

Attachment B:

Summary of Comments and Responses to Comments on the  
Final Environmental Impact Statement (Final EIS)

The Notice of Availability of the Final Environmental Impact Statement/Environmental Impact Report (Final EIS) was published in the Federal Register on January 20, 2012. The review period concluded on February 20, 2012.

### **Agency Comments Received on the Final EIS during the Review Period and Responses**

The Federal Transit Administration (FTA) received five (5) letters from local, state, and federal agencies commenting on the Final EIS. The U.S. Environmental Protection Agency commented that the agency had no further concerns with the proposed project. The Federal Aviation Administration (FAA) commented that the project does not affect any FAA facilities or airports in the area and had no further comments on the project.

The City of Los Angeles Department of Transportation (LADOT) Transit Corridors and Bikeways Division commented that the Locally Preferred Alternative (LPA) and mitigation measures will need to be approved by the Major Transit and Transportation Construction Traffic Management Committee (MTTCTMC). Los Angeles County Metropolitan Transportation Authority (LACMTA) should make provisions for the bicycle lanes in the final design per the most current LADOT design standards. Permanent loss of parking generates great concern from businesses and local communities. LADOT encouraged LACMTA to consider mitigation measures for the permanent loss of parking in the downtown area. FTA's response refers LADOT to the Final EIS which notes that alternate parking locations are available in the area, and the addition of a transit station to the area would likely cause some people to ride transit instead of driving, thus reducing the overall need for parking.

The City of Los Angeles Wastewater Engineering Service Division Bureau of Sanitation had no additional comments. The County of Los Angeles Fire Department commented that the project does not appear to have any impact on the emergency responsibilities of the Department. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance. Areas germane to the above were addressed in the Final EIS.

### **Public Comments Received on the Final EIS During the Comment Period and Responses**

Through the close of the review period, twenty-eight (28) comment letters or emails were received from public individuals or groups. Most of these comments were similar to comments submitted on the Draft EIS and the Supplemental Environmental Assessment/Recirculated Environmental Impact Report (SEA/RDEIR). The Final EIS contains the FTA response to those comments. Nevertheless, FTA reconsidered the duplicative comments and the new comments before making the decision presented in this ROD. New comments generally pertain to refinements to the Locally Preferred Alternative (LPA) since the Draft EIS was published, or to the FTA response to previous comments made by the individual or organization. Seven (7) of the letters or emails were related to construction impacts in the Financial District. Eighteen (18) of the comment letters or emails were similar to previous comments on the Draft EIS, were new comments on the refinements to the LPA since the Draft EIS was published, or were specific to the Final EIS document, but not notably different than comments previously received. Three comments were unrelated to the Regional Connector project. The themes presented in the comments are:

- Construction impacts in the Financial District
- Impacts in Little Tokyo
- Impact to the LA Times property
- Start of construction
- A future 5<sup>th</sup> and Flower Station
- Comments related to methane gas mitigation, standards to be used, level of fire, police and emergency services, handling of excavations, air quality monitoring stations, lack of bathrooms and drinking fountains
- Service from Atlantic Ave straight to Pasadena and back
- Elimination of a station entrance at 3<sup>rd</sup> and Flower
- Metropolitan News parcel not being removed from all alternatives
- Station entrance technology
- Impacts to the Colburn School of Music

### **Construction Impacts in the Financial District**

Seven letters were received regarding construction in the Financial District. The concerns included continuing tunnel boring machine (TBM) farther south on Flower Street to reduce or eliminate cut and cover construction, maintaining access to various buildings and parking structures along Flower, potential construction noise and vibration impacts, potential traffic impacts, removing the pocket track along Flower Street, and potential impacts to on-street parking.

Following the LACMTA Board meeting in February 2012, LACMTA staff entered discussions with interests from the Financial District to resolve these concerns. The pocket track was removed from the LPA. The following refinements to the project definition and mitigation measures were approved by the LACMTA Board at the April 26, 2012 meeting:

- The width and length of any construction worksite on Flower Street south of 4<sup>th</sup> Street will be minimized to the greatest extent feasible;
- South of 4<sup>th</sup> Street, construction decking shall be no higher than 10", if feasible, above the existing grade, and flush with existing curb on the east and west side of Flower Street with a maximum cross gradient of 3%;
- No construction worker parking on Flower and adjacent streets during construction. Consider obtaining temporary parking in the West Lawn Garage for construction workers;
- Enhancements to the pedestrian walkway along the east side of Flower Street between 4<sup>th</sup> and 7<sup>th</sup> Streets shall not permanently eliminate a southbound traffic lane on Flower Street;
- Restore Flower Street travel lanes after construction to the existing six lane condition from 4<sup>th</sup> to 6<sup>th</sup> Streets and the existing four lane condition from 6<sup>th</sup> to 7<sup>th</sup> Streets;
- Along Flower Street, accelerate the construction schedule to the greatest extent feasible, consistent with budgetary and other constraints;
- Minimize surface disruptions along Flower Street from truck trips, utility relocation, decking installation and removal, street restoration, or TBM removal, when feasible;
- Detailed surveys of the structural conditions of the Flower Street properties shall be performed prior to and at the end of construction;
- Shoring design for cut and cover construction along Flower Street will account for adjacent buildings;
- Noise and vibration levels will be monitored at Flower Street properties during construction;
- If construction and or operational ground-borne noise limits or ground-borne vibration limits are exceeded according to thresholds in the FTA Noise and Vibration Guidance, LACMTA will take action to reduce noise and vibrations at the property lines of sensitive uses;
- No pile drivers will be used along Flower Street during construction. If necessary, piles will be drilled or vibrated, but not driven;
- Install and monitor deformation monitoring systems along Flower Street during construction;
- Reduced noise mufflers, air-inlet silencers, shrouds or sound walls will be used for generators, compressors, fans, exhaust systems and other inherently noisy construction equipment;
- Provide assistance for Flower Street businesses to maintain visibility during construction, including signage and advertisements;
- Ensure there is daily cleaning/washing during non-peak hours of Financial District streets affected by excavation and hauling;
- Provide protective measures, such as pipe and conduit support systems, vibration and settlement monitoring, trench sheeting, and shoring to avoid potential damage to utilities during construction;

- Maintain access to utilities for technicians, at all times during construction; and
- Assign a full-time ombudsperson who is authorized to resolve complaints relative to the Project.
- On Flower Street between 5<sup>th</sup> and 6<sup>th</sup> Streets, where cut and cover is necessary, maintain four travel lanes between 5AM and 8PM during weekdays for the period between the completion of the decking installation to the commencement of removal of decking.
- On Flower Street between 5<sup>th</sup> and 6<sup>th</sup> Streets, maintain no less than two travel lanes between 8PM and 6AM, except for those times when further street restrictions are required to facilitate decking installation and removal.

In response to public comments, at the April 26, 2012 Board meeting, the LACMTA Board adopted a motion that directs LACMTA staff to continue to meet with the Flower Street stakeholders and to examine value engineering and cost methods to determine if refined mitigations for construction impacts in the Financial District can be accommodated within the Life of Project (LOP) Budget and report back to the Board in 60 days. If these features can be completed within the current LOP budget, the LPA will be amended to include these features. Should these features exceed the LOP budget, the design features shall be included as proposal options during the construction procurement to allow proposers a process to include each feature and determine if it can be accomplished within the LOP budget.

### **Impacts in Little Tokyo**

Comments regarding impacts to Little Tokyo included removing the Little Tokyo/Arts District Station, LACMTA's commitment to mitigation measures in Little Tokyo during construction, impacts to parking in Little Tokyo, and potential noise and vibration impacts.

Relocating the Little Tokyo/Arts District to a new underground station minimizes property required and eliminates the cut-and-cover segment on 2<sup>nd</sup> Street in Little Tokyo originally required for construction. This eliminates the associated traffic, air quality, noise, right-of-way and other effects related to cut-and-cover construction. FTA and LACMTA are committed to the mitigation measures as included in Attachment A to this Record of Decision. Per measure EJ-3 in the Mitigation Monitoring and Reporting Program (MMRP), two acres of land shall be provided on the Mangrove property for the purposes of providing alternative parking services during construction. Parking services would include satellite parking served by shuttle buses or other parking services in the business area of Little Tokyo. Mitigation measures NV-19, NV-21, NV-22, NV-23, NV-27, and TR-1 specifically apply to the Japanese Village Plaza.

### **Impact to the LA Times Property**

The Los Angeles Times asserts that the Final EIS does not adequately identify other parking in the vicinity of the parcel to be acquired at 2<sup>nd</sup> and Broadway Street or the future location of the tank to be relocated. Alternate parking locations are available in the area, and the addition of a transit station to the area would likely cause some people to ride transit instead of driving, thus reducing the overall need for parking. LACMTA will coordinate with the LA Times to develop an appropriate location for the tank based on the specific requirements and appropriate safety considerations.

### **Start of Construction**

One comment inquired when construction would start. Final design is expected to take one to two years after the Record of Decision. Construction would begin when design is complete and a contractor has been obtained. Construction is estimated to begin as early as 2013.

### **Not to Preclude Future 5th and Flower Station**

One commenter requested that a future 5<sup>th</sup> and Flower Street Station not be precluded in the project design. The Final EIS includes a statement that the LPA does not preclude the opportunity to install a future station north of 5th and Flower Streets.

### **Comments Related To Methane Gas Mitigation, Standards to be Used, Level Of Fire, Police and Emergency Services, Handling of Excavations, Air Quality Monitoring Stations, Lack of Bathrooms and Drinking Fountains**

One commenter asked about the reporting, inspections and continued compliance of the mitigation measures with respect to methane and other gases. The comment further asks at what levels will fire, police and emergency

services be staffed and what is the anticipated response time under an emergency situation? How would evacuations be handled? What air quality monitoring stations will be employed and will a “methane flush” be required. Why are bathrooms and drinking fountains not included?

Construction of the project shall be consistent with the City of Los Angeles Methane Mitigation Standards, established in accordance with City of Los Angeles Ordinance No. 175790 and No. 180619. Specialized excavation methods and equipment shall be implemented to protect workers and the public from exposure to toxic gases and prevent explosions. Early notification of traffic disruption shall be given to emergency service providers. Specific air quality monitoring stations have not yet been identified. Bathrooms and drinking fountains are not provided as part of the Metro rail system for reasons related to cost of construction and maintenance, and cost and consequences related to safety and security. Most urban rail systems in the U.S. do not provide bathrooms and drinking fountains.

#### **Service from Atlantic Avenue to Pasadena**

One commenter asked if the Gold Line trains from Atlantic Avenue would go straight to Pasadena and back as they do now. The Regional Connector will allow one-seat; one-ride from east to west and north to south. Service from East Los Angeles to Pasadena will be provided with a transfer at the Little Tokyo/Arts District Station.

#### **Elimination of Station Entrance at 3rd and Flower**

The Sierra Club expressed concern that the station entrance at 3<sup>rd</sup> and Flower would be eliminated. FTA and LACMTA believe the station entrances as currently shown adequately address various communities in the corridor. During the Preliminary Engineering Phase, knock out panels are being considered at the stations to allow for future entrances.

#### **Metropolitan News Parcel Not Being Removed From All Alternatives**

The Metropolitan News noted that reference to their parcel had been removed with respect to the LPA but had not been removed from all alternatives. As noted, the Metropolitan News parcel was removed from the LPA. The remaining alternatives were carried forward from the Draft EIS, but were not refined further in the Final EIS.

#### **Station Entrance Technology**

One commenter suggested using Utrecht’s “transfer accelerator,” which is a slide employed at one of the Dutch city’s subway stations, for one of the new Regional Connector station entrances. This technology is not currently under consideration for this project.

#### **Noise Impacts to the Colburn School**

Two comments noted that an acoustic impact study has not been performed at the Colburn School. The letters added that such a study is a crucial step for LACMTA to uphold the MMRP commitment to not negatively impact the acoustic quality of the School’s facility. Additional noise studies were conducted for Walt Disney Concert Hall. Since the two facilities were close proximity to each other and similar in noise sensitivity, the noise study results were verified for applicability to the Colburn School. (Refer to Appendix 2 of the Final EIS). Mitigation for the Walt Disney Concert Hall has been modified to also apply to the Colburn School.

#### **Comments Received on the Final EIS After the Review Period and Responses**

The review period to receive public and agency comments concluded on February 20, 2012. The project went before the Board at the February 23, 2012 meeting. At that meeting, the Board requested staff continue to work with stakeholders to resolve concerns with respect to construction impacts in the Financial District and Little Tokyo. On April 26, 2012, the LACMTA Board approved the project definition that incorporated several design refinements and mitigation measures. After the review period of the Final EIS ended, nine additional public comments were received.

#### **Impact to the LA Times Property**

The Los Angeles Times commented regarding its concern that a station entrance is located in the parking lot in the middle of the campus. The Los Angeles Times requested the Board consider the proposed station entrance in an alternate location. However, if the station entrance is not relocated, the Los Angeles Times wishes to provide input regarding the design of the station.

The Los Angeles Times parking lot would be converted to a station plaza with a station entrance. The parking lot is currently fenced and thus already provides a barrier across the parcel. Removing the parking lot and fence and

providing a station entrance will provide better access to and from the Times campus. LACMTA will be seeking public and interested parties input in station design in the next phase of engineering following the Record of Decision.

### **Construction Impacts adjacent the Los Angeles Central Library and Maguire Gardens**

The West Lawn Coalition and the Central Library expressed concern on construction impacts adjacent the Los Angeles Central Library and Maguire Gardens. The Final EIS addresses potential construction impacts on the sidewalks adjacent these buildings, but no impacts to the grounds of either building were anticipated. LACMTA adopted the following measures as part of the project definition in the April 26, 2012 Board report:

- Maintain access from Flower Street between 5<sup>th</sup> and 6<sup>th</sup> Streets to the West Lawn Garage;
- Any areas adjacent to the Maguire Gardens and Central Library impacted by construction will be returned to their original or improved state, with oversight by the Library Gardens Committee;
- Require that any public spaces, gardens, plazas, walkways, sidewalks, trees, street furniture, landscaping, hardscaping or pedestrian areas, including but not limited to the Library Gardens and the Citigroup Plaza, which are impacted, damaged or altered as a result of construction activity and / or staging, be reconstructed, replanted, repaired and replaced like-for-like at the end of construction activity in that vicinity.

### **Impacts in Little Tokyo**

The Little Tokyo Community Council identified outstanding concerns they did not feel were adequately addressed in the Final EIS. These included marketing support for Little Tokyo businesses, a business interruption fund, and parking-related services. The MMRP includes the following measures that address these concerns:

- Per EJ-3, two acres of land shall be provided on the Mangrove property for the purposes of providing alternative parking services during construction which would include satellite parking served by shuttle buses or other parking services in the business area of Little Tokyo. Any parking services shall be operated by a licensed/bonded parking company selected through a Request for Proposal process. The appropriate parking service provided will be determined with the participation of the Regional Connector Community Leadership Council (RCCLC), Little Tokyo Community Council (LTCC), and/or other subcommittee. Through the RCCLC, LTCC, and other community groups it shall assess the feasibility of establishing a shuttle service connecting local parking lots and Little Tokyo/Arts District with destinations in downtown.
- Per EJ-16, targeted advertising and marketing campaigns shall be provided as determined by the RCCLC, LTCC and/or other community based groups. An MOU agreement shall be developed to implement the process. The MOU will include but not limited to provide the following:
  - Marketing and Merchant Support
  - Technical and Business Assistance
  - Business Interruption Program to provide an expeditious standard for claims resolution and reimbursement
  - Marketing Services and Branding Campaign
  - Merchant Discounts and Incentives/Rewards Program
  - Signage (for businesses and access)
  - Special Event Planning (including support)
- The designation of a Construction Relations Manager to serve as the point person for all community concerns regarding the project prior to construction. This person will be responsible for the entire project area and funded from the project budget.

### **Impacts at 2<sup>nd</sup>/ Hope Street Station**

Veolia Energy the owners of the land, land improvements and Central Plant commented that the project would create substantial impacts that could greatly harm the potential future development of the portion of the Central Plant site that is not devoted to providing chilled water, hot water and steam to the Downtown community.

The Final EIS discloses partial takes for construction staging on this parcel. Construction of the LPA is expected to result in a partial take of this site for construction staging and the proposed 2nd/Hope Street Station. The part of the

parcel that would be utilized for construction staging is currently used for parking and is the primary access point to the Central Plant. During construction, this access point would remain available and replacement parking would be required. Adverse impacts could result if replacement parking was not provided or if access was inhibited or eliminated to the Central Plant. Mitigation measures described in the MMRP have been developed to reduce this potential impact. The station entrance on 3<sup>rd</sup> and Flower will not be built at this time but a knock-out panel to tie into future development will be included.

### **Construction impacts in the Financial District**

A council member of the City of Los Angeles urged LACMTA to work diligently with the downtown property owners to identify all feasible mitigation measures to reduce construction impacts in the Financial District.

Hines, the owner of Citigroup Center, and other property owners in the Financial District reiterated their comments on the SEA/RDEIR and the Final EIS, particularly their concerns on construction impacts along Flower Street. The commenters requested consideration of extending the use of the TBM further along Flower Street past 4<sup>th</sup> Street and additional measures to minimize surface disruption and traffic impacts during construction. The comments assert that a narrower footprint for the rail lines is feasible and that the areas with tie-backs could be avoided and thus allow tunneling, which would mitigate construction impacts.

The LPA, as described in the Final EIS, provides for the use of the TBM under Flower Street up to the intersection of 4<sup>th</sup> Street and Flower Street. The tiebacks extend through the center of the street at a depth that will affect the TBM as it rises to the 7<sup>th</sup> Street Metro Center Station Tail Tracks. A six percent grade is the maximum for Metro rail operations. With that grade and with the length of the tiebacks, tiebacks cannot be avoided.

At the April 26, 2012 Board meeting, the LACMTA Board adopted a motion that directs LACMTA staff to continue to meet with the Flower Street stakeholders and to examine value engineering and cost methods to determine if refined mitigations for construction impacts in the Financial District can be accommodated within the Life of Project (LOP) Budget and report back to the Board in 60 days. If these design features can be completed within the current LOP budget, the LPA will be amended to include these features. Should these features exceed the LOP budget, the design features shall be included as proposal options during the construction procurement to allow proposer a process to include each feature and determine if it can be accomplished within the LOP budget.