

*Little Tokyo would experience expanded traffic congestion and travel times due to an increase in truck activity handling a greater proportion of the tunneling excavation materials. Construction of both Alternatives A and B would have a longer duration than that of the Project, which would be disproportionately experienced in the Little Tokyo community (over the impacts of other communities) and would be considered disproportionately high and adverse to residents of Little Tokyo.*

As the Draft SEIS indicates the Alternative B, which has similar impacts as the commenter's deep tunnel alternative would increase construction intensity and truck trips in Little Tokyo. It would create disproportionate adverse environmental justice impacts in Little Tokyo.

- See Chapter 4.17 Environmental Justice, Section 4.17.3.5 Locally Preferred Alternative for impacts associated with the Project and community coordination
- See Volume F-2 and F-3 of the Final EIS/EIR for extensive responses to Little Tokyo community, stakeholders, and residents
- See Draft SEIS Section 3.2 Environmental Consequences for discussion on traffic impacts for Alternatives A and B
- See Draft SEIS Chapter 4.8 Environmental Justice for analysis under environmental topic areas and associated EJ impacts

#### **Response to Comment PC5-26**

See response to Comment PC5-27 regarding impacts to Little Tokyo.

The commenter's preferred alternative would increase construction intensity at the Mangrove site which is in Little Tokyo. The routing of additional truck trips does not change the conclusion regarding Environmental Justice.

#### **Response to Comment PC5-27**

See response to Comment PC5-13 regarding cut and cover construction.

The analysis of tunneling along Lower Flower is not piecemealed from the rest of the Project. As stated in Section 4.0, the analysis of the construction methods in the Draft SEIS considered construction impacts along the focused Flower Street segment and Little Tokyo area. The Final EIS/EIR already analyzed the construction activity impacts on other portions of the Project Area, and those impacts would remain the same as analyzed in the Final EIS/EIR even if the agencies modified the Project by adopting Alternatives A or B. For some environmental resource areas, operational impacts are not changed from those identified in the Final EIS/EIR and are not discussed further.

The FEIS concluded that construction would have a disproportionate impact on the Little Tokyo community. The MMRP included extensive mitigations developed in consultation with the community in order to reduce the disproportionate impact. The Little Tokyo community does consider the Mangrove property to be within Little Tokyo and increased construction activity and duration of construction activities there associated with the commenter's preferred

alternative would disproportionately impact Little Tokyo. See response to Comment PC5-25 regarding environmental justice impacts. The SEA concluded that, overall, tunneling through Little Tokyo and removing the spoils through the Mangrove property *reduced* impacts over the alternatives presented in the initial Draft EIS because the alternatives in the Draft EIS analyzed cut-and-cover construction down 2nd Street through Little Tokyo. Tunneling further down Flower Street south of 4th Street would require removing more and more spoils through the Mangrove property, and the additional impacts from removing those additional spoils risks tipping the impacts to a significant effect. Even using an EPBM to 5th Street, as the commenter suggests, would require removing additional spoils through the Mangrove property, and that would increase impacts on the fragile Little Tokyo environmental justice community.

#### **Response to Comment PC5-28**

See response Comment PC5-13 regarding environmental consequences associated with construction and operation of Alternatives A and B.

#### **Response to Comment PC5-29**

See response Comment PC5-3 regarding schedule impacts.

This SEIS is intended to analyze the feasibility of tunnel construction alternatives on Flower Street that were withdrawn from consideration earlier in the process because they were infeasible. Those tunnel construction alternatives have only become less feasible over time, and this analysis accounts for those changing circumstances. It would not be useful to provide a counter-factual analysis of how to implement those infeasible alternatives starting in the past. SEIS Chapter 5 Comparison of the Tunneling Method Alternatives versus the Project presents a summary of the consequences associated with the construction and operation of the two tunneling method alternatives, Alternatives A and B. As stated in Section 5.1, the information in Chapter 5 is provided to allow for informed decision-making. Impacts to the schedule is only one factor discussed. Information provided includes an overview of the construction descriptions of the two alternatives, and their resulting construction risk considerations, operational impacts, cost and schedule impacts, and environmental effects.

- See Chapter 5 Comparison of the Tunneling Method Alternatives versus the Project, Section 5.3 Effectiveness in Meeting the Purpose and Need; Section 5.4 Construction and Risk Considerations; 5.5 Summary of Impacts of Alternatives versus the Project; 5.6 Operational Considerations; 5.7 Schedule Impacts; 5.8 Cost and Funding Considerations; 5.9 Environmental Consequences for summary of impacts associated with Alternatives A and B as compared to the Project.

#### **Response to Comment PC5-30**

See response to Comment PC5-8 regarding environmental consequences associated with construction and operation a deep tunnel alternative.

### **Response to Comment PC5-31**

See response to Comment PC5-29 regarding scope of SEIS and feasibility of evaluated alternatives.

### **Response to Comment PC5-32**

A: See response to Comment PC5-4. Alternative B in the Draft SEIS includes deep tunneling and the analysis of Alternative B has benefits, risks, and costs similar to the suggested deep tunnel alternative. Alternative B in the Draft SEIS provides a basis for evaluating the deep tunnel alternative. Cost and funding considerations and analysis can be found in Chapter 5.0 Comparison of the Tunneling Method Alternatives versus the Project.

- See Chapter 5 Comparison of the Tunneling Method Alternatives versus the Project, Section 5.3 Effectiveness in Meeting the Purpose and Need; Section 5.4 Construction and Risk Considerations; 5.5 Summary of Impacts of Alternatives versus the Project; 5.6 Operational Considerations; 5.7 Schedule Impacts; 5.8 Cost and Funding Considerations; Section 5.9 Environmental Consequences for summary of impacts associated with Alternatives A and B as compared to the Project.

B: Commenter's support for cut and cover construction from 5<sup>th</sup> Street to 7<sup>th</sup> Street/Metro Center Station is noted. See response to Comment PC5-8.

### **Response to Comment PC5-33**

Alternative B in the Draft SEIS includes deep tunneling and the analysis of Alternative B has benefits, risks, and costs similar to the suggested deep tunnel alternative. Alternative B in the Draft SEIS provides a basis for evaluating the deep tunnel alternative. As presented in the analysis for Alternative B, a deep tunnel alternative has many uncertainties including encountering tiebacks, and unstable soil conditions, among others. A comparison of risk can be found in Section 5.4 Construction and Risk Considerations, including physical operational challenges, significant underground constraints, and challenging geologic ground conditions. See response to comment PC5-4 regarding a deep tunnel alternative.

Comment references a draft tunneling report, which has since been updated to reflect the Court direction received in May 2014, and is presented in Appendix A of the SEIS.

- See Draft SEIS Section 2.2.1 Flower Street Existing Conditions; Section 2.3.1 Tunnel Construction Methods; Section 2.3.2 Description of Tunneling Method Alternatives for detailed description of existing conditions, constraints, construction methods per alternative, and associated impacts
- See Draft SEIS Appendix A: Draft Flower Street Tunneling Method Alternatives Chapter 3.0 Development of Project Configuration for identifying and evaluating the tunneling method alternatives in the SEIS
- See Draft SEIS Appendix A: Draft Flower Tunneling Method Alternatives Chapter 4.8 Underground Obstructions to Tunneling – Tiebacks for description of Flower Street tiebacks

### **Response to Comment PC5-34**

See response to Comment PC5-3 regarding purpose and scope of this SEIS.

### **Response to Comment PC5-35**

See response to Comment PC5-13 regarding the 5<sup>th</sup>/Flower Station.

See response to Comment PC5-4 regarding a deep tunnel alternative.

### **Response to Comment PC5-36**

See Draft SEIS Chapter 5.0 Comparison of the Tunneling Method Alternatives versus the Project for discussion of potential adverse impacts, which are not limited to those associated with grouting.

See response to Comment PC5-4 regarding a deep tunnel alternative.

See response to comment PC5-8 regarding cut and cover construction south of 5<sup>th</sup> Street.

See response to comment PC5-14 regarding the sag and vertical alignment of Alternative B.

- See Draft SEIS Chapter 5.0 Comparison of the Tunneling Method Alternatives versus the Project for discussion of potential adverse impacts.

### **Response to Comment PC5-37**

See response to Comment PC5-25 regarding impacts to Little Tokyo.

### **Response to Comment PC5-38**

Under Alternatives A and B, there is risk of encountering tiebacks in front of the Bonaventure garages. If a tieback is encountered, it will have to be removed, resulting in unanticipated need for cut and cover construction activities at that location, as shown in Section 2.2.1.2 Flower Street Underground Context and Constraints. If using a deep bore alternative, the length of time of activities to remediate the situation with the use of cut and cover to reach those depths is greatly increased. Under Alternative A and B, there is a risk of sinkhole or other disruption, which would also affect access to the garages.

Metro continues to implement mitigation measures to address maintaining access to driveways for all properties along the along alignment during construction per the MMRP and as identified in Chapter 3.0 Transportation, Section 3.3 Mitigation Measures TR-1 through TR-13.

- See Final EIS/EIR Chapter 3.0, Section 3.3 Mitigation Measures for description of mitigation measures identified for the Project
- See Draft SEIS Section 2.2.1 Flower Street Existing Conditions; Section 2.3.1 Tunnel Construction Methods; Section 2.3.2 Description of Tunneling Method Alternatives for detailed description of existing conditions, constraints, construction methods per alternative, and associated impacts

### **Response to Comment PC5-39**

See response to Comment PC5-21 regarding GHG emissions.

#### **Response to Comment PC5-40**

See response to Comment PC5-21 regarding cut and cover construction.

See response to Comment PC5-4 regarding a deep tunnel alternative.

See response to Comment PC5-13 regarding cut and cover construction.

#### **Response to Comment PC5-41**

See response to Comment PC5-4 regarding a deep tunnel alternative.

See response to Comment PC5-13 regarding cut and cover construction.

#### **Response to Comment PC5-42**

The agencies have weighed commenter's support for a deep tunnel alternative and rejected that alternative. Contrary to the comment, the environmental documents have sought to complete an objective, good faith inquiry into the environmental consequences of the Project and a reasonable range of alternatives. See response to comment PC5-4 regarding a deep tunnel alternative.

See response to comment PC5-3 regarding the purpose and scope of the SEIS.

#### **Response to Comment PC5-43**

As noted in Section 6.5 of the Draft SEIS, this SEIS was distributed for public review and comment. The Draft SEIS was publicly announced and provided to the public and interested parties. Refer to Chapter 6, Public and Agency Outreach for a summary of public notifications, public hearings, and announcements made pertaining to the Draft SEIS.

See response to comment PC5-4 regarding a deep tunnel alternative.

See response to comment PC5-3 regarding the purpose and scope of the SEIS.

- See Chapter 6.0 Public and Agency Outreach for description of outreach process including public hearings, noticing and coordination

#### **Response to Comment PC5-44**

Metro's decision not to tunnel on Flower St. between 4<sup>th</sup> and 5<sup>th</sup> Streets is based on its assessment of the feasibility and risks of tunneling on Flower St., as discussed in Chapter 5 Comparison of Tunneling Method Alternatives versus the Project. This decision was made based on a different location with different geotechnical characteristics than the situation Metro encountered on the Red Line in the 1990s. Metro analyzed that situation comprehensively, consulted experts, and learned from those experiences. Metro prefers to tunnel where it's safe, feasible, and consistent with its grade separation policy, as evidenced by its decision to use an EPBM on the Regional Connector, Westside Purple Line Extension and Crenshaw/LAX Projects. Metro is committed to public safety, ensuring safe conditions, and the health and safety of its workers.

- See Draft SEIS Section 1.2 Purpose and Scope of this Supplemental Environmental Document for purpose and need
- See Chapter 5 Comparison of the Tunneling Method Alternatives versus the Project, Section 5.3 Effectiveness in Meeting the Purpose and Need

#### **Response to Comment PC5-45**

See response to Comment PC5-8 regarding use of EPBM to 5<sup>th</sup> Street and cut and cover construction from 5<sup>th</sup> Street to 7<sup>th</sup> Street/Metro Center Station.

See response to Comment PC5-3 regarding the purpose and scope of the SEIS.

# Responses to Comments

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## Responses to Public Hearing

Comment Letter/Speaker	Affiliation	Last Name	First Name	Comment Page	Response Page
Public Hearing					
PHA1		Chang	Ike		
PHB1		Sutton	Christopher		

IN RE: SEIS PURPOSE AND )  
TUNNELING METHOD ALTERNATIVES )  
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TRANSCRIPT OF PROCEEDINGS - PUBLIC HEARING  
TUESDAY, JUNE 30, 2015  
12:00 P.M.

REPORTED BY:  
EDITH NAVAS, CSR 13797



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IN RE: SEIS PURPOSE AND )  
TUNNELING METHOD ALTERNATIVES )  
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TRANSCRIPT OF PROCEEDINGS, TAKEN ON BEHALF OF DAKOTA  
COMMUNICATIONS AT LOS ANGELES CENTRAL PUBLIC  
LIBRARY, 630 WEST 5TH STREET, MARK TAPER AUDITORIUM,  
LOS ANGELES, CALIFORNIA 90071,  
COMMENCING AT 12:00 P.M., TUESDAY,  
JUNE 30, 2015, BEFORE EDITH NAVAS, CSR 13797.

## A P P E A R A N C E S

1  
2  
3 FOR DAKOTA COMMUNICATIONS:

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4 11845 WEST OLYMPIC BOULEVARD

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6  
7 FOR LACMTA:

MS. DOLORES SALTARELLI

ONE GATEWAY PLAZA

8 MS-19-19-16

LOS ANGELES, CALIFORNIA 90012

9 (213) 922-3024

10  
11 ALSO PRESENT:

VARIOUS INTERPRETERS

VARIOUS MEMBERS OF THE PUBLIC

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I N D E X

PUBLIC MEMBER	PRESENTATION BY	PAGE
MALE SPEAKER	MS. SALTARELLI	5

1 LOS ANGELES, CALIFORNIA; TUESDAY, JUNE 30, 2015

2 12:00 P.M.

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5 PRESENTATION

6 (NOT TRANSCRIBED AS PER PRESENTER)

7 BY MS. SALTARELLI:

8 If you don't want to submit a comment now, you can submit  
9 it in writing as well as via web and e-mail directly. And  
10 with that, if there's any comment cards, I can take those.

11 So we'll be here until 1:30 P.M., so feel free to, you  
12 know, if you want to continue to look at the boards or if you  
13 want to provide written comment, you can give it to myself or  
14 anyone else that you see with the name tag, and then we'll be  
15 responding accordingly in the supplemental SEIS. Thank you.

16 MALE SPEAKER: [Speaking in Foreign Language].

17 INTERPRETER: Thank you for holding this public meeting.  
18 I wanted to make a comment, and I have a question. When I  
19 visited Seoul Korea, I was able to observe their massive  
20 Metro system, and I noticed that there's a lot of commercial  
21 stores at different stations. I want to know if you have any  
22 plans to have similar commercial stores or commercial  
23 business in the station space?

24 MS. SALTARELLI: [No transcribing necessary.] [One-on-one  
25 conversation].

1

1 MS. INTERPRETER: He had comments, so perhaps maybe we  
2 can help translate this for you. Maybe, you can ask Janet,  
3 and then she can just provide translation for this.

4 MS. CLARK-REED: Perfect. Thank you.

5 MS. INTERPRETER: The other meeting is the same content?

6 MS. CLARK-REED: Yes.

7 MALE SPEAKER: Very beautiful. I hope more train. I  
8 wanted to tell, but she has no time. And that is not today's  
9 subject. So I must keep it inside. ] 2

10 MS. CLARK-REED: But your comments are very important.

11 MS. INTERPRETER: I told him you organized the meeting  
12 and not with the Metro. If he wants, on the 7th again, can  
13 he come to you?

14 MS. CLARK-REED: Yes.

15 [Session Adjourned at 1:30 P.M.]

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1 STATE OF CALIFORNIA )  
 2 ) SS.  
 3 COUNTY OF LOS ANGELES )

4 I, EDITH NAVAS, a Certified Shorthand Reporter No.  
 5 13797 in the State of California, do hereby certify:

6 That the foregoing proceedings were taken before me  
 7 at the time and place herein set forth; that a verbatim  
 8 record of the proceedings was made by me using machine  
 9 shorthand which was thereafter transcribed under my  
 10 direction; further, that the foregoing is an accurate  
 11 transcription thereof.

12 I further certify that I am neither financially  
 13 interested in the action nor a relative or employee of any  
 14 attorney of any of the parties.

15 IN WITNESS WHEREOF, I have hereunto subscribed my  
 16 name this 14th day of July, 2015.

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EDITH NAVAS  
 CSR No. 13797

# Responses to Comments

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## PHA

### Responses to Comments from Change, Ike

#### Response to Comment PHA-1

Comment is not a substantive comment related to the analysis in the Draft SEIS. At this time there are no plans for commercial spaces in the station space; however, Metro will take into consideration commercial development opportunities at station locations and opportunities for economic development around station area communities in the future.

#### Response to Comment PHA-2

Thank you for your comment. Support for additional trains on the Metro Rail system is noted.

IN RE: SEIS PURPOSE AND )  
TUNNELING METHOD ALTERNATIVES )  
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TRANSCRIPT OF PROCEEDINGS - PUBLIC HEARING  
TUESDAY, JULY 7, 2015  
6:30 P.M.

REPORTED BY:  
EDITH NAVAS, CSR 13797



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IN RE: SEIS PURPOSE AND )  
TUNNELING METHOD ALTERNATIVES )  
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TRANSCRIPT OF PROCEEDINGS, TAKEN ON BEHALF OF DAKOTA  
COMMUNICATIONS AT JAPANESE AMERICAN NATIONAL MUSEUM  
100 NORTH CENTRAL AVENUE, LOS ANGELES, CALIFORNIA  
90012, COMMENCING AT 6:30 P.M., TUESDAY,  
JULY 7, 2015, BEFORE EDITH NAVAS, CSR 13797.

## A P P E A R A N C E S

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8 MS-19-19-16

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9 (213) 922-3024

10 ALSO PRESENT:

CHRISTOPHER SUTTON, ESQ.

11 VARIOUS MEMBERS OF THE PUBLIC

VARIOUS INTERPRETERS

I N D E X

SPEAKER:	PRESENTATION BY	PAGE
MR. SUTTON, ESQ.	MS. SALTARELLI	5

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1 LOS ANGELES, CALIFORNIA; TUESDAY, JULY 7, 2015

2 6:30 P.M.

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5 PRESENTATION

6 (NOT TRANSCRIBED AS PER PRESENTER)

7 MS. SALTARELLI: That concludes my brief presentation.

8 If anyone would like to give oral comment, please give me the  
9 comment card, and I apologize if I mispronounce your name.

10 Christopher Sutton, would you like to proceed at the  
11 mic?

12 MR. SUTTON: Thank you. My name is Christopher Sutton.

13 I'm an attorney for the Westin Bonaventure Hotel, and one of  
14 the attorneys who obtained the court order from Judge John A.  
15 Kronstadt. His name was mispronounced earlier. And in that  
16 order, Judge Kronstadt joined construction of the subway on  
17 Flower Street until unless the supplemental environmental  
18 analysis element was done.

19 We also requested that the analysis include lower  
20 alignment that we had proposed, which is none of the  
21 alternatives that you have proposed. I want to give you a  
22 copy of some handouts I want to give you, and we'll be  
23 submitting our lengthy documents.

24 The subway project design changed after the  
25 environmental impact report was approved in April of 2012.

1

2

3

1 Let me say that again. The design of the subway was changed  
2 by MTA after the environmental analysis was approved, so that  
3 the changed project was never analyzed in any environmental  
4 document.

5 Among the changes were the elimination of stairs and  
6 escalators at the 2nd/Hope station. That is important  
7 because the elevation of the 2nd and Hope station was  
8 determined early before 2012 based upon the desire of MTA to  
9 have stairs and escalators down to the platform. In the  
10 June, excuse me -- June 2013 RFP Amendment sent to the  
11 bidders by MTA -- and I have copies if anybody wants them.  
12 Dated June 5th, 2013, MTA instructed the bidders that the  
13 stairs and escalators on 2nd and Hope station would be  
14 eliminated from the project.

15 What this meant was that the elevation of the  
16 2nd/Hope was no longer fixed as it had been based upon the  
17 need to have escalators and stairs because the escalators and  
18 stairs were stationed needed to be closer to the surface. By  
19 elimination the escalators and stairs, let me quote what it  
20 says on the amendment -- the MTA document -- the memo -- Q  
21 and A memo to bidders dated 6/5/2013:

22 "Changes to drawings are being issued by RFP  
23 Amendment. The escalator/stair alternative entrance  
24 is being eliminated. Only the all-elevator station  
25 entrance design will be proposed."

**3**  
cont'd

1           And if you're in the lower elevation of the 2nd and  
 2 Hope station, it has tremendous benefits to the project in a  
 3 number of ways.

**3**  
 cont'd

4           It eliminates the slope at 4.6 degrees coming on to  
 5 Bunker Hill from station behind the L.A. Times, and you can  
 6 lower that slope to make it more gentle. It allows you to  
 7 lower the tunnel under Flower Street to avoid the alluvion,  
 8 at least as far as 5th Street and continue using tunnel warren  
 9 machine tunneling all the way to 5th Street and maybe past  
 10 it.

**4**

11           The MTA submission for the federal government for  
 12 its federal grant stated that TBM tunnel is roughly half the  
 13 cost of cut-and-cover tunnel. And it makes sense because  
 14 cut-and-cover tunnel means removing earth from 70 feet below  
 15 ground surface, then building the tunnel, and then putting  
 16 all that dirt back. Whereas TBM tunnelling just passes  
 17 through the underground area without having to remove all the  
 18 soils and --

**5**

19           In addition by not having to go up a hill on 2nd and  
 20 Hope station, and then coming down the hill on the 7th and  
 21 Metro station, these trains that are going to operate for the  
 22 next hundred years will save a huge amount of energy. Each  
 23 one of these trains weighs several hundred tons, and you're  
 24 going to have one of these every six -- or as early as three  
 25 minutes, but let's say within six minutes a day approximately

**6**

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cont'd

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8

9

1 20 hours a day for 100 years.

2 And when you're pushing a train up a 4.6 degree  
3 slope and then down a slope and then up and down the other  
4 slope, you're using much more energy. In addition, having  
5 trains go up slopes and down slopes causes them to accelerate  
6 in brakes, which has wear and tear on the wheels and on the  
7 tracks. It causes more noise and vibration, which MTA's own  
8 test shows will be perceived by people attending concerts at  
9 Robey museum, the Colburn school, the Disney Concert Hall, an  
10 the Red Cat Studios. They will be able to hear those  
11 vibrations.

12 By lowering the slope under Bunker Hill and lowering  
13 2nd and Hope station, the trains will operate more quietly.  
14 The trains will have less maintenance problems. And what's  
15 been identified when trains are on slopes the wheels can fail  
16 and cause derail, which results in potential injuries both to  
17 MTA drivers and to members of the public. To repair these  
18 tracks underground in the future will be a huge disruption to  
19 this regional connector.

20 So the alignment that we have proposed, the  
21 Bonaventure has proposed and has transmitted to MTA  
22 repeatedly for the last 18 months, and we have raised this  
23 issues before the final -- was approved in 2012. MTA has  
24 failed to analyze the lower alignment along 2nd Street; has  
25 failed to analyze a lower location of the 2nd and Hope

1 station. All Bonaventure wants is a better project. We are  
 2 suing MTA to make the project better. In addition, by  
 3 eliminating cut-and-cover construction between 4th and 5th in  
 4 front of the Bonaventure's entrance -- to eliminate all the  
 5 surface cost to our customers, our guests, our employees, and  
 6 you save on time because it's actually quicker to build a  
 7 subway using the TBM going through that area.

**9**  
cont'd

8 Before the end of 2011, the draft TRI, in fact the  
 9 final TRI, at the time was going to have a tunneling in at  
 10 Flower and 3rd. And in then December of 2011-- and they said  
 11 this because the machine is going to come down 2nd Street  
 12 under Bunker Hill, and it's going to end at the 2nd and Hope  
 13 stations. And we're going to pull it out of the ground, and  
 14 they stated in public documents that the tunnel boring  
 15 machine could not make a left-hand turn at 2nd and Flower.  
 16 And suddenly on December of 2011, the MTA discovered that the  
 17 tunnel boring machine could be designed to turn left at 2nd  
 18 and Flower. Both pass the area where 2nd and Hope Street  
 19 stations are and go down Flower street all the way to 4th.

**10**

20 So MTA has previously changed its mind regarding the  
 21 state of the tunneling on Flower Street. They also said that  
 22 there were tiebacks to the World Trade Center, which they  
 23 would have to negotiate, which they say exist, which they may  
 24 but in the Bonaventure's case in fact emphatically do not.  
 25 There are no tiebacks with the Bonaventure. We provided the

**11**



1 drawings to MTA, and the drawings they are using show  
 2 tiebacks going only to the sidewalk level, not out in the  
 3 street. So even if those tiebacks were included in 1974,  
 4 when the Bonaventure was built, they don't even come near to  
 5 where the tunnel would be.

**11**  
cont'd

6 So the tunneling at least one more block on Flower  
 7 Street is cheaper; it's faster to build; it's safer to  
 8 operate; it's quieter to operate; it's cheaper to operate and  
 9 provides less environmental impacts to the Bonaventure and to  
 10 the three concert venues that would be above this tunnel:  
 11 Colburn, the Robey, the Disney Concert Hall and underneath  
 12 Disney, the Red Cat studio.

**12**

13 So we would like to see the supplemental  
 14 environmental statement analyze the alternatives -- the lower  
 15 alternatives that Bonaventure has been proposing the last  
 16 18 months. As it has been proposed, we will dismiss our  
 17 lawsuits if in fact MTA selects this alternative because it's  
 18 better for all concerned. It gets the project done faster.

19 What MTA has done in the supplemental environmental  
 20 impact instead is taking two alternatives that are straw man  
 21 alternatives. They're both shallower, closer to the surface,  
 22 require jet grouting, will require many of the things that  
 23 would be eliminated by cut-and-cover but which do not analyze  
 24 the lower alternative.

**13**

25 In addition, the lower alternative keeps the tunnel

**14**

1 boring machines within the bedrock longer. MTA has said we  
 2 can't go lower because of the pilings below the 4th Street  
 3 bridge footings. The diagrams that I've just handed in, and  
 4 that we've been providing to MTA for the last 18 months show  
 5 their own diagrams, and the diagrams from the city and  
 6 Caltrans where the footings end, where the pilings end. And  
 7 by simply lowering the tunnel, you can go beneath all those  
 8 pilings. There's one set of pilings on the east side of 4th  
 9 Street across from the Bonaventure, which is slightly -- the  
 10 route could move about eight feet to the left without coming  
 11 on to private property and avoid those as well as and go  
 12 under -- through the other footings and pilings.

14 cont'd

13 The claim for tiebacks at the Bonaventure, which we  
 14 believe is false, even assuming the MTA's claim is true,  
 15 going lower goes past and beneath the location where MTA has  
 16 stated the tiebacks are located. The reason the Bonaventure  
 17 has been filing these lawsuits and litigating these for the  
 18 past three years is because the project will be better and  
 19 faster, cheaper and safer, not just for the people who build  
 20 it, but for the people who ride on it and operate the trains.

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21 Earlier this year, 2015, MTA's bidder, Skanska's  
 22 [phonetic] Partnership proposed to make a change in the  
 23 Little Tokyo section of the subway, which Skanska believes  
 24 was also safer to build; quicker to build; and cheaper to  
 25 build. And MTA rejected those changes. Who knows why?

16

1 There was no public discussion just a footnote in a monthly  
2 report that Skanska's proposed changes were rejected. I'm  
3 not here to fight for Little Tokyo or their rights. And the  
4 Japanese Village is also involved in a lawsuit and is  
5 appealing their decision, but it's an example of MTA  
6 rejecting suggestions from their own contractors on ways to  
7 improve the project.

8 When we met with the Skanska's executives they were  
9 noncommittal on our diagram, but they did say, we're looking  
10 at this alternative very seriously. So there were serious  
11 discussions between Skanska and MTA over our diagram  
12 alternative, and that was in last fall of 2014, and yet this  
13 supplemental environmental impact statement was released in  
14 June of 2015 -- has no discussion of the Bonaventure's  
15 alternatives lower alignment. Why? There's no explanation  
16 of that.

17 Again, we'll be submitting a longer letter by the  
18 time of the comment period changes, but the Bonaventure has  
19 been trying to improve this project to make it quicker to  
20 build; cheaper to build; safer to build; to make it faster to  
21 operate; safer to operate; quieter to operate and have less  
22 impact on the businesses on south Flower Street. And for  
23 whatever reason, MTA has been resisting that process for the  
24 last three years.

25 MS. SALTARELLI: Thank you, Mr. Sutton, for your comment.

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cont'd

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1 If there's anyone else who would like to submit verbal  
2 comments, please give me a comment card. If not, feel free  
3 to leave your comment card at the desk. We will be here  
4 until 8:00 o'clock, and if after this evening, you would like  
5 to submit your comments, feel free to submit it either via  
6 mail, the website or via mail. Thank you very much.

7 [Session Adjourned at 8:00 P.M.]

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1 STATE OF CALIFORNIA )  
 2 ) SS.  
 3 COUNTY OF LOS ANGELES )

4 I, EDITH NAVAS, a Certified Shorthand Reporter No.  
 5 13797 in the State of California, do hereby certify:

6 That the foregoing proceedings were taken before me  
 7 at the time and place herein set forth; that a verbatim  
 8 record of the proceedings was made by me using machine  
 9 shorthand which was thereafter transcribed under my  
 10 direction; further, that the foregoing is an accurate  
 11 transcription thereof.

12 I further certify that I am neither financially  
 13 interested in the action nor a relative or employee of any  
 14 attorney of any of the parties.

15 IN WITNESS WHEREOF, I have hereunto subscribed my  
 16 name this 15th day of July, 2015.

21 \_\_\_\_\_  
 EDITH NAVAS  
 CSR No. 13797

# Responses to Comments

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## PHB

### Responses to Comments from Sutton, Christopher

#### Response to Comment PHB-1

Thank you for your comment. It is noted that commenter submitted written comments which are included in PC5 and responses to comments which are similar to those made at the public meeting are referred below and can be found in PC5. Refer to Chapter 1 for a discussion of the purpose and scope of the SEIS.

#### Response to Comment PHB-2

Commenter's support of lower alignment is noted. Please see response to comment PC5-4 which discusses the consideration of a lower alignment.

#### Response to Comment PHB-3

Please see response to comment PC5-3 and comment PC5-4 regarding alternatives identification process, purpose and scope of SEIS and alternatives analyzed in the SEIS.

#### Response to Comment PHB-4

Please see response to comment PC5-4 regarding slope and grade.

#### Response to Comment PHB-5

Commenter's support of TBM tunneling is noted. The commenter discusses the lower cost of TBM versus cut-and cover. The consideration of TBM is discussed in responses to Comment PC5.

#### Response to Comment PHB-6

Metro considered the potential energy savings associated with increasing the depth of the 2nd and Hope station; however the agency rejected the deep tunnel alternative on several grounds. A deeper station at 2nd and Hope is considered under Alternative B. Section 4.6 of the SEIS states that the analysis addresses energy usage during construction because operations of the Project and the evaluated alternatives would have nearly identical associated energy resource impacts. Please see responses to comment PC5-4 and PC5-11 regarding considerations for an increased depth of 2nd/Hope Station and increased grade.

#### Response to Comment PHB-7

Commenter's support of TBM tunneling is noted. Comment is not a substantive comment related to the analysis in the Draft SEIS. Noise and vibration impacts on the Walt Disney Concert Hall, museum, Red Cat Studios, and Colburn School were analyzed in Section 4.7 of the Final EIS/EIR. The FEIS states that with implementation of mitigation potential ground borne noise and vibration effects during construction and operation will not be adverse and would not

impact the sensitive activity occurring at the Colburn School or Walt Disney Concert Hall. As noted in the FEIS, mitigation for the Walt Disney Concert Hall has been modified to cover the Colburn School as well, in an abundance of caution.

#### **Response to Comment PHB-8**

Commenter's support of TBM tunneling is noted. Comment is not a substantive comment related to the analysis in the Draft SEIS.

Operation and operational impacts of Alternatives A and B would be the same as the Project. Alternative B includes consideration of a deeper station at 2nd/Hope. As with the Project, there would be no construction-related adverse effects after implementation of these mitigation measures for Alternatives A and B. However, the alternatives may have additional noise impacts along Flower Street beyond those identified for the Project due to the size and type of grouting and support equipment required for ground stabilization. See Response to Comment PHB7 regarding ground borne noise and vibration of the Project and a lower the 2nd/Hope Station.

Metro maintains and safely operates trains on the Metro Red Line which operates under similar conditions as the Project. Metro is committed to continuing maintenance and safe operations of the trains.

#### **Response to Comment PHB-9**

Please see response to comment PC5-3 regarding purpose and scope of SEIS and PC5-4 regarding range of alternatives.

#### **Response to Comment PHB-10**

Comment is not a substantive comment related to the analysis in the Draft SEIS. Refer to Appendix A of the Draft SEIS for the Flower Street Tunneling Method Alternatives Report for analysis pertaining to Alternatives A and B.

#### **Response to Comment PHB-11**

Please see response to comment PC5-4 regarding Flower and Appendix A, Flower Street Tunneling Method Alternatives, Section 4.8.4 Advance Tiebacks Removal to Mitigate Tunneling Hazard for constraints and tie-back discussion.

#### **Response to Comment PHB-12**

Please see response to comment PC5-3 for purpose and scope of this SEIS, PC5-4 for Flower Street conditions.

#### **Response to Comment PHB-13**

Please see response to comment PC5-3 for purpose and scope of this SEIS, PC5-4 for Flower Street conditions and constraints.

#### **Response to Comment PHB-14**

Please see response to comment PC5-4 and PC5-8 for underground conditions and constraints, PC5-11 for comparison of deep station in the Metro system.

**Response to Comment PHB-15**

Please see response to comment PC5-3 for purpose and scope of this SEIS, PC5-4 for NEPA range of alternatives, Flower Street underground conditions and constraints.

**Response to Comment PHB-16**

Please see response to comment PC5-3 regarding purpose and scope of this SEIS.

**Response to Comment PHB-17**

Commenter's support for a safe and reliable project are noted. Please see response to comment PC5-3 for purpose and scope of the SEIS.