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August 7, 2015

Via Federal Express

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Councilmember Bob Blumenfield
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Los Angeles, CA 90012

Ms. Holly L. Wolcott, City Clerk
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Sean Burton, President
Board of Airport Commissioners
Los Angeles World Airports
1 World Way
Los Angeles, CA 90045

Deborah Ale Flint
Executive Director,
Los Angeles World Airports
1 World Way
Los Angeles, CA 90045

Re: Appeal of Non-Exclusive License Agreements With Transportation Network Companies Approved as BOAC Agenda Item 15, July 16, 2015; Public Resources Code § 21151 (c)

Honorable Councilmembers, City Clerk, President Burton, and Executive Director Flint:

On behalf of the Alliance for a Regional Solution to Airport Congestion (“Appellants”), we hereby appeal pursuant to the California Environmental Quality Act (“CEQA”) the July 16, 2015 decision by the Board of Airport Commissioners to approve Non-Exclusive License Agreements to Transportation Network Companies (TNCs) allowing private vehicles to be used for commercial transportation services from LAX (“the Project”).

Section 21151 of the Public Resources Code provides, “If a nonelected decisionmaking body of a local lead agency . . . determines that a project is not subject to this division [CEQA], that . . . determination may be appealed to the agency’s elected decisionmaking body, if any.”

As the Board of Airport Commissioners is not an elected decisionmaking body, its determinations under CEQA are appealable to the City’s elected decisionmaking body, the City Council.

Councilmembers Bonin and Blumenfield,
Ms. Holly L. Wolcott, City Clerk,
Pres. Burton, Ex. Dir. Flint
August 7, 2015
Page 2

Appellants respectfully urge the City Council to deny approval of the Project until an environmental impact report (EIR) has been prepared that adequately discloses and mitigates the impacts of the NELA.

Appellants have submitted a letter dated May 15, 2015, which is attached, raising various objections that have not been addressed. The concerns include: public participation, environmental review, geo-fence boundary, Designated Staging Areas, security, governance and transparency, delinquency payment, disabled passenger access, fines, insurance, and pricing.

In proposing to permit TNC's at LAX, BOAC failed to consider that permitting thousands of personal vehicles to engage in commercial operations on the airport's rights of way will result in increased vehicle emissions and public health and safety impacts at what is already a heavily congested airport. Therefore, we ask that you conduct an environmental review as required by the California Environmental Quality Act (Pub. Resources Code Section 21000 et seq.) (CEQA), before any approval of the TNC License Agreement.

The potential approval of a license agreement for TNCs to operate is a "project" within the meaning of CEQA. The Project is not exempt from CEQA pursuant to exemptions under Title 14 of California Code of Regulations ("CEQA Guidelines") section 15301- the "existing facilities" exemption- and section 15061 (b)(3)- the "common sense" exemption. Neither of these exemptions from CEQA is applicable.

A TNC NELA is not exempt under section 15301 because it is not an existing "facility." The word facility refers to a physical structure. The exemption expressly states:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

TNCs are not "structures, facilities, mechanical equipment, or topographical features." Therefore, this exemption provided by section 15301 is plainly inapplicable.

The common sense exemption of CEQA Guidelines section 15061 is equally inapplicable. It states "(3) The activity is covered by the general rule that CEQA applies

Councilmembers Bonin and Blumenfield,
Ms. Holly L. Wolcott, City Clerk,
Pres. Burton, Ex. Dir. Flint
August 7, 2015
Page 3

only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Contrary to this lack of possibility of impacts, to permit TNC’s to operate at LAX under less restrictive health and safety requirements than traditional, highly regulated charter-party carriers and taxicabs will significantly increase air pollution and will seriously impair public health and safety. Adverse public safety impacts are foreseeable based on past TNC performance. Thus, in ARSAC’s May 15, 2015 letter, we requested that security concerns be addressed. Foreseeable public safety impacts must be addressed during CEQA review. (*City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal. App. 4th 362, 395 [EIR should have evaluated the effect of a roadway and a pedestrian bridge on pedestrian safety].)

Additionally, as ARSAC identified in the May 15, 2015 letter, air quality conditions in the Los Angeles region, especially around LAX, are likely to be aggravated by permitting TNC operations because they do not adhere to the same clean fuel and clean vehicle requirements as other commercial transportation companies. The California Public Utilities Commission (PUC), which issued an Order Instituting Rulemaking on Regulations Relating to TNCs, recognized that “40% of the greenhouse gas emissions in the state of California” are contributed by the transportation sector. (“Decision Adopting Rules And Regulations To Protect Public Safety While Allowing New Entrants To The Transportation Industry,” CPUC Decision 13-09-045 issued September 19, 2013 in Rulemaking 12-12-011, p. 23; available at http://sfcdca.org/CPUC/CPUC_Decision_13-09-045.pdf.) Cities and counties, such as Los Angeles, San Francisco, Orange, and Fresno, impose clean fuel or clean vehicle requirements on their licensed taxicab services.” (LA Taxicab Rules and Regulations section 401 (b) and (e) among others [requiring Ultra-Low Emission Vehicle (ULEV) or better standards]; see http://ladot.lacity.org/stellent/groups/departments/@ladot_contributor/documents/contributor_web_content/lacityp_027010.pdf.) Allowing TNCs to evade the clean fuel or clean vehicle requirements is unfair to other transportation companies and is likely to increase air pollution impacts considerably.

Such a NELA would also allow violation of South Coast Air Quality Management Rule 1194, which requires "For all public and private fleets that provide passenger transportation services out of commercial airports operating in the South Coast Air Quality Management (District), . . . fleet operators [must] acquire cleaner burning or

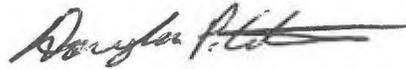
Councilmembers Bonin and Blumenfield,
Ms. Holly L. Wolcott, City Clerk,
Pres. Burton, Ex. Dir. Flint
August 7, 2015
Page 4

alternative-fueled vehicles to reduce air toxic and criteria pollutant emissions when procuring or leasing these vehicles in the District unless otherwise exempt." TNCs may not deny they are fleet operators on the theory that their drivers are independent operators, since federal courts and the California Labor Commission have concluded that TNC drivers are employees. (<http://www.wsj.com/articles/court-rulings-may-redefine-ride-sharing-drivers-1422922890> and <http://www.reuters.com/article/2015/06/17/us-uber-california-idUSKBN0OX1TE20150617>.)

Appellants look forward to your scheduling the hearing on this appeal.

Thank you for your consideration of this matter.

Sincerely,



Douglas P. Carstens

Enclosure: ARSAC letter dated May 15, 2015



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310 641-4199 WWW.RegionalSolution.org info@regionalsolution.org

May 15, 2015

Mr. Steve Martin
Chief Operating Officer
Los Angeles World Airports
1 World Way
Westchester, CA 90045

Via email: TNCcommnet@lawa.org

Re: Draft Non-Exclusive License Agreement- Transportation Network Companies (NELA-TNC)

Dear Mr. Martin:

We appreciate the opportunity to comment on this draft. We are providing comments by topic.

In summary, we oppose TNC operations in the LAX Central Terminal Area (CTA) as it will increase traffic in an already over congested area, but we would support them in underutilized parking lots such as Parking Lots B and E serviced by shuttle buses.

We request that comments and questions from us and other groups be considered and incorporated into a second draft for final comments. We also ask that all of the NELA-TNC comment letters and drafts be posted on the LAWA website and that the revised draft NELA-TNC is re-circulated again for public comment before the final proposed NELA-TNC is submitted to the Board of Airport Commissioners for their consideration.

1. Public Participation. In light of an important issue such as this, what outreach efforts did LAWA make to stakeholders on the draft NELA-TNC? Who were the stakeholders contacted? Is the draft NELA-TNC on the LAWA website? The communities surrounding LAX are constantly impacted by the traffic, noise, pollution and road safety of ground transportation going into and out of Los Angeles International Airport (LAX). Organizations such as ARSAC, Neighborhood Council of Westchester/Playa, Westchester Neighbors Association, Westchester Vitalization Corporation, LAX Coastal Chamber of Commerce, Westchester Town Center Business Improvement District, the Gateway to LA Century Boulevard Business Improvement District, the cities of Culver City, El Segundo, Hawthorne and Inglewood as well as the County of Los Angeles should always be on the stakeholder contact list. As was evidenced with the recently approved LAX Northside project, active engagement with the community in two-way conversations and idea sharing has resulted in a win-win project that satisfied LAWA needs and community concerns. Note how there were no protests or litigation as a result of the LAX Northside project approval.

2. Environmental Review. Considering that LAWA is contemplating allowing Transportation Network Companies (TNC's) to provide ground transportation at LAX, this is a new program and it should be assessed under the California Environmental Quality Act (CEQA) and the National Environmental Quality Act (NEPA). Environmental review is critical as the draft NELA-TNC states that 40 vehicles per TNC licensee would be allowed into the LAX "Geo-fence" and that the LAWA Executive Director can increase that number. There is no criterion such as parameters or limits in the draft for increasing the number of TNC vehicles. TNC vehicle operations at LAX will create environmental impacts such as traffic, noise, pollution, light and glare, security and safety issues. LAWA should not proceed with a TNC program without first completing the appropriate environmental approvals.

Specific to traffic, by creating a NELA-TNC program, this new TNC ground traffic may exceed the ground transportation trip limits that LAWA committed to in the approved LAX Master Plan 2015 Environmental Impact Report and Environmental Impact Statement (EIR and EIS). In addition, TNC vehicles will add more

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7929 Breen Ave. Los Angeles, CA 90045 (physical)

traffic impacts to the residential streets and adjacent intersections as there are thresholds for impact during the peak AM and PM hours. Please reference these impacts per the City of Los Angeles Traffic Study Policies and Procedures (June 2013). At the very least, a technical memorandum needs to be created to determine if a traffic study is required. Some of the streets impacts within the Westchester/Playa del Rey Plan and LAX Plan (LA City General Plan areas) will be Vista del Mar, Pershing, Nicholson, Waterview, Napoleon, Manitoba, Falmouth, Loyola, Lincoln, Sepulveda, Sepulveda Westway, Sepulveda Eastway, Airport, Truxton, Aviation, La Cienega, Jefferson, 74th Street, 76th Street, 77th Street, 78th Street, 79th Street, 80th Street, McConnell, Emerson, 83rd Street, Manchester, Westchester Parkway, Arbor Vitae, Century Boulevard, Imperial Highway, La Tijera, Osage and Florence. It is possible that 40 TNC vehicles per hour per TNC operator will exceed the LA DOT threshold.

Specific to pollution, not all TNC vehicles are known to be clean fuel. The AQMD has conducted studies at LAX on mobile source emissions. By allowing in more vehicles into LAX that are not required to be clean fuel, this will negate some of the emissions reductions made by LAWA with its own fleet and the fleets of other ground transportation providers. LAWA must account for the TNC vehicles and their potential pollution impacts as well as mitigation measures.

3. Geo-Fence. The current northern boundary is not correctly defined. Westchester Parkway extends from Pershing Drive to Airport Boulevard. East of Airport Boulevard, Westchester Parkway is named Arbor Vitae to the City of Los Angeles border at La Cienega. We request that the Geo-fence boundary be expanded with La Cienega as the eastern boundary. With the expanded boundary, future facilities proposed in the LAX Landside Access Modernization Project (LAMP) such the Intermodal Transportation Facility (ITF) will be included within the Geo-Fence.

While we agree with the concept of a Geo-fence, we disagree with the use of a Geo-fence relying solely on the TNC driver to operate the mobile application appropriately. We request that all TNC vehicles have a transponder installed as a primary verification. The transponder can be similar to the ones that are used for the 110 toll lanes and the Orange County toll roads. In the case of the TNC transponder, this one should be installed in the lower right hand corner inside the windshield. The TNC transponder would have the TNC company name, a vehicle number, an expiration date and either an LAX or City of Los Angeles seal or logo. In addition to being a part of the "trade dress" for the TNC vehicle, it will provide Airport Police and TNC customers something to authenticate that the TNC vehicle is a legitimate, licensed operation.

The proposed 2-mile exclusion zone from the Geo-fence will hurt local businesses, especially those located inside the Geo-fence such as In-N-Out Burger, Melody Pizza, Burger King, Century Boulevard hotels and restaurants and other businesses such as doctors, dentists, chiropractors and even LAWA offices. The Geo-fence limit may also cause problems for TNC drivers if they have to take customers on Sepulveda Boulevard where no LAX stop is involved. An example would be a hotel guest at the DoubleTree Suites in El Segundo wanting to go to the Nordstrom Rack store in the Westfield Culver City Fox Hills Mall. Under the proposed Geo-fence which does not appear to allow "pass through" traffic, a TNC driver would have to drive on Vista del Mar, La Cienega or the 405 freeway to get around the Geo-fence. This type of detour could result in TNC's cutting through residential neighborhoods. We appreciate LAWA's efforts to reduce airport related parking in adjoining residential areas.

Finally, there may be TNC drivers who live within 2 miles of the Geo-fence. The draft document does not address how to deal with this.

4. Use of Upper Level Roadway. We oppose TNC vehicles operating in the Central Terminal Area (CTA). LAWA has already begun a LAX Landside Access Modernization Project (LAMP) with the goal of reducing the number of vehicles accessing the CTA. Allowing TNC vehicles into the CTA will run contrary to the goals of LAMP to reduce CTA traffic by increasing traffic in an already over congested CTA. By allowing

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7929 Breen Ave. Los Angeles, CA 90045 (physical)

TNC vehicles into the CTA that could be accommodated elsewhere such as Parking Lots B and E on 111th Street between Aviation and La Cienega, LAWA will be creating the nightmare traffic scenario of every day being Thanksgiving Day. Thanksgiving Day is the generally the busiest day of the year at LAX.

5. Designated Staging Area (DSA). To date, LAWA has not provided where the DSA will be located. We ask that LAWA recirculate a second draft for comment that includes the proposed DSA. We recommend that the underutilized Parking Lots B and E on 111th Street between Aviation and La Cienega serve as the Designated Staging Area for all TNC vehicles. This is the location where TNC passengers can be picked and dropped off. LAWA can provide a shuttle bus between the DSA and the CTA terminals. These convenient parking lots are very close to the freeway entrances and exits for the 405 north and south as well as the 105 west offramp and 105 east onramp. This location is away from residential areas and can be easily monitored by LAX Landside Operations and the LAWA Police Department. When LAWA has completed construction of the Intermodal Transportation Facility (ITF) as a part of LAX Landside Access Modernization Project (LAMP), then LAWA can study whether or not to move TNC operators to the ITF.

6. Security. As LAX is the number one terrorist target on the West Coast, it is highly important that all TNC drivers must be required to have an LAX identification badge and to meet the current requirements for an LAX ID badge including finger printing and criminal background checks. An LAX ID badge will also help to provide passengers some assurance that they are not using unlicensed or bandit ground transportation services. LAWA should reply on its existing badging process for screening TNC drivers. This will serve as a double-check to the TNC operators internal processes to protect the traveling public from felons and registered sex offenders.

7. Governance and Transparency. The draft DSA leaves certain discretion to the Executive Director without the approval of the Board of Airport Commissioners (BOAC) and/or without any public notice. In the case of the former, in Section 4.4 (page 13), the Executive Director can set the rate for use of the DSA. The setting and approval of rates for landing fees, terminal rents, ground leases, concessions fees and ground transportation fees has been the domain of BOAC which is charged in the City Charter to have oversight of the Department of Airports. The BOAC should approve the location of the DSA and the setting of DSA use rates. By having this type of matter on the BOAC agenda, it gives the public some notice and an opportunity to provide input. Ideally, LAWA staff would do public outreach before bringing matters such as this one to BOAC. In the latter, when the Executive Director takes actions such to approve to terminate NELA-TNA licenses, where is that made available to the public? LAWA needs to increase its transparency as an organization.

8. TNC Vehicle Tracking (Section 3.6). As noted above, we favor transponders in all TNC vehicles approved for LAX as the primary tracking. The mobile app should be a secondary verification. LAWA should compare the data between the transponders and the mobile app to identify discrepancies and possible fraud.

9. Delinquent payment (Section 6). There needs to be an operational penalty for non-payment or 60 day delinquent payment by making a suspension or revocation of a TNC license. There are too many examples in the City of Los Angeles where revenue due to the City is not collected due to poor accounting and bad management practices.

10. Disabled Passenger Access (Section 18). The draft NELA-TNC needs to be more specific as how TNC licensees will accommodate passengers with disabilities. LAWA describes a 15% penalty, but nothing more. LAWA needs to make certain that it is complying with the Americans with Disabilities Act (ADA) and that disabled passengers are able to access ground transportation, including with TNC's. With the Special Olympics World Games coming to Los Angeles this summer, will the TNC operators be ready?

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11. Fines (Section 21.4). The proposed fines for filing monthly financial reports are too low at \$100. Please consider \$1,000 per monthly report or more to ensure compliance.
12. Insurance (Exhibit A). TNC operators should meet the same insurance requirements as other ground transportation operators at LAX. We appreciate that LAWA is seeking to require the same high standard of insurance as required of other ground transportation providers.
13. Pricing. LAWA should prohibit TNC operators from engaging in "surge" pricing during peak periods for pickups at LAX. No one should be "taken for a ride" when departing LAX. Pricing guidelines should be available to passengers at LAX for the various ground transportation options. This information can be on kiosks in terminal arrivals areas, at ground transportation pickup locations and on LAWA's website.

Please contact us if you have any questions. We look forward to having an ongoing dialogue with you on this and other LAX issues.

Sincerely,



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