



January 25, 2018

Project Committee Members
Genny Cisneros
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Re: Opposition to Alternatives 5C and 7 as Preferred Alternatives

Dear Members of the Project Committee:

On behalf of the undersigned members of the Coalition for Environmental Health & Justice ("CEHAJ"), we write regarding efforts to convince the Project Committee to support Alternative 5C – a road widening alternative that will further entrench environmental injustice in the I-710 Corridor Communities. Throughout California, agencies are proposing innovative transportation solutions to solve transportation and congestion issues in communities, but in the I-710 corridor, our agencies are now trying to ram a garden-variety road widening project through the corridor. This should be rejected by our local leaders. Alternative 7 is also unacceptable because it does not include a mandatory Zero Emissions freight corridor and it will result in the displacement of vital resources. In the midst of today's housing crisis, we cannot be in the business of removing homes and homeless facilities.

Importantly, we continue to have significant concerns with CALTRANS and the consultants' project analysis and their compliance with Metro Motion 22.1. In particular, the consultants are flouting their duties provided in Motion 22.1 in three key areas – Zero Emissions, Displacement and Local Hire.

Zero Emissions – Alternative 5C dismisses zero emissions freight and selects a standard variety road-widening project to allow more diesel trucks through our communities. This is an environmental injustice that must be rejected. Our communities deserve a project that advances zero emissions in a meaningful way, not just a project that widens the road and hopes zero emissions technology will come. A mandatory zero emissions corridor or lanes is a critical component to any project.

Displacement – We remain deeply opposed to the project displacing homes and homeless facilities. The consultants must do better in designing a project that protects these vital resources.

Targeted Hire – Motion 22.1 is abundantly clear that the Local and Targeted Hiring Policy and PLA for construction jobs and a First Source Hiring Policy for permanent jobs created by the project “should completed, at the latest, by the completion of the recirculated DEIR/DEIS.” Instead, the consultants continue to punt on this issue. This is unacceptable.

Finally, the environmental process used here is deeply problematic in putting out for comment during the draft phase no preferred alternative, then rushing to select an alternative shortly thereafter. A recent California court of appeal decision confirms this approach fails to comply with the California Environmental Quality Act. It posited the following:

A description of a broad range of possible projects, rather than a preferred or actual project, presents the public with a moving target and requires a commenter to offer input on a wide range of alternatives that may not be in any way germane to the project ultimately approved. While there may be situations in which the presentation of a small number of closely-related alternatives would not present an undue burden on members of the public wishing to participate in the CEQA process, in this case the differences between the five alternatives projects was vast, each creating a different footprint on public land. Each option created a different set of impacts, requiring different mitigation measures. “[W]hen an EIR contains unstable or shifting descriptions of the project, meaningful public participation is stultified.”

Washoe Meadows Community v. Department of Parks and Recreation (2017) 17 Cal.App.5th 277, at p. 288. Like in the *Washoe Meadows* case, public participation has been stifled by this approach of sandbagging a decision until after the close of the public comment period. As such, the Project Committee should reject this effort.

The consequences of this massive infrastructure project are too great to get wrong. Lives and community resources are on the line, and we ask the Project Committee to: **1) reject alternatives 5C and 7; and 2) direct the project team to address the issues identified in this letter by revising and recirculating the environmental documents for this project.**

Sincerely,



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Earthjustice

Milton Hernandez-Nimatuj
Communities for a Better Environment

Taylor Thomas
East Yard Communities for Environmental Justice

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Legal Aid Foundation of Los Angeles

Ramya Sivasubramanian
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