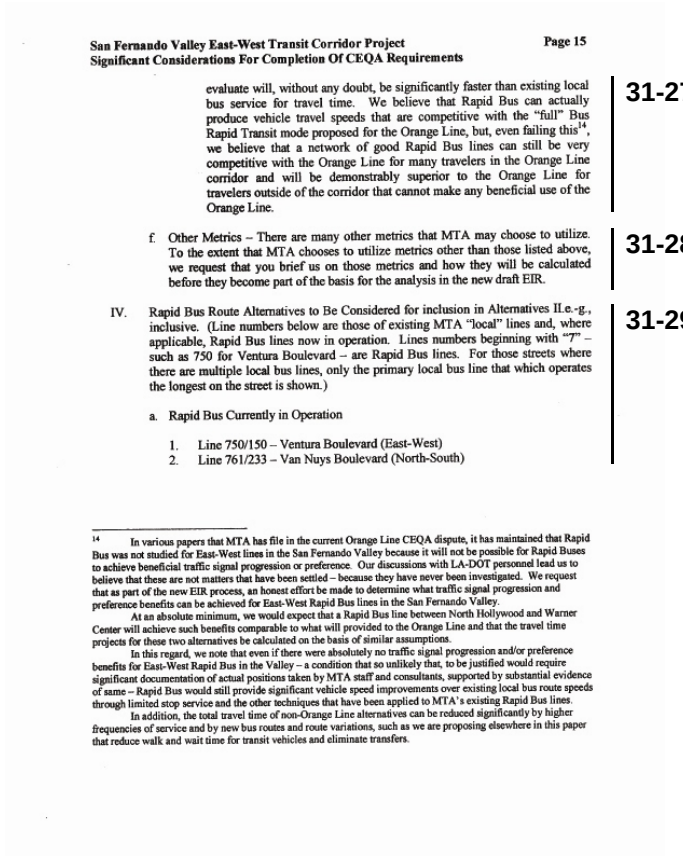

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evaluate will, without any doubt, be significantly faster than existing local bus service for travel time. We believe that Rapid Bus can actually produce vehicle travel speeds that are competitive with the "full" Bus Rapid Transit mode proposed for the Orange Line, but, even failing this[14], we believe that a network of good Rapid Bus lines can still be very competitive with the Orange Line for many travelers in the Orange Line corridor and will be demonstrably superior to the Orange Line for travelers outside of the corridor that cannot make any beneficial use of the Orange Line.

f. Other Metrics – There are many other metrics that MTA may choose to utilize. To the extent that MTA chooses to utilize metrics other than those listed above, we request that you brief us on those metrics and how they will be calculated before they become part of the basis for the analysis in the new draft EIR.

IV. Rapid Bus Route Alternatives to Be Considered for inclusion in Alternatives II.e.-g., inclusive. (Line numbers below are those of existing MTA "local" lines and, where applicable, Rapid Bus lines now in operation. Lines numbers beginning with "7" – such as 750 for Ventura Boulevard – are Rapid Bus lines. For those streets where there are multiple local bus lines, only the primary local bus line that which operates the longest on the street is shown.)

a. Rapid Bus Currently in Operation

1. Line 750/150 – Ventura Boulevard (East-West)
2. Line 761/233 – Van Nuys Boulevard (North-South)

[14] In various papers that MTA has file in the current Orange Line CEQA dispute, it has maintained that Rapid Bus was not studied for East-West lines in the San Fernando Valley because it will not be possible for Rapid Buses to achieve beneficial traffic signal progression or preference. Our discussions with LA-DOT personnel lead us to believe that these are not matters that have been settled – because they have never been investigated. We request that as part of the new EIR process, an honest effort be made to determine what traffic signal progression and preference benefits can be achieved for East-West Rapid Bus lines in the San Fernando Valley.

At an absolute minimum, we would expect that a Rapid Bus line between North Hollywood and Warner Center will achieve such benefits comparable to what will provided to the Orange Line and that the travel time projects for these two alternatives be calculated on the basis of similar assumptions.

In this regard, we note that even if there were absolutely no traffic signal progression and/or preference benefits for East-West Rapid Bus in the Valley – a condition that so unlikely that, to be justified would require significant documentation of actual positions taken by MTA staff and consultants, supported by substantial evidence of same – Rapid Bus would still provide significant vehicle speed improvements over existing local bus route speeds through limited stop service and the other techniques that have been applied to MTA's existing Rapid Bus lines.

In addition, the total travel time of non-Orange Line alternatives can be reduced significantly by higher frequencies of service and by new bus routes and route variations, such as we are proposing elsewhere in this paper that reduce walk and wait time for transit vehicles and eliminate transfers.

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Comment 31-28

For the new rapid bus alternatives, MTA provided evaluation based on all the metrics presented in the DEIR and FEIR. No new metrics were introduced.

Comment 31-29

MTA did not consider separate north-south and east-west Rapid Bus routes, but rather considered combined routes as suggested by the commenter. The balance of the statements concerning potential routes is noted for the record. Please see response to comment 4-2 concerning selection of RB Alternatives and 6-3 concerning multiple repetitive iterations of study of route variations. In addition, please see response to comment numbers 20-46 – 20-79 regarding route variations.

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b. Rapid Bus Approved for Implementation[15]

1. Lines 96/166 – San Fernando Road/Lankershim Boulevard (Northwest-Southeast to North-South, Phase IID, December 2006-June 2007)
2. Line 234 – Sepulveda Boulevard-Brand Boulevard (North-South to Southwest-Northeast), Phase IIB, December 2004-June 2005)[16]
3. Line 240 – Reseda Boulevard-Nordhoff Street-Sepulveda Boulevard-Brand Boulevard (North-South to East-West to North-south to Southwest-Northeast, Phase IIC, December 2005-June 2006)

c. Potential Additional East-West Lines (listed from North to South)

1. Line 158 – Devonshire Street
2. Line 168 – Lassen Street
3. Line 166 – Nordhoff Street
4. Line 152 – Roscoe Boulevard
5. Line 163 – Sherman Way
6. Line 165 – Vanowen Street
7. Line 164 – Victory Boulevard

d. Potential Additional North-South Lines (listed from East to West)

1. Line 163 – Hollywood Way
2. Line 152 – Vineland

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[15] "Metro Rapid Phased Implementation," http://www.mta.net/projects_plans/rapid/maps.htm.

[16] We are unclear as to the status of the improvements to Valley transit service comprehended by the *North-South Transit Corridor* project. While the Major Investment Study for this project comprehended a variety of Rapid Bus lines in several phases, the project, as such, appears to have been suspended, at least in part, when the promised State funding vanished. However, we know that MTA is continuing to implement Rapid Bus lines, including service on streets listed in the *North-South Transit Corridor* documents. Therefore, we will assume that that the schedule in the above citation re Rapid Bus implementation will hold, independent of what may or may not be implemented on the *North-South Transit Corridor* project – and the State funding unavailability will not be an issue in their implementation. (If we are incorrect in this assumption, please provide the correct information.)

One option would be to assume that, for an alternative where it is assumed that Orange Line is not constructed, that funding that would have gone for the Orange Line will be shifted to pay for major capital improvements to North-South service. However, we do not recommend this approach. We believe that any analysis or series of analyses that treats East-West and North-South transit travel in the Valley separately is fundamentally flawed. We recommend instead a coordinated, simultaneous study of North-South, East-West, and all other transit travel.

For example, due in part to the long (East-West) and narrow (North-South) shape of the Valley, there are many opportunities to couple North-South and East-West Rapid Bus streets into single routes. MTA has approached this concept with the proposals in the EIR to run BRT on the Orange Line with some routes that will leave the Orange Line to operate North-South service. However, the non-Orange Line portion of this service is proposed as conventional bus service, not as Rapid Bus service.

Many of the existing bus routes in the Valley have both North-South and East-West components now, and we believe that similar construction may prove useful in structuring the optimal network of the Rapid Bus routes and other transit service improvements.

3. Line 166 – Lankershim Boulevard (Note: There is a line approved for operations on Lankershim, but it is shown as having a Southern terminus at the North Hollywood Red Line Station. We suggest studying operating further South on Lankershim to the Universal City Red Line Station.)
4. Line 230 – Laurel Canyon Boulevard
5. Line 167 – Coldwater Canyon Avenue
6. Line 158 – Woodman Avenue
7. Line 236 – Balboa Boulevard
8. Line 239 – White Oak Avenue
9. Line 154 – Tampa Avenue
10. Line 243 – Winnetka Avenue
11. Line 243 – De Soto Avenue
12. Line 245 – Topanga Canyon Boulevard

e. Potential Additional Northwest-Southeast Line – Line 94 – San Fernando Road (for portions not included in current MTA implementation plan)
f. Potential Southwest to Northeast Line – Line 180 – Hollywood/Glendale/Pasadena/Altadena/North Lake Avenue via Colorado Boulevard (partially in San Fernando Valley)
g. Initial Suggestions for Rapid Bus Service – We offer the following as potential added Rapid Bus lines, or extensions, that we see as having strong potential for significant ridership increases and time savings for existing San Fernando Valley transit users:

1. Victory – We suggest a Rapid Bus line on Victory running from the Burbank central business district and/or the Burbank Metrolink Station in the East to Warner Center and/or further West, perhaps all the way to Valley Circle Boulevard.
2. Sherman Way/Lankershim – We suggest a Rapid Bus line beginning at the Universal City Red Line Station, past the North Hollywood Red Line Station, then to Sherman Way.
3. For the Victory and Sherman Way/Lankershim Rapid Bus lines, we suggest studying route deviations. Specifically, Rapid Buses starting from the Universal City Red Line Station could turn West, alternately, on Victory and Sherman Way, and Rapid Buses starting from the Eastern terminus of the Victory Line could, alternately, continue West on Victory and turn North on Lankershim and then West on Sherman Way. We suggest this option because, for many San Fernando Valley transit users, the transfer wait time, together with having to utilize two different vehicles, is far more of a problem than a longer headway.
4. Topanga Canyon – We suggest continuing Rapid Bus service on the existing 750-Ventura line up Topanga, perhaps alternating service to Topanga and Warner Center.
5. We suggest looking at one-bus service between the high transit demand areas in the Northeastern areas of the Valley and the major East-West

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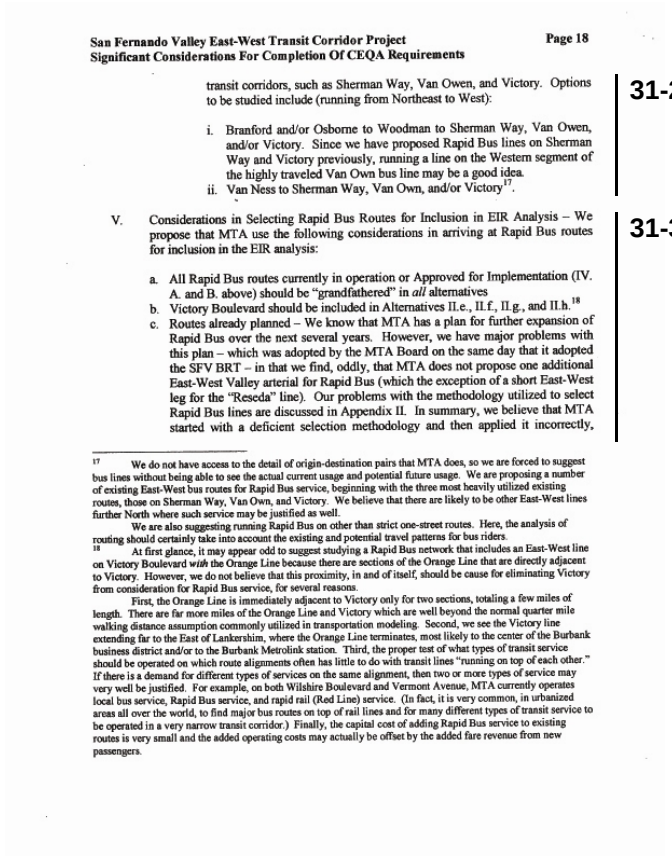

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transit corridors, such as Sherman Way, Van Owen, and Victory. Options to be studied include (running from Northeast to West):

i. Branford and/or Osborne to Woodman to Sherman Way, Van Owen, and/or Victory. Since we have proposed Rapid Bus lines on Sherman Way and Victory previously, running a line on the Western segment of the highly traveled Van Own bus line may be a good idea.
ii. Van Ness to Sherman Way, Van Own, and/or Victory[17].

V. Considerations in Selecting Rapid Bus Routes for Inclusion in EIR Analysis – We propose that MTA use the following considerations in arriving at Rapid Bus routes for inclusion in the EIR analysis:

a. All Rapid Bus routes currently in operation or Approved for Implementation (IV. A. and B. above) should be "grandfathered" in *all* alternatives
b. Victory Boulevard should be included in Alternatives II.e., II.f., II.g., and II.h.[18]
c. Routes already planned – We know that MTA has a plan for further expansion of Rapid Bus over the next several years. However, we have major problems with this plan – which was adopted by the MTA Board on the same day that it adopted the SFV BRT – in that we find, oddly, that MTA does not propose one additional East-West Valley arterial for Rapid Bus (which the exception of a short East-West leg for the "Reseda" line). Our problems with the methodology utilized to select Rapid Bus lines are discussed in Appendix II. In summary, we believe that MTA started with a deficient selection methodology and then applied it incorrectly,

[17] We do not have access to the detail of origin-destination pairs that MTA does, so we are forced to suggest bus lines without being able to see the actual current usage and potential future usage. We are proposing a number of existing East-West bus routes for Rapid Bus service, beginning with the three most heavily utilized existing routes, those on Sherman Way, Van Own, and Victory. We believe that there are likely to be other East-West lines further North where such service may be justified as well.

We are also suggesting running Rapid Bus on other than strict one-street routes. Here, the analysis of routing should certainly take into account the existing and potential travel patterns for bus riders.

[18] At first glance, it may appear odd to suggest studying a Rapid Bus network that includes an East-West line on Victory Boulevard *with* the Orange Line because there are sections of the Orange Line that are directly adjacent to Victory. However, we do not believe that this proximity, in and of itself, should be cause for eliminating Victory from consideration for Rapid Bus service, for several reasons.

First, the Orange Line is immediately adjacent to Victory only for two sections, totaling a few miles of length. There are far more miles of the Orange Line and Victory which are well beyond the normal quarter mile walking distance assumption commonly utilized in transportation modeling. Second, we see the Victory line extending far to the East of Lankershim, where the Orange Line terminates, most likely to the center of the Burbank business district and/or to the Burbank Metrolink station. Third, the proper test of what types of transit service should be operated on which route alignments often has little to do with transit lines "running on top of each other." If there is a demand for different types of services on the same alignment, then two or more types of service may very well be justified. For example, on both Wilshire Boulevard and Vermont Avenue, MTA currently operates local bus service, Rapid Bus service, and rapid rail (Red Line) service. (In fact, it is very common, in urbanized areas all over the world, to find major bus routes on top of rail lines and for many different types of transit service to be operated in a very narrow transit corridor.) Finally, the capital cost of adding Rapid Bus service to existing routes is very small and the added operating costs may actually be offset by the added fare revenue from new passengers.

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Comment 31-30

Please see Response to Comment No. 4-2 concerning the selection of the RB Alternatives. Please see Response to Comment No. 14-16 concerning origin-to-destination time including walk time or time spent in other transit to the bus transit service. The commenter's statements about the operation of other Rapid Bus lines and the impact of the Consent Decree are noted for the record.

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violating its own stated methodology. Therefore, we believe that the proper process to select Rapid Bus routes in the Valley for inclusion in the new EIR alternatives is to start fresh, without using the previous, flawed analysis for anything save a supply of data, where such data is complete, accurate, and applicable.

d. Screening Methodology – We propose an initial screening methodology based on existing frequency of service, average passenger load, average trip length, and line length. (For details of why this methodology is proposed, see Appendix II for a discussion of the problems of MTA prior methodology.) After a short list is developed through this step – excluding those lines with obvious low Rapid Bus potential – we then propose bringing in connectivity and potential trip generation increase factors as considerations to lead to a professional judgment selection of the final lines to be included in the Rapid Bus network(s) for modeling and comparison of results.

   For the key factor in this analysis, we cite the Second Appellate decision (page 28): "MTA's arguments are insufficient justification for not considering Rapid Bus as they only tend to show that Rapid Bus would be somewhat slower than BRT, they do not take into account the effect multiple east-west routes would have on total origin-to-destination time verses a single busway, and a longer travel time does not render Rapid Bus infeasible or otherwise justify its rejection."

   There is absolutely no question about the intent of the above. MTA should consider not just time in motion on Orange Line buses vs. Rapid Buses on a comparable, North Hollywood to Warner Center routing, but also consider travel time from the starting point of the trip to the end point, including walk and other access times, time spent on transit and other vehicles other than those operating on the Orange Line and Rapid Bus routes, transfer wait times, etc. This *is* the key factor in any proper corridor planning study such as this one and it *is* the factor that MTA has been ordered by a properly constituted Appellate Court to employ.

e. Quantity of Service – Besides the number and location of arterials and routes to be given Rapid Bus treatment, the *type* – or, more precisely, the *quantity* of Rapid Bus service to be operated and the mix of Rapid Bus and conventional bus service – is also critical to a selection of the appropriate routes for comparison. MTA's first two bus routes – Line 720/Wilshire-Whittier and Line 750-Ventura – were implemented in way that was designed to increase bus ridership, and this was extremely successful, producing ridership increases of 25% to 40%. However, the more recently implemented Rapid Bus lines have been implemented in a different manner, evidently designed to reduce operating expenses.

   Rapid Bus has the interesting characteristic of not only offering superior transit service for passengers who are willing to trade fewer stops for faster vehicle travel speeds, but lower operating costs per revenue vehicle mile of service and, in most cases, per passenger and per passenger mile. The reason for this is that, because Rapid Bus buses travel faster than local service buses, there are more round trips per shift for each bus and for each bus operator, thereby lowering both

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the capital and the operating costs per service hour, service mile, and per passenger and passenger mile. In addition, because Rapid Bus is better transit, more riders are attracted, which means more fare revenue, which means that taxpayer subsidies get reduced through the dual impact of spreading costs over more passengers and passenger-miles and higher operating revenue from new passengers[19].

However, to date, it appears that the attraction of Rapid Bus is so high that its greater productivity is insufficient to handle all of the higher ridership. Therefore, there is a requirement to add more buses and operate more hours of service.

In its most recent additions of Rapid Bus to existing lines, MTA appears to be following a practice of adding only a minor amount of net revenue hours of total service – the hours of Rapid Bus service added is generally approximately the hours of local service deleted – and almost no new buses at all[20]. While this practice may be intended to have the minimal impact on MTA's finances, it also minimizes the increase in ridership. It also can have a negative impact on the pre-existing riders who need to continue to use local bus service because there are fewer local bus trips per hour and per day.

The controlling factor in the mix of Rapid and local bus service on specific route alignments is the Consent Decree (CD) that settled the *Labor/Community Strategy Center v MTA* Title VI (discrimination in the utilization of Federal funding) lawsuit, specifically the "load factor" requirement. MTA is currently required to operate sufficient buses per each 20 minutes of peak service, and hour of non-peak service, so that the quotient, passengers/seats, for each period does not exceed 120%. Therefore, if the number of hours operated is not sufficient to handle the load, MTA is required to add hours of service.

Unfortunately, in order to get sufficient service added to meet the load factor requirement, the plaintiffs in *Labor/Community Strategy Center v MTA* have had to continually bring legal actions to force MTA to comply, which MTA has continually opposed. While the plaintiffs have been almost universally successful in eventually obtaining final Orders to add service and make other improvements, MTA's reluctance to add service without being forced to by the courts and Special Master has been most troublesome.

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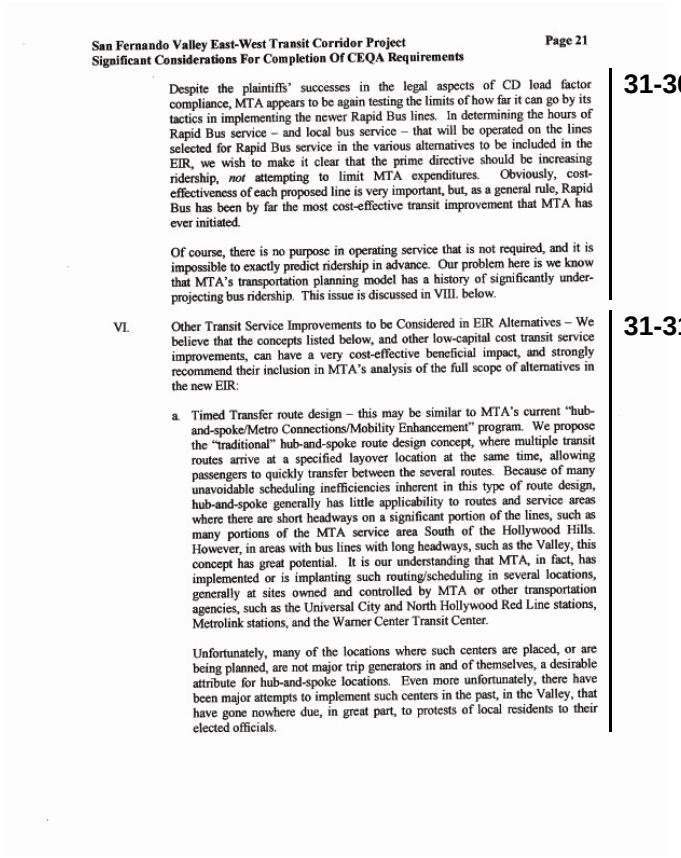
[19] Our rough calculations show that MTA may be "making money" on the operations of Line 720 Wilshire Rapid Bus service. By this, we mean that the additional fare revenue from the increase in ridership on this line (counting only those "new" passengers that are new to transit, *not* including additional ridership from Line 720 riders who formerly rode other MTA bus or rail lines or existing riders who are riding transit more on monthly or other passes) exceeds the marginal cost of the added bus service.

[20] With the exception of the Wilshire/Whittier 750/18/20 family of lines, where there was a very significant increase in number of buses assigned, the other eight Rapid Bus lines showed an average of less than one new bus each.



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Despite the plaintiffs' successes in the legal aspects of CD load factor compliance, MTA appears to be again testing the limits of how far it can go by its tactics in implementing the newer Rapid Bus lines. In determining the hours of Rapid Bus service – and local bus service – that will be operated on the lines selected for Rapid Bus service in the various alternatives to be included in the EIR, we wish to make it clear that the prime directive should be increasing ridership, *not* attempting to limit MTA expenditures. Obviously, cost-effectiveness of each proposed line is very important, but, as a general rule, Rapid Bus has been by far the most cost-effective transit improvement that MTA has ever initiated.

Of course, there is no purpose in operating service that is not required, and it is impossible to exactly predict ridership in advance. Our problem here is we know that MTA's transportation planning model has a history of significantly under-projecting bus ridership. This issue is discussed in VIII. below.

VI. Other Transit Service Improvements to be Considered in EIR Alternatives – We believe that the concepts listed below, and other low-capital cost transit service improvements, can have a very cost-effective beneficial impact, and strongly recommend their inclusion in MTA's analysis of the full scope of alternatives in the new EIR:

a. Timed Transfer route design – this may be similar to MTA's current "hub-and-spoke/Metro Connections/Mobility Enhancement" program. We propose the "traditional" hub-and-spoke route design concept, where multiple transit routes arrive at a specified layover location at the same time, allowing passengers to quickly transfer between the several routes. Because of many unavoidable scheduling inefficiencies inherent in this type of route design, hub-and-spoke generally has little applicability to routes and service areas where there are short headways on a significant portion of the lines, such as many portions of the MTA service area South of the Hollywood Hills. However, in areas with bus lines with long headways, such as the Valley, this concept has great potential. It is our understanding that MTA, in fact, has implemented or is implanting such routing/scheduling in several locations, generally at sites owned and controlled by MTA or other transportation agencies, such as the Universal City and North Hollywood Red Line stations, Metrolink stations, and the Warner Center Transit Center.

Unfortunately, many of the locations where such centers are placed, or are being planned, are not major trip generators in and of themselves, a desirable attribute for hub-and-spoke locations. Even more unfortunately, there have been major attempts to implement such centers in the past, in the Valley, that have gone nowhere due, in great part, to protests of local residents to their elected officials.

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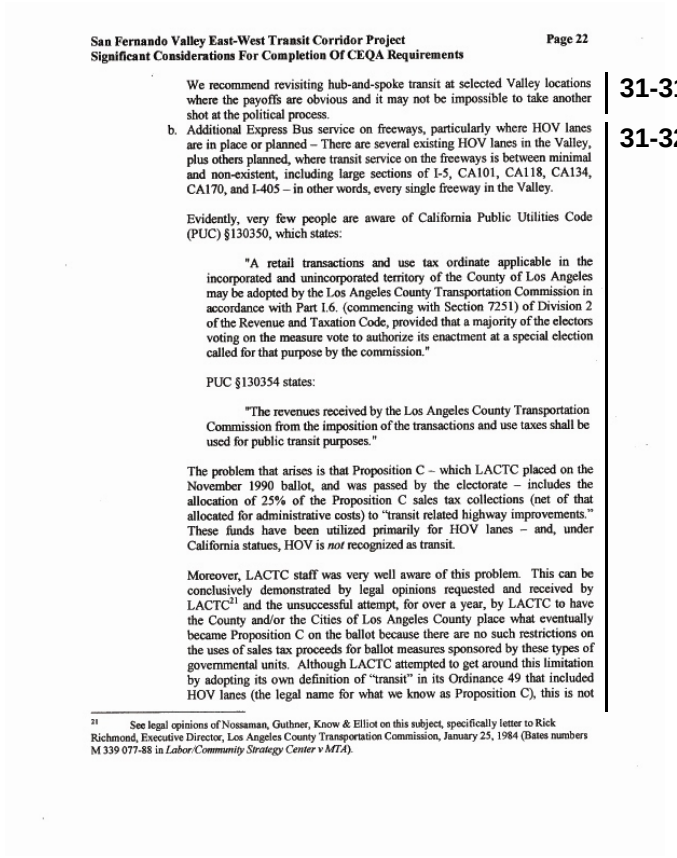
Comment 31-31

Please see Response to Comment No.31-42 regarding the alternative of timed transfer route design and additional express bus service on freeways.



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We recommend revisiting hub-and-spoke transit at selected Valley locations where the payoffs are obvious and it may not be impossible to take another shot at the political process.

b. Additional Express Bus service on freeways, particularly where HOV lanes are in place or planned – There are several existing HOV lanes in the Valley, plus others planned, where transit service on the freeways is between minimal and non-existent, including large sections of I-5, CA101, CA118, CA134, CA170, and I-405 – in other words, every single freeway in the Valley.

Evidently, very few people are aware of California Public Utilities Code (PUC) §130350, which states:

"A retail transactions and use tax ordinate applicable in the incorporated and unincorporated territory of the County of Los Angeles may be adopted by the Los Angeles County Transportation Commission in accordance with Part 1.6. (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, provided that a majority of the electors voting on the measure vote to authorize its enactment at a special election called for that purpose by the commission."

PUC §130354 states:

"The revenues received by the Los Angeles County Transportation Commission from the imposition of the transactions and use taxes shall be used for public transit purposes."

The problem that arises is that Proposition C – which LACTC placed on the November 1990 ballot, and was passed by the electorate – includes the allocation of 25% of the Proposition C sales tax collections (net of that allocated for administrative costs) to "transit related highway improvements." These funds have been utilized primarily for HOV lanes – and, under California statues, HOV is *not* recognized as transit.

Moreover, LACTC staff was very well aware of this problem. This can be conclusively demonstrated by legal opinions requested and received by LACTC[21] and the unsuccessful attempt, for over a year, by LACTC to have the County and/or the Cities of Los Angeles County place what eventually became Proposition C on the ballot because there are no such restrictions on the uses of sales tax proceeds for ballot measures sponsored by these types of governmental units. Although LACTC attempted to get around this limitation by adopting its own definition of "transit" in its Ordinance 49 that included HOV lanes (the legal name for what we know as Proposition C), this is not

[21] See legal opinions of Nossaman, Guthner, Know & Elliot on this subject, specifically letter to Rick Richmond, Executive Director, Los Angeles County Transportation Commission, January 25, 1984 (Bates numbers M 339 077-88 in *Labor/Community Strategy Center v MTA*).

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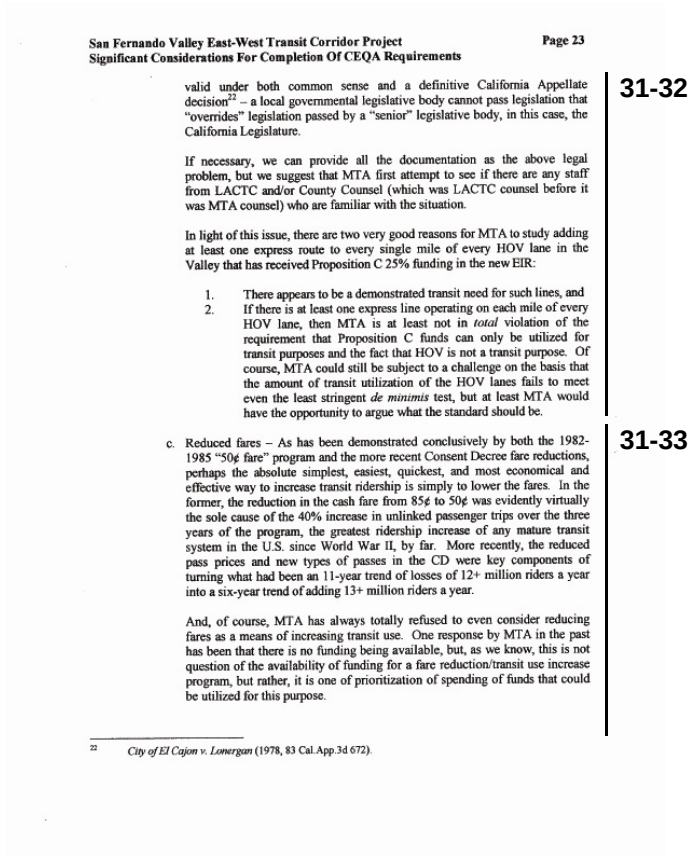
Comment 31-32

The commenter's statement on the use of Proposition C funds is noted for the record. Please see response to comment no. 20-146 concerning Proposition C proceeds. Please see response to Comment 31-42 regarding an alternative of additional express bus service on freeways.



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valid under both common sense and a definitive California Appellate decision[22] – a local governmental legislative body cannot pass legislation that "overrides" legislation passed by a "senior" legislative body, in this case, the California Legislature.

If necessary, we can provide all the documentation as the above legal problem, but we suggest that MTA first attempt to see if there are any staff from LACTC and/or County Counsel (which was LACTC counsel before it was MTA counsel) who are familiar with the situation.

In light of this issue, there are two very good reasons for MTA to study adding at least one express route to every single mile of every HOV lane in the Valley that has received Proposition C 25% funding in the new EIR:

1. There appears to be a demonstrated transit need for such lines, and
2. If there is at least one express line operating on each mile of every HOV lane, then MTA is at least not in *total* violation of the requirement that Proposition C funds can only be utilized for transit purposes and the fact that HOV is not a transit purpose. Of course, MTA could still be subject to a challenge on the basis that the amount of transit utilization of the HOV lanes fails to meet even the least stringent *de minimis* test, but at least MTA would have the opportunity to argue what the standard should be.

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c. Reduced fares – As has been demonstrated conclusively by both the 1982-1985 "50¢ fare" program and the more recent Consent Decree fare reductions, perhaps the absolute simplest, easiest, quickest, and most economical and effective way to increase transit ridership is simply to lower the fares. In the former, the reduction in the cash fare from 85¢ to 50¢ was evidently virtually the sole cause of the 40% increase in unlinked passenger trips over the three years of the program, the greatest ridership increase of any mature transit system in the U.S. since World War II, by far. More recently, the reduced pass prices and new types of passes in the CD were key components of turning what had been an 11-year trend of losses of 12+ million riders a year into a six-year trend of adding 13+ million riders a year.

And, of course, MTA has always totally refused to even consider reducing fares as a means of increasing transit use. One response by MTA in the past has been that there is no funding being available, but, as we know, this is not question of the availability of funding for a fare reduction/transit use increase program, but rather, it is one of prioritization of spending of funds that could be utilized for this purpose.

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[22] *City of El Cajon v. Lonergan* (1978, 83 Cal.App.3d 672).

Comment 31-33

The commenter asserts that MTA should have separately considered fare reduction. Comment F8-1D in the FEIR suggested that Project funding be used to implement fare reduction. Response to comment F8-1D stated that this was not feasible:

> "All existing transit services are substantially subsidized beyond what is collected at the fare box, which would be the case for any proposed new services whether TSM or the busway. The state funding available for implementation of the BRT project is limited to being used for capital expenses, including vehicles, construction, real estate, and engineering, so these funds would not be available for fare reductions."

Moreover, fare reduction is similar to No Build and TSM, which were already considered in the FEIR. The same buses and bus routes would be used in the fare reduction alternative as in No Build. Unlike fare reduction and No Build, TSM would enhance bus service. TSM increases ridership by attracting additional riders with substantial enhancements in bus service, primarily decreased headways between buses. (FEIR § 2-2.2.) Under TSM, ridership was expected to increase by 8,892 daily transit riders over No Build. (FEIR p. 3-15.) The commenter similarly asserted that fare reduction would increase ridership.

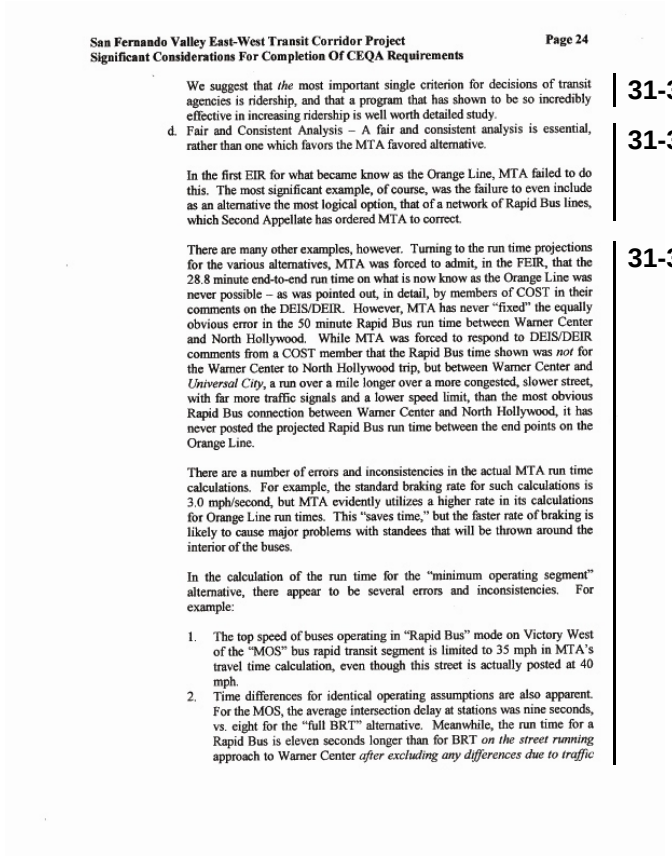
Since fare reduction is similar to No Build and TSM, it would have similar impacts. No Build would not meet any of the objectives for improving mobility in the Valley. Also, No Build would not achieve land use

goals, including the 2001 SCAG Regional Transportation Plan.

Even TSM did not relieve congestion in the Cahuenga and Sepulveda passes because there would be no direct connection with the Metro Red Line. (Draft EIR Vol. 1, p. 6-2.) The TSM would not minimize travel times because the buses would run on-street in already congested traffic. (Id.) The Draft EIR also explained that TSM would not effectively intercept traffic through the Valley since it does not extend through it nor have any additional parking lots. (Id.) Based on this evidence, MTA logically adopted a finding that TSM would not minimize travel time or relieve congestion. (See, MTA Findings of Fact and Statement of Overriding Consideration for FEIR.)

In addition, the Final EIR explained that TSM is not consistent with the Transportation Element of the City of Los Angeles General Plan Framework to provide a priority corridor for high capacity transit service. (FEIR, Vol . 2, p. 7-147.) TSM is also consistent with the Southern California Association of Governments' 2001 Regional Transportation Plan ("2001 RTP") that specifies a dedicated busway within MTA's ROW. (FEIR Vol. 1, p. 4-33.) On this analysis, MTA adopted a finding that the TSM is not consistent with the City of Los Angeles General Plan, Warner Center Specific Plan, and 2001 RTP. (See, MTA Findings of Fact and Statement of Overriding Consideration for FEIR.)

Moreover, fare reduction is infeasible. MTA has not raised fares since 1996. (MTA 2001 Long Range Transportation Plan for Los Angeles County, Executive Summary, p. 23.) The cost of MTA's transit operations is already expected to fall well short of revenues,



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We suggest that *the* most important single criterion for decisions of transit agencies is ridership, and that a program that has shown to be so incredibly effective in increasing ridership is well worth detailed study. 31-33

d. Fair and Consistent Analysis – A fair and consistent analysis is essential, rather than one which favors the MTA favored alternative. 31-34

In the first EIR for what became know as the Orange Line, MTA failed to do this. The most significant example, of course, was the failure to even include as an alternative the most logical option, that of a network of Rapid Bus lines, which Second Appellate has ordered MTA to correct.

There are many other examples, however. Turning to the run time projections for the various alternatives, MTA was forced to admit, in the FEIR, that the 28.8 minute end-to-end run time on what is now know as the Orange Line was never possible – as was pointed out, in detail, by members of COST in their comments on the DEIS/DEIR. However, MTA has never "fixed" the equally obvious error in the 50 minute Rapid Bus run time between Warner Center and North Hollywood. While MTA was forced to respond to DEIS/DEIR comments from a COST member that the Rapid Bus time shown was *not* for the Warner Center to North Hollywood trip, but between Warner Center and *Universal City*, a run over a mile longer over a more congested, slower street, with far more traffic signals and a lower speed limit, than the most obvious Rapid Bus connection between Warner Center and North Hollywood, it has never posted the projected Rapid Bus run time between the end points on the Orange Line. 31-35

There are a number of errors and inconsistencies in the actual MTA run time calculations. For example, the standard braking rate for such calculations is 3.0 mph/second, but MTA evidently utilizes a higher rate in its calculations for Orange Line run times. This "saves time," but the faster rate of braking is likely to cause major problems with standees that will be thrown around the interior of the buses.

In the calculation of the run time for the "minimum operating segment" alternative, there appear to be several errors and inconsistencies. For example:

1. The top speed of buses operating in "Rapid Bus" mode on Victory West of the "MOS" bus rapid transit segment is limited to 35 mph in MTA's travel time calculation, even though this street is actually posted at 40 mph.
2. Time differences for identical operating assumptions are also apparent. For the MOS, the average intersection delay at stations was nine seconds, vs. eight for the "full BRT" alternative. Meanwhile, the run time for a Rapid Bus is eleven seconds longer than for BRT *on the street running* approach to Warner Center *after excluding any differences due to traffic*

including state and federal sources. (MTA Draft 2001 Long Range Transportation Plan for Los Angeles County p. 7-7.) In order to manage the shortfall, an increase in fares is being considered, not a reduction. (Id. at p. 7-8 – 7-9.)

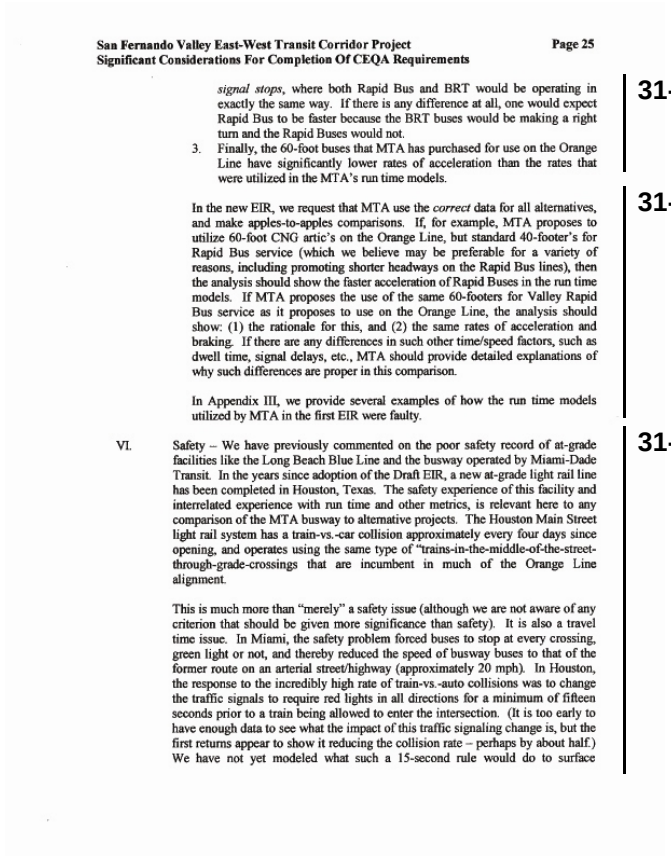
Accordingly, fare reduction is not a feasible alternative and is similar to the no project and TSM alternatives studied. Additionally, the Court of Appeal rejected COST's assertions that fare reduction should be considered as a separate alternative.

Comment 31-34

The commenter's statement is noted for the record. Although the Court of Appeal required consideration of a multiple route Rapid Bus alternative in further proceedings on the FEIR, the Court of Appeal rejected COSTS many assertions that other analysis in the FEIR did not amount to fair and consistent analysis.

Comment 31-35

Please see Responses 20-22, 20-23, 20-28, 20-29, and 20-76 in regard to calculation of run times.



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signal stops, where both Rapid Bus and BRT would be operating in exactly the same way. If there is any difference at all, one would expect Rapid Bus to be faster because the BRT buses would be making a right turn and the Rapid Buses would not.

3. Finally, the 60-foot buses that MTA has purchased for use on the Orange Line have significantly lower rates of acceleration than the rates that were utilized in the MTA's run time models.

In the new EIR, we request that MTA use the *correct* data for all alternatives, and make apples-to-apples comparisons. If, for example, MTA proposes to utilize 60-foot CNG artic's on the Orange Line, but standard 40-footer's for Rapid Bus service (which we believe may be preferable for a variety of reasons, including promoting shorter headways on the Rapid Bus lines), then the analysis should show the faster acceleration of Rapid Buses in the run time models. If MTA proposes the use of the same 60-footers for Valley Rapid Bus service as it proposes to use on the Orange Line, the analysis should show: (1) the rationale for this, and (2) the same rates of acceleration and braking. If there are any differences in such other time/speed factors, such as dwell time, signal delays, etc., MTA should provide detailed explanations of why such differences are proper in this comparison.

In Appendix III, we provide several examples of how the run time models utilized by MTA in the first EIR were faulty.

VI. Safety -- We have previously commented on the poor safety record of at-grade facilities like the Long Beach Blue Line and the busway operated by Miami-Dade Transit. In the years since adoption of the Draft EIR, a new at-grade light rail line has been completed in Houston, Texas. The safety experience of this facility and interrelated experience with run time and other metrics, is relevant here to any comparison of the MTA busway to alternative projects. The Houston Main Street light rail system has a train-vs.-car collision approximately every four days since opening, and operates using the same type of "trains-in-the-middle-of-the-street-through-grade-crossings that are incumbent in much of the Orange Line alignment.

This is much more than "merely" a safety issue (although we are not aware of any criterion that should be given more significance than safety). It is also a travel time issue. In Miami, the safety problem forced buses to stop at every crossing, green light or not, and thereby reduced the speed of busway buses to that of the former route on an arterial street/highway (approximately 20 mph). In Houston, the response to the incredibly high rate of train-vs.-auto collisions was to change the traffic signals to require red lights in all directions for a minimum of fifteen seconds prior to a train being allowed to enter the intersection. (It is too early to have enough data to see what the impact of this traffic signaling change is, but the first returns appear to show it reducing the collision rate – perhaps by about half.) We have not yet modeled what such a 15-second rule would do to surface

31-36

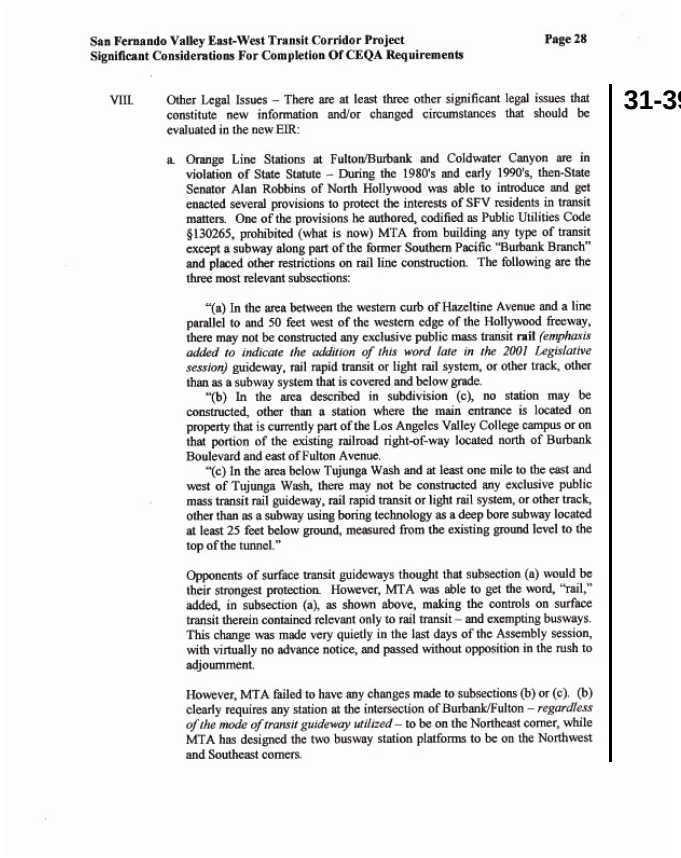
31-37

31-38

Comment 31-36
Please see Response 31-35.

Comment 31-37
Please see Response 31-35.

Comment 31-38
Please refer to Response 20-35.



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VIII. Other Legal Issues – There are at least three other significant legal issues that constitute new information and/or changed circumstances that should be evaluated in the new EIR:

a. Orange Line Stations at Fulton/Burbank and Coldwater Canyon are in violation of State Statute – During the 1980's and early 1990's, then-State Senator Alan Robbins of North Hollywood was able to introduce and get enacted several provisions to protect the interests of SFV residents in transit matters. One of the provisions he authored, codified as Public Utilities Code §130265, prohibited (what is now) MTA from building any type of transit except a subway along part of the former Southern Pacific "Burbank Branch" and placed other restrictions on rail line construction. The following are the three most relevant subsections:

"(a) In the area between the western curb of Hazeltine Avenue and a line parallel to and 50 feet west of the western edge of the Hollywood freeway, there may not be constructed any exclusive public mass transit **rail** *(emphasis added to indicate the addition of this word late in the 2001 Legislative session)* guideway, rail rapid transit or light rail system, or other track, other than as a subway system that is covered and below grade.

"(b) In the area described in subdivision (c), no station may be constructed, other than a station where the main entrance is located on property that is currently part of the Los Angeles Valley College campus or on that portion of the existing railroad right-of-way located north of Burbank Boulevard and east of Fulton Avenue.

"(c) In the area below Tujunga Wash and at least one mile to the east and west of Tujunga Wash, there may not be constructed any exclusive public mass transit rail guideway, rail rapid transit or light rail system, or other track, other than as a subway using boring technology as a deep bore subway located at least 25 feet below ground, measured from the existing ground level to the top of the tunnel."

Opponents of surface transit guideways thought that subsection (a) would be their strongest protection. However, MTA was able to get the word, "rail," added, in subsection (a), as shown above, making the controls on surface transit therein contained relevant only to rail transit – and exempting busways. This change was made very quietly in the last days of the Assembly session, with virtually no advance notice, and passed without opposition in the rush to adjournment.

However, MTA failed to have any changes made to subsections (b) or (c). (b) clearly requires any station at the intersection of Burbank/Fulton – *regardless of the mode of transit guideway utilized* – to be on the Northeast corner, while MTA has designed the two busway station platforms to be on the Northwest and Southeast corners.

31-39

Comment 31-39

The commenter suggests that the siting of the Fulton/Burbank station violates Public Utilities Code Section 130265. Section states, in its entirety:

"In 1990, the Los Angeles County Transportation Commission adopted an approved San Fernando Valley rail rapid transit route and plan as described in the Findings and Mitigation Monitoring Program adopted by the Los Angeles County Transportation Commission on February 28, 1990, as an extension of metro rail or advanced technology transit, other than light rail, that is a deep bore subway through residential areas, unless modified through a subsequent state or federal environmental review process. Therefore, the following apply within the right-of-way of the Burbank Branch line of the Southern Pacific Railroad:

(a) In the area between the western curb of Hazeltine Avenue and a line parallel to and 50 feet west of the western edge of the Hollywood freeway, there may not be constructed any exclusive public mass transit rail guideway, rail rapid transit or light rail system, or other track, other than as a subway system that is covered and below grade.
(b) In the area described in subdivision (c), no station may be constructed, other than a station where the main entrance is located on property that is currently part of the Los Angeles Valley College campus or on that portion of the existing railroad right-of-way located north of Burbank Boulevard and east of Fulton Avenue.
(c) In the area below Tujunga Wash and at least one mile to the east and west of Tujunga Wash, there may not be constructed any exclusive

public mass transit rail guideway, rail rapid transit or light rail system, or other track, other than as a subway using boring technology as a deep bore subway located at least 25 feet below ground, measured from the existing ground level to the top of the tunnel.

(d) This section is not intended to mandate the selection by the Los Angeles County Transportation Commission of any transit route or the construction of any route configuration or alignment, or to prevent consideration by that commission of any monorail or other advanced technology option on any alternative route, but this section is intended solely to define statutorily the route configuration and alignment limitations adopted locally by the Los Angeles County Transportation Commission on February 28, 1990."

Mr. Rubin claims that the Orange Line has station stops at both Fulton/Burbank and Coldwater Canyon. It is true that there is a Fulton/Burbank station, but there is no Orange Line station at Coldwater Canyon.

The arrangement of the Fulton/Burbank station does not violate the Robbins Legislation. Although the station platforms for the Fulton/Burbank station are located on the Northwest and Southeast corners of the intersection of Fulton and Burbank Blvd., the Robbins Legislation does not impose a restriction on a busway facility, including a busway station, which this station is. Subsection (b) of the Robbins Legislation relies directly on subsection (c). In subsection (c), it only requires any rail facility to be a "deep bore subway." It specifically references the rail facilities as a "rail guideway", a "rail rapid transit", a "light rail system," or "other track."

Thus, Subdivision (b)'s language concerning the placement of a station logically means a rail station and not all types of stations. Rules of statutory construction require that statutes be interpreted in context, by considering the statute as a whole. The Robbins Bill Legislation is unambiguously directed at restricting rail facilities to deep-bore subways. Accordingly, the placement of the Orange Line station at the intersection of Burbank Boulevard and Fulton Ave. does not violate the Robbins Legislation.