EIR are incorporated herein by reference and remain valid. The 851 pages of comments on the DEIR provide substantial evidence, including supporting studies, demonstrating the proposed Project's potential to result in significant impacts not identified in the DEIR, including biological resource, energy, and traffic and bicycle safety impacts. The limited consideration given to the valid issues raised is illustrated by the fact that the DEIR comment period closed on October 24, 2022 and the FEIR was posted to Metro's website on November 15, 2022, demonstrating the hasty manner in which responses were prepared. The FEIR fails to comply with CEQA Guidelines §15088.5(f) which states that "In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues." The FEIR for the proposed Project fails to provide a good faith, reasoned analysis in response to many of the significant issues raised and instead provides conclusory statements unsupported by factual information, or merely reiterates the information contained in the DEIR, which commenters have documented as inadequate. CEQA Guidelines Section 15088 requires:

15088. EVALUATION OF AND RESPONSE TO COMMENTS

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.
- (b) The lead agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public

agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.

- (c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.
- (d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:
 - (1) Revise the text in the body of the EIR, or
 - (2) Include marginal notes showing that the information is revised in the response to comments.

Case law regarding what is required in response to comment reinforces and elaborates on these requirements. The court in *People v. County of Kern*, made the point that the necessity of comments was to prevent "stubborn problems or serious criticism" concerning a project from "being swept under the rug." *People v. County of Kern* (1974) 39 Cal.App.3d 830, 841. The appellate court held that the "failure to respond with specificity in the final EIR to the comments and objections to the draft EIR renders the final EIR fatally defective." *Id.* at p. 842; See also *Cleary v. Cnty. of Stanislaus* (1981) 118 Cal.App.3d 348, 358; *City of Irvine v. Cnty. of Orange* (2015) 238 Cal.App.4th 526, 553.

Respondents failed to respond adequately to comments submitted by members of the public and other agencies, including but not limited to the comments submitted by Scenic LA, the Del Rey Neighborhood Council, Del Rey Residents Association, Scenic America, Travis Longcore for the Audubon Society, and Land Protection Partners. Instead, the responses given to numerous comments regarding the Project's impacts were

dismissive, conclusory, evasive, confusing, merely reiterated information in the DEIR, or were otherwise non-responsive, contrary to the requirements of CEQA.

By failing to provide adequate responses to public comments and proposed alternatives, Metro has failed to proceed in the manner required by law. Moreover, Metro's finding that adequate responses to comments were provided is not supported by substantial evidence.

6.0 IMPROPER RELIANCE ON PROJECT DESIGN FEATURES WHEN MAKING IMPACT JUDGEMENTS HAS RESULTED IN AN UNDER-IDENTIFICATION OF IMPACTS

The EIR for the proposed project understates Project impacts, by improperly relying on Project Design Features ("PDFs") which are in fact mitigation measures, as a basis for concluding that Project impacts are less than significant. For example, AES-PDF-1 in the Mitigation Monitoring Plan is clearly a mitigation measure as it specifies:⁷

Project Design Feature AES-PDF-1: State of the art louvers or other equivalent design features shall be incorporated into the design of TCN Structures FF-13, FF-14, FF-25, FF-29, and FF-30 such that the light trespass illuminance at sensitive habitat at the proposed Bowtie State Park, at the mapped biological resources in the vicinity of TCN Structure FF-25, and at the Ballona Wildlife Reserve to the south of the Marina Freeway, west of Culver Boulevard, do not exceed 0.02 footcandles.

In *Lotus v. Dep't of Transp.* (2014) 223 Cal.App.4th 645 (*Lotus*), the court found that an EIR violated CEQA by incorporating proposed mitigation measures into the description of the project, and then basing its conclusion of less-than-significant impacts in part on those mitigation measures. This is exactly what has been done in the EIR for the proposed Project. The court found that this improperly compressed the analysis of impacts and mitigation measures into a single issue.

In *Lotus v. Dep't of Transp.* (2014) 223 Cal.App.4th 645 (*Lotus*), Caltrans was found to have certified an insufficient EIR based on its failure to properly evaluate the potential impacts of a highway project. The *Lotus* court found that Caltrans erred by:

. . . incorporating the proposed mitigation measures into its description of the project and then concluding that any potential impacts from the project will be less than significant. As the trial court held, the "avoidance, minimization and/or mitigation measures," as they are characterized in the EIR, are not "part of the project." They are mitigation measures designed to reduce or eliminate the damage to the redwoods anticipated from disturbing the structural root zone of the trees by excavation and placement of impermeable materials over the root zones. By compressing the

⁷ See also GEO-PDF-1 and NOI-PDF-1.

analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA. (*Lotus v. Dep't of Transp., supra*, 223 Cal.App.4th at pp. 655–656, *emph. added*.)

The court ordered Caltrans' certification of the EIR be set aside, finding:

[T]his shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation. It precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences. The deficiency cannot be considered harmless. *Ibid.*

(*Id.* at 658.)

The FEIRs improper reliance on Project Design Features is highlighted in the Responses to Comments. Topical Response 3 – Biological Resources in discussing the impact of project lighting on biological resources states in part on FEIR page II-22: “Additionally, Project Design Feature AES-PDF-1 was included to require the incorporation of louvers or other equivalent features at Site Locations FF-13, FF-14, FF-25, FF-29, and FF-30 to reduce lighting levels to 0.02 fc, which is well below the more stringent standard for LZ1 set forth under CALGreen.”⁸ This is clearly a mitigation measures required at specific sites as illustrated by response to comment 24-20 which states:

In addition, with the implementation of Project Design Features and Mitigation Measures, lighting impacts would be well below the LAMC threshold (3.0 fc) and below the CALGreen standards (0.74 fc). As such, lighting impacts would be minimized based on these specific quantitative parameters such that they would not result in significant impacts.

The EIR thus understates impacts in the same way that happened in *Lotus*. Under CEQA, significance determinations must be made without consideration of avoidance, minimization, and/or mitigation measures. The EIR for the proposed Project has violated this precept and has thus understated and failed to identify impacts. The EIR is therefore fatally flawed and all of the impact determinations which rely on PDFs must be redone. This fatal flaw must be corrected and the EIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4).

⁸ See also for example FEIR pages II-25, 43, 64, 65, 72 and 75.

7.0 THE FEIR CONTAINS NEW INFORMATION REQUIRING RECIRCULATION

As noted above, the FEIR includes three new technical appendices to the EIR which were not made available to the public for review during the public comment period. New Appendix B.2 – Lighting Study Supplemental Analysis reveals that the proposed Project has been modified to address significant impacts which the DEIR failed to identify. Page three of that appendix for example states:

To reduce light trespass at the Ballona Wetlands from the Signs, **louvers are added** to both faces of Signs FF-29 and FF-30 to confine the light emission to a narrow cone, preventing light spill to the Ballona Wetlands. In addition, the Sign NFF-29 faces are oriented 12.5 degrees north toward the SR 90 freeway and **Sign FF-30 is moved north by approximately 25 feet**. The diagram of Sector 33 in Study Appendix B is revised in Figure 2 below which reflects the precise orientation and location of the Signs. Updated Table 9 is included in this Memo to reflect the light trespass illuminance at VP-29A **incorporating all Sign clarifications**. The result of the updated calculation is a maximum light trespass illuminance value of 0.02 fc at VP-29A as indicated in Updated Table 9 below. (Emphasis added).

The FEIR thus includes mitigation for light impacts at this location, which the DEIR failed to identify. Rather than identify the new mitigation to address the undisclosed impact as mitigation, the FEIR refers to these mitigations as “Sign clarifications.” FEIR Chapter III, including pages III-2 to III-3 further demonstrate that modifications have been made to the Project to address significant impacts that were not identified in the DEIR, with the addition of louvers to Site Locations FF13, FF-14, FF-25, FF-29 and FF-30 and application of Project Design Feature AES-PDF-1 to these sign sites.

The EIR needs to be recirculated to both identify the impact and to allow public comment and review of the new mitigation measures/project changes.

8.0 IMPROPER DEFERRAL OF MITIGATION AND/OR INFEASIBLE MITIGATION

The following mitigation measures demonstrate that Metro has improperly deferred analysis of potential project impacts. They also constitute examples of improper deferral of mitigation and/or ineffective mitigation:

- Mitigation Measure HAZ-MM-2
- Mitigation Measure HAZ-MM-3

9.0 CONCLUSION

In this letter and its attachments, we have provided substantial evidence regarding defects in the FEIR. We have also identified defects in the CEQA process. The FEIR needs to be corrected and these issues and the issues raised during the DEIR public comment period properly addressed and the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5. Please include this firm on all notices regarding this Project.

Regards,

A handwritten signature in black ink, appearing to read "J. Hall", is written below the text "Regards,".

Attachments:

- A. Board Agenda – December 1, 2022
- B. Proof Notice Was Requested

EXHIBIT B



October 24, 2022

Attn: Shine Ling, Development Review Team
Metro Transportation Authority
One Gateway Plaza, Mail Stop 22-9
Los Angeles, CA 90012
Transmitted via email to: tcn@metro.net

Re: Metro Transportation Communications Network Program Draft EIR
City of Los Angeles Council File #: 22-0392

Dear Metro Development Review Team:

The Coalition for a Scenic Los Angeles ("Scenic LA")¹ submits the following comments and questions (see Question Appendix) in response to the Los Angeles County Metropolitan Transportation Authority ("Metro") Transportation Communications Network ("TCN") Program ("Project or TCN Program") Draft Environmental Impact Report ("DEIR" or "Draft EIR") on behalf of our 20,000 members. Scenic LA is the leading voice dedicated to the enhancement and protection of the visual environment of the greater Los Angeles area.

According to the Draft EIR, Metro proposes to implement the TCN Program, which would provide a network of structures with digital displays ("TCN Structures") that would incorporate intelligent technology components to promote roadway efficiency, improve public safety, augment Metro's communication capacity, and provide for outdoor advertising revenues. Implementation of the Project would include the installation of up to 34 Freeway-Facing TCN Structures and 22 Non-Freeway Facing TCN Structures all on Metro-owned property. The total maximum amount of digital signage associated with the TCN Structures would be up to approximately 55,000 square feet. As part of the TCN Program, a takedown component would be implemented at a 2 to 1 square footage takedown ratio of existing off-premise static displays. Signage to be removed would include, at a minimum, approximately 200 off-premise static displays located within the City of Los Angeles ("City").

Metro's TCN Program promises to improve traffic safety and congestion, reduce the amount of outdoor advertising in the City, and raise revenue to fund new Metro programs. These goals may appear laudable, but the first two are unsupported by fact-based evidence, and the efficacy of the third is both uncertain and far outweighed by the negative impacts of the Project, which

¹ The Coalition for a Scenic Los Angeles, formerly the Coalition to Ban Billboard Blight, is a non-profit organization dedicated to protecting and enhancing the city's visual environment. A chapter of the national non-profit organization, Scenic America, the Coalition for a Scenic Los Angeles advocates through education and political action on behalf of many important issues, including: reducing visual blight from billboards and other forms of commercial signage to promote traffic safety and improve public health; preserving urban forest and open space; establishing federally-recognized Scenic Byways; undergrounding utility lines; treating our scenic resources as treasures to be passed on to future generations; promoting equitable public policies to accomplish those goals.

include creating traffic hazards, degrading the City's visual environment, and greatly increasing the exposure of a captive audience of children and adults to commercial advertising of products and services that studies have shown have deleterious effects on physical and mental health.

The DEIR fails to adequately examine these impacts and arrives at faulty conclusions regarding their significance. The DEIR is inadequate because its conclusions are not supported by substantial evidence. The City of Los Angeles and Metro must therefore reject these conclusions, for the reasons that follow:

IV.A. Aesthetics

The Project proposes to place 34 digital billboard structures along eight Los Angeles freeways. All but one are 672 sq. ft., the size of a standard full-sized billboard. Most are double-sided. The heights of the signs range up to 95 ft. above grade, and 50 ft. above the adjacent roadway. The result is 62 freeway-facing sign faces with a total of 42,192 sq. ft. of advertising and public message space. The Project also proposes to place 22 primarily double-sided digital billboard structures along 16 different commercial streets. These signs range in size from 300 sq. ft. to 672 sq. ft. and from 30 to 65 ft. above grade. The result is an additional 35 non-freeway-facing sign faces with a total of 12,732 sq. ft. of advertising and message space.

By any measure, Metro's proposed digital signs are an assault on the visual landscape of the City, which is a public resource and not "owned" by commercial advertisers. As a comparison, between 2006 and 2008, two billboard companies were allowed to convert 101 full-sized conventional billboards on City streets to digital. The result was a public outcry over the intrusion of bright, distracting, ever-changing advertisements in communities that had successfully fought for the City's 2002 ban on new off-site advertising signs. The City Council recognized that digital billboards were uniquely intrusive visual elements, and banned any new digital billboard conversions. All but two of the digital billboards were turned off by court order, a state in which they remain today.

The DEIR ignores this history in concluding that the visual impact of the Project would be less than significant, with the exception of five cases where the billboards are close to or within historic resources and/or districts. The billboard locations are only shown through aerial renderings (there are no photographs or drawings/maps specific enough to show the setting or exact location of structure placement), which provide almost no information about the visual impact on the near and distant landscape, including residential properties. The DEIR is therefore inadequate as an informational document, as it fails to provide sufficient information to allow decisionmakers and members of the public to fully and accurately evaluate visual impacts of the Project. Even more egregious, the renderings of actual billboards are shown in the daylight (when contrast between the sign and its background is least evident) against a backdrop of blue sky with a few scattered clouds. One is left to guess how such a sign would appear against a backdrop of buildings or the trees and parks and mountains that make up such a notable part of the Los Angeles landscape.

The DEIR asserts in its "Impact Analysis" that views of the Santa Monica, Verdugo, and San Gabriel Mountains from the freeways slated for new digital billboards are "intermittently available." There is no effort to define "intermittent" or to explain why a billboard rising 50 ft. into the air above the roadway would not intrude upon such views, regardless of how long such views were available. In fact, anyone familiar with travel on these freeways can attest that views of mountains and other natural features of the landscape are "available" to people in vehicles for extended periods of time. The conclusion that a full-sized digital billboard high in the air with commercial ads changing every 8 seconds has a less than significant impact on the surrounding natural landscape of the City is completely unwarranted.

As a specific example, the DEIR asserts that impacts on views of the Ballona Wetlands adjacent to the SR-90 freeway wouldn't be significantly impacted by two, double-sided digital billboards 80 feet above grade because such views would be transitory. This apparently assumes that a view has value only if the viewer is stationary, but the DEIR presents no evidence or argument in support of this assumption. The DEIR also asserts that impacts of views of concrete-lined sections of the Los Angeles River are insignificant because the City of Los Angeles doesn't consider that section of river a scenic resource. This statement displays either ignorance or willful disregard of the City's Los Angeles River Revitalization project, which envisions park space, trees, and other amenities along that part of the river, and will clearly make it an important visual resource. Full-sized, digital billboards within 300 ft. of that channel would clearly impact the scenic views of that section of the river once that project becomes reality. The correct environmental baseline for the Project is the future condition including park-related amenities.

The DEIR concludes that impacts of light and glare from the proposed billboards are less than significant. The conclusion is based on a prediction that light trespass from a particular digital sign on the nearest residential property will not exceed the 3.0 footcandles limit set forth in the Los Angeles municipal Sign Ordinance. This measure is widely considered outmoded when applied to digital signs, because it doesn't adequately reflect the visual impact of such signs. When digital billboard conversions started appearing in Los Angeles in 2007, the City began receiving complaints from residents about the effect of the signs near their homes and apartments, especially at night. Yet, in almost every case when the City responded to such complaints, the light from the sign measured at that residential property line was under the 3.0 foot-candles limit. This phenomenon is related to the brightness of the surface of the sign as viewed from a distance, as well as the effect of advertisements changing (typically, every 8 seconds). This creates a flickering effect that many residents likened to that of a TV in a darkened room, the brightness changing every time the advertisement changes. This phenomenon is highly disturbing to affected residents even when signs don't rise to the level of a violation of a city ordinance.

As one example in the TCN Program, a full-sized, double-sided sign along the I-405 freeway at Exposition Blvd. would be within 100 ft. of a large, 4-story apartment building. Residents of apartments with windows oriented toward that sign would certainly suffer from the light effects, and may have to resort, as some residents did in the past, to buying blackout curtains. The DEIR makes no attempt to analyze such impacts on that residential property or any other that

may afford views of the TCN signs, but simply dismisses any light and glare impacts as insignificant.

It is notable that the digital sign standards for brightness originally enacted by the City in 2009 were part of an ordinance initially considered entirely exempt from review.² Ordinance number 180,841, which sets the City's regulatory standards for digital billboard brightness was ultimately adopted based on a negative declaration (ENV-2009-0009-ND) that simply assumed the brightness regulations were sufficient to avoid any environmental impacts. Moreover, in recommending the adoption of the negative declaration to justify the ordinance including the brightness limitations, then-Director of City Planning S. Gail Goldberg, AICP, noted that "**The proposed new citywide sign regulations included a ban on new off-site signs, including new off-site digital displays...**"³ The digital sign brightness standards adopted as part of LA Ordinance 180,841 were thus never intended to apply to the present situation, and the potentially significant impact of digital signage at or near freeways and other roadways, particularly where they impact a visual resource such as a park or river have never been reviewed by the City. The City has not adequately justified its use of the chosen threshold, which was never studied to determine whether it is sufficient to avoid potentially significant environmental impacts.

The DEIR concludes that the TCN Program will improve aesthetics in the City because it will require the removal of existing billboards at a 2:1 ratio to the new digital signs, calculated on the square footage of the signage space. This conclusion is totally unwarranted. The DEIR provides no information about the location of the signs, only stating that many "are in a state of disrepair." In the first place, comparing a brand-new, full-sized digital billboard on a freeway or commercial corridor to an existing static billboard is an extreme case of comparing apples and oranges. Beyond the difference in light effects already discussed, a digital billboard generates much more revenue than a static billboard and thus is much more valuable. That revenue is related to the volume of traffic, or potential "eyeballs" on a given advertisement. Thus, a TCN sign on the I-405 freeway, which carries more than 300,000 vehicles a day, would have an aesthetic impact far greater and be many multiples more valuable than a static billboard likely in a state of disrepair at some unknown location on a city street.

These disparities have been recognized by the Los Angeles City Planning Commission, which adopted a revised Sign Ordinance (currently pending with the City Council) that allows new digital off-site signs in special sign districts only if existing static billboards in the City are removed at a ratio of 10:1, based on square footage of signage area. Other cities in the country have imposed similar "takedown" ratios as part of allowing new digital billboards. Thus, for the TCN Program to have anything approaching a meaningful positive impact on the City's aesthetic environment, the takedown ratio would have to be dramatically increased.

² See ENV 2009-0009-CE, available as part of City of Los Angeles Council File 08-2020, available at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=08-2020>.

³ Los Angeles Director of Planning S. Gail Goldberg, Aug. 5, 2009 letter to Los Angeles City Attorney Carmen Trutanich, p. 2, included as an exhibit to LA City Attorney Carmen Trutanich's August 5, 2009 report to the City Council, available at: https://clkrep.lacity.org/online/docs/2008/08-2020_rpt_atty_8-5-09.pdf (see pdf p. 8).

Additionally, the DEIR is silent on the issue of the legality of the billboards to be removed as part of the TCN Program. In 2013, an inventory by the Los Angeles Department of Building and Safety revealed that more than 800 existing billboards had either been erected without permits, or altered (typically enlarged, raised, or had a second face added) in violation of their permits. In 2015, City Attorney Mike Feuer wrote a formal letter to the City Council's Planning and Land Use Management Committee stating his office's readiness to bring legal action against the owners of those billboards, but the Committee never approved a request by Building and Safety for inspectors and funding to proceed with that enforcement effort. It would be a travesty for unlawful billboards to be counted against the TCN Program's takedown requirement, regardless of the ratio. Unless billboards in those categories are excluded from the Project's takedown of existing billboards, the DEIR's conclusions about the billboard takedown's impact on aesthetics are based on fallacious information and an improper environmental baseline and cannot be relied upon.

IV.E. Energy

The conclusion that cumulative impacts related to energy use are less than significant is not supported by substantial evidence. The total electricity consumption of the TCN Program is estimated to be 3,288,690 kWh per year. In comparison, the U.S. Energy Information Administration estimates the average household's electricity use at 11,000 kWh per year. Thus, the Project's electricity use would be the equivalent of 298 households. The DEIR estimates a savings of 1,000,000 kWh per year from the takedown of existing billboards, but provides no evidence, such as DWP utility charges, to support this. In any case, the assertion that electricity used to illuminate 110,000 sq. ft. of static billboard space in nighttime hours is nearly one-third the amount used to operate 55,000 sq. ft. of digital signage operating 24 hours per day is unsupported by substantial evidence and may not be relied upon.

The conclusion that the Project's annual increase of 514 metric tons of carbon dioxide is less than significant is also doubtful. The U.S. Environmental Protection Agency estimates the average greenhouse gas emission by an average gasoline powered passenger car to be 4.6 metric tons, meaning the TCN Program's emissions would be equivalent to that of 111 cars. However, the DEIR relies on questionable assumptions. It asserts that overall vehicle emissions would be reduced because messages on the signs regarding traffic conditions and alternate routes in the event of traffic jams would reduce congestion. However, it cites no studies nor does it provide other evidence to support this assertion, which means it must be regarded as guesswork, not substantial evidence.⁴ In fact, amber alert signs on major Los Angeles freeways currently display messages regarding traffic conditions and travel times, calling into question the efficacy of TCN signs for the same purpose. The DEIR also assumes a reduction in emissions due to the fact that static signs slated for takedown require monthly maintenance trips by trucks, whereas changes of messages on the TCN signs can be done remotely. Again, there are no facts and figures to accompany this assertion. Furthermore, the DEIR's statement that many static signs slated for takedown are in a state of disrepair would

⁴ CEQA Guidelines 15384 defines "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion."

seem to imply that no maintenance is currently being performed on those billboards. If that is true, the DEIR's calculations regarding emissions are faulty and its conclusion invalid.

IV.I. Land Use and Planning

The DEIR correctly concludes that two freeway-facing billboards and four non-freeway-facing billboards in the TCN network conflict with official land use policies and thus their impacts are significant in the absence of mitigations, which include relocation and/or removal from the Project. However, the TCN Program in its entirety is in serious conflict with land use policies, for the following reasons:

The TCN Program would violate the City's 2002 prohibition of new off-site advertising signs in letter and spirit. That ban was approved after public outcry over the proliferation of billboards and their negative impacts on the City's visual environment. The City's off-site sign ban was repeatedly attacked in court by billboard companies, but the City ultimately prevailed, with courts holding that the City could limit this form of speech in the interest of improving traffic safety and the City's aesthetic qualities. As previously discussed, billboard companies tried to circumvent this ban by converting static billboards to digital, but the City's right to prohibit those conversions was also upheld by the courts.

In 2009, the City undertook a revision of its Sign Ordinance to strengthen community protections against outdoor advertising and, most importantly, to insure that it would stand up against future legal challenges. After numerous public hearings, the City Planning Commission ultimately approved a revision that restricted any new off-site signs, including digital, to sign districts in 22 intensive commercial areas. As previously stated, that revision is now pending before the Los Angeles City Council.

Because legal questions are so closely entwined with the City's billboard history, it is necessary to look at those questions in light of the Project's land-use impacts. In 2009, the Ninth Circuit Court of Appeals ruled in *Metrolights v. City of Los Angeles* that the City's ad-supported Street Furniture Program was lawful because it was consistent with the goals of enhancing aesthetics and traffic safety. However, the court also said that making exceptions to the off-site sign ban for the primary purpose of raising revenue would render it unconstitutional. The essence of that ruling was reiterated in a number of subsequent lawsuits by sign companies seeking to overturn the off-site sign ban.

This is a critically important point, because it can be persuasively argued that the primary purpose of the Metro TCN Program is to raise revenue, and there is scant evidence that the Project will have a positive effect on traffic safety and aesthetics. The issue of traffic safety will be discussed below; suffice it to say that the studies cited in Section IV.K. Transportation lack credibility, and ample evidence exists to show that large, digital billboards in the line of sight of freeway drivers are distracting and potentially dangerous. As for aesthetic impacts, the DEIR's deficiencies in its analysis have previously been discussed. But in the context of the aforementioned court rulings, one might compare the aesthetic impact of a static advertisement in a street-level bus shelter with a full-sized, brightly-lighted digital billboard 50 feet above the

freeway surface and visible for long distances to upwards of 300,000 vehicle drivers and passengers every day. Once again, the proverbial comparison of apples and oranges.

City history shows that the policy of Los Angeles in the past 20 years has been to severely limit new static and digital billboards. It is likewise obvious that the Metro TCN Program would seriously undermine this policy, and thus its negative impact on land use policies is therefore highly significant and needs to be properly evaluated.

Other land-use goals and policies are undermined by the TCN Program. On September 28, 2022, California Governor Gavin Newsom signed two bills that would essentially allow the building of by-right housing on property zoned for commercial use. Debate on such measures was taking place before and during the preparation of the DEIR, but doesn't include a single word of discussion about how any of the 62 freeway-facing billboards and 35 non-freeway-facing billboards on major commercial corridors might impact future residential developments and their residents. This is a serious omission, and undermines the conclusion that the Project's impacts on residential property would be less than significant.

The DEIR also fails to acknowledge the fact that the City has existing policies to incentivize the construction of housing on commercial corridors. Both the Transit Oriented Communities Program (TOC) and projects built under the Residential Accessory Services Zone Program (RAS) have resulted in additional housing units constructed on some of the City's busiest corridors – some of which are targeted for non-freeway-facing billboards.

Finally, the DEIR asserts that the TCN Program would reduce air pollution by reducing traffic congestion and raising revenue for Metro programs. However, it is silent on the well-documented negative effects of billboard advertising on public health and wellness, which is the subject of the City's "Plan for a Healthy Los Angeles," officially adopted by the City Council in 2015 as an Element of the City's General Plan – part of the City's long-range planning goals.

According to the DEIR, the TCN signs would not carry ads for alcohol, tobacco, or cannabis products, and any content containing violence, obscenities, and "other related subject matters." This leaves such categories as fast food, sugary drinks, and gambling, all of which have been shown to have a deleterious effect on physical and mental health. A 2020 study of billboard advertising in Los Angeles by AdQuick found that McDonald's was the top billboard advertiser in the city. Other fast food purveyors are frequent billboard advertisers, as well as Coca-Cola and other soft-drink brands. Consumption of these products has been shown to contribute to unhealthy levels of obesity throughout the United States.

A 2013 study titled "Outdoor advertising, obesity, and soda consumption: A cross-sectional study," by UCLA researchers found a strong correlation between the percentage of outdoor advertising promoting unhealthy food and beverages and the rate of obesity among residents of 220 census tracts in Los Angeles and New Orleans. Another study titled, "A Cross-Sectional Prevalence Study of Ethnically Targeted and General Audience Outdoor Obesity-Related Advertising" by researchers at UCLA and four other universities, plus the California Department of Public Health, found that low-income and ethnic minority communities in Los Angeles and

three other major cities were disproportionately exposed to outdoor advertising for fast food, soda, and other products that can promote obesity. A third study, titled “Clustering of unhealthy outdoor advertisements around child-serving institutions: A comparison of three cities,” found that unhealthy ads, including those for junk food, were clustered around child-serving institutions in Los Angeles and Philadelphia. The study, conducted by the UCLA School of Public Health, the University of Pennsylvania, the University of Texas, and American University, concluded that zoning and land use regulations should protect children from unhealthy commercial messages, particularly in neighborhoods with racial/ethnic minority populations.

The audience for the TCN Program freeway-facing signs will be everyone in vehicles traveling those freeways, which means people of all ages, ethnicities, and economic status. The audience for the Project’s non-freeway-facing signs will be those same persons, plus people traveling by City bus or taxi, people riding bicycles, and pedestrians. A number of those digital billboards are in lower-income/ethnic minority neighborhoods, and some are near schools and parks. As one example, Non-Freeway-Facing Sign 07 on Venice Blvd. just west of Robertson Blvd. is less than 1/3 mile from Hamilton High School. And this 300 sq. ft. digital sign is near a major transit stop, which means a large number of students could be passing it on their way to and from school. Because all the proposed signs are on Metro property, many are near transit stops where younger persons tend to congregate.

The DEIR is incomplete without an analysis of the Project’s public health impacts in the context of City policies such as the “Plan for a Healthy Los Angeles.” The DEIR acknowledges significant impacts from four non-freeway-facing signs and two freeway-facing signs, but a thorough analysis must examine the potential public health impact of each and every one of the 98 digital billboards that will be advertising commercial products to millions of people, including vulnerable young people and those in communities where access to healthy food, medical care, and other factors, including outdoor advertising, have led to obesity and other unhealthy outcomes.

IV.K. Transportation

The environmental analysis concludes that the TCN Program would not create any significant road hazards. In support of this conclusion, three studies are cited, one by the Federal Highway Administration (FHWA) in 2012, and two by the Foundation for Outdoor Advertising Research and Education (FOARE) in 2007. The FHWA study has been widely criticized as flawed in its methodology and conclusions, and the two FOARE studies cannot be considered credible, since the foundation is an arm of the outdoor advertising industry and has billboard company executives on its Board of Directors.

Scientifically sound studies conducted by independent bodies have found that digital billboards are indeed a distraction to drivers, with statistical evidence showing an increase in accidents in their proximity. These studies are summarized in “Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message Signs” by Jerry Wachtel of the Veridian Group, an independent human factors research firm. In addition to ignoring studies from places such as Florida and Alabama that call into question the safety of digital billboards

on highways, the DEIR flatly dismisses any studies outside the United States, including ones conducted in Sweden and Australia that indicate the hazardous potential of digital signs on highways.

Rather than look at these studies for possible information relevant to analysis of the TCN Program, the DEIR simply dismisses them out of hand on the grounds that the United States has unique roadway characteristics. No evidence is included to support this assertion. Instead, the public is apparently expected to assume that the experience of driving outside the United States is so fundamentally different that even looking at these studies would be a waste of time. This calls into question the conclusions in this section, and the fundamental credibility of the analysis.

The analysis, once again, ignores history. In 2008, former Gov. Arnold Schwarzenegger proposed allowing commercial advertising on “amber alert” message boards on freeways and state highways. The Los Angeles City Council, citing the potential for driver distraction and potential safety hazards, unanimously approved a resolution to oppose the plan, which was eventually dropped. The message boards are closer to motorists’ line of sight than the proposed TCN signs, but it’s certainly relevant that traffic safety concerns were raised by the City’s major legislative body as well as many others.

For these reasons, the traffic safety analysis and the conclusion that impacts are less than significant should be completely rejected.

V. Alternatives

The only alternative that addresses the serious environmental issues discussed above is Alternative 1: No Project Alternative.

According to the analysis, this alternative would mean that none of eight project goals would be realized. A number of those goals concern the broadcasting of information and data to motorists concerning traffic conditions, hazards, and other public safety matters, such as natural disasters. But this data is already being broadcast on CalTrans “amber alert” message boards on major freeways, and that network could be expanded and updated at a fraction of the cost of the proposed TCN Program. The DEIR provides no analysis of the problems that could arise from the mixing of rapidly-changing, brightly-lighted, colorful digital advertisements for products and services with important messages about traffic issues and public safety. During the public debate on the Schwarzenegger proposal, many people said that they tended to tune out billboard advertising, meaning that ads on message boards might have caused them to miss any traffic information and public safety messages. While this is anecdotal evidence, it would certainly seem to warrant consideration and further analysis into the wisdom of mixing two entirely different forms of information. However, the DEIR is silent on this issue.

The most significant goal that would go unrealized by the No Project Alternative is the raising of revenue for Metro and the City of Los Angeles. Indeed, it is clear from the scope of this Project and the amount of commercial advertising it would beam at motorists on Los Angeles streets

and freeways that the revenue source has been, from the very beginning, the major goal of the TCN Program. But should the city put its off-site sign ban in legal jeopardy for the sake of revenue? Should it potentially turn the city freeways and streets over to thousands of new billboards? Should it allow motorists and residents to suffer the adverse effects of distracting signs and the light they emit? Should public health be put at risk in the city's most vulnerable communities? Should public property be used to sell products and services for private businesses? The answer is NO, meaning that the No Project Alternative is the only alternative.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Patrick Frank". The signature is fluid and cursive, with a large initial "P" and "F".

Patrick Frank
Scenic Los Angeles

cc: City of Los Angeles

Question Appendix

IV.A. Aesthetics

Q: Without full disclosure of total ad faces in the Project Description, the Project Description is inadequate. Please update the Project Description and fully analyze all ad faces proposed.

Q: The City Planning Commission has recommended 10 to 1 takedown ratio for sign removal and Metro recommends 2 to 1. What is the basis for the decision to adopt a 2:1 ratio? Why aren't you complying with the City Planning Commission's recommendation?

Q: Provide renderings, both day and night to demonstrate impact of signage and distance of light passage.

Q: In addition to the list of sign locations and map drawings provided in the DEIR, please provide renderings of each sign face in its exact location using photographs that demonstrate the setting, direction, projected light trespass, and location of the proposed structures, the distance from the center of the roadway, the zone for adjacent properties to each sign, and a description of adjacent properties. Please provide site-specific analysis.

Q: Please explain why there has been no disclosure of the total number of ad faces proposed? The total number of proposed sign faces is not referred to in the DEIR anywhere. Why not?

Q: Please define intermittent and please explain why a billboard rising 50 feet above the roadway would not intrude upon the near and distant views from each sign.

Q: The DEIR appears to assume that "freeway-facing" digital billboards will not have an impact on nearby residential properties and fails to evaluate such impacts. Please disclose potential significant impact from freeway-facing sign locations to residential properties and the natural environment nearby.

Q: Please provide research regarding the health impacts of 24/7 light trespass and changing light intensities on nearby residences, people with light sensitive eye conditions, seizure disorders, ADHD, open space, insects and birds.

Q: How can Metro justify a 2:1 takedown in light of the City's recommended 10:1 ratio. Please analyze the difference of Metro's small takedown ratio in contrast to the City's much higher recommended takedown ratio.

Q: How many of the 200 Metro static signs are in a state of disrepair?

Q: How many of the 200 Metro static signs have current permits? How many have no permits on file? How many have been altered and are out of compliance with their existing permits?

IV.E. Energy

Q: Please provide facts and figures to explain the reduction in emissions claimed.

Q: Given the volume of our freeways, what proof can you present that freeway messaging will result in the reduction in greenhouse gasses related to congestion? Might it merely transfer congestion to nearby streets?

Q: What energy savings would be experienced should the digital billboards be shut off nightly between the hours of midnight and 7:00 a.m.?

Q: What studies exist to provide evidence of greenhouse gas reductions as a result of freeway messaging signs?

Q: Please provide data to corroborate the assertion that electricity used to illuminate 110,000 sq. ft. of static billboard space in nighttime hours is nearly one-third the amount used to operate 55,000 sq. ft. of digital signage operating 24 hours per day.

IV.I. Land Use and Planning

Q: You have not taken scenic or natural resources in the siting of these billboards into consideration. There will be impacts to Ballona Wetlands, Sepulveda Basin, etc. Have you analyzed these impacts?

Q: Will you be going to the Coastal Commission for permitting the signs that are located in and will impact the Coastal zone?

Q: How can you prohibit violent and other content (open to interpretation)? That would be a violation of the 1st amendment. The billboard industry is very litigious as the City of LA has experienced.

Q: How do these placements comply with the Highway Beautification Act?

Q: Some of the proposed locations are also proposed for adjacent or nearby housing development? How will the proposed signs impact these future projects and existing residentially zoned areas?

Q: The City of LA has a billboard ban. How will this approval impact the ban and will it make it so the ban cannot be defended in court?

Q: Please provide information about future housing developments that have been and may be proposed for adjacent properties. Please provide information about current housing that will be within the viewshed of proposed signs.

Q: Housing bills recently signed into law by the Governor permitting by-right housing development on commercial corridors, and the City's TOC and RAS programs must be analyzed in relationship to future development in areas where Metro intends to place digital billboards. Housing development is being placed on commercial corridors. The DEIR failed to acknowledge this important fact. Current and future cumulative impacts must be analyzed and the information provided in a recirculated Supplemental EIR.

Q: What legal analysis has been done to assess whether this Project will exceed the court's standard for the City's ability to uphold the 2002 Sign Ordinance and the City's ability to regulate off-site signage. Will the TCN Program undermine or jeopardize the 2002 sign ban in any way?

Q: How will the City, Metro and/or outdoor advertising partners operating the TCN Program define the appropriateness or representations of acceptable violence, obscenities, and "other related subject matters" related to the expression of free speech, especially in light of how litigious the billboard industry is?

Q: Do the proposed sign locations all comply with existing Specific Plans, Community Plans and Scenic Roadway designations as noted in the Mobility Element of the City's General Plan?

Q: The DEIR fails to address cumulative impacts of the TCN Program in the context of other off-site advertising programs currently approved or seeking approval in the City. Cumulative impacts need to be addressed in conjunction with the recently adopted new City Street Furniture Program ("STAP"), and the proposed Interactive Kiosk Experience ("IKE") promoted by the Tourism and Convention Board.

IV.K. Transportation

Q: The traffic safety studies you rely on in the Draft EIR have been debunked. Will you update studies to include those that are relied on by experts in the field?

Q: Please provide accident rates at the proposed billboard locations and if you don't have them, please request necessary studies.

Q: Do any of the proposed sign locations appear at or near locations identified in the LAPD/Vision Zero - High Injury Network?

Q: Please provide evidence to corroborate your statement that vehicle emissions will be reduced as stated. Please review recent traffic study that notes the impact of digital changing traffic safety messaging on traffic indicating that signs tend to slow traffic and contribute to accidents (which also slow traffic). The typical freeway driver in Los Angeles knows well the fact that when a CalTrans digital messaging board has a message posted that drivers slow and often brake thus contributing to traffic slowdowns and artificially created congestion.

Q: Please provide accident records for all locations targeted for digital messaging signs.

Q: Did Metro consider the dangers of placing freeway-facing digital billboards at locations in close proximity to freeway interchanges where drivers are required to change lanes and merge from one route to another?

Q: Do the proposed sign locations comply with the Highway Beautification Act?

Q: Please review additional studies that evaluate driver distraction resulting from the viewing of digital changing messaging on billboards.

EXHIBIT C



Westside NC Land Use/Mobility Committee <wncluc@gmail.com>

Metro Community Relations Newsletter: November 2022

1 message

Metro Community Relations <communityrelations@metro.net>

Tue, Oct 25, 2022 at 3:14 PM

Reply-To: Los Angeles County Metropolitan Transportation Aut <reply-fe8d16727c60007471-348_HTML-401886959-100009697-27030@sfmc.metro.net>

To: wncluc@gmail.com



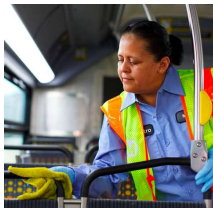
Metro Community Relations Newsletter November Update

This email comes to you once a month, and includes some of the upcoming community meetings, activities, and impacts.



Public Hearing for Proposed Fare Changes

Metro will hold a public hearing on Monday, Nov. 14, at 5pm to get community input on potential fare changes and invites riders to learn more about how they can save under the new structure. Learn more about proposed fare changes by visiting the project website. [More Information](#)



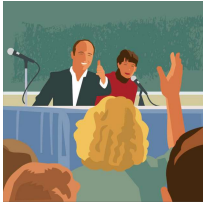
Let's Ride Safely Together

We're committed to providing you with a great experience on Metro. That means a system that's secure and clean, where we treat every rider with care. We have a comprehensive plan that focuses on 3 areas to keep our riders and employees safe. [More Information](#)



Metro Service Councils

Councils advise on planning and implementation of service within their area; call and conduct public hearings; evaluate Metro bus programs related to their service area; review proposed service changes; make policy recommendations to the Metro Board; participate in quarterly meetings with the Metro Chief Executive Officer (CEO), Deputy CEO and management staff. [More Information](#)



I-710 South Corridor Investment Plan

Metro is working on an Investment Plan to identify multimodal transportation projects and programs that will offer mobility options to all who live, work, and visit the corridor. For more information, please visit metro.net/710-hub



Regional Connector

The project team hosted a construction update meeting last week, reviewing upcoming work and provided photos of station progress. View the entire presentation [from this link](#).

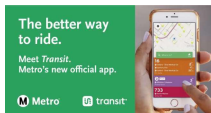


Transportation Demand Survey

Metro is working on policies and programs aimed at increasing the ability to move around the County, reducing traffic, and parking demand. To take part on the Multimodal Mobility Hubs survey, [follow this link](#).

Upcoming Activities

- Purple Line Extension, Section 1, 2, and 3 Construction Update: [November 2 at 12P](#)
- San Fernando Valley Service Council: [November 2 at 6:30P](#)
- LIFE Program Open Enrollment: [November 3 at 9A](#)
- Community Advisory Council: Executive Committee: [November 4 at 12P](#)
- Westside/Central Service Council: [November 9 at 6P](#)
- Eastside Transit Corridor Phase 2 Community Meeting: [November 9 at 6P](#)
- San Gabriel Valley Service Council: [November 14 at 5P](#)
- Public Hearing for Proposed Fare Changes: [November 14 at 5P](#)
- I-5 North Improvement Project: [November 16 at 6P](#)
- Community Advisory Council: General Assembly: [November 16 at 6P](#)
- Central Los Angeles Projects: [November 17 at 12p](#)
- Older Adult Transportation Pop Up in Baldwin Hills: [November 17 at 12:30P](#)



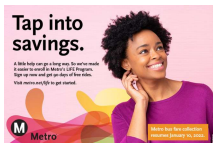
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LA Metro Transit Watch App

See or experience something that needs our attention? The LA Metro Transit Watch app is a quick, easy and anonymous way for you to directly connect to Metro Security anytime. Use the app to report suspicious activity or safety issues. | [Link](#)



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This email was sent to wncluc@gmail.com



Westside NC Land Use/Mobility Committee <wncluc@gmail.com>

Update: Metro Community Relations Newsletter: December 2022

1 message

Metro Community Relations <communityrelations@metro.net>

Wed, Nov 23, 2022 at 9:12 AM

Reply-To: Los Angeles County Metropolitan Transportation Aut <reply-fe9516737761007b71-348_HTML-401886959-100009697-12027@sfmc.metro.net>

To: wncluc@gmail.com



Metro Community Relations Newsletter December Update

This email comes to you once a month, and includes some of the upcoming community meetings, activities, and impacts.



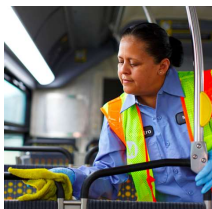
Budget Survey

We're committed to providing you with a great experience on Metro. That means a system that's secure and clean, where we treat every rider with care. We have a comprehensive plan that focuses on 3 areas to keep our riders and employees safe. [More Information](#)



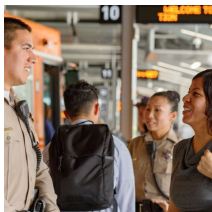
Eastside Transit Corridor Phase 2

The staff recommended Locally Preferred Alternative (LPA) will be presented for adoption to the Metro Board of Directors, on December 1, 2022 at 10am. Selecting the LPA is the key milestone in the project planning process as it is a decision-point that defines the project. [More Information](#)



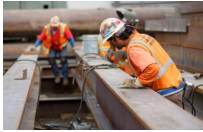
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Public Safety Advisory Committee

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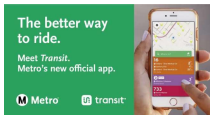
I-5 North County Enhancements Project

I-5 NCEP will conduct multiple weeknight directional freeway closures between SR-14 Calgrove. Northbound directional closures will take place Nov. 29 and 30 from 10pm to 4am, and Southbound directional closures will take place Dec. 1 and 5 from 10pm to 4am. [More Information](#)



Rider Survey Results

As part of our continuing efforts to listen to our riders, Metro's Customer Experience Office recently released the findings of its 2022 Customer Experience Survey. The purpose of the survey is to get direct feedback from our customers to develop an in-depth understanding of who is riding the system, why they ride and how they feel while using the Metro system. [More Information](#)



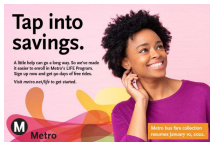
Transit App

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LA Metro Transit Watch App

See or experience something that needs our attention? The LA Metro Transit Watch app is a quick, easy and anonymous way for you to directly connect to Metro Security anytime. Use the app to report suspicious activity or safety issues. | [Link](#)

Upcoming Activities

- Purple Line Extension, Section 1 and 2 Construction Update: [December 7 at 6P \(in person\)](#)
- Community Advisory Council: Executive Committee: [December 2 at 12P](#)
- Los Angeles Aerial Rapid Transit Public Hearing: [December 10 at 10A \(in person\)](#)
- Los Angeles Aerial Rapid Transit Public Hearing: [December 13 at 5P](#)
- I-170 Task Force Meeting: [December 12 at 5P](#)



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Westside NC Land Use/Mobility Committee <wncluc@gmail.com>

January 2023 Events

1 message

Metro Community Relations <communityrelations@metro.net>
To: wncluc@gmail.com

Tue, Dec 27, 2022 at 9:29 AM



Metro Community Relations Newsletter

January Update

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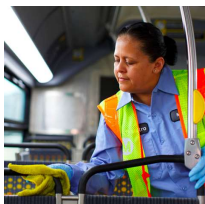


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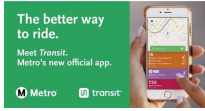
Upcoming Activities

- Purple Line Extension, Section 1 and 2 Construction Update: [January 4 at 1P](#)
- I-170 Task Force Meeting: [January 9 at 5P \(RSVP Required\)](#)
- Los Angeles Aerial Rapid Transit Public Hearing: [January 12 at 5P \(In Person\)](#)
- Central Area Projects Update: [January 19 at 12P](#)



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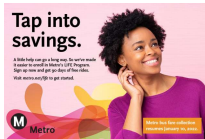
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EXHIBIT D

Committees:

Chair

Personnel, Audits,
and Animal Welfare

Vice Chair

Transportation

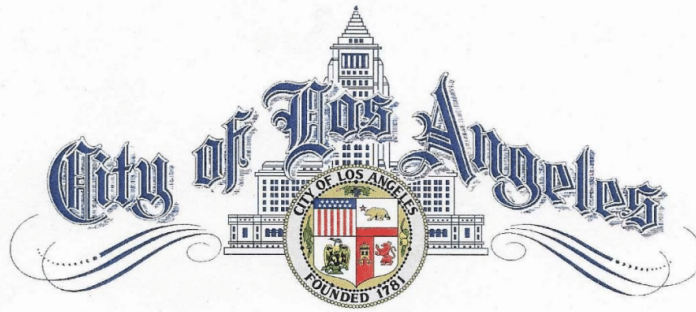
Member

Energy, Climate Change,
Environmental Justice
and River

Public Works

Ad Hoc Committee
on 2028 Olympics
and Paralympics Games

Website: <http://cd5.lacity.org>
Email: Paul.Koretz@lacity.org



PAUL KORETZ
Councilmember, Fifth District

City Hall Office:

200 N. Spring Street
Room 440
Los Angeles, CA 90012
(213) 473-7005
(213) 978-2250 Fax

Valley Office:

15760 Ventura Blvd.
Suite 600
Encino, CA 91436
(818) 971-3088
(818) 788-9210 Fax

West L.A. Office:

6380 Wishire Blvd.
Suite 800
Los Angeles, CA 90048
(323) 866-1828
(323) 852-1129 Fax

October 28, 2022

Metro Board of Directors
One Gateway Plaza
Mail Stop 22-9
Los Angeles, CA 90012

Attention: Shine Ling, Development Review Team

Dear Honorable Board Directors:

REGARDING METRO'S TRANSPORTATION COMMUNICATION NETWORK

I have extreme concerns about the proposed Transportation Communication Network (TCN) Program. The last thing the City of Los Angeles needs is additional digital signs. All advertising signs distract drivers, create visual blight, and lead to injuries and fatalities. There are three proposed TCN Structures (NFF-07, FF-26, FF-28) in Council District Five. While I do believe that Metro should scrap the entire program, I echo the calls of my constituents when I say that, at a minimum, Metro should remove all three proposed TCN Structures from my district.

While the City has allowed digital signage in some instances in exchange for clear and tangible public benefits or streetscape improvements, the proposed TCN program includes no discernible public benefits and I assert will instead degrade the public realm. The City of Los Angeles is not for sale, and extreme exceptions to the City's current sign restrictions should not be granted to allow these advertising displays.

Instead of pursuing this dead-on-arrival proposal, Metro should explore alternatives to meet its project objectives. Such alternatives could include providing Metro's Regional Integration of Intelligent Transportation Systems (RIITS) information to boost roadway efficiency, in addition to other project components, on more traditional signs which do not sell advertising space. Additionally, alternatives should better explore increased buffering from residential uses, reduced brightness, and other mitigation measures as it appears that the proposed locations will have direct impacts on adjacent residential units and other potentially sensitive users.



Metro Board of Directors
October 28, 2022
Page Two

While the Environmental Impact Report (EIR) brings to light certain impacts of the project on the environment, the simple fact is that the negative impacts of this project go far and well beyond the scope of an EIR and California Environmental Quality Act review. The EIR lays out the potential for significant and unavoidable impacts related to Aesthetics, Cultural Resources, and Land Use and Planning. Additionally, the EIR relies on unproven mitigation measures to potentially address significant impacts related to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. There is no way that the undefined potential benefits of this program would possibly outweigh the clear and obvious negative environmental and societal impacts associated with increased digital advertising and increased traffic dangers. I urge you to halt this program as soon as possible.

Thank you for the opportunity to provide comments on this project today.

Sincerely,

A handwritten signature in black ink that reads "Paul Koretz". The signature is written in a cursive, slightly slanted style.

PAUL KORETZ
Councilmember, Fifth District

EXHIBIT E



MIKE BONIN

City of Los Angeles
Councilmember, Eleventh District

June 1, 2022

Shine Ling
Metro
One Gateway Plaza, MS 22-9
Los Angeles, CA 90012

via email: tcn@metro.net

RE: Metro's Transportation Communication Network NOP Comments

Dear Shine Ling,

I write with significant concerns about the breadth and potential impact of Metro's Transportation Communications Network (TCN) project. As described, the TCN would construct a number of digital displays in prominent locations throughout the Los Angeles region. While there are ancillary communication and intelligent transportation system (ITS) elements, the scope and intent of the project is clear: install large digital billboards at highly visible Metro-owned locations for revenue generation purposes.

As a matter of policy and principle, I do not support billboards—especially digital ones. In almost every instance, they are bright, unsightly, and are a blight on the urban environment. In many locations, they pose a distraction to drivers on already dangerous streets and freeways. Proof of their danger is self-evident: if they did not effectively pull drivers' eyes off the road ahead, they would not be valuable for advertising. These are significant impacts that must be analyzed both cumulatively and at individual proposed locations.

In addition to general objections, I have specific concerns about proposed locations of new digital billboards in my district. The locations in West Los Angeles (NFF-14, NFF-15, FF-27, and FF-26) along the Expo Line are either immediately adjacent to or in close proximity to residential dwellings. In fact, the City has worked collaboratively with Metro to plan for transit-oriented housing in these exact areas. While some of this land has underlying commercial zoning, the planned use is residential or mixed-use. Metro's assessment of residential proximity in these locations appears to not consider permitted and/or planned housing. Analysis in the EIR should ensure compatibility with planned and reasonably foreseeable residential use, not just zoning. Furthermore, adequate mitigation measures must include siting, orientation, buffering, and screening from all residential dwellings.

Metro also proposes locations in Del Rey (FF-29 and FF-30) that are immediately adjacent to and will be visible from the Ballona Wetlands Ecological Reserve, the only State Ecological Reserve in Los Angeles County. Metro should seek input from the Department of Fish and Wildlife and analyze the aesthetic and biological impacts to visitors and wildlife of having illuminated advertising in such close proximity to the Ecological Reserve. The Ballona Wetlands

Westchester Office

7166 W. Manchester Boulevard
Los Angeles, CA 90045
(310) 568-8772
(310) 410-3946 Fax

City Hall

200 N. Spring Street, Room 475
Los Angeles, CA 90012
(213) 473-7011
(213) 473-6926 Fax

West Los Angeles Office

1645 Corinth Avenue, Room 201
Los Angeles, CA 90025
(310) 575-8461
(310) 575-8305 Fax



are also a critical coastal resource under the jurisdiction of the California Coastal Commission. Both the resources themselves and the views of those resources from public roads are protected.

Finally, Metro proposes two locations in Westchester with potentially significant aesthetic impacts. One is along Century Boulevard (NFF-17) within the Century Boulevard Streetscape Plan area, which conditions public agencies and private developers to construct improvements within the public right of way whenever a City permit is required. Los Angeles World Airports (LAWA) and commercial property owners have spent millions of dollars—and will spend millions more—to transform Century Boulevard into a gateway to Los Angeles for international visitors. It would not be fair or reasonable for this significant public and private investment in the corridor's aesthetics to be undermined by Metro. The EIR should analyze both the compatibility with and the applicability of the streetscape plan to this project, and propose specific mitigation measures or discontinue consideration of this location.

The second proposed Westchester location (NFF-18) is on the property of the Airport Metro Connector Station, a \$900 million marquee station in Metro's rail network designed by world-renowned architects. Metro would not consider placing a digital billboard in front of Union Station and likewise a digital billboard in this location should be out of the question.

Thank you for your consideration of these comments. If you have any questions, please contact my Transportation Director, Eric Bruins, at eric.bruins@lacity.org.

Regards,

A handwritten signature in black ink that reads "Mike Bonin". The signature is written in a cursive, flowing style.

MIKE BONIN
Councilmember, 11th District

EXHIBIT F

----- Original message -----

From: CD-4

Date: 10/26/22 7:49 PM (GMT-08:00)

To: Wendy-Sue Rosen

Subject: Re: Metro TCN Program

We didn't submit a letter to Metro, but we did put some notes together for the Councilmember when this came up at Council with not much notice. These were some of the main questions in case it's helpful:

- Can the Planning Department or Metro talk through site selection and show us where these digital billboards are going to be located? [equity concerns about overconcentration in certain communities]
- Do we know what types of advertisements will be going up and does the City have any control over that?
- Can we assess the impact of visual blight, especially as it relates to driver and pedestrian safety?
- What is the projected revenue generation and cost split with the City/LADOT and for what type of public improvement projects?
- Can this be modeled as an opt-in program? I believe a couple of council districts are already exempted from the program.

EXHIBIT G



Board Report

File #:2016-0236, **File Type:**Agreement

Agenda Number:44.

**EXECUTIVE MANAGEMENT COMMITTEE
AUGUST 18, 2016**

SUBJECT: OVERVIEW OF BILLBOARD PROGRAM AND REVENUE SERVICES CONTRACT

ACTION: AMEND EXISTING REVENUE CONTRACT WITH ALL VISION LLC

RECOMMENDATION

AUTHORIZE the Chief Executive Officer or his designee to:

- A. AMEND the **existing revenue services contract with All Vision LLC by entering into a Second Amended and Restated Contract** to clarify the terms of such contract and provide Metro with an additional option to develop new digital billboard signs on Metro property; and
- B. EXERCISE the four remaining one-year options to extend the Contract for four (4) years commencing September 1, 2016 and ending June 30, 2020.

ISSUE

Metro has entered into that certain Revenue Services Contract with All Vision LLC (“All Vision”) issued on April 12, 2010, which was amended and restated on November 18, 2013 (“Contract”) whereby All Vision seeks and implements, at Metro direction, opportunities for new revenue from new digital outdoor advertising displays on Metro owned property. In implementing the work, the parties have discovered an alternative development option which is not currently contemplated under the Contract, but which is proving to be a viable option for more than one local jurisdiction. Further, the Contract expires on August 31, 2016 and staff would like to exercise the four remaining one-year options to extend the term of the Contract to June 30, 2020. Exercising the remaining options is in recognition of the extended time and effort likely to implement a program within the City of Los Angeles. Finally, upon review of the Contract, there are provisions that need clarification as detailed below.

Approval to amend the Contract to clarify the terms of the Contract, to include an additional alternate development option, and to exercise the four remaining one-year options to extend the Contract requires Board approval.

OVERVIEW OF BILLBOARD PROGRAM

The Billboard Removal and Relocation Program offers local municipalities and communities the

opportunity to reduce the number of billboards in their communities and to receive public benefits in exchange for the right to place a limited number of digital billboards in locations approved by the local municipality and community. It is an opt-in program, whereby local municipalities and communities can elect to participate. Some of the public benefits that this program offers include the following:

- a) Improved Rail safety;
- b) Revenue Sharing;
- c) Community messaging;
- d) Transit Messaging;
- e) Amber Alerts;
- f) Removal of billboards at undesirable locations;
- g) Increased non-fare box revenue to Metro; and
- h) No public money is used to pay for the removal of billboards.

Many local municipalities have developed ordinances that provide for the removal of static billboards in communities where the municipality and community have determined billboards are no longer appropriate. In connection with the recently completed Metro project in the City of Long Beach, the City required Clear Channel Outdoor (CCO) to remove eleven (11) billboard structures throughout the City of Long Beach, containing 5,376 square feet of billboard panels. This includes the removal of six (6) of the eight (8) structures on Metro property containing 3,288 sq. ft. of billboard area and five (5) structures on private properties that were designated by the City containing 2,088 sq. ft. of billboard faces. The two remaining static panels on Metro property were converted into a two-sided digital structure containing 1,344 square feet of billboard area. The City and the community placed a high priority on the removal of billboards from residential areas.

In addition, the placement of digital billboards allows communities, as well as Metro, to provide real-time public service announcements as part of the signage program. Each municipality and community is presented the opportunity to place signage only in locations that meet their individual safety and aesthetic criteria.

Allvision and Metro staff are continuing to meet with local municipalities to determine if they are interested in opting into this program. Following is a summary of previous Board actions concerning this program:

On January 28, 2010, the Board authorized a 3-year revenue service contract with two 1-year options (for a total of five years) with All Vision to provide management services for new outdoor advertising displays on Metro owned property. The purpose of the Contract was to increase Metro's revenues by optimizing its billboard assets, at no additional cost to Metro.

On May 23, 2013, the Board authorized the CEO to amend and restate the Contract to add five 1-year options to potentially extend the term of the Contract to a total term of 10 years and provide Metro with two options to develop new billboard signs on Metro property with different compensation rates to All Vision depending on the option selected.

At the Board meeting held in December 2015, the Board authorized further changes to the Contract which will be incorporated as part of the Second Amended and Restated Contract contemplated herein to the extent not further modified by the changes requested in this report. These changes

include, without limitation:

- a) Metro will waive the requirement for Allvision to pay \$500,000 in accrued Guaranteed Annual Revenue Payment that was due June 30, 2015;
- b) All Vision will waive reimbursement of \$769,000 in Contractor Expenses;
- c) All Vision will reduce its share of Net Incremental Payment Revenue from 30% to 25% for billboard signs developed under Option 1;
- d) If new billboard signs in the Cities of Long Beach and Carson are successfully completed and generating revenue, as compensation All Vision will receive 25% of Net Incremental Payment Revenue generated from those billboard signs over the next 30 years;
- e) Require All Vision to submit a work plan and budget, subject to Metro staff approval, prior to initiating any entitlement actions for new billboard signs on Metro property; and
- f) if Metro approves a work plan for the City of Los Angeles, New Payment Revenue generated from new billboard signs in the Cities of Downey, Long Beach and Carson shall not be used to reimburse All Vision for its Contractor Expenses associated with the new billboard signs project in the City of Los Angeles unless and until the Guaranteed Annual Payment Revenue which is then owing to Metro has been paid.

After further negotiations, the following additional amendments to the Contract are being requested under this report:

1. Clarify and update certain contract provisions, including, without limitation, integrating the Strategic Plan within the Statement of Work;
2. Add an alternative development option (Option 3) that was not included in the Contract that provides that All Vision will assist Metro staff in negotiating with billboard companies who will obtain entitlements from local municipalities, finance, construct, and operate the digital billboards, at the billboard company's sole cost and expense. All Vision will be required to provide a work plan and budget for any new billboard assets to be developed under Option 3 for Metro staff review and approval. In the event that Metro staff does not approve the work plan and budget for Option 3, Metro staff will direct All Vision not to proceed. This alternative is an option for Metro and will be evaluated on a case-by-case basis. All Vision's compensation for services under Option 3 will also be determined on a case-by-case basis but in no event shall All Vision's compensation exceed 25% of net incremental revenue generated from these projects over the next 30 years if the projects are successfully completed and generating revenue;
3. Exercise the four remaining one-year options thereby extending the term of the Contract to June 30, 2020;
4. Provide that All Vision will submit to Metro staff a proposed work plan and budget for Metro's

review and approval for any potential projects located in the City of Los Angeles within 60 days after execution of the proposed amended contract. All Vision will submit a work plan and budget for sites in other jurisdictions within six (6) months after execution of the proposed amended contract.

5. If Metro staff approves the work plan and budget for the City of Los Angeles, and the City of Los Angeles adopts a Billboard Ordinance, that provides for development of digital billboards on Metro property, any time before June 30, 2020, then All Vision, provided that they are not in default beyond any applicable cure and notice period, will have an additional three years to manage implementation, entitlement, construction and commencement of operations of such New Digital Billboard Sign(s) in the City of Los Angeles and related sales contracts, leases, and/or license agreements;
6. Provide that if Metro approves the City of Los Angeles work plan and budget and the City of Los Angeles project is developed under the new Option 3, All Vision will receive as compensation 25% of the Net Incremental Revenue over the next 30 years plus its share of the Lump Sum Monetization Payment, if any. Further, All Vision's Contractor Expenses, as defined in the agreement, associated with or incurred in connection with the City of Los Angeles project will only be reimbursed from revenue generated from the City of Los Angeles project;
7. Provide All Vision with rights to manage implementation, entitlement, construction and commencement of billboard operations of any New Digital Billboard Signs during the term of the Contract for any billboard location that Metro staff has approved a Work Plan and budget subject to the terms of the approved work plan. If Metro does not approve a particular work plan and budget, then All Vision shall not be authorized to commence work on such project and Metro shall not proceed to implement any billboard projects covered by the unapproved work plan and budget until after June 30, 2020 (or June 30, 2023, with respect to the City of Los Angeles, should an Ordinance be adopted);
8. Provide that All Vision will provide technical assistance with the inspection, review and audit of billboard companies' books and records for each billboard asset put in place under the Contract to affirm that the parties have received their appropriate share of revenue from those billboard companies during the 30 year term of the revenue sharing arrangement;
9. Require that All Vision provide all of the following services, including providing an onsite supervisor of all work, for each new billboard sign constructed on Metro property:
 - Coordinate and schedule each aspect of the development process with Metro real estate, engineering and operation departments
 - Coordinate contractor safety training with SCRRRA and other required agencies
 - Supervise contractors for each site and stage of development work
 - Coordinate boring samples
 - Coordinate site preparation
 - Oversee structure and sign installation
 - Coordinate utility connections

-
10. Provide that after the expiration of the Option 2 billboard warranty contract, the parties will jointly determine whether the Option 2 billboard needs to be replaced. The cost for the replacement of the Option 2 billboard shall be initially paid by All Vision and reimbursed from New Payment Revenue but only after payment in full of Base Annual Payment Revenue to Metro and payment of the Local Jurisdiction Fee.

A summary of the changes already approved in December, 2015 and the changes requested under this report is included in Attachment "A".

Summary of Status of Billboard Program

All Vision has completed a comprehensive review of existing billboards on Metro property. This review included an in-depth analysis of all Metro-owned property and its potential for generating additional revenue from billboard assets. As part of this review and analysis, All Vision (1) reviewed each existing billboard site; (2) investigated local and state ordinances related to billboards; (3) conducted meetings with local municipalities and Metro staff; and (4) prepared a Strategic Plan ("Strategic Plan") for Billboard Advertising on Metro Property.

The Strategic Plan, which was approved by the Board on May 23, 2013, offers Metro the opportunity to permit new digital billboards on its property that will provide the potential for significant increases in long-term revenue. All potential development sites have been reviewed for conformance with federal and state laws, valued for highest and best outdoor advertising revenue opportunity to Metro, and selected for consideration after an initial CEQA assessment and input from the Metro real estate, planning, operations and engineering departments. Proposed locations have been organized into projects by local jurisdiction. All Vision, Metro staff, and, if applicable, the billboard companies, will work with each local jurisdiction that has a Metro project opportunity to obtain the necessary entitlements.

Currently there are 263 outdoor advertising billboards structures ("Billboards") in place on Metro property and rights-of-way in the County of Los Angeles. The locations of the existing billboards on Metro property are shown on Attachment "B". These Billboards were assigned to Metro when the railroad right-of-way was purchased in the early 1990's. Due to lease terminations for transit projects, annual revenue from these Billboard leases has declined over the last several years from approximately \$2.6 million to \$1.2 million.

Meeting with Local Municipalities

All Vision, Metro, and where appropriate, the billboard companies met with the following local municipalities to discuss the proposed digital billboard program: Santa Clarita, Downey, Inglewood, Long Beach, Carson and Los Angeles. All of the municipalities were interested in participating in the digital billboard program because it provides the municipalities the opportunity to eliminate blighted conditions by converting the existing static billboards located in their jurisdiction into fewer new digital billboards that will generate additional revenue to the municipalities.

Following is a summary of the outcomes of each meeting with those municipalities:

1. Downey: Metro and the City of Downey entered into a Development Agreement on August 27, 2013, that provided for the construction and operation of a digital billboard at Metro's Division 4 located at 7878 Telegraph Road in Downey. The billboard was constructed and began operation on January 1, 2015. Metro received \$144,000 for the first year and staff anticipates that the project will generate \$9 million in new revenue to Metro over the thirty-year term of the Development Agreement, including the 10-year extension.
2. Long Beach: The City of Long Beach approved a Conditional Use Permit to Clear Channel Outdoor, Inc. (CCO) that provided for the removal of eight (8) existing static billboards at Division 11 located at 1011 Carson Street in Long Beach and the construction and operation of one two-sided digital billboard. CCO removed the existing billboards on March 13, 2016 and installed the digital billboard. The new digital billboard became operational on July 1, 2016 and that the project will generate \$4.1 million in new general fund revenue to Metro over the thirty-year term of the license agreement with CCO.
3. Carson: CCO is negotiating a development agreement with the City of Carson to provide for the construction and operation of a digital billboard on the Harbor Subdivision and anticipates obtaining City approval during the third quarter of 2016. If the City approves the project, staff will return to the Board for approval of the license agreement with CCO. Staff anticipates that this billboard project will be completed by the end of the fourth quarter of 2016 and will generate \$4.6 million in new general fund revenue to Metro over the thirty-year term of the license agreement with CCO.
4. Santa Clarita: On February 25, 2014, the Santa Clarita City Council approved a General Plan Amendment, Zone Change, Zone Amendment, Development Agreement and three Lease Agreements granting Metro entitlements and the right to use the three proposed billboard development sites for the construction and operation of three digital billboards in exchange for the removal of 118 billboards on Metro property. The Santa Clarita billboard project was never developed due to local opposition.
5. Inglewood: The proposed location in the City of Inglewood is located on the portion of the Harbor Subdivision right-of-way that is being used for the LAX Crenshaw Corridor Project. Metro staff is working with Project staff to develop a timeline for the completion of Project improvements in the vicinity of the proposed location before working with All Vision to initiate contact with City officials to discuss a development agreement.
6. Los Angeles: All Vision and Metro staff have had preliminary discussions with the City of Los Angeles. The City is considering various options for the adoption of a new billboard ordinance. The City of Los Angeles Project offers Metro the greatest potential for new revenue from the conversion of static billboards to digital billboards.

All Vision, Metro, and, if appropriate, the billboard companies will work with each local jurisdiction that has a Metro project opportunity to determine if the municipality is interested in opting into the program.

Even though static billboards will be removed, the potential revenue from the new digital billboard

signs on Metro property that could be generated to Metro ranges from \$89 million to \$111 million over thirty years depending on the number of new sites and the development option selected by Metro for these locations.

Summary

In most cases the income streams generated by the new digital billboard assets are expected to continue for thirty (30) years providing a long-term stable revenue stream. The program will continue to provide productive partnerships with local jurisdictions by converting static billboards within their municipalities with fewer new digital billboards and will allow them, in certain cases to participate in the revenue generated by the new billboard.

In addition, the placement of digital billboards allows communities, as well as Metro, to provide real-time public service information, such as amber alerts, traffic information and other public announcements. Each community is also presented with the opportunity to place signage only in locations that meet their individual safety and aesthetic criteria. Metro is also provided with the right to place Metro ads at no cost on the new billboard.

All Vision has performed significant work and has completed a comprehensive review of all Metro-owned property for the potential for generating additional revenue from billboard assets. All Vision's staff has extensive experience nationally in billboard management, operations, sales, and representing the interest of property owners, making it prudent to continue the All Vision Contract to ensure Metro receives an optimal return on its assets.

DETERMINATION OF SAFETY IMPACT

This Project will enhance rail safety and alleviate a major safety concern. Static paper and/or vinyl billboards have created safety problems during the high wind season as large numbers of these signs have been blown off the billboards and have fallen onto the adjacent railroad tracks, creating significant safety concerns.

FINANCIAL IMPACT

This is a revenue contract and is expected to generate a minimum of \$500,000 in new general fund revenue by June 30, 2020. The Contract has generated approximately \$144,000 in new revenue to Metro through December 31, 2015. Further increases are predicted to begin when development of the new billboard structures are completed. These additional revenues could range from \$2 million to \$10 million over the life of the Contract; however, only the minimum payment is guaranteed.

ALTERNATIVES CONSIDERED

The alternative is to allow the Contract to expire and to revert to negotiating and managing existing billboard leases directly with outdoor advertising companies. This is not recommended as the contractor's experience is particularly valuable in negotiating complex reduction and replacement billboard contracts. The agreement involves no out-of-pocket cost by Metro, relies upon local jurisdictions to voluntarily participate and is expected to produce revenues in excess of those that could be obtained by managing the existing billboard inventory.

Furthermore, All Vision has demonstrated a strong commitment to the billboard program by investing substantial time and resources toward moving the program forward.

NEXT STEPS

The Parties will enter into a Second Amended and Restated Contract which will include the terms and conditions set forth in this report.

All Vision will develop, subject to Metro staff approval, a work plan and budget for potential billboard opportunities. After Metro staff has approved the work plan and budget and selected which Option development of the new billboard will proceed under, All Vision and Metro staff, and, if applicable, the billboard companies will begin working with local municipalities interested in participating in the digital billboard program to obtain the necessary entitlements or identify the next steps for moving forward.

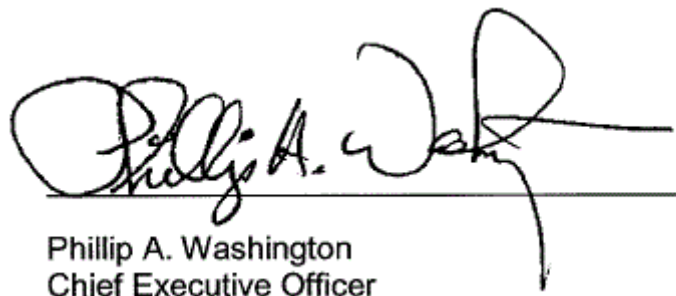
ATTACHMENTS

Attachment A - Summary of Contract Amendment Key Terms

Attachment B - Table of Existing Billboard Locations on Metro Property

Prepared by: Thurman Hodges, Director of Real Property Management and Development,
(213) 922-2435
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(213) 922-2415

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Phillip A. Washington
Chief Executive Officer



Citizens for a Better Los Angeles

January 23, 2023

L.A. Metro Board of Directors
Office of Board Administration
One Gateway Plaza
Los Angeles, California 90012

Re: Approval of Transportation Communication Network (TCN) Program &
Associated Actions
Thursday, January 26, 2023, Agenda Item 7
OPPOSED

Members of the Metro Board,

We are writing to you because we are extremely concerned about the Metro Board's pending actions regarding the Transportation Communication Network (TCN) Program at the meeting on Thursday, January 26, 2023, Item 7 on the agenda. According to the agenda, the Board will consider approving the TCN, certifying the associated EIR, and adopting the findings, in addition to other actions.

Our concerns stem from the following issues:

- The TCN is not a standalone program, but an ongoing Metro program already deployed in other LA area cities
- The label "Transportation Communication Network" has been applied to mislead the public, because the program's primary purpose is to generate advertising revenue
- The EIR is fundamentally flawed due to Metro's misleading and incomplete description of the program
- The EIR's analysis of cumulative impacts is deficient, because the EIR doesn't acknowledge Metro's ongoing use of the program in surrounding cities
- The EIR's project alternatives are fundamentally misleading, failing to consider viable alternatives that could accomplish the objectives by other means

- Additional documents have recently been added as appendices to the Final EIR, without the opportunity for public review
- The EIR does not analyze impacts to the City of LA related to the revision of the LAMC required by the TCN program
- The EIR does not appear to refer to Caltrans' network of Changeable Message Signs, and does not appear to acknowledge that these already accomplish many of the project's goals
- The program will likely violate US and California privacy laws due to the integration of private data collection with Digital Out of Home (DOOH) advertising

The TCN Is Not a Standalone Program, but an Ongoing Metro Program Already Deployed in Other LA Area Cities

We have learned that the TCN is not, as the EIR portrays it, a new program, and that, in fact, it is a continuation of an ongoing program involving the installation of digital billboards that Metro has been engaged in for at least a decade. The EIR appears to deliberately mislead the public by defining the TCN as a project limited to the City of Los Angeles, when in fact the program has been deployed in a number of other cities in Metro's service area, and will no doubt continue to be deployed in more cities in the future.

The Label "Transportation Communication Network" Has Been Used to Mislead the Public, Because the Program's Primary Purpose Is to Generate Advertising Revenue

Metro has deceptively labelled the program the "Transportation Communication Network", when in fact its primary purpose is to allow the installation of digital billboards for the purpose of generating revenue. Metro misleadingly links the collection and dissemination of traffic data with the installation of digital billboards, but the existing Regional Integration of Intelligent Transportation Systems (RIITS) can and has been accomplishing these tasks for years throughout the LA region, and is in no way dependent on the installation of digital billboards.

The EIR is Fundamentally Flawed Due to Metro's Misleading Description of the Program

The EIR process has been fundamentally compromised by Metro's misleading Project Description, which presents the program primarily as a Transportation Communication Network. The deception began with the Notice of Preparation, dated April 18, 2022, which contains the following language:

The Los Angeles County Metropolitan Transportation Authority (Metro) proposes to implement the Transportation Communication Network (TCN) Program (Project or TCN Program), which would provide a network of structures with digital displays (TCN Structures) that would incorporate intelligent technology components to promote roadway efficiency, Improve public safety, augment Metro's communication capability, provide for outdoor advertising where revenues would fund new and expanded transportation programs consistent with the goals of the Metro 2028 Vision Plan, and result

in an overall reduction in static signage displays throughout the City of Los Angeles (City).

To begin with, the RIITS system, which is already in place, accomplishes many of the TCN's stated objectives. The only significant difference is that the TCN project proposes to install digital billboards which will generate revenue. The NOP also states that the Project will, "result in an overall reduction in static signage displays throughout the City of Los Angeles (City)." This promise is a half-truth, and misrepresents the likely ramifications of the Project. While the TCN program promises to remove a greater number of static displays than the number of digital billboards installed, it also required a change to the Los Angeles Municipal Code which removes restrictions on advertising in the public right-of-way. With the removal of these restrictions, advertisers will have greater freedom to install all kinds of advertising structures, which they will surely take advantage of. Metro's promise of a net reduction only takes into account structures installed and removed as part of the TCN program, without acknowledging the probable outcome of the revisions to the LAMC. Metro has no way of knowing how many new advertising structures could appear in the City of LA as a result of this revision to the LAMC.

This deception carries over to the EIR. On page II-1, the EIR's Project Description states the following:

Implementation of the Project would include the installation of up to 34 Freeway-Facing TCN Structures and 22 Non-Freeway Facing TCN Structures all on Metro-owned property. The total maximum amount of digital signage associated with the TCN Structures would be up to approximately 55,000 square feet. As part of TCN Program, a take-down component would be implemented including the removal of at least 110,000 square feet (2 to 1 square footage take-down ratio) of existing off-premise static displays. Signage to be removed would include, at a minimum approximately 200 off-premise static displays located within the City of Los Angeles.
Importantly, the Zoning Ordinance would not authorize any signage beyond the potential 56 TCN Structures on Metro-owned property identified in this Project Description. [Emphasis added.]

This is completely misleading. While the zoning ordinance does not explicitly provide for more than 56 digital billboards on Metro-owned property, it removed restrictions that formerly would have prevented digital billboards in the public right-of-way. The passage of the ordinance will likely lead to a significant number of new digital billboards in the City of LA. The EIR does not acknowledge this, and in fact, gives the impression that implementation of the TCN will lead to a reduction in advertising structures.

On page II-2, the EIR states the following:

The Zoning Ordinance enabling the implementation of the TCN Program would apply solely to the 56 proposed Site Locations for the TCN Structures and any locations for associated sign takedowns.

This is false. The zoning ordinance applies to the entire City of LA. The statement that it only applies to 56 proposed locations for TCN structures is untrue and misleads the public, falsely giving the impression that the scope of the zoning ordinance is strictly limited.

The EIR's Project Description uses euphemisms such as "digital displays" and "TCN structures" rather than using clear language to describe the program for what it is: a program to generate revenue through the installation of digital billboards in public spaces.

The DEIR's Project Description contains the following passage under "(a) Intelligent Technology":

The TCN Structures would be equipped with Metro's Regional Integration of Intelligent Transportation Systems (RIITS), which provides comprehensive, timely, and real-time information among freeway, traffic, transit, and emergency systems, and across various agencies, including Caltrans District 7, the City of Los Angeles Department of Transportation (LADOT), California Highway Patrol (CHP), Foothill Transit, Los Angeles County Department of Public Works, and other local and regional transit agencies, to improve traffic and transportation systems, and to disseminate information regarding roadway improvements, and during emergency events. The additional intelligent technology components of the TCN Program would assist Metro in increasing the quantity and speed of data collection of real time travel/traffic data, processing, and transmission to transportation agencies.

What the DEIR does not acknowledge is that all of these additional intelligent technology components could easily be installed in relatively inexpensive, compact structures that would cause none of the impacts associated with digital billboards. There is already an extensive network of intelligent technology devices, and they are in no way dependent on digital billboards.

The EIR's Analysis of Cumulative Impacts Is Flawed, Because the EIR Doesn't Acknowledge Metro's Ongoing Use of the Program in Surrounding Cities

In general, the EIR's analysis of cumulative impacts is fatally flawed, since the EIR limits analysis to the number of digital billboards to be installed in the City of LA. In fact, for years Metro has been working with other cities, including Downey, Long Beach and Carson, to replace static billboards with digital billboards through its various agreements with Allvision. It's likely that Metro will continue the program in the future with other cities. Please see Metro Board Report, August 18, 2016 "OVERVIEW OF BILLBOARD PROGRAM AND REVENUE SERVICES CONTRACT", File #:2016-0236.

http://boardarchives.metro.net/Items/2016/08_august/EMCItem44.pdf

The document is also included as an attachment.

Because the EIR does not analyze cumulative impacts from other billboards that have been installed in Metro's service area through its relationship with Allvision, the assessment of cumulative impacts is deficient.

The EIR's Project Alternatives Are Fundamentally Misleading, Failing to Consider Viable Alternatives that Could Accomplish the Objectives by Other Means

Aside from the No Project Alternative, the other alternatives simply reduce the number of digital billboards without asking if the project's goals could be accomplished in any other way. In fact, aside from generating revenue, all of the project's goals could be accomplished without the installation of any digital billboards. The existing RIITS network has for years been a widespread, efficient and effective means of gathering and disseminating traffic information. It could easily be expanded to provide all the benefits of the TCN, except for generating revenue. Metro also fails to analyze the possibility of working jointly with Caltrans to expand its existing system of Changeable Message Signs (CMS). This could achieve all of the TCN's goals, except for generating revenue, and would have substantially lower impacts in every area.

Additional Documents Have Been Added as Appendices to the Final EIR, without the Opportunity for Public Review

Additional documents have been added as appendices to the FEIR, but they were not available to the public for review as part of the DEIR. These documents include:

*Draft EIR Appendix B.2
Lighting Study Supplemental Analysis*

*Draft EIR Appendix D.2
Biological Resources Supplemental Analysis*

*Draft EIR Appendix K.2
Transportation and Traffic Safety Supplemental Analysis*

The FEIR claims that these additional appendices address concerns raised by the public, but the public did not have the opportunity to review and comment on these documents. These additional appendices and the EIR sections they relate to should be circulated/recirculated for public review.

The EIR Does Not Analyze Impacts to the City of LA Related to the Revision of the LAMC Required by the TCN Program

In order to implement the TCN program, it was required that the City of LA revise the LAMC to remove restrictions on digital billboards. Again, Metro's analysis of cumulative impacts is flawed, because it only analyzes impacts from the number of digital billboards to be installed as part of the TCN program, without acknowledging the likelihood that the removal of these restrictions will result in private advertising companies installing additional digital billboards. In fact, the revision to the LAMC has already resulted in the approval of the Sidewalk & Transit Amenities Program, which includes not only the installation of digital displays on bus shelters, but also

the installation of digital panels and kiosks. The cumulative impacts of removing the LAMC restrictions against digital advertising must be considered in the TCN EIR, because, as the LACMTA and City of Los Angeles MOA Term Sheet dated March 10, 2021 makes clear, approval of the program was entirely contingent on this change to the LAMC.

The EIR Does Not Appear to Acknowledge Caltrans' Existing System of Changeable Message Signs

The EIR does not appear to acknowledge Caltrans' existing network of Changeable Message Signs, and does not appear to acknowledge that these already accomplish many of the project's goals. Nor does the EIR appear to assess cumulative impacts from the addition of the TCN program. If the CMS already accomplishes many of the objectives of the TCN, then the EIR should examine how any redundancies could be avoided to reduce energy consumption, greenhouse gas emissions, impacts to historic resources, etc..

The Project Will Likely Violate US and California Privacy Laws Due to the Integration of Personal Data Collection with Digital Out of Home (DOOH) Advertising

The collection of personal data from devices such as phones, tablets, etc., is an integral part of Digital Out of Home (DOOH) advertising. The rollout of the TCN program will likely allow advertising companies to collect massive amounts of personal data from unsuspecting citizens.

Column: Billboards that follow you? It's not sci-fi. They're already here

<https://www.latimes.com/business/story/2020-08-25/column-clear-channelbillboards-privacy>

This has grave privacy implications, since it's already known that this information is routinely acquired by data brokers, who make it available to a wide variety of users, including private companies and government agencies.

Data Broker LexisNexis Sued for Helping ICE Target Immigrant Communities

https://www.democracynow.org/2022/8/19/immigrant_rights_groups_sue_data_broker

In short, the TCN program is flawed in numerous respects, and the EIR fails to acknowledge and fails to assess a number of aspects of the program. The City of LA recently approved the Sidewalk & Transit Amenities Program (STAP), which is similarly flawed. CBLA has initiated a legal action seeking to overturn approval of the STAP, including the associated ordinance referenced in the TCN EIR. If the Metro Board approves the TCN, we will be considering all available options to overturn the approval.

Sincerely,
Casey Maddren
Citizens for a Better Los Angeles

**Board Report**

File #:2016-0236, File Type:Agreement

Agenda Number:44.

**EXECUTIVE MANAGEMENT COMMITTEE
AUGUST 18, 2016**

SUBJECT: OVERVIEW OF BILLBOARD PROGRAM AND REVENUE SERVICES CONTRACT

ACTION: AMEND EXISTING REVENUE CONTRACT WITH ALL VISION LLC

RECOMMENDATION

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- B. EXERCISE the four remaining one-year options to extend the Contract for four (4) years commencing September 1, 2016 and ending June 30, 2020.

ISSUE

Metro has entered into that certain Revenue Services Contract with All Vision LLC (“All Vision”) issued on April 12, 2010, which was amended and restated on November 18, 2013 (“Contract”) whereby All Vision seeks and implements, at Metro direction, opportunities for new revenue from new digital outdoor advertising displays on Metro owned property. In implementing the work, the parties have discovered an alternative development option which is not currently contemplated under the Contract, but which is proving to be a viable option for more than one local jurisdiction. Further, the Contract expires on August 31, 2016 and staff would like to exercise the four remaining one-year options to extend the term of the Contract to June 30, 2020. Exercising the remaining options is in recognition of the extended time and effort likely to implement a program within the City of Los Angeles. Finally, upon review of the Contract, there are provisions that need clarification as detailed below.

Approval to amend the Contract to clarify the terms of the Contract, to include an additional alternate development option, and to exercise the four remaining one-year options to extend the Contract requires Board approval.

OVERVIEW OF BILLBOARD PROGRAM

The Billboard Removal and Relocation Program offers local municipalities and communities the

opportunity to reduce the number of billboards in their communities and to receive public benefits in exchange for the right to place a limited number of digital billboards in locations approved by the local municipality and community. It is an opt-in program, whereby local municipalities and communities can elect to participate. Some of the public benefits that this program offers include the following:

- a) Improved Rail safety;
- b) Revenue Sharing;
- c) Community messaging;
- d) Transit Messaging;
- e) Amber Alerts;
- f) Removal of billboards at undesirable locations;
- g) Increased non-fare box revenue to Metro; and
- h) No public money is used to pay for the removal of billboards.

Many local municipalities have developed ordinances that provide for the removal of static billboards in communities where the municipality and community have determined billboards are no longer appropriate. In connection with the recently completed Metro project in the City of Long Beach, the City required Clear Channel Outdoor (CCO) to remove eleven (11) billboard structures throughout the City of Long Beach, containing 5,376 square feet of billboard panels. This includes the removal of six (6) of the eight (8) structures on Metro property containing 3,288 sq. ft. of billboard area and five (5) structures on private properties that were designated by the City containing 2,088 sq. ft. of billboard faces. The two remaining static panels on Metro property were converted into a two-sided digital structure containing 1,344 square feet of billboard area. The City and the community placed a high priority on the removal of billboards from residential areas.

In addition, the placement of digital billboards allows communities, as well as Metro, to provide real-time public service announcements as part of the signage program. Each municipality and community is presented the opportunity to place signage only in locations that meet their individual safety and aesthetic criteria.

Allvision and Metro staff are continuing to meet with local municipalities to determine if they are interested in opting into this program. Following is a summary of previous Board actions concerning this program:

On January 28, 2010, the Board authorized a 3-year revenue service contract with two 1-year options (for a total of five years) with All Vision to provide management services for new outdoor advertising displays on Metro owned property. The purpose of the Contract was to increase Metro's revenues by optimizing its billboard assets, at no additional cost to Metro.

On May 23, 2013, the Board authorized the CEO to amend and restate the Contract to add five 1-year options to potentially extend the term of the Contract to a total term of 10 years and provide Metro with two options to develop new billboard signs on Metro property with different compensation rates to All Vision depending on the option selected.

At the Board meeting held in December 2015, the Board authorized further changes to the Contract which will be incorporated as part of the Second Amended and Restated Contract contemplated herein to the extent not further modified by the changes requested in this report. These changes

include, without limitation:

- a) Metro will waive the requirement for Allvision to pay \$500,000 in accrued Guaranteed Annual Revenue Payment that was due June 30, 2015;
- b) All Vision will waive reimbursement of \$769,000 in Contractor Expenses;
- c) All Vision will reduce its share of Net Incremental Payment Revenue from 30% to 25% for billboard signs developed under Option 1;
- d) If new billboard signs in the Cities of Long Beach and Carson are successfully completed and generating revenue, as compensation All Vision will receive 25% of Net Incremental Payment Revenue generated from those billboard signs over the next 30 years;
- e) Require All Vision to submit a work plan and budget, subject to Metro staff approval, prior to initiating any entitlement actions for new billboard signs on Metro property; and
- f) if Metro approves a work plan for the City of Los Angeles, New Payment Revenue generated from new billboard signs in the Cities of Downey, Long Beach and Carson shall not be used to reimburse All Vision for its Contractor Expenses associated with the new billboard signs project in the City of Los Angeles unless and until the Guaranteed Annual Payment Revenue which is then owing to Metro has been paid.

After further negotiations, the following additional amendments to the Contract are being requested under this report:

1. Clarify and update certain contract provisions, including, without limitation, integrating the Strategic Plan within the Statement of Work;
2. Add an alternative development option (Option 3) that was not included in the Contract that provides that All Vision will assist Metro staff in negotiating with billboard companies who will obtain entitlements from local municipalities, finance, construct, and operate the digital billboards, at the billboard company's sole cost and expense. All Vision will be required to provide a work plan and budget for any new billboard assets to be developed under Option 3 for Metro staff review and approval. In the event that Metro staff does not approve the work plan and budget for Option 3, Metro staff will direct All Vision not to proceed. This alternative is an option for Metro and will be evaluated on a case-by-case basis. All Vision's compensation for services under Option 3 will also be determined on a case-by-case basis but in no event shall All Vision's compensation exceed 25% of net incremental revenue generated from these projects over the next 30 years if the projects are successfully completed and generating revenue;
3. Exercise the four remaining one-year options thereby extending the term of the Contract to June 30, 2020;
4. Provide that All Vision will submit to Metro staff a proposed work plan and budget for Metro's

review and approval for any potential projects located in the City of Los Angeles within 60 days after execution of the proposed amended contract. All Vision will submit a work plan and budget for sites in other jurisdictions within six (6) months after execution of the proposed amended contract.

5. If Metro staff approves the work plan and budget for the City of Los Angeles, and the City of Los Angeles adopts a Billboard Ordinance, that provides for development of digital billboards on Metro property, any time before June 30, 2020, then All Vision, provided that they are not in default beyond any applicable cure and notice period, will have an additional three years to manage implementation, entitlement, construction and commencement of operations of such New Digital Billboard Sign(s) in the City of Los Angeles and related sales contracts, leases, and/or license agreements;
6. Provide that if Metro approves the City of Los Angeles work plan and budget and the City of Los Angeles project is developed under the new Option 3, All Vision will receive as compensation 25% of the Net Incremental Revenue over the next 30 years plus its share of the Lump Sum Monetization Payment, if any. Further, All Vision's Contractor Expenses, as defined in the agreement, associated with or incurred in connection with the City of Los Angeles project will only be reimbursed from revenue generated from the City of Los Angeles project;
7. Provide All Vision with rights to manage implementation, entitlement, construction and commencement of billboard operations of any New Digital Billboard Signs during the term of the Contract for any billboard location that Metro staff has approved a Work Plan and budget subject to the terms of the approved work plan. If Metro does not approve a particular work plan and budget, then All Vision shall not be authorized to commence work on such project and Metro shall not proceed to implement any billboard projects covered by the unapproved work plan and budget until after June 30, 2020 (or June 30, 2023, with respect to the City of Los Angeles, should an Ordinance be adopted);
8. Provide that All Vision will provide technical assistance with the inspection, review and audit of billboard companies' books and records for each billboard asset put in place under the Contract to affirm that the parties have received their appropriate share of revenue from those billboard companies during the 30 year term of the revenue sharing arrangement;
9. Require that All Vision provide all of the following services, including providing an onsite supervisor of all work, for each new billboard sign constructed on Metro property:
 - Coordinate and schedule each aspect of the development process with Metro real estate, engineering and operation departments
 - Coordinate contractor safety training with SCRRRA and other required agencies
 - Supervise contractors for each site and stage of development work
 - Coordinate boring samples
 - Coordinate site preparation
 - Oversee structure and sign installation
 - Coordinate utility connections

-
10. Provide that after the expiration of the Option 2 billboard warranty contract, the parties will jointly determine whether the Option 2 billboard needs to be replaced. The cost for the replacement of the Option 2 billboard shall be initially paid by All Vision and reimbursed from New Payment Revenue but only after payment in full of Base Annual Payment Revenue to Metro and payment of the Local Jurisdiction Fee.

A summary of the changes already approved in December, 2015 and the changes requested under this report is included in Attachment "A".

Summary of Status of Billboard Program

All Vision has completed a comprehensive review of existing billboards on Metro property. This review included an in-depth analysis of all Metro-owned property and its potential for generating additional revenue from billboard assets. As part of this review and analysis, All Vision (1) reviewed each existing billboard site; (2) investigated local and state ordinances related to billboards; (3) conducted meetings with local municipalities and Metro staff; and (4) prepared a Strategic Plan ("Strategic Plan") for Billboard Advertising on Metro Property.

The Strategic Plan, which was approved by the Board on May 23, 2013, offers Metro the opportunity to permit new digital billboards on its property that will provide the potential for significant increases in long-term revenue. All potential development sites have been reviewed for conformance with federal and state laws, valued for highest and best outdoor advertising revenue opportunity to Metro, and selected for consideration after an initial CEQA assessment and input from the Metro real estate, planning, operations and engineering departments. Proposed locations have been organized into projects by local jurisdiction. All Vision, Metro staff, and, if applicable, the billboard companies, will work with each local jurisdiction that has a Metro project opportunity to obtain the necessary entitlements.

Currently there are 263 outdoor advertising billboards structures ("Billboards") in place on Metro property and rights-of-way in the County of Los Angeles. The locations of the existing billboards on Metro property are shown on Attachment "B". These Billboards were assigned to Metro when the railroad right-of-way was purchased in the early 1990's. Due to lease terminations for transit projects, annual revenue from these Billboard leases has declined over the last several years from approximately \$2.6 million to \$1.2 million.

Meeting with Local Municipalities

All Vision, Metro, and where appropriate, the billboard companies met with the following local municipalities to discuss the proposed digital billboard program: Santa Clarita, Downey, Inglewood, Long Beach, Carson and Los Angeles. All of the municipalities were interested in participating in the digital billboard program because it provides the municipalities the opportunity to eliminate blighted conditions by converting the existing static billboards located in their jurisdiction into fewer new digital billboards that will generate additional revenue to the municipalities.

Following is a summary of the outcomes of each meeting with those municipalities:

1. Downey: Metro and the City of Downey entered into a Development Agreement on August 27, 2013, that provided for the construction and operation of a digital billboard at Metro's Division 4 located at 7878 Telegraph Road in Downey. The billboard was constructed and began operation on January 1, 2015. Metro received \$144,000 for the first year and staff anticipates that the project will generate \$9 million in new revenue to Metro over the thirty-year term of the Development Agreement, including the 10-year extension.
2. Long Beach: The City of Long Beach approved a Conditional Use Permit to Clear Channel Outdoor, Inc. (CCO) that provided for the removal of eight (8) existing static billboards at Division 11 located at 1011 Carson Street in Long Beach and the construction and operation of one two-sided digital billboard. CCO removed the existing billboards on March 13, 2016 and installed the digital billboard. The new digital billboard became operational on July 1, 2016 and that the project will generate \$4.1 million in new general fund revenue to Metro over the thirty-year term of the license agreement with CCO.
3. Carson: CCO is negotiating a development agreement with the City of Carson to provide for the construction and operation of a digital billboard on the Harbor Subdivision and anticipates obtaining City approval during the third quarter of 2016. If the City approves the project, staff will return to the Board for approval of the license agreement with CCO. Staff anticipates that this billboard project will be completed by the end of the fourth quarter of 2016 and will generate \$4.6 million in new general fund revenue to Metro over the thirty-year term of the license agreement with CCO.
4. Santa Clarita: On February 25, 2014, the Santa Clarita City Council approved a General Plan Amendment, Zone Change, Zone Amendment, Development Agreement and three Lease Agreements granting Metro entitlements and the right to use the three proposed billboard development sites for the construction and operation of three digital billboards in exchange for the removal of 118 billboards on Metro property. The Santa Clarita billboard project was never developed due to local opposition.
5. Inglewood: The proposed location in the City of Inglewood is located on the portion of the Harbor Subdivision right-of-way that is being used for the LAX Crenshaw Corridor Project. Metro staff is working with Project staff to develop a timeline for the completion of Project improvements in the vicinity of the proposed location before working with All Vision to initiate contact with City officials to discuss a development agreement.
6. Los Angeles: All Vision and Metro staff have had preliminary discussions with the City of Los Angeles. The City is considering various options for the adoption of a new billboard ordinance. The City of Los Angeles Project offers Metro the greatest potential for new revenue from the conversion of static billboards to digital billboards.

All Vision, Metro, and, if appropriate, the billboard companies will work with each local jurisdiction that has a Metro project opportunity to determine if the municipality is interested in opting into the program.

Even though static billboards will be removed, the potential revenue from the new digital billboard

signs on Metro property that could be generated to Metro ranges from \$89 million to \$111 million over thirty years depending on the number of new sites and the development option selected by Metro for these locations.

Summary

In most cases the income streams generated by the new digital billboard assets are expected to continue for thirty (30) years providing a long-term stable revenue stream. The program will continue to provide productive partnerships with local jurisdictions by converting static billboards within their municipalities with fewer new digital billboards and will allow them, in certain cases to participate in the revenue generated by the new billboard.

In addition, the placement of digital billboards allows communities, as well as Metro, to provide real-time public service information, such as amber alerts, traffic information and other public announcements. Each community is also presented with the opportunity to place signage only in locations that meet their individual safety and aesthetic criteria. Metro is also provided with the right to place Metro ads at no cost on the new billboard.

All Vision has performed significant work and has completed a comprehensive review of all Metro-owned property for the potential for generating additional revenue from billboard assets. All Vision's staff has extensive experience nationally in billboard management, operations, sales, and representing the interest of property owners, making it prudent to continue the All Vision Contract to ensure Metro receives an optimal return on its assets.

DETERMINATION OF SAFETY IMPACT

This Project will enhance rail safety and alleviate a major safety concern. Static paper and/or vinyl billboards have created safety problems during the high wind season as large numbers of these signs have been blown off the billboards and have fallen onto the adjacent railroad tracks, creating significant safety concerns.

FINANCIAL IMPACT

This is a revenue contract and is expected to generate a minimum of \$500,000 in new general fund revenue by June 30, 2020. The Contract has generated approximately \$144,000 in new revenue to Metro through December 31, 2015. Further increases are predicted to begin when development of the new billboard structures are completed. These additional revenues could range from \$2 million to \$10 million over the life of the Contract; however, only the minimum payment is guaranteed.

ALTERNATIVES CONSIDERED

The alternative is to allow the Contract to expire and to revert to negotiating and managing existing billboard leases directly with outdoor advertising companies. This is not recommended as the contractor's experience is particularly valuable in negotiating complex reduction and replacement billboard contracts. The agreement involves no out-of-pocket cost by Metro, relies upon local jurisdictions to voluntarily participate and is expected to produce revenues in excess of those that could be obtained by managing the existing billboard inventory.

Furthermore, All Vision has demonstrated a strong commitment to the billboard program by investing substantial time and resources toward moving the program forward.

NEXT STEPS

The Parties will enter into a Second Amended and Restated Contract which will include the terms and conditions set forth in this report.

All Vision will develop, subject to Metro staff approval, a work plan and budget for potential billboard opportunities. After Metro staff has approved the work plan and budget and selected which Option development of the new billboard will proceed under, All Vision and Metro staff, and, if applicable, the billboard companies will begin working with local municipalities interested in participating in the digital billboard program to obtain the necessary entitlements or identify the next steps for moving forward.

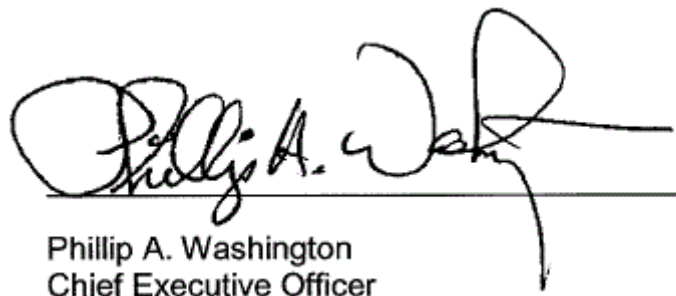
ATTACHMENTS

Attachment A - Summary of Contract Amendment Key Terms

Attachment B - Table of Existing Billboard Locations on Metro Property

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ATTACHMENT A

SUMMARY OF CONTRACT AMENDMENT KEY TERMS

Provisions	Existing Contract	Amendment
Accounting and Expenses	N/A	<p>Contractor Expenses associated with or incurred in connection with the City of Los Angeles project will only be reimbursed from revenue generated from the City of Los Angeles project.</p> <p>All Vision will provide technical assistance with the inspection, review and audit of billboard companies' books and records for each billboard assets put in place under the contract to affirm that the parties have received their appropriate share of revenue from those billboard companies during the 30 year term of the revenue sharing arrangement.</p>
Contract Options	<p>The Allvision contract provides that to the extent that entitlements for new billboard assets have been initiated by Allvision consistent with the approved Strategic Plan and the billboard assets have not commenced operations prior to the end of the Allvision contract, the Allvision contract will be automatically extended for 12 months at a time to allow Allvision to manage implementation, construction, and</p>	<p>All Vision will be required to submit a work plan and budget for Metro approval prior to initiating entitlements on new billboards on Metro property. All Vision will submit to Metro staff a proposed Work Plan and Budget for Metro's review and approval for any potential projects located on the within the City of Los Angeles within 60 days after execution of the proposed amended contract. All Vision will submit to Metro staff a Work Plan and Budget for sites in other jurisdictions within six (6) months.</p> <p>If Metro staff approves the Work Plan and Budget for the City of Los Angeles, then if the City of Los Angeles adopts an Ordinance that provides for</p>

Provisions	Existing Contract	Amendment
Contract Options	commencement of operation of the new billboard asset and related sales, license, and other related agreements.	development of digital billboards on Metro property, any time before June 30, 2020, then All Vision will have an additional three years to manage implementation, entitlement, construction and commencement of operations of such New Digital Billboard Sign(s) in the City of Los Angeles and related sales contracts, leases, and/or license agreements.
Exclusive Rights	N/A	All Vision shall have rights to manage implementation, entitlement, construction and commencement of billboard operations of any New Digital Billboard Signs during the term of the Contract for any billboard location that Metro staff has approved a work plan and budget subject to the terms of the approved work plan. If Metro does not approve a particular work plan and budget, then All Vision shall not be authorized to commence work on such project and Metro shall not proceed to implement any billboard projects covered by the unapproved work plan and budget until after June 30, 2020 or June 30, 2023, with respect to the City of Los Angeles, should an Ordinance be adopted.
Option 2	N/A	After the expiration of the Option 2 billboard warranty contract, the parties will jointly determine whether an Option 2 billboard needs to be replaced. The cost for the replacement of the Option 2 billboard shall be initially paid by All Vision and reimbursed from New Payment Revenue but only after payment in full of Base

Provisions	Existing Contract	Amendment
Option 2		Annual Payment Revenue to Metro and payment of the Local Jurisdiction Fee.
Site Development Process	<p>Allvision will commence the site development process on behalf of Metro after securing local entitlements and State permits (where applicable) and in conjunction with advertising sales company negotiations. This process could include:</p> <ul style="list-style-type: none"> • Coordinating and scheduling each aspect of the development process with Metro real estate, engineering and operation departments • Coordinating contractor safety training with SCRRA and other required agencies • Supervising contractors for each site and stage of development 	<p>Under all Options, Contractor will commence the site development process on behalf of Metro after local entitlements and State permits (where applicable) are secured and in conjunction with sales company negotiations. This Task shall include:</p> <p>Coordinating and scheduling each aspect of the site development process with Metro real estate, engineering and operation departments;</p> <p>Coordinating contractor safety training with Southern California Regional Rail Authority (SCRRA) and other required agencies;</p> <p>Supervising and coordinating all work performed on- site for each New Billboard Sign at all stages of the site development work;</p> <p>Coordinating boring samples; Coordinating site preparation; Overseeing New Billboard Sign installation; and Coordinating utility connection</p> <p>Contractor will coordinate and communicate with subcontractors, sales companies and Metro's engineering, operational, and real estate departments.</p> <p>Contractor will work with the Metro's County Counsel and Metro real estate staff to</p>

Provisions	Existing Contract	Amendment
<p>Site Development Process</p>	<p>work</p> <ul style="list-style-type: none"> • Coordinate boring samples • Coordinate site preparation • Oversee structure and sign installation • Coordinate utility connection <p>Developing outdoor advertising assets on property that is used primarily for public transportation is a difficult and complex process that involves many unique challenges. All Vision will develop a work plan based on strategic communications between Allvision, subcontractors, and Metro's engineering, operational, and real estate departments. All Vision understands that it is imperative that construction and operation of the signs have no adverse impact on any rail or other transit related day-to-day operations.</p>	<p>negotiate, execute, and where applicable and at Metro's election, enter into contracts, leases, licenses, entitlements, agreements, lump sum payments for New Billboard Sign(s), or any other understandings or arrangements relating to Metro's property.</p> <p>Contractor understands that it is imperative that construction and operation of the New Billboard Signs have no adverse impact on any rail or other transit related day-to-day operations and will develop and construct the New Billboard Signs in such a manner that have no adverse impact on any rail or other transit related day-to-day operations.</p>

Provisions	Existing Contract	Amendment
Option 3 Alternative Development Option	N/A	<p>All Vision will assist Metro staff in negotiating with billboard companies who will obtain entitlements from local municipalities, finance, construct, and operate the digital billboards, at the billboard company's sole cost and expense. All Vision will be required to provide a work plan and budget for any new billboard assets to be developed under Option 3 for Metro staff review and approval. In the event that Metro staff does not approve the work plan and budget for Option 3, Metro staff will direct All Vision not to proceed. This alternative is an option for Metro and will be evaluated on a case-by-case basis. If Metro approves the City of Los Angeles work plan and budget and the City of Los Angeles project is developed under the new Option 3, All Vision will receive as compensation 25% of the Net Incremental Revenue over the next 30 years plus its share of the Lump Sum Monetization Payment, if any. All Vision's compensation for services under Option 3 in other local jurisdictions will be determined on a case-by-case basis but in no event shall All Vision's compensation exceed 25% of net incremental revenue generated from these projects over the next 30 years if the projects are successfully completed and</p>

Provisions	Existing Contract	Amendment
		generating revenue.
Term	Contract term currently expires on August 31, 2016	Exercise last four remaining options now to extend the term of the contract to June 30, 2020.

TABLE OF EXISTING BILLBOARD LOCATIONS ON METRO PROPERTY

Los Angeles County Supervisorial District	No. of Billboards
1 - Hilda L. Solis	19
2 - Mark Ridley-Thomas	49
3 - Sheila Kuehl	78
4 - Don Knabe	19
5 - Michael D. Antonovich	72
Grand Total	237

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Column: Billboards that follow you? It's not sci-fi. They're already here



Los Angeles Times



Remember the scene in "Minority Report" where Tom Cruise is marketed to by digital billboards? We're now a step closer to that reality. (DreamWorks/20th Century Fox)

BY DAVID LAZARUS | COLUMNIST

AUG. 25, 2020 6 AM PT



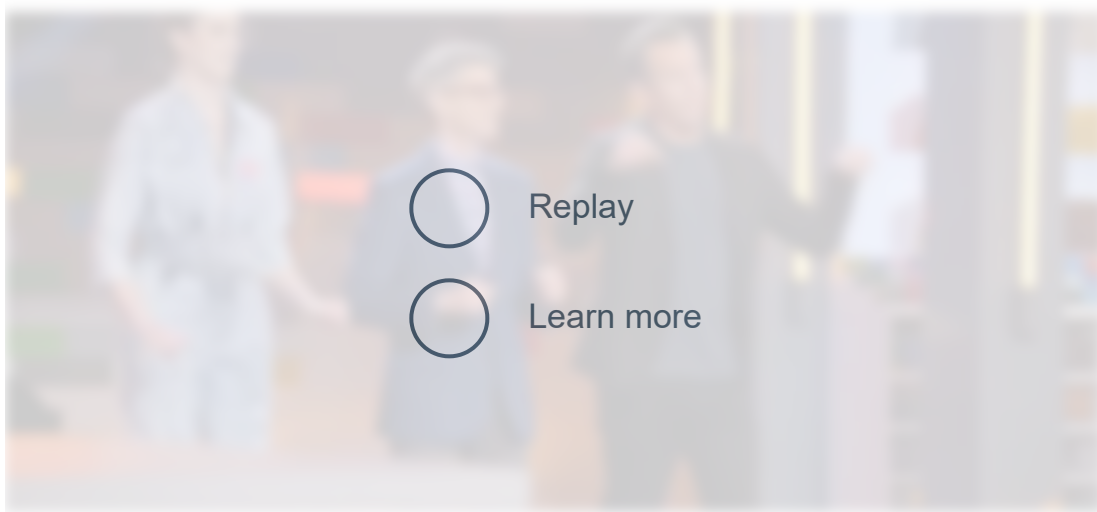
Clear Channel Outdoor, one of the world's largest billboard companies, will in coming days roll out technology across Europe capable of letting advertisers know where people go and what they do after seeing a particular billboard.

Sounds creepy, no?

Well, brace yourself. Clear Channel has been quietly using this technology in the United States for the last four years, including in Los Angeles.

“They’re spying on you in your own neighborhood,” said Jeff Chester, executive director of the Center for Digital Democracy.

ADVERTISING



“You don’t know it’s happening,” he told me. “You don’t know who they’re sharing the information with.”

Chester and other privacy advocates said Clear Channel's system is an example of how private companies are building out commercial surveillance networks right under our noses.

"The scary thing is that there are so many companies handling different pieces of this, the ecosystem is enormous," said Alan Butler, interim executive director and general counsel for the Electronic Privacy Information Center in Washington, D.C.



PAID CONTENT

Business of Cannabis Roundtable

By LA Times

Heather Semenuik, Partner, Crowe LLP

"All this data is being collected and we have no idea how it's being used," he said.

Clear Channel isn't alone in developing what's known as "out of home marketing" — a decidedly benign term for such a potentially invasive practice.

Different companies are rushing to install similar systems in malls, subways and other crowded venues. The aim is not just to see where you go and what you do but also to prompt impulse purchases at nearby merchants.

If you're like me, the image that comes to mind is [that scene](#) from Steven Spielberg's "Minority Report" where Tom Cruise is recognized and marketed to as he passes a series of digital billboards.

Current out-of-home marketing technology isn't like that — yet. But experts say it's just a matter of time.

“We’re already used to being tracked online,” said Lori B. Andrews, director of the Institute for Science, Law and Technology at the Illinois Institute of Technology. “Now it’s bleeding into the real world.”

Clear Channel is an especially powerful force in this field because its more than 500,000 print and digital billboards worldwide provide a far-reaching foundation from which to track passers-by and share data with marketing partners.

The company calls its technology [Radar](#). The system, Clear Channel says, “leverages anonymous, aggregated mobile location data to help advertisers understand consumer mobility, behavior and true campaign impact.”

An [animated video](#) for Radar appears to depict people on foot and in cars passing a Clear Channel billboard and connecting automatically via Wi-Fi, providing marketers with “highly customized solutions” to help them “connect with the right customers at the right time and place.”

That’s a bit misleading.

Jason King, a Clear Channel spokesman, acknowledged to me that the company “does not equip its billboards with technology aimed at tracking individuals.”

Rather, Clear Channel gathers location and tracking information from multiple sources — apps, data firms — and then analyzes the info for insights about how people behave after passing a Clear Channel billboard.

The idea is to be able to tell advertising clients that a consumer is likely to visit the client’s business after being exposed to a billboard touting the client’s products or services, or to market to that consumer based on their location.

King said Radar “helps advertisers understand what happens after someone sees their ad.”

Wireless companies for years have been using “geolocation” data from smartphones to bolster advertisers’ marketing campaigns.

Basically, if you carry a phone, your whereabouts are known to your wireless provider every second of the day — and the companies make money selling that info to others.

Clear Channel is taking this capability up a level by creating a bridge between a consumer’s location and their exposure to an outdoor marketing pitch.

Now advertisers can go beyond just passively plastering a message on a billboard. They can follow you after you’ve seen the ad, and watch where you go and what you do.

Clear Channel is being disingenuous when it insists all data collected as part of Radar is anonymous, privacy experts say.

Kyle M.L. Jones, an Indiana University assistant professor who focuses on data mining, said that for a company to target you with advertising, it has to know who you are and have an idea about your personal tastes.

Even if you’re identified only by a number affiliated with your phone, rather than by your name, it’s not difficult to extrapolate from there if a more robust marketing profile is desired.

“Enough of a mixture of geographic, behavioral and demographic data will almost inevitably open up opportunities for re-identification,” Jones said. “It’s hard to know what their privacy-protecting practices are, but their practices have risk.”

Although Clear Channel's King played down the "Minority Report" implications of Radar, the company's chief executive, William Eccleshare, [told the Financial Times](#) that the September introduction of Radar in Europe will create a host of eye-opening opportunities for advertisers.

"We can follow your movement to a store," he said. "We can follow what you purchase. And yes, we can look at your viewing habits that evening if you pass an ad for a Netflix show."

For businesses, that's pretty exciting.

For consumers, it should send a shiver down your spine.

Nanda Kumar, an associate professor of information systems at New York's Baruch College, said "lackluster privacy laws" are partly to blame for companies feeling free to monitor consumers as they go about their daily affairs.

Many out-of-home-marketing businesses "take individuals' privacy for granted and collect information from them opaquely without providing consumers any reasonable ways to control the flow of their data," he said.

I [wrote last week](#) about how difficult some companies make it to opt out of data sharing. Clear Channel is no exception.

The company's [privacy policy](#) says it's up to individual consumers to "refer to your device's or browser's technical information for instructions on how to delete and disable all or some cookies, and other tracking tools, as available, including how to reset your advertising identifiers and limit advertising tracking."

Yeah, good luck with that.

The privacy policy also acknowledges that even though Clear Channel primarily relies on “de-identified” personal information, it does in fact disclose identifiable info to business partners.

This can include your name, address, purchase history, online behavior and “inferences drawn from any of the foregoing to create a profile about a consumer reflecting the consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities and aptitudes.”

Inferences about people’s intelligence, predispositions and psychological trends?

Not so benign after all.

“When they made ‘Minority Report,’ it wasn’t science fiction,” said Chester at the Center for Digital Democracy. “That scene was based on what they knew was actually coming.”

And here we are.

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David Lazarus



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David Lazarus is a former business columnist for the Los Angeles Times who focused on consumer affairs. He appears daily on KTLA-TV Channel 5. His award-winning work has appeared in newspapers across the country and resulted in a variety of laws protecting consumers.

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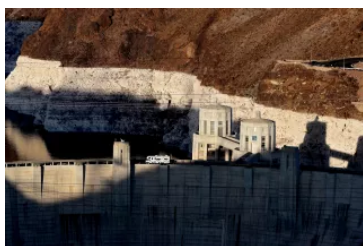
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January 9, 2023

Transportation Communications Network Project Team
Metropolitan Transportation District

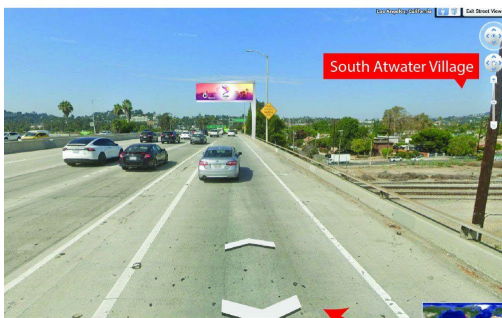
Submitted via email at tcn@metro.net

Re: Metro TCN impacts on the Bowtie Demonstration Project

The Metropolitan Transportation District (Metro) proposes to build electric billboards ["Transportation Communications Network" (TCN)] on Metro lands across Los Angeles. The Nature Conservancy (TNC) is engaged in an important 3-acre conservation project, the Bowtie Demonstration Project, along the east bank of the Los Angeles River on California State Parks-owned land. TNC is an international, non-profit conservation organization that has been actively working in California for over 60 years and in Los Angeles for over a decade. The Bowtie Demonstration Project will restore native wetland and upland vegetation and wildlife habitat to the northern portion of the Bowtie Parcel, which is closest to state route 2 and the proposed sites of two electric billboards. TNC has significant concerns about how the light from these billboards may affect wildlife in and around the Bowtie Parcel.

The billboards proposed for construction near the Bowtie Project are FF-13 and FF-14. These would be two-sided, illuminated, freeway-facing structures 50 feet in height, and would appear along the Glendale Freeway (State Route 2), northeast of Casitas Avenue. The images below are excerpted from the November 10, 2022 Atwater Village Neighborhood Council letter.

FF-13 SR-2 South Lanes NE of Casitas Avenue (5436033906)



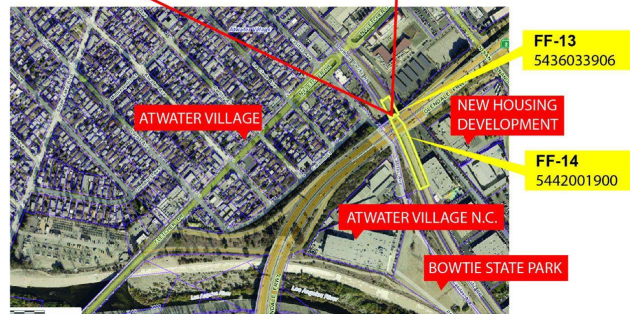
Billboard Front: direction of traffic flow
Side and back of billboard illumination impact South Atwater Village



Billboard Back: view to ? (this side dangerous and not needed)
Projects to neighborhood vs drivers
Distracted driving - view from rear view mirror

FF-13 SR-2 South Lanes NE of Casitas Avenue
(parcel no. 5436033906)
Two-sided 672 square feet of display area -
display size 14' tall x 48' wide x 85' high (Sign
height from grade)

FF-14 SR-2 North Lanes NE of Casitas Avenue
(parcel no. 5442001900)
Two-sided 672 square feet of display area -
display size 14' tall x 48' wide x 85' high (Sign
height from grade)

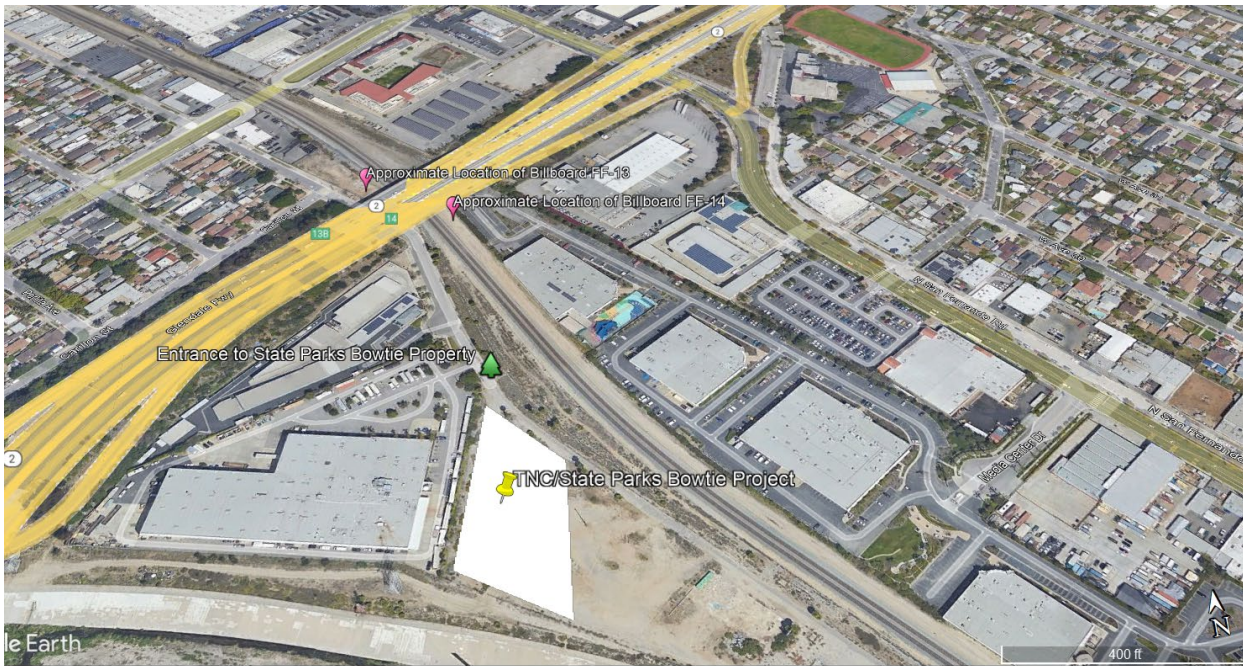


Sign ID	Map No.	Location	Assessor's Parcel Number	sf per Digital Display (No. of Digital Display Faces per TCN Structure)	Digital Display Height (ft)	Digital Display Width (ft)	Sign Height (from grade)
FF-13	1	SR-2 South Lanes Northeast of Casitas Avenue	5436033906	672 (2)	14	48	85
FF-14	1	SR-2 North Lanes Northeast of Casitas Avenue	5442001900	672 (2)	14	38	85

Using GoogleEarth, TNC staff measured the distance from the proposed locations for these two digital billboards and the TNC/State Parks Bowtie Project. The distance from FF-13 to the nearest edge of the Bowtie State Parks property is approximately 823 ft (251 m). The distance from FF-14 to the nearest edge of the Bowtie State Parks property is approximately 619 ft (188 m).

Using Google StreetView imagery at the entrance of the Bowtie State Parks property (beyond the southern end of Casitas Road, at 2898 Kerr Street), the Glendale Freeway (State Route 2) is clearly visible, so it appears that the digital billboards, which are planned to be 50 feet above the freeway, will be visible on the Bowtie State Parks property as well.





The main concern that TNC has about these digital billboards is the light that they will emit during times of natural low light: dusk, dawn, and throughout the night. TNC’s concerns were captured by the comments made in an [October 24, 2022 letter](#) by Dr. Travis Longcore on behalf of the Audubon Society on the Draft Environmental Impact Report (DEIR). Dr. Longcore is Adjunct Professor in the UCLA Institute of the Environment and Sustainability and Co-Chair, Environmental Science and Engineering (D.Env.) Program. He is also a recognized world expert in the topic of light pollution. Two important statements made by Dr. Longcore from that letter are highlighted in yellow below.

“Via email (tcn@metro.net)

October 24, 2022

Shine Ling, Development Review Team
One Gateway Plaza
Mail Stop 22-9
Los Angeles, California 90012

Re: Transportation Communications Network Draft Environmental Impact Report

Dear Ms. Ling: The Draft Environmental Impact Report (DEIR) for the Transportation Communications Network (TCN) acknowledges that the facilities would be constructed in locations that would impact sensitive species, including federally and state listed endangered species, and sensitive bat species (see Biological Resources Technical Report, All Vision LLC, August 2022). **The analysis of biological impacts does not include a description of or even an attempt to quantify the effects of light pollution on these sensitive species.**

The environmental impacts of light pollution on sensitive species are well-documented. See attached reports and papers for an introduction to these issues.

The lighting study for the DEIR only addresses impacts to humans, not to sensitive wildlife. Notwithstanding existing light pollution, its **impacts on wildlife are cumulative and must be evaluated**

under CEQA. Therefore, the DEIR must be revised and recirculated so that the impacts to sensitive wildlife are evaluated, and the U.S. Fish and Wildlife Service must be consulted because of the potential adverse impacts to species listed under the U.S. Endangered Species Act at the Ballona Wetlands Ecological Reserve.

Sincerely,
Travis Longcore, Ph.D.”

Additionally, Dr. Longcore provided the following comment letter to Metro via email on November 30, 2022 in response to the release of the Final Environmental Impact Report (FEIR). Several important statements made by Dr. Longcore in the second letter are highlighted in blue below.

“From: Travis Longcore <travislongcore@laaudubon.org>
Subject: Metro TCN FEIR
Date: November 30, 2022 at 12:19:19 PM PST
To: BoardClerk@metro.net
Cc: wiginss@metro.net

Dear Metro Board:

Los Angeles Audubon Society commented on the Metro TCN Draft EIR, raising concerns about the impact on biological resources from the digital billboards and their associated light pollution. We only just learned about the Final EIR and request that additional time be given before it is voted on by the Board so that the public has adequate time to review and respond to the assertions made in the response to comments. It flies in the face of good public engagement to release a final EIR over the Thanksgiving holiday and then vote on it 15 days later.

Metro’s aggressive schedule does not allow me time to go into this in detail, but the FEIR does not contain substantial evidence to support the proposed determination that the project will have no impact on biological resource from light pollution. Even though the response to comments contains some text that purports to address this issue, it does not contain any facts on which to base the conclusions. Rather, it refers to a document written by a consultant for another project five years ago in a different location with different species present and claims that because that consultant report references some of the same papers and asserted that there would be no impacts from the billboard, that therefore the current project and its billboards would have no impacts. That isn’t how environmental analysis works. It would be the same as referring to a Philip Morris consultant’s report from 1980 claiming smoking has no impact on health is substantial evidence on which to conclude that smoking has no impact on health today. CEQA requires a fresh look that is specific to the conditions of the project at hand, not second-hand reliance on unvetted and non-peer reviewed assertions by paid consultants in different ecosystems.

The consultant report, although not available to me to review, has major problems that are obvious in the recitation of it in the FEIR. It claims that billboards aren’t any brighter than the full moon as measured in luminance. That is the wrong metric from a physics perspective because the total area of the billboard as viewed from a nearby receptor is much larger than the full moon. Also, light from the full moon is only visible a very small fraction of the time during a month once you account for lunar angle and phase, so it is not the right comparison to evaluate environmental impacts. Furthermore, the assertions in the consultant report relied upon in the FEIR have not been tested. They are simply assertions, and never peer reviewed or field tested.

The light trespass limits in the California code are far too high to mitigate biological impacts. CEQA requires independent assessment of impacts. The CALGreen standard is not designed to mitigate biological impacts and cannot be relied upon to do so. Nocturnal species, as shown in the papers I attached to my original comment, respond to light levels that are orders of magnitude dimmer than the 0.09 fc limit that the FEIR relies upon. That limit is still two times brighter than the light from a typical full moon (see details here: <https://travislongcore.net/2017/08/06/how-bright-the-moon-correcting-a-propagated-figure-error-in-the-literature/>), which we know from extensive published scientific literature has biological impacts. The project is nowhere close to reducing offsite illumination areas in parks to a less than significant level if you consider the visual systems and responses of potentially affected species.

I say all of this as one of the most highly cited scientists in the world working on the adverse impacts of light at night on ecosystems. The FEIR analysis on the impacts of light on wildlife is not sound and any conclusion drawn from it would not be based on substantial evidence. I request that additional time for public comment is allowed before this item goes to the Board.

I am writing on my own behalf because the compressed timeline pursued by Metro.

Sincerely,

Travis Longcore"

According to Dr. Longcore, an expert in the impacts of light pollution on wildlife, the analysis included in the FEIR was inadequate to assess these impacts. This is based on several factors, including:

- (1) The analysis contained in the FEIR does not adequately assess the impacts of the proposed project in Los Angeles. Instead, it relies on a consultant study conducted elsewhere as evidence that the billboards would have no impact.
- (2) The impacts of light pollution are cumulative, and must be evaluated to account for the existing light at the site, plus additional light that would come from the digital billboards. The FEIR does not include this type of cumulative analysis.
- (3) The metrics used in the FEIR to quantify light emitted by the digital billboards are misleading and contextually inappropriate for an adequate assessment of impacts.

In conclusion, TNC continues to have concerns that Metro's proposed digital billboards could impact wildlife at the Bowtie Demonstration Project. TNC encourages Metro to complete an adequate analysis of light pollution impacts and mitigate those impacts appropriately before adopting the proposed billboards near the Bowtie Demonstration Project. Thank you for your consideration of these comments.

Sincerely,



Kelsey Jessup
California Urban Conservation Program Director
The Nature Conservancy

January 2023 RBM Public Comment – Item 18

From: [REDACTED]
Sent: Tuesday, January 24, 2023 5:41 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Board Meeting Comment

Hello Metro,

I have a comment for board item 2022-0834 about the project in Inglewood. Do not join them on this. The city of Inglewood has a history of pursuing projects that are big but do not positively effect the community. The example of the Cintenela grade separation is a good one. The people mover is a terrible idea that will build 2 miles of rail quality infrastructure for the same goal as the Dodger Stadium Express. Having a gameday bus from DT Inglewood down to Crenshaw on the 105 is a better get and a more efficient use of funds than this awful project. It has low ridership and is not competitive for many grants. Do not validate it. Let it die on its own.

Thanks for reading.

[REDACTED]

January 2023 RBM Public Comment – Item 21

From: [REDACTED]
Sent: Tuesday, January 24, 2023 5:41 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Board Meeting Comment

Hello Metro,

Also on board item 2022-0827, please do this. Advertising revenue is free money that can be used for more infrastructure or hopefully better service. Consider expanding to other stations.

Thanks for reading.

[REDACTED]

January 2023 RBM Public Comment – General Comment

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, January 25, 2023 4:57 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Board of Directors Mtg Gen. Comment C-Line (Green)

To whom it may concern:

My name is Gianna Mitchell and I am a Redondo Beach resident living on the ROW. The construction of the Green Line on the ROW will cause many issues, including exacerbating sensory issues with the noise as well as the vibrations caused. In addition, construction and operation of this magnitude cannot happen on the ROW because it will disrupt the ecosystem. We have families of Great Horned Owls as well as Red-Tailed Hawks who hunt the gopher population, and construction on the ROW would drive them away, leading to the gopher population exploding and thus inviting other predators such as coyotes to move in, which would pose a danger to pets and small children. In addition, we also have threatened species such as the Allen's hummingbird living in our local ecosystem, as well as other wildlife.

Thanks,

[REDACTED]



January 13, 2023

Via Email: ZelmerC@metro.net, laart@metro.net

Corey Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

RE: Los Angeles Aerial Rapid Transit Project (LA ART)
SCH 2020100007
Draft EIR - Comments

Dear Mr. Zelmer:

Below are comments for the Los Angeles Aerial Rapid Transit Project DEIR.

Arts District Community Council LA (ADCCLA) is a 501c3 nonprofit focused on creating and preserving public green space. We further address government infrastructure and sustainability decisions that could negatively impact the Arts District Community.

ADCCLA became aware of the Project in 2018. In reviewing the scant material provided by LA ART, ADCCLA engaged its board and community members in researching the impacts of the Project.

Description

LA ART intends to build a private aerial tramway on behalf of Frank McCourt to go 1.2 miles from Union Station to near the gold line stop and then over the **LA State Historic** Park and residential communities to Dodger Stadium. The Project has been billed as a sustainable project that will take 3,000 cars off the road. It purports to be a “privately” funded project created to move people to a single private for-profit enterprise and is being billed as a PUBLIC transportation project. Various non-committal mitigations have been offered in the future that continue to be moving targets for stakeholders to try and unwind.

Comments:

1. The entirety of the NOP and DEIR is a farce.

- a. The purpose of CEQA is to lay out in detail all aspects of the Project in order for the public and the communities impacted to have a clear and complete understanding of the Project.

- b. To date, the Project has been driven by non-disclosure agreements (NDA) signed by both Metro (the agency overseeing the Project?) and State Parks. The NDA's gave and has continued to give LA ART and Metro cover to hide the full intent and scope of the Project.
- c. Early "public meetings" and requests for support by LA ART were based only on PR comments that have consistently been debunked, along with a host of confused and moving "options" for "mitigation."
- d. LA ART's claims of extensive outreach were also debunked, when only 40 people were allowed into those same meetings, and no one was allowed to ask questions except in the chat, most of which went ignored.
- e. LA ART failed to provide reasonable alternatives to the Project. Only two alternatives were produced and discussed with the public. When the community screamed the loudest over one alternative, it was removed, leaving only one flawed alternative to be publically discussed.
- f. The entirety of the DEIR claims zero environmental impacts on the community and state park. That means:
 - (1) No noise
 - (2) No vibrations
 - (3) No construction impacts
 - (4) No visual blight
 - (5) No impact on traffic
 - (6) No impact on parking
 - (7) No impact on residential stakeholders
 - (8) No impact...anywhere. None, nothing.
- g. Visual elements have been egregiously misrepresented in the DEIR, including the park viewshed. Perspective drawings appear to be deliberately skewed. Heights and distances are increased and stretched to create a "nice view." Even the incorrect number of cables has been used to skew and reduce the visual blight the Project would bring.

2. Metro is the wrong agency for this Project

As will be opined on by legal experts, Metro is the wrong agency to take the lead on this Project. While it's convenient to place this Project with an agency that has little accountability, it is not a governing agency, meaning that the lead agency must have the governing capacity and natural decision-making powers. Metro has no jurisdictional authority to be the lead.

3. The Project has been improperly placed on Federal funding bundle lists

This would imply that this Project is a done deal which many of us have been told repeatedly by staff members in the former Mayor's Office. This suggests backroom discussions and agreements, pushed through at an all-cost mentality.

4. LA ART relies on Vague, Unenforceable, or Deferred Mitigation Measures.

The PR voice of Mitigation has not been taken seriously in this DEIR as the document fails to lay out in detail, nor does it incorporate any of the mitigations publicly spoken about into the overall design of the Project.

5. Metro awarded a sole source contract to an unqualified, untested entity.

Frank McCourt, nor LA ART, nor Climate Resolve, nor any other entity formed around the same people are qualified to engineer or construct a private gondola, let alone one claiming to be public transit.

6. The "privately funded" Project appears to no longer be "privately funded"

Since efforts to add the Gondola to a federal transportation improvement bundle and improperly pass ownership to another entity that is untested and unqualified again change the playing field.

The right for communities not to be assaulted by backroom deals should override tainted officials.

7. This Project is an assault on communities of color.

The sordid history of the Dodgers and Chavez Ravine in addition to the aberrant treatment of Chinese migrants, seems to have alluded LA ART and McCourt. The idea of “we know what’s best for you” is tone-deaf, to say the least.

8. Politics are winning over what is best for our communities

At a recent metro Meeting, former Mayor Garcetti likened his colleague representing the impacted community to Mitch McConnell’s treatment of SCOTUS because she was doing what her constituents asked her to do. These kinds of comments speak to backroom deals (NDAs), corruption, and an astounding lack of sound judgment.

9. Over 75 mature-growth trees ranging between 15 and 50’ are slated to be removed

to accommodate thousands of pounds of concrete

30 / 30 California Initiative (CA climate change report) is being entirely ignored by LA ART, Climate Resolve, the City, and Metro.

30 / 30 calls for the preservation/conservation of ALL HABITAT in red zones. Los Angeles County is officially a red zone.

10. Gondolas are not, in any way, shape, or form, new technology.

New for LA is not new and innovative to anyone but LA ART.

11. This Gondola is NOT public transportation.

This is a private project, benefitting a private entity. Period. Public Transportation moves people to and from more than one environment. A stop at the Chinatown station is duplicative and is not needed. Additionally, the Dodger express represents non-invasive buses (soon to be fully electric) already routed and funded.

12. LA LART continues to offer no evidence that communities will benefit from increased foot traffic in their neighborhoods.

Indeed, the reverse seems to be true in that the hike to reach Broadway would be unreasonable and time prohibitive in both directions.

13. Climate Resolve is not included in the DEIR as the managing/contracting entity.

Despite press releases and conferences, Climate Resolve, the latest entity to have become embroiled in this sham of a Project, is actually not included in the DEIR as there is no agreement in place, making the claims appear to be more about taking the heat off of McCourt and moving it to yet another unqualified entity. The legality of doing this midstream CEQA is also questionable at best.

14. Digging into severely toxic soil

While significant remediation was done in the park to make sure that it was safe for all, deeper levels of soil, both at the park and surrounding areas, have a long, dark history of toxic and deadly soil contamination. No study was presented or addressed that would show that the public would be safe stirring up and unearthing severely toxic soil.

15. Project Alternatives

Both the no-project alternative and the Dodger Express were left out of all public communication of available alternatives offered during all aspects of the process. The existing Dodger Express has been consistently cited as the preferred method of transport by community stakeholders.

The infrastructure already exists, and the Dodger Express team has committed to electrifying all the buses as a response to climate change. This alternative is preferred by our community and stakeholders at large as it does not pour thousands of pounds of concrete into an already stressed community and **DOES NOT REMOVE ANY EXISTING HABITAT.**

Conclusion

It is our observation and assumption that this Project is yet another lousy idea being rammed down the throats of our communities to satisfy a check box for the Olympics. The Olympics has traditionally created unwarranted hardships on communities, and this Project is no exception.

The manner in which electeds and Metro have conducted this process is utterly shameful and displays a flagrant disregard for the residents and communities being impacted, not to mention the law. Simply reframing the argument to make it look awesome doesn't change the fact that the premise is based on a lie with a complete and appalling disregard for CEQA and the law in general.

We ask that this Project be summarily "wished back into the cornfields." As of this letter **3,501 signatures have been collected from the surrounding neighborhoods** vehemently opposing this Gondola.

It is not wanted. It is not needed. It will exacerbate the climate crisis within LA City by pouring thousands of pounds of concrete into a community already registering at a 2% or lower tree canopy.

This Project is riddled with violations of process, violation of the law, willful disregard of the public's right to know, and a willful disregard for communities of color.

This Project should be immediately terminated, and Mr. McCourt be told, "thanks, but no thanks."

Sincerely,



Todd Terrazas
President

Cc: Supervisor Hilda Solis
Mayor Karen Bass
Congressmember Jimmy Gomez
Assembly Member Miguel Santiago



January 17, 2023

VIA EMAIL

Mr. Cory Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

Re: SCH #2020100007 Los Angeles Aerial Rapid Transit Project

Dear Mr. Zelmer:

I am writing on behalf of Homeboy Industries in response to the Draft Environmental Impact Report (DEIR) issued by your agency for the proposed gondola from Union Station to the Dodger Stadium parking lots.

Homeboy Industries stands to be one of the most heavily impacted community stakeholders if the gondola is allowed to proceed as proposed. We will be affected with significant unmitigated environmental impacts during construction and by permanent effects on our operations.

We refer you to our letter to Metro dated November 16, 2020 for a detailed enumeration of our original concerns. While we concur generally with other community stakeholders in their current comments on the DEIR, we would like to point out the following areas of specific concern to Homeboy.

First of all, the document refers to Homeboy Industries as an "office building." The DEIR assesses potential environmental impacts against standards applicable to commercial structures. Homeboy Industries is, in fact, much more than an office; it is a highly-venerated, community-based non-profit that is the largest gang rehabilitation and re-entry program in the world. We provide training and support for thousands of formerly gang-involved and previously incarcerated people, allowing them to redirect their lives and become contributing members of our community.

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Hope has an address.

130 W. Bruno Street, Los Angeles, CA 90012 | Phone: (323) 526-1254 | homeboyindustries.org

Many of our activities take place in and around our headquarters campus at 130 Bruno Street in Los Angeles. Any analyses of the potential impacts from the gondola should take into consideration the many community meetings, job training activities, spiritual counseling and other activities that take place at this location. It is truly a "sensitive receptor." In the near future we also hope to provide transitional housing for some of our clients on this site.

Following the outline of the DEIR, we note these areas of greatest concern:

1. Project Description

Because of the scale of drawings, it is difficult to ascertain whether the proposed project would require an aerial easement or easement buffer on Homeboy's current premises. Could you provide a larger scale drawing depicting where these zones might impinge.

2. Hope Village - Housing & Service Expansion in Support of Alternatives to Incarceration

Homeboy Industries is working to alleviate the housing crisis in Los Angeles and has plans to develop transitional and permanent supportive housing on land where the proposed Alpine Tower is located. Developing affordable housing and expanding our campus will support broader public and private partnerships to create "Hope Village" as an alternative to incarceration (ATI) anchored by a care first, jails last paradigm. Insofar as we can determine, the location of the gondola's Alpine Tower would significantly impair our ability to deliver housing to our clients and respond to the "State of Emergency" currently in place at the County and City levels in response to the homeless crisis; and serve as an impediment to "Hope Village" as a critical ATI strategy.

3. Aesthetics

Analyses in the DEIR of visual impacts from the gondola seem to completely ignore Homeboy Industries, which operates one of the key facilities in the gondola's path. There is no doubt that a 195-foot high, awkwardly-shaped concrete tower will have a serious and permanent - and most would say incompatible - visual effect on Homeboy Industries' operations. At the very least, your analysis of Landscape Unit 3 (page 3.1.22) should describe and discuss these impacts on Homeboy Industries in particular.

Further, most CEQA analyses include a Shade and Shadow study. One would be appropriate for this project as well.

4. Noise and Vibration

Analyses of these potential impacts correctly conclude that some significant impacts cannot be mitigated. We presume you will be seeking a Statement of Overriding Considerations to accept these impacts, at our expense.

With regard to noise, we are identified as NSR-7 in your analysis. We are projected to experience noise levels at 80.3 dBA during construction, 10.5 dBA higher than current ambient noise levels, described in your exhibit as sounding like a "garbage disposal at 3 feet." You deem this tolerable for an office building. As noted above, we conduct far more than just typical office activities, and invite many members of the public to our site. You note that even 75 dBA is "clearly unacceptable," even for office use, and that 65 dBA is "normally unacceptable" (page 3.13.48).

In the analyses of potential vibration impacts, Homeboy Industries is VSR-11, but is not called out as a Measurement Location. Therefore, no specific information about the impacts of drilling (or driving) 120-foot deep (sic) piles adjacent to our training rooms, kitchen and restaurant is provided. Nonetheless, the DEIR concludes that Homeboy Industries would experience significant “annoyance” from vibration, even with mitigation, during construction (page 3.13.63). A more detailed and site-specific analysis of the vibration impact on our buildings and operations would be appreciated.

5. Transportation

Perhaps the largest credibility gap in the DEIR concerns automobile access and parking. It seems inconceivable that the proposed project would have no significant impact on either.

Clearly, potential construction period impacts would be manifold. We would like to see focused analyses of the impacts of proposed road closures on local streets including Alameda, Bruno, Alpine and Main.

Also, there is no explanation in the DEIR about where visitors to the gondola might park in our neighborhood and what the impact of moving “game day” traffic to Chinatown and its environs might cause. The traffic study in the DEIR seems purposefully oblivious to potentially severe impacts on automobile access, circulation and parking.

6. Impact on Our Business Revenue

Homeboy Industries operates several social enterprises from its Bruno Street Campus including the Homegirl Café, Homeboy Merchandise, and the Homeboy Bakery. We rely on these businesses to create jobs for our clients and generate revenues in support of our mission. Each of these businesses are dependent on customer foot traffic and unimpeded vehicular access. For reasons aforementioned we have significant concerns regarding the revenue impact on our businesses.

7. Financing & Use of Public Funds

We remain unclear as to how the gondola project will be financed, including the use of public funding to support the gondola’s construction. We will have significant concerns with any use of public funding that would defray resources from housing and other essential services for communities in need. As of the submission of this letter, transparency related to short and long term financing of the gondola project remains elusive.

8. Other Considerations

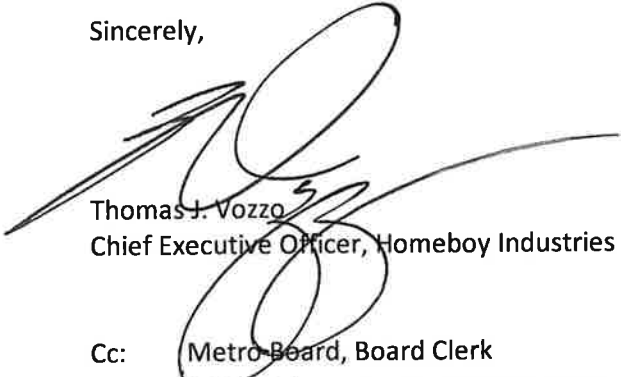
In addition to these CEQA-related concerns, we would like to raise two additional points.

First, we are clearly concerned about the permanent effects that the gondola might have on our sensitive, human-serving operations at 130 Bruno Street and on our future growth – even on the viability of our operations at this location - if the project goes ahead as proposed. These longer-term operational and economic considerations should be discussed now, but the CEQA process may not be the best forum for resolving them.

Second, there is a perception in our neighborhood that the gondola is being proposed as a precursor – “pre-mitigation” perhaps – to larger plans for development on the stadium parking lots. While these

plans are not in our purview to address now, we do believe that further development around the gondola end-station would exacerbate the environmental concerns we are considering at this time, and should be brought into play as part of this evaluation.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'T. Vozzo', is written over the typed name and title.

Thomas J. Vozzo
Chief Executive Officer, Homeboy Industries

Cc: Metro Board, Board Clerk
Los Angeles City Mayor Karen Bass
Fr. Gregory Boyle, Founder, Homeboy Industries
California State Assembly Member Wendy Carrillo
Steve Delgado, Chief Operating Officer, Homeboy Industries
Los Angeles City Councilmember Eunisses Hernandez, City District 1
Martha Jimenez, Executive Vice President/General Counsel, The California Endowment
Dr. Robert Ross, CEO, The California Endowment
California State Assembly Member Miguel Santiago
Los Angeles County Board Supervisor Hilda Solis, County District 1
Adrian Vasquez, District Director for Congressperson Jimmy Gomez
Marisela Villar, District Director for Assembly Member Wendy Carrillo



January 13, 2023

Via Email: ZelmerC@metro.net, laart@metro.net

Corey Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

RE: Los Angeles Aerial Rapid Transit Project (LA ART)
SCH 2020100007
Draft EIR - Comments

Dear Mr. Zelmer:

Below are comments for the Los Angeles Aerial Rapid Transit Project DEIR.

Arts District Community Council LA (ADCCLA) is a 501c3 nonprofit focused on creating and preserving public green space. We further address government infrastructure and sustainability decisions that could negatively impact the Arts District Community.

ADCCLA became aware of the Project in 2018. In reviewing the scant material provided by LA ART, ADCCLA engaged its board and community members in researching the impacts of the Project.

Description

LA ART intends to build a private aerial tramway on behalf of Frank McCourt to go 1.2 miles from Union Station to near the gold line stop and then over the **LA State Historic** Park and residential communities to Dodger Stadium. The Project has been billed as a sustainable project that will take 3,000 cars off the road. It purports to be a “privately” funded project created to move people to a single private for-profit enterprise and is being billed as a PUBLIC transportation project. Various non-committal mitigations have been offered in the future that continue to be moving targets for stakeholders to try and unwind.

Comments:

1. The entirety of the NOP and DEIR is a farce.

- a. The purpose of CEQA is to lay out in detail all aspects of the Project in order for the public and the communities impacted to have a clear and complete understanding of the Project.

- b. To date, the Project has been driven by non-disclosure agreements (NDA) signed by both Metro (the agency overseeing the Project?) and State Parks. The NDA's gave and has continued to give LA ART and Metro cover to hide the full intent and scope of the Project.
- c. Early "public meetings" and requests for support by LA ART were based only on PR comments that have consistently been debunked, along with a host of confused and moving "options" for "mitigation."
- d. LA ART's claims of extensive outreach were also debunked, when only 40 people were allowed into those same meetings, and no one was allowed to ask questions except in the chat, most of which went ignored.
- e. LA ART failed to provide reasonable alternatives to the Project. Only two alternatives were produced and discussed with the public. When the community screamed the loudest over one alternative, it was removed, leaving only one flawed alternative to be publically discussed.
- f. The entirety of the DEIR claims zero environmental impacts on the community and state park. That means:
 - (1) No noise
 - (2) No vibrations
 - (3) No construction impacts
 - (4) No visual blight
 - (5) No impact on traffic
 - (6) No impact on parking
 - (7) No impact on residential stakeholders
 - (8) No impact...anywhere. None, nothing.
- g. Visual elements have been egregiously misrepresented in the DEIR, including the park viewshed. Perspective drawings appear to be deliberately skewed. Heights and distances are increased and stretched to create a "nice view." Even the incorrect number of cables has been used to skew and reduce the visual blight the Project would bring.

2. Metro is the wrong agency for this Project

As will be opined on by legal experts, Metro is the wrong agency to take the lead on this Project. While it's convenient to place this Project with an agency that has little accountability, it is not a governing agency, meaning that the lead agency must have the governing capacity and natural decision-making powers. Metro has no jurisdictional authority to be the lead.

3. The Project has been improperly placed on Federal funding bundle lists

This would imply that this Project is a done deal which many of us have been told repeatedly by staff members in the former Mayor's Office. This suggests backroom discussions and agreements, pushed through at an all-cost mentality.

4. LA ART relies on Vague, Unenforceable, or Deferred Mitigation Measures.

The PR voice of Mitigation has not been taken seriously in this DEIR as the document fails to lay out in detail, nor does it incorporate any of the mitigations publicly spoken about into the overall design of the Project.

5. Metro awarded a sole source contract to an unqualified, untested entity.

Frank McCourt, nor LA ART, nor Climate Resolve, nor any other entity formed around the same people are qualified to engineer or construct a private gondola, let alone one claiming to be public transit.

6. The "privately funded" Project appears to no longer be "privately funded"

Since efforts to add the Gondola to a federal transportation improvement bundle and improperly pass ownership to another entity that is untested and unqualified again change the playing field.

The right for communities not to be assaulted by backroom deals should override tainted officials.

7. This Project is an assault on communities of color.

The sordid history of the Dodgers and Chavez Ravine in addition to the aberrant treatment of Chinese migrants, seems to have alluded LA ART and McCourt. The idea of “we know what’s best for you” is tone-deaf, to say the least.

8. Politics are winning over what is best for our communities

At a recent metro Meeting, former Mayor Garcetti likened his colleague representing the impacted community to Mitch McConnell’s treatment of SCOTUS because she was doing what her constituents asked her to do. These kinds of comments speak to backroom deals (NDAs), corruption, and an astounding lack of sound judgment.

9. Over 75 mature-growth trees ranging between 15 and 50’ are slated to be removed

to accommodate thousands of pounds of concrete

30 / 30 California Initiative (CA climate change report) is being entirely ignored by LA ART, Climate Resolve, the City, and Metro.

30 / 30 calls for the preservation/conservation of ALL HABITAT in red zones. Los Angeles County is officially a red zone.

10. Gondolas are not, in any way, shape, or form, new technology.

New for LA is not new and innovative to anyone but LA ART.

11. This Gondola is NOT public transportation.

This is a private project, benefitting a private entity. Period. Public Transportation moves people to and from more than one environment. A stop at the Chinatown station is duplicative and is not needed. Additionally, the Dodger express represents non-invasive buses (soon to be fully electric) already routed and funded.

12. LA LART continues to offer no evidence that communities will benefit from increased foot traffic in their neighborhoods.

Indeed, the reverse seems to be true in that the hike to reach Broadway would be unreasonable and time prohibitive in both directions.

13. Climate Resolve is not included in the DEIR as the managing/contracting entity.

Despite press releases and conferences, Climate Resolve, the latest entity to have become embroiled in this sham of a Project, is actually not included in the DEIR as there is no agreement in place, making the claims appear to be more about taking the heat off of McCourt and moving it to yet another unqualified entity. The legality of doing this midstream CEQA is also questionable at best.

14. Digging into severely toxic soil

While significant remediation was done in the park to make sure that it was safe for all, deeper levels of soil, both at the park and surrounding areas, have a long, dark history of toxic and deadly soil contamination. No study was presented or addressed that would show that the public would be safe stirring up and unearthing severely toxic soil.

15. Project Alternatives

Both the no-project alternative and the Dodger Express were left out of all public communication of available alternatives offered during all aspects of the process. The existing Dodger Express has been consistently cited as the preferred method of transport by community stakeholders.

The infrastructure already exists, and the Dodger Express team has committed to electrifying all the buses as a response to climate change. This alternative is preferred by our community and stakeholders at large as it does not pour thousands of pounds of concrete into an already stressed community and **DOES NOT REMOVE ANY EXISTING HABITAT.**

Conclusion

It is our observation and assumption that this Project is yet another lousy idea being rammed down the throats of our communities to satisfy a check box for the Olympics. The Olympics has traditionally created unwarranted hardships on communities, and this Project is no exception.

The manner in which electeds and Metro have conducted this process is utterly shameful and displays a flagrant disregard for the residents and communities being impacted, not to mention the law. Simply reframing the argument to make it look awesome doesn't change the fact that the premise is based on a lie with a complete and appalling disregard for CEQA and the law in general.

We ask that this Project be summarily "wished back into the cornfields." As of this letter **3,501 signatures have been collected from the surrounding neighborhoods** vehemently opposing this Gondola.

It is not wanted. It is not needed. It will exacerbate the climate crisis within LA City by pouring thousands of pounds of concrete into a community already registering at a 2% or lower tree canopy.

This Project is riddled with violations of process, violation of the law, willful disregard of the public's right to know, and a willful disregard for communities of color.

This Project should be immediately terminated, and Mr. McCourt be told, "thanks, but no thanks."

Sincerely,



Todd Terrazas
President

Cc: Supervisor Hilda Solis
Mayor Karen Bass
Congressmember Jimmy Gomez
Assembly Member Miguel Santiago



January 17, 2023

VIA EMAIL

Mr. Cory Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

Re: SCH #2020100007 Los Angeles Aerial Rapid Transit Project

Dear Mr. Zelmer:

I am writing on behalf of Homeboy Industries in response to the Draft Environmental Impact Report (DEIR) issued by your agency for the proposed gondola from Union Station to the Dodger Stadium parking lots.

Homeboy Industries stands to be one of the most heavily impacted community stakeholders if the gondola is allowed to proceed as proposed. We will be affected with significant unmitigated environmental impacts during construction and by permanent effects on our operations.

We refer you to our letter to Metro dated November 16, 2020 for a detailed enumeration of our original concerns. While we concur generally with other community stakeholders in their current comments on the DEIR, we would like to point out the following areas of specific concern to Homeboy.

First of all, the document refers to Homeboy Industries as an "office building." The DEIR assesses potential environmental impacts against standards applicable to commercial structures. Homeboy Industries is, in fact, much more than an office; it is a highly-venerated, community-based non-profit that is the largest gang rehabilitation and re-entry program in the world. We provide training and support for thousands of formerly gang-involved and previously incarcerated people, allowing them to redirect their lives and become contributing members of our community.

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Hope has an address.

130 W. Bruno Street, Los Angeles, CA 90012 | Phone: (323) 526-1254 | homeboyindustries.org

Many of our activities take place in and around our headquarters campus at 130 Bruno Street in Los Angeles. Any analyses of the potential impacts from the gondola should take into consideration the many community meetings, job training activities, spiritual counseling and other activities that take place at this location. It is truly a "sensitive receptor." In the near future we also hope to provide transitional housing for some of our clients on this site.

Following the outline of the DEIR, we note these areas of greatest concern:

1. Project Description

Because of the scale of drawings, it is difficult to ascertain whether the proposed project would require an aerial easement or easement buffer on Homeboy's current premises. Could you provide a larger scale drawing depicting where these zones might impinge.

2. Hope Village - Housing & Service Expansion in Support of Alternatives to Incarceration

Homeboy Industries is working to alleviate the housing crisis in Los Angeles and has plans to develop transitional and permanent supportive housing on land where the proposed Alpine Tower is located. Developing affordable housing and expanding our campus will support broader public and private partnerships to create "Hope Village" as an alternative to incarceration (ATI) anchored by a care first, jails last paradigm. Insofar as we can determine, the location of the gondola's Alpine Tower would significantly impair our ability to deliver housing to our clients and respond to the "State of Emergency" currently in place at the County and City levels in response to the homeless crisis; and serve as an impediment to "Hope Village" as a critical ATI strategy.

3. Aesthetics

Analyses in the DEIR of visual impacts from the gondola seem to completely ignore Homeboy Industries, which operates one of the key facilities in the gondola's path. There is no doubt that a 195-foot high, awkwardly-shaped concrete tower will have a serious and permanent - and most would say incompatible - visual effect on Homeboy Industries' operations. At the very least, your analysis of Landscape Unit 3 (page 3.1.22) should describe and discuss these impacts on Homeboy Industries in particular.

Further, most CEQA analyses include a Shade and Shadow study. One would be appropriate for this project as well.

4. Noise and Vibration

Analyses of these potential impacts correctly conclude that some significant impacts cannot be mitigated. We presume you will be seeking a Statement of Overriding Considerations to accept these impacts, at our expense.

With regard to noise, we are identified as NSR-7 in your analysis. We are projected to experience noise levels at 80.3 dBA during construction, 10.5 dBA higher than current ambient noise levels, described in your exhibit as sounding like a "garbage disposal at 3 feet." You deem this tolerable for an office building. As noted above, we conduct far more than just typical office activities, and invite many members of the public to our site. You note that even 75 dBA is "clearly unacceptable," even for office use, and that 65 dBA is "normally unacceptable" (page 3.13.48).

In the analyses of potential vibration impacts, Homeboy Industries is VSR-11, but is not called out as a Measurement Location. Therefore, no specific information about the impacts of drilling (or driving) 120-foot deep (sic) piles adjacent to our training rooms, kitchen and restaurant is provided. Nonetheless, the DEIR concludes that Homeboy Industries would experience significant “annoyance” from vibration, even with mitigation, during construction (page 3.13.63). A more detailed and site-specific analysis of the vibration impact on our buildings and operations would be appreciated.

5. Transportation

Perhaps the largest credibility gap in the DEIR concerns automobile access and parking. It seems inconceivable that the proposed project would have no significant impact on either.

Clearly, potential construction period impacts would be manifold. We would like to see focused analyses of the impacts of proposed road closures on local streets including Alameda, Bruno, Alpine and Main.

Also, there is no explanation in the DEIR about where visitors to the gondola might park in our neighborhood and what the impact of moving “game day” traffic to Chinatown and its environs might cause. The traffic study in the DEIR seems purposefully oblivious to potentially severe impacts on automobile access, circulation and parking.

6. Impact on Our Business Revenue

Homeboy Industries operates several social enterprises from its Bruno Street Campus including the Homegirl Café, Homeboy Merchandise, and the Homeboy Bakery. We rely on these businesses to create jobs for our clients and generate revenues in support of our mission. Each of these businesses are dependent on customer foot traffic and unimpeded vehicular access. For reasons aforementioned we have significant concerns regarding the revenue impact on our businesses.

7. Financing & Use of Public Funds

We remain unclear as to how the gondola project will be financed, including the use of public funding to support the gondola’s construction. We will have significant concerns with any use of public funding that would defray resources from housing and other essential services for communities in need. As of the submission of this letter, transparency related to short and long term financing of the gondola project remains elusive.

8. Other Considerations

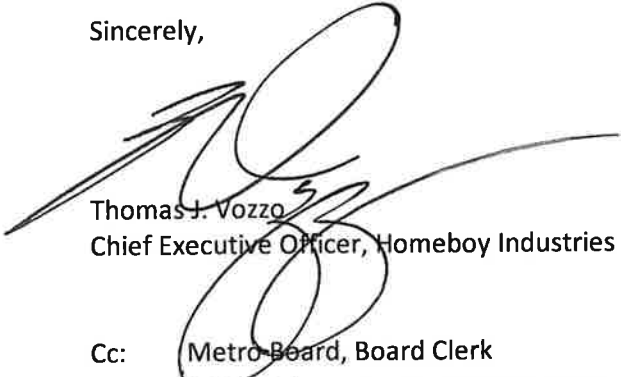
In addition to these CEQA-related concerns, we would like to raise two additional points.

First, we are clearly concerned about the permanent effects that the gondola might have on our sensitive, human-serving operations at 130 Bruno Street and on our future growth – even on the viability of our operations at this location - if the project goes ahead as proposed. These longer-term operational and economic considerations should be discussed now, but the CEQA process may not be the best forum for resolving them.

Second, there is a perception in our neighborhood that the gondola is being proposed as a precursor – “pre-mitigation” perhaps – to larger plans for development on the stadium parking lots. While these

plans are not in our purview to address now, we do believe that further development around the gondola end-station would exacerbate the environmental concerns we are considering at this time, and should be brought into play as part of this evaluation.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'T. Vozzo', is written over the typed name and title.

Thomas J. Vozzo
Chief Executive Officer, Homeboy Industries

Cc: Metro Board, Board Clerk
Los Angeles City Mayor Karen Bass
Fr. Gregory Boyle, Founder, Homeboy Industries
California State Assembly Member Wendy Carrillo
Steve Delgado, Chief Operating Officer, Homeboy Industries
Los Angeles City Councilmember Eunisses Hernandez, City District 1
Martha Jimenez, Executive Vice President/General Counsel, The California Endowment
Dr. Robert Ross, CEO, The California Endowment
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