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October 20, 2015

Via Federal Express

City Council
City of Los Angeles
c/o Ms. Holly L. Wolcott, City Clerk
200 N. Spring Street, Room 360
Los Angeles, CA 90012

RECEIVED
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BY *DP*
PLS. REACTIVITY DEPUTY

Re: **Council File: 15-0899-S1**; Further Support for Appeal of Non-Exclusive License Agreements (NELA) With Transportation Network Companies (TNCs) Approved as BOAC Agenda Item 15, July 16, 2015; Public Resources Code § 21151 (c)

Honorable Councilmembers:

On behalf of the Alliance for a Regional Solution to Airport Congestion ("ARSAC"), we hereby submit the attached analysis conducted by air quality expert David Gemmill determining that replacement of all or part of a regulated commercial transportation fleet with an unregulated fleet of vehicles could lead to increased air pollution impacts as Transportation Network Companies (TNCs) replace other modes of transportation at LAX.

On August 7, 2015, ARSAC appealed the Board of Airport Commissioners' July 16, 2015 approval of the Non-Exclusive License Agreements (NELA) with TNCs allowing private vehicles to be used for commercial transportation services from LAX ("the Project").

David Gemmill's attached analysis disproves the City's finding that the displacement of the taxicabs, which are required to be Ultra Low Emissions Vehicles or better, by TNCs would not lead to air pollutant increases that would be significant under South Coast Air Quality Management District CEQA thresholds. Unlike taxicabs, TNCs are not required to be certified as Ultra Low Emissions Vehicles. The analysis first points out that the City's analysis fails to disclose important assumptions made regarding the TNC and taxicabs being compared. However, if a per-mile analysis is undertaken, Mr. Gemmill concluded that the Project would lead to an emissions increase of 53% for ROG, 56% for carbon monoxide, and a 5% increase for NOx. As Mr. Gemmill's analysis shows, displacement of ULEV taxis by TNCs would contribute to an increase of

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1,800 lb/day in CO emissions. This would be a significant impact. SCAQMD CEQA Threshold of significance for CO increases is 550 pounds per day. Therefore, even if TNC's replace only 1/3 of the ULEV taxi fleet (and data previously submitted shows TNCs have led to a 69% decline in taxi usage in San Francisco), the generation of an incremental difference of 600 lb/day of Co emissions would exceed SCAQMD thresholds of significance. Therefore, the City must prepare an environmental impact report to analyze this potentially significant impact.

This memorandum responds to testimony presented by an expert who appeared at the October 6, 2015 Trade, Commerce, and Technology Committee hearing on ARSAC's appeal and thus could not have been submitted to the City earlier. Further, ARSAC was unable to present this information during the California Environmental Quality Act ("CEQA") process for the Project since the City has claimed that the Project is exempt from CEQA and has not conducted a CEQA review process.

Thank you for your consideration of this important information.

Sincerely,



Douglas P. Carstens

Enclosure:

1. David Gemmill Memorandum and CV regarding air quality impacts of TNC vehicle use.

David Gemmill
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Temecula, CA 92592
(951) 491-5944

Memorandum

Mr. Douglas Carstens
Chatten-Brown & Carstens, LLP
2200 Pacific Coast Highway, Suite 3318
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October 14, 2015

Re: Review of Emissions Estimates Study

Overview

Per your request I have reviewed Section 1.3.3 and Table 1 in a Los Angeles International Airport document, dated July 15, 2015, attached. The section presents the results of an air quality impact analysis that compares the air pollutant emissions from taxicabs to those of TNC vehicles in providing transportation for passengers going to and from LAX. In the analysis it was assumed that TNCs would comprise 7% of the total LAX passenger service mix and that these TNCs would displace an equal number of taxicabs.

Taxicabs that service LAX must have operating permits that specify that the taxicab make and model must have a certification of Ultra Low Emission Vehicle (ULEV) or lower. On the other hand, the TNC fleet likely represents a balanced cross section of all the passenger cars used in the Los Angeles area.

As stated in a previous memo (8/23/15), it is clear that the modes of transportation for service at LAX that have the lowest total emissions per vehicle are the modes that have ULEV ratings or better. These include all the commercial modes such as taxis, but do not include private vehicles and TNCs.

However, the conclusion from the Section 1.3.3 analysis is that the displacement of the taxicabs by TNCs would have a minimal air quality impact, and that all pollutant emission increases would be well below the daily South Coast Air Quality Management District (SCAQMD) CEQA thresholds.

Review

The assumptions that were made to calculate the emissions estimates in Table 1 were not cited. Before the accuracy of these estimates can be verified, the following information is needed:

1. The percentages of TLEVs, LEVs, and ULEVs assumed to exist in the TNC fleet.
2. The assumed number of vehicles in the taxicab and TNC fleets.
3. The assumed number of daily miles driven by the taxicabs and TNCs.
4. The emission factors that were used to provide the estimates.
5. The sources for the information in Items 1-4 above.

A similar first order emissions estimate was undertaken by the undersigned using the following assumptions:

1. The TNC fleet is comprised of vehicles with the following emissions certification ratings: 5% TLEV, 50% LEV, and 45% ULEV.
2. The taxicab fleet is comprised of 100% ULEV vehicles.
3. Standard ARB emission factors for CO, ROG, and NO_x were used. However, it should be noted here that recent experience (VW) has shown that the actual emissions on the highway for some vehicles may be much higher than their certified emission factors.
4. In the 8/23/15 memo it was estimated that 61,000 vehicles visit LAX every day, based on a recent LAWA study. Thus, 4,270 vehicles per day (7%) were used for this estimate.
5. It was assumed that the TNCs and taxis are driven 200 miles/day.

In this estimate the differences in emissions between the TNCs and ULEV taxis are as follows:

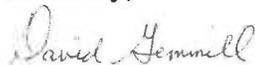
CO = 1,800 lb/day
ROGs = 10 lb/day
NO_x = 18 lb/day

Table 1 in the attached report shows much smaller differences. The estimates in that report may have assumptions of a much smaller miles/day driven, or a smaller fleet size, or they may have used different emission factors.

Since the assumed miles driven and the number of vehicles in the estimate are unknown, we could instead use a percent increase metric. In this case the data from this first order estimate show a 53% increase for ROGs, a 56% increase for CO, and a 5% increase for NO_x.

The results of any study depend on what assumptions are used, how the calculations are made, and how the results are presented. If we can ascertain the critical assumptions in the attached study, it is entirely possible we will find that its results are scientifically sound. However, a study provided by a consulting firm retained by an organization with an agenda to show minimal impact could conceivably encounter a problem with potential conflicts of interest. In this case, independent peer review of the study would be indicated, and it is unknown whether or not this was done. In an ideal world SCAQMD should be doing an impact analysis as important as this one.

Sincerely,



David Gemmill
President

Quality Assurance Consulting, LLC