

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, APRIL 18, 2012

2

3 CHAIRWOMAN DUBOIS: The next item on the agenda, and
4 before I start, I want to preface this: This is to approve
5 the project definition for the West Side Subway Exchange
6 Project. And we have lots and lots of folks here, today,
7 who would like to speak on this issue.

8 And I want to extend my thanks to some who have
9 agreed that, as part of a group, we would give them a group
10 time, and it wouldn't be necessary for 30 people to come up
11 and say the same thing.

12 So having said that, I do appreciate the
13 cooperation of the folks that are here, and we want to make
14 sure that all sides of the issue are heard.

15 So it is up to you guys. Okay?

16 MS. BERLIN: We are here today, to ask you to approve
17 the project definition for the West Side Subway Extension,
18 which is largely based on the Board-adopted, locally
19 preferred alternative of a nine-mile extension of the Purple
20 Line from Wilshire Western to the Westwood V.A.

21 We are also asking you to certify the environmental
22 document, as well as to approve related environmental
23 actions, including, authorizing the C.E.O. to file a Notice
24 of Determination, and adopting the Findings of Fact, and
25 Statement of Overriding Consideration, and the Mitigation

1 Monitoring Program.

2 I have with me, Dave Mieger, our Project Director
3 and Dennis Mori, the Executive Officer in Construction for
4 this project, who will briefly review the changes to the
5 project definition from the locally preferred alternative.

6 Basically, these changes recommend locations for
7 the three western most stations at Century City, Westwood,
8 U.C.L.A., Westwood V.A.; station entrance and portal
9 locations; as well as a modified Staff recommendation for
10 the Fairfax Station to move the portal site from the
11 Johnny's location to the Orange Grove location.

12 And this is as a result of discussions with the Los
13 Angeles County Art Museum, regarding the station portal.

14 We are also looking at the change in the Phase I
15 Terminus Location.

16 So with that, Dave and Dennis will briefly provide
17 you with a presentation.

18 MR. MIEGER: Thank you Renee.

19 The slide on the display is the recommended
20 project, which is a nine-mile extension of our Metro Purple
21 Line Subway, going from the West Wilshire Western Station
22 out to the Westwood V.A. Hospital, just west of the 405
23 Freeway.

24 The seven new stations, we expect about 49,000
25 daily boardings on this line. About 78,000 trips, meaning,

1 people not just boarding through the seven stations, but
2 coming throughout the system to the west side. Twenty-five
3 minute one-way travel times from the downtown Los Angeles to
4 Westwood U.C.L.A.; a total project cost of about \$5.6
5 billion dollars in 2022 dollars, future year dollars.

6 The recommendations in the final EIS, that was
7 released on March 19th, were in four different groups.

8 The first one, the initial construction phase of
9 the project; the second one is what Renee mentioned, the
10 last three stations; third is the seven new stations; and
11 fourth is our expansion of the downtown rail yard near the
12 L.A. River.

13 The first recommendation, in the event that we do
14 not have funding to build the full nine-mile project through
15 3010 or through Measure R Extension, or some other method,
16 and we had to build the project in three phases, in
17 accordance with the Board adopted long-range transportation
18 plans, we have recommendations for the lengths, particularly
19 in this case, of the first segment.

20 When the LRTP was originally adopted, the project
21 was divided up into three segments, roughly three,
22 three-mile segments, without really regard to how the
23 project would be built and constructed.

24 During the last year, during the preliminary
25 engineering, we looked very hard at how the project would be

1 built, how it would be phased, and the proper way to do that
2 in the most cost-efficient and environmentally sensitive
3 way.

4 So what we see the first segment, the
5 recommendation of the LRTP recommendation was a three-mile
6 project to Fairfax. And we are recommending -- this
7 actually came to this committee in February, as a part of
8 the LRTP financial update, would be that the first segment
9 should go to La Cienega, instead of just to Fairfax.

10 There are several reasons for this; but
11 essentially, it would add about eight tenths of a mile, to
12 the first phase, and it would shift about \$381,000,000
13 dollars from Segment II to Segment I. But it would reduce
14 the overall costs of the nine-mile project by about
15 \$50 million dollars.

16 So it is an economic savings to make this change.
17 And it has certain environmental advantages, and other
18 advantages. Primarily, it shifts some of the more difficult
19 mining that we have in the first segment, where we have the
20 tar sands, the gassy grounds, the more costly tunnel
21 techniques, that we would only need for Phase I. If we can
22 do that, we don't need to do it in Phase II, and we can
23 actually have a better construction method for that.

24 It also has less impact on some of the
25 paleontological resources around the tar pits, the Page

1 Museum, by less excavation. It reduces some of the real
2 estate acquisitions that we would need in the Fairfax area,
3 near the museums and historic properties around the tar
4 pits. And in terms of costs, it reduces the numbers from 6
5 to 5.

6 One last point we want to make: It doesn't change
7 the Wilshire La Cienega Station. The station does not
8 change in terms of its design or its construction. It would
9 be the same under either of these approaches.

10 So this is just an image to see the areas of
11 heightened gas. The purple, red, and blue, are the areas of
12 higher concentrations of methane, hydrogen sulfite gas,
13 where we need the more elaborate tunnel equipment.

14 And in construction phasing, we would like to build
15 that first four miles, and get through that segment all in
16 one phase, from La Cienega to Westwood, use the equipment
17 we need to do that, get through that phase, and then in the
18 areas west of there, where the ground conditions are much
19 more favorable, and we can use more conventional tunneling
20 equipment. That we could then proceed as a separate phase
21 for that.

22 So that is the primary reason for that
23 recommendation that we are bringing.

24 Our second recommendation, and perhaps the most
25 controversial that is bringing people to this room today, is

1 the Century City Alignment and station location.

2 The FEIS recommends the Constellation alignment of
3 Avenue Of The Stars and Constellation, with the alignment
4 that goes with that.

5 We are not recommending the alternative of a study
6 on Santa Monica Boulevard, with a station either at Avenue
7 Of The Stars or at Century Park East.

8 I would like to describe a little bit of the
9 background of this.

10 When the Board was here in October of 2010, at the
11 end of the draft EIS, we identified that we had these two
12 route options, and the Board directed that we continue to
13 study them, and do a very, very detailed geotechnical and
14 seismic, and safety analyses of these two alignments.

15 Specific studies were explored on the safety of
16 tunneling under the high school, tunneling at station
17 construction, and operations under Santa Monica and
18 Constellation.

19 We came back to the Board a year later, after all
20 of these tests were completed, on October 19th of this past
21 fall, with two studies that were released; the Century City
22 Area Tunneling Safety Report, and the Fault Investigation
23 Report.

24 And with us today are many of the authors of those
25 documents. We had the Tunnel Advisory Panel advising our

1 consultants, Parsons, Brinkerhoff in this. We had experts
2 -- we really searched the nation for the best renowned
3 experts in these fields, Dr. James Dolan, Thomas Henye, and
4 Thomas Rockwell.

5 And then, in addition to that, our C.E.O. retained
6 an Independent Review Panel, whose job it was not to report
7 to staff, not to report to our consultants, but to
8 independently review this work and file independent opinions
9 of that.

10 And these distinguished professors included Lloyd
11 Cluff, Lucy Jones, Paul Jennings, and Thomas O'Rourke.

12 And with that, today, I would just like to
13 introduce two members of that group, who are going to
14 present the summary of those findings.

15 And with that, it would be Dr. Harvey Parker of our
16 Tunnel Advisory Panel, and Dr. Thomas Henye.

17 DR. PARKER: Thank you, very much. The fault zone
18 investigation findings were on Santa Monica Boulevard, on
19 the fault. The fault zone extends sub parallel to Santa
20 Monica Boulevard, and it is an area of complex faulting.

21 The East Station location on Santa Monica Boulevard
22 is within a very complex zone of intersections, between the
23 Santa Monica fault zone, and the West Beverly Hills
24 lineament/Newport Inglewood fault zone.

25 And that station location are not recommended.

1 On Constellation Boulevard, the location of the
2 station is south and west of all fault zones, and there is
3 no evidence of faulting at the station location.

4 I will go back one. The tunnel safety findings --
5 we reported on these to you in October. We evaluated,
6 actually, seven categories of risk; such things as
7 settlement vibration, gassy ground, tunneling through fault
8 zones, use of the school as an Emergency Evacuation Center,
9 impact to the plans to be able to remodel Beverly Hills High
10 School, and the overall risks of students, faculty, and
11 community.

12 We have reevaluated those in great detail, and in
13 all areas. The study found that the above concerns were
14 resolved and mitigation strategies were identified to tunnel
15 safely. And these findings are also incorporated in the
16 FES, FEIR.

17 So in response to those reports, we gave you in
18 October, there are two reports received from the City of
19 Beverly Hills. They cover a wide range of issues. Metro
20 agrees with some and disagrees with others, as can be seen
21 in our responses, which have been provided to you.

22 For the Exponent Report, basically, Metro disagrees
23 with most of Exponent's findings; but most importantly, by
24 using proven engineering principals, Metro is emphasized a
25 stronger risk management approach than what Exponent

1 proposes.

2 Exponent's proposals are generally only used for
3 nuclear projects.

4 Shannon and Wilson also sent a separate report to
5 the City of Beverly Hills. And we would like to acknowledge
6 that Metro agrees with Shannon and Wilson, that tunneling
7 can be safely accomplished under Beverly Hills High School,
8 and other properties.

9 So we reviewed all these comments from Exponent,
10 and Shannon and Wilson, in great detail. And based upon all
11 of the data compiled to date, the station on Constellation
12 Boulevard is suitable geologically, and it is recommended.

13 There is considerable data that confirms this
14 conclusion. And no station above or below ground on Santa
15 Monica Boulevard is acceptable, because of existing, active
16 fault hazards on Santa Monica Boulevard.

17 You're next.

18 DR. HENYE: Okay.

19 DR. PARKER: Thank you.

20 MR. MIEGER: Thank you, Dr. Parker.

21 Dr. Parker?

22 DR. PARKER: Yes?

23 SUPERVISOR YAROSLAVSKY: Dr. Parker, on the issue of the
24 fault along Santa Monica Boulevard, going westerly towards
25 West Los Angeles, your conclusion was, as you just stated,

1 that we should not build either underground or above ground.

2 DR. PARKER: That is correct.

3 SUPERVISOR YAROSLAVSKY: And in the evidence that you
4 have of faulting in that area is what?

5 DR. PARKER: What we have is considerable information
6 that we prepared and presented to you. And we have, in
7 addition, I will let Dr. Tom Henye bring up to you the
8 additional information that we would like to convey to you.

9 SUPERVISOR YAROSLAVSKY: Okay.

10 MR. HENYE: The Santa Monica Fault is well known as an
11 active fault. It was studied in detail at the Veterans'
12 Hospital in West Los Angeles, where we got information on
13 the activity level; and, in fact, that it is Holocene or
14 active today, basically.

15 That particular site was done on a scarp, which is
16 a step in the topography. And that scarp or that step in
17 the topography, interestingly enough can be carried all the
18 way from the V.A. Hospital through West Los Angeles,
19 essentially, to the area we are talking about.

20 So given that the scarp represents an active fault,
21 its quite clear that we don't want to sight a station of any
22 type in that fault zone.

23 SUPERVISOR YAROSLAVSKY: How far along Santa Monica
24 Boulevard would you say that fault is?

25 MR. HENYE: Well, I think, from what we can gather from

1 our data, and looking at the landscape, there, that is
2 caused by the fault, we think it goes all the way to,
3 essentially, what we are calling the West Beverly Hills
4 lineament, which would be just, I guess, a little bit beyond
5 Moreno Drive, where it intersects Santa Monica Boulevard.

6 So it is carried -- basically, the activity of the
7 faults are carried pretty much all the way to the city
8 limits of Beverly Hills.

9 SUPERVISOR YAROSLAVSKY: Great. But even if it doesn't
10 go as far east as Moreno Drive, you are certain that it
11 comes as far east as Century Park East?

12 MR. HENYE: Oh, yes. I think it does.

13 SUPERVISOR YAROSLAVSKY: Nobody disputes that?

14 MR. HENYE: No. I think all the geological groups that
15 have been working with this agrees that that is the case.

16 SUPERVISOR YAROSLAVSKY: So your recommendation -- and I
17 think it was the recommendation in October of both your
18 team, and the Peer Review Team, was that under -- that you
19 would not recommend building a subway under Santa Monica
20 Boulevard, through this parallel to or in the fault zone
21 along Santa Monica Boulevard?

22 MR. HENYE: That's correct. That's correct, yes.

23 SUPERVISOR YAROSLAVSKY: So is it fair to say that the
24 issue, leaving aside all the other issues about the high
25 school, and -- that the only -- that we are now faced with

1 only two alternatives.

2 This is a question. Either to go to Constellation
3 under the high school property, or not go to Century City at
4 all, and just keep going along Wilshire Boulevard to
5 Westwood; is that essentially the choice we have?

6 MR. HENYE: Well, we would recommend that we not put a
7 station of any type on Santa Monica Boulevard.

8 Whether that means carrying it along some other
9 alignment, of course, it is up to you. But certainly, we
10 would recommend it.

11 SUPERVISOR YAROSLAVSKY: Well, you wouldn't recommend a
12 station, but you also wouldn't recommend the tunnel under
13 Santa Monica Boulevard?

14 MR. HENYE: Well, that's correct; yes. As a matter of
15 fact --

16 SUPERVISOR YAROSLAVSKY: So in plain English, that means
17 that what you are saying to me is -- if you want to have --
18 if you want to get to Century City, you have got to go south
19 of the boulevard, get away from that?

20 MR. HENYE: That's right.

21 SUPERVISOR YAROSLAVSKY: And if you don't want to go
22 south of the boulevard, and get away from that fault, to go
23 to Century City, than you are not going to get to Century
24 City?

25 MR. HENYE: That's correct.

1 SUPERVISOR YAROSLAVSKY: You can go all the way around
2 Culver City, and come up, but I don't think we are going to
3 do that. So the choice is Century City or no Century City?

4 MR. HENYE: That's correct.

5 SUPERVISOR YAROSLAVSKY: Because Santa Monica is off the
6 table -- Boulevard?

7 MR. HENYE: That's correct, yes

8 SUPERVISOR YAROSLAVSKY: Okay. Thank you.

9 MR. HENYE: Thank you.

10 CHAIRWOMAN DUBOIS: Do we have more?

11 MR. MIEGER: Yes. I will get through this quickly. We
12 did update our ridership forecast for Century City, as well
13 just to identify the comparisons of the two stations.

14 Constellation was about 3,000 boardings higher than
15 the Santa Monica route. And just to summarize the
16 recommendation, the seismic and geotechnical safety was the
17 number one concern we had at this location.

18 We also looked at the ability to mitigate and risk
19 at the alternative alignment, along Constellation, in the
20 areas that were identified by the people that were concerned
21 about that, and provided responses to how we could mitigate
22 all of those impacts. So based on that, we made the
23 recommendation in this case.

24 We also wanted to move on to say the other two
25 stations that the Board of Directors looked at Westwood

1 U.C.L.A. or Westwood V.A., we are recommending the Wilshire
2 Westwood On Street Station, and the V.A. Hospital South
3 Station. And I believe these are -- we have good support
4 for these two recommendations. So I won't go through them
5 in detail.

6 I wanted to quickly move on to the seven stations
7 we do have recommendations for where we would put the
8 entrances at each of the seven stations.

9 Quickly, I will just mention them at Westwood
10 Wilshire La Brea. This is the northwest corner, which is
11 the site of the current customer service center, a rendering
12 of what that would look like.

13 At Wilshire Fairfax, we do have a change in our
14 recommendation from the Wilshire Fairfax Station from the
15 recommendation that was in the FEIS. We had recommended in
16 that report that the site be located on the northwest
17 corner, next to the old Johnny's Coffee Shop, which should
18 be the entrance, and not the site at Orange Grove.

19 There have been a number of developments over the
20 last few weeks.

21 We have been made aware of the significant increase
22 in attendance at the county museums, the Page Museum, and
23 the -- and the Art Museum.

24 They have achieved their target goals in our
25 ridership forecast for 2035, within the last three years, by

1 increases in ridership, which means there is a lot more
2 people coming to this area east of Fairfax, than west of
3 Fairfax.

4 We have taken a second look at those ridership
5 numbers and potentials.

6 We have also received a letter from the County Art
7 Museum, who are very interested in sponsoring a second
8 entrance on the north side of Wilshire Boulevard, which
9 would give us the opportunity to have an entrance on both
10 the north and the south side of Wilshire, instead of just
11 the one entrance that we had before.

12 And with that change, we think we have, indeed, a
13 tremendous opportunity here to build a much better station
14 with this shift to the Orange Grove site.

15 This is a rendering, showing the LACMA West
16 Building, and the temporary art museum, and the LACMA
17 entrance would generally be on the north side of the street,
18 in an area between the two, and Orange Grove, would be
19 directly opposite of that on the south side of the street.

20 So that is a change in our recommendation, in that
21 station.

22 Just to finish out the other five, Wilshire and La
23 Cienega. Consistent recommendations to our Station Advisory
24 Groups that met last year. The northeast corner for that
25 station, in downtown Beverly Hills, the recommendation of

1 the Advisory Group as well as ours, is that it should be at
2 the corner of Reeves and Wilshire, southwest corner.

3 The site currently is occupied by the Ace Gallery.
4 At Constellation, in Century City, we have two possible
5 locations on the northeast corner; a vacant parcel today,
6 and the southwest corner, currently occupied by Century
7 Plaza Hotel.

8 We have recommended that northeast corner be
9 selected; however, in the event that the development occurs
10 or that property is not available, then the southwest corner
11 would be the backup alternative. Same with construction
12 staging. If the site is vacant, we would recommend that,
13 if not, there are some alternative sites in parking lots
14 along Century Park East.

15 And Westwood U.C.L.A., the construction would be in
16 U.C.L.A.'s Lot 36, between Veteran and Gaily, with an
17 entrance there, to serve the campus and the Bruin Go
18 Shuttle. We also have a split entrance at Westwood, with an
19 entrance on the north and south sides of the street. This
20 is our highest ridership station. Effectively, we have
21 three entrances at U.C.L.A.

22 Finally, the entrance of the V.A. Hospital would be
23 located south of Wilshire Boulevard, in front of the V.A.
24 Hospital.

25 Downtown, we have the new rail cars that have to be

1 relocated, so we are looking to expand the current Division
2 20 rail yards about a half mile south of here.

3 Finally, just to summarize the actions under the
4 California Environmental Quality Act, CEQA, our comment
5 period, will extend until next Monday.

6 The Board action is anticipated to be considered on
7 April 26th, a week from today, on Thursday.

8 The NEPA, the federal action is taken by the
9 Federal Transit Administration. Their action would come
10 after May 23rd, which is the close of the comment period for
11 the federal action.

12 Finally, we just want to wrap up by saying, in the
13 event we do go forward this month, we have a lot of work in
14 front of us during the coming year, seeking the full fund
15 and grant agreement, developing locations, specific
16 construction mitigations.

17 We have to work with each property owner, each
18 group, along this route to custom fit our mitigation
19 measures to each of those properties. To make sure that the
20 mitigations work for each of them, and their individuals
21 needs.

22 We have real estate appraisals and acquisitions.
23 We have to improve access to the stations, contracting,
24 community outreach, and field testing.

25 So these are ongoing next steps. And that's the

1 conclusion of our presentation.

2 CHAIRWOMAN DUBOIS: Comments or questions from
3 Directors?

4 SUPERVISOR ANTONOVICH: The information that I had
5 requested, I have not received, relative to the alternative
6 at grade station that is being suggested by groups in the
7 affected area.

8 MR. MIEGER: We can certainly comment on that today.

9 SUPERVISOR ANTONOVICH: We were supposed to receive that
10 last night, I understand, for this meeting.

11 MR. MIEGER: I believe we distributed, last night, the
12 report that was -- that was finalized yesterday.

13 This was the response to the Shannon and Wilson
14 Report that the City of Beverly Hills had prepared, and we
15 filed our response to that and sent it out last night. So
16 these are the responses to those.

17 SUPERVISOR ANTONOVICH: I did not receive that.

18 The question is: You did a public hearing, which
19 was, I guess, information in the community. But yet, you
20 were denying public input, and then you closed the meeting
21 before the public had the right to ask questions?

22 MR. MIEGER: The meetings that we had in late March were
23 open houses. We intended to have an open format so that the
24 public can come and learn about the FEIS, and talk to staff.
25 And so that was the format of the meeting. They were not

1 public hearings. We have public hearings at the end of the
2 Draft EIS.

3 SUPERVISOR ANTONOVICH: They were public information?

4 MR. MIEGER: That's correct.

5 SUPERVISOR ANTONOVICH: But public information is
6 usually a two-way street; is it not?

7 MR. MIEGER: Right. And we were there to answer any
8 questions that the public had.

9 SUPERVISOR ANTONOVICH: But you eliminated a lot of the
10 people from asking those questions by ending the meeting
11 earlier.

12 MR. MIEGER: No, we continued for the full course of the
13 meeting.

14 SUPERVISOR ANTONOVICH: And at no time -- you didn't
15 shut down the meeting earlier?

16 MR. MIEGER: No, no.

17 SUPERVISOR ANTONOVICH: So every person there had the
18 right to ask questions?

19 MR. MIEGER: The meeting continued for its full
20 duration, yes.

21 SUPERVISOR ANTONOVICH: It is my understanding that some
22 of the people were not allowed that opportunity. So that
23 was the information I had received.

24 MR. MIEGER: We allowed everybody -- we stayed as long
25 as the meeting was open. We talked to everyone who chose to

1 talk to us.

2 SUPERVISOR ANTONOVICH: A couple months ago, we had
3 granted the Regional Connector to have a 30-month -- 30-day
4 delay because of the concerns that were raised by the people
5 being impacted by that. And this body voted for that 30-day
6 extension.

7 There have been a relative number of concerns
8 raised on the site that is being recommended for Beverly
9 Hills, in that same consideration, of a 30-day delay so we
10 can get the additional information that would be in the best
11 interests of this project.

12 Otherwise, you are subject to litigation that could
13 tie up the project for years or decades, because of this.

14 Just look at the 710 scenario, that dates back to
15 the 60's. And if a decision was to be made, it then ought
16 to be made after everybody has had full opportunities to
17 discuss alternatives before that station is to be built.

18 And the extension would allow us to make that
19 30-day delay, because the Federal Transit Administration has
20 granted that extension, for the public comment period, to
21 May 22nd, for the Federal Environmental Impact Statement.

22 The Board -- what you are recommending is a
23 tunneling underneath the high school, but that -- does that
24 not impact the construction of school facilities above that
25 site?

1 MR. MIEGER: We do not believe that it does. We often
2 build joint development projects where we work with a
3 private entity or a public entity, to develop over our
4 tunnels. And we have had a very successful experience doing
5 that, and we believe that is entirely possible at the high
6 school.

7 SUPERVISOR ANTONOVICH: Even though that type of
8 facility that would be built, would it not have to have a
9 different type of foundation, and so it would not impact the
10 integrity of the tunnel?

11 MR. MIEGER: We would have to work to do that.

12 SUPERVISOR ANTONOVICH: And we would pay those
13 additional costs, the MTA?

14 MR. MIEGER: Right. Metro would have to pay for all the
15 additional costs.

16 SUPERVISOR ANTONOVICH: And pay for all the additional
17 costs for the building of the school?

18 MR. MIEGER: For any additional costs, that would be
19 more than they would spend otherwise.

20 SUPERVISOR ANTONOVICH: If the recommendation is what
21 you are recommending for the station, how does MTA plan to
22 capture all additional value gained by J.M.B. Realty in
23 Century Plaza?

24 Because if the station is there, they are allowed
25 to have a greater development, creating millions and

1 millions of dollars for their interests.

2 So how is the MTA going to get a piece of those
3 revenues from that decision, or have you been in discussions
4 with them?

5 SUPERVISOR YAROSLAVSKY: Let me just correct some
6 assumptions. They don't just get development rights because
7 of a subway station. They have development rights because
8 of the Land Use Plan for Century City. It has nothing to do
9 with whether there is a subway there.

10 The subway will mitigate whatever traffic with
11 that, and other projects that Century City will generate.
12 So this is a flawed assumption. So I don't want --

13 SUPERVISOR ANTONOVICH: The value added to that
14 property, if the station is located there, and it would seem
15 to me, the taxpayers who subsidize MTA ought to be a
16 beneficiary of that revenue as well.

17 MR. MIEGER: I would just have to echo the comments that
18 the City of Los Angeles or the City of Beverly Hills have
19 land use controls over the properties, next to our subway
20 stations, and we don't.

21 So we would build our subway station there, and we
22 are trying to serve the highest density population centers
23 in these stations.

24 SUPERVISOR ANTONOVICH: So do you believe if the station
25 is located there, the value of that surrounding property

1 would be enhanced or would it be decreased?

2 MR. MIEGER: All of our stations, we believe, we are
3 going to provide enhanced property values, even at the other
4 six stations, as well. That these are benefits because
5 people can get to them more easily. It reduces traffic
6 congestion, and so all the property owners along the line,
7 should benefit from this.

8 SUPERVISOR ANTONOVICH: But this particular property
9 owner would get a substantial benefit?

10 SUPERVISOR YARSLAVSKY: Not any more than any other
11 property owner where there is a station.

12 SUPERVISOR ANTONOVICH: Is it possible for MTA to build
13 a safe station at Santa Monica Boulevard?

14 MR. MIEGER: I believe our expert panel said no.

15 SUPERVISOR ANTONOVICH: How far apart from Conciliation
16 (sic) and Santa Monica Boulevard stations would be at their
17 closest points?

18 MR. MIEGER: The conciliation?

19 UNIDENTIFIED MALE SPEAKER: Constellation.

20 SUPERVISOR ANTONOVICH: What is the closest point that
21 those two stations would be?

22 MR. MIEGER: The Constellation --

23 SUPERVISOR ANTONOVICH: -- and Santa Monica.

24 MR. MIEGER: They are about a quarter of a mile apart.

25 SUPERVISOR ANTONOVICH: Have we considered single tunnel

1 technology that was used in Barcelona and Seattle, allowing
2 one to drill a deeper tunnel that would avoid all of the
3 impacts to Beverly Hills High School?

4 MR. MIEGER: Can you answer that?

5 MR. MORI: Sure.

6 MR. MIEGER: I will let Dennis Mori answer that.

7 MR. MORI: We did a study earlier, last year. We looked
8 at a single, large bore diameter tunnel. The concerns of
9 that would be that the size and the diameter of the tunnel
10 requires a greater depth, and it is more subject to surface
11 settlement. So we would not recommend having a single,
12 larger tunnel underneath the high school.

13 SUPERVISOR ANTONOVICH: Could we use technology and have
14 a deeper tunnel at Conciliation (sic), and avoid all the
15 litigation?

16 UNIDENTIFIED SPEAKER: It is Constellation.

17 SUPERVISOR ANTONOVICH: Constellation?

18 MR. MORI: Actually, that station is fairly deep, and as
19 a matter of fact, where the tunnels, the two tunnels cross
20 underneath the property, we have about, I think, 40 feet of
21 cover to the top of the tunnel. So it is a fairly deep
22 station, as already planned.

23 SUPERVISOR ANTONOVICH: Going back to the high school,
24 the shallow nature of the tunnel under the high school would
25 prevent construction of the school property, without a

1 massive, underground support structure to avoid placing
2 pressure on the tunnels.

3 So according to the high school, which has bond
4 funding to allow for such construction, what additional
5 costs are you considering MTA would have to subsidize to
6 provide such an infrastructure for that site?

7 MR. MORI: Well, as Dave mentioned earlier, the reports
8 that were produced last October did go into similar
9 construction over underground structures.

10 We have examples. There is actually an MTA-owned
11 project site at Wilshire Alvarado, where there is a
12 multi-story residential complex being built directly over
13 Metro Rail's underground structures.

14 So in the case of Beverly Hills, our reports state
15 that because the tunnel is so deep, there is sufficient
16 cover for the school to build several stories underground
17 parking.

18 So that brings up the question: If it is
19 underground parking, is that appropriate to put students
20 underground, in basements? And we would like to see Beverly
21 Hills Master Plan, to see what they have proposed to put
22 underground.

23 SUPERVISOR ANTONOVICH: And have you looked at the
24 impact that the oil wells on the station site, would have,
25 relative to all of the methane gas that already exists

1 there?

2 MR. MORI: Well, our reports also -- one of the things
3 that Beverly Hills is planning to build school buildings on
4 their property.

5 Oil wells already exist on their property. We have
6 taken tests in the area, and we know that methane gas levels
7 under Beverly Hills High School site are lower than those
8 that exist along the Metro Red Line project. That project
9 was open in 1993, and that's from here to the Alvarado
10 Station, about four miles. And there have been no incidents
11 with methane gas or other gases causing a concern to us.

12 So the gas levels in Downtown L.A. are actually
13 higher than those under Beverly Hills High School.

14 SUPERVISOR ANTONOVICH: I would say, in the best
15 interest of the community support, when we develop this
16 project, if it ever gets developed, you need to have full
17 faith with the community, and the community has to have full
18 faith with the MTA, and that could only be done if we had
19 greater participation from all segments of the Beverly Hills
20 community.

21 And a 30-day delay, which does not impact the
22 entire project, would be in the best interests of the
23 community and the MTA, Mr. Chairman -- Madam Chairman.

24 CHAIRWOMAN DUBOIS: Is that a motion?

25 SUPERVISOR ANTONOVICH: I make a motion for that 30-day

1 delay, yes.

2 CHAIRWOMAN DUBOIS: Is there a second?

3 COUNCILWOMAN O'CONNOR: I second it.

4 CHAIRWOMAN DUBOIS: Who wishes to be heard before we go
5 to public hearing?

6 All right. As I said earlier, you have to appear
7 as a group. And we have about an hour's worth of public
8 hearing in front of me right now. So be patient.

9 First, is Jay Greenstein -- I am sorry --
10 Greenstein -- representing L.A. City Council Member Paul
11 Koretz, to be followed by Beverly Hills High School. You
12 have five members speaking for ten minutes.

13 MR. GREENSTEIN: Good afternoon, Madam Chair and Members
14 of this Committee. I am speaking on behalf of Los Angeles
15 City Council Member, Paul Koretz. We are pleased to have
16 reached this milestone, which puts us one step closer to
17 building a subway to the west side, which will finally reach
18 our major employment centers of Westwood and Century City.

19 The Council Member strongly supports the Staff
20 recommendation to place the Century City Station at
21 Constellation Avenue and Avenue Of The Stars.

22 As you have seen from the environmental documents,
23 this station is the only viable and safe alternative.

24 Clearly, the ridership numbers also show that this
25 site is the best location to serve this major, regional

1 center of employment.

2 A primary portal at Avenue Of The Stars, with a
3 second portal leading directly into this Westfield Shopping
4 Center, will be the best fit for commuters -- for commuters,
5 residents, and visitors, alike.

6 This is supported in the Staff Report, and the
7 Council Member hopes that the Board adopts it.

8 We also would like to thank Metro Staff and
9 consultants for the recommendation to place three portal
10 entrances at the Westwood Station, which will likely be one
11 of the busiest stations on the entire Metro.

12 CHAIRWOMAN DUBOIS: Thank you.

13 MR. GREENSTEIN: Okay. Thank you. Thanks for this
14 opportunity. Let's start building now.

15 CHAIRWOMAN DUBOIS: Thank you.

16 Representing Beverly Hills Unified School District,
17 Gary Woods, Brian Goldberg, Lisa Korbatov, Tim Buresh and
18 Kevin Grogan. And you have ten minutes. And I will let you
19 split it up any way you want.

20 MR. GOLDBERG: My name is Brian Goldberg. I am the
21 President of the Beverly Hills Unified School District Board
22 of Education.

23 I want to clear up a few misunderstandings.

24 There are no subway tunnels under any permanent
25 instructional school buildings in the State of California.

1 A vote to move forward with the current route under
2 Beverly Hills High School would be precedent-setting, and
3 allow millions of California students to be put in jeopardy.
4 This would be a terrible precedent, and it is just bad
5 public policy.

6 After multiple discussions with the representatives
7 of the Department of State Architect, San Francisco Unified
8 School District, and Muni Metro officials, it has been
9 confirmed that there are currently no public school
10 buildings located above school tunnels.

11 There are few schools which have tunnels running
12 under their campuses, but these are not comparable to
13 Beverly Hills High School, or the tunnel situation it faces
14 with the West Side Subway Extension.

15 SUPERVISOR YAROSLAVSKY: Can I just -- because I would
16 like to ask him a question, at this point.

17 Are you suggesting that if the tunnel did not go
18 under the high school building, but it was only the high
19 school property with no buildings on top of it, that that
20 would resolve your concerns?

21 MR. GOLDBERG: What I am suggesting, Supervisor
22 Yaroslavsky, is that right now, there are no tunnels
23 underneath structures in a public school.

24 SUPERVISOR YAROSLAVSKY: I know what you said. But what
25 I am asking you is: If it was possible for the tunnel to go

1 under the property, such as the athletic field or some other
2 part of the property, but not under any school buildings,
3 would that resolve your concerns?

4 MR. GOLDBERG: I certainly would take that back to the
5 full Board of Education for discussion.

6 SUPERVISOR YAROSLAVSKY: Okay. We had that conversation
7 with representatives of the school district and the city,
8 and there was no interest in doing that. So I would be very
9 interested if that position has changed.

10 CHAIRWOMAN DUBOIS: Next?

11 MR. WOODS: Good afternoon. My name is Gary Woods. I
12 am the proud Superintendent of Beverly Hills Unified School
13 District.

14 We believe Metro has completely ignored our
15 attempts to get information, and to communicate with us.

16 Our charge is to build our schools for the next
17 50 years. If these tunnels go down the middle, it will
18 prevent us from doing that. Please reconsider. Thank you.

19 MS. KORBATOV: My name is Lisa Korbatov. And I am the
20 Immediate Past President of the Board of Education for
21 Beverly Hills Unified School District. I am currently a
22 Governing Board Member.

23 There is no conceivable interest higher for
24 fiduciary than educating our students in an environment
25 conducive to learning.

1 The high school is our only high school, and a
2 disaster site for our city. There is no greater way to
3 insure flexibility than to do just that, insure flexibility.

4 Tunnels will forever obliterate our ability to
5 build what we want, where we want, now and forever.

6 Beverly Hills is a tie campus, too small by half,
7 by today's standards. We have a bond measure, the taxpayers
8 passed in November of '08 for \$334 million dollars, to
9 rebuild an aging school district, whose structures are not
10 seismically sound or technologically adaptable.

11 I speak for many. The big city politics are
12 running over a little school district's sovereign rights to
13 design and build out its future.

14 To those of you who call a small city your home, if
15 this happens to us, it can happen to you. Our city
16 residents are left wondering how any public agency can
17 disregard a community's vocal and consistent opposition to
18 this alignment.

19 How can MTA disrespect a community asset like our
20 only high school?

21 What has happened to the time-honored tradition of
22 local control and good governance?

23 It has become abundantly clear that Beverly Hills
24 has no direct representation on the Board; and yet, we will
25 be one of the most impacted communities.

1 As elected officials, you all have a higher duty to
2 protect the public interests, more so than to defer the
3 wishes of one fellow board member's notion of turf
4 privileges.

5 We understand that someone, to avoid stepping on
6 the proverbial toes of another politician's district's feet.

7 But, once again, if this can happen to us, it can
8 happen to any small city. Yours could be next. Please
9 don't defer to another your vote, because we don't reside in
10 your district.

11 MTA did not trench. We did. We did took Zev
12 Yaroslavsky's advise. Go for the science, not the emotion,
13 hysteria, or the rhetoric. We did just that. We spent
14 \$1 million dollars worth of testing, including borings, and
15 more critically, trenching. We did trench. MTA did not.

16 Our reports are going to be quantifiable, and
17 qualitative; not assumptive, as it appears MTA's are.

18 These reports will be completed any day now, and
19 you will get them.

20 Why the rush to judgement?

21 Why not give us the extra time?

22 This alignment is not better for kids. It is not
23 better for buildings out our campus. With our dollars,
24 design, and implementation, will be hampered, the Field Act
25 more complex. It is simply worse any way you cut it, except

1 for J.M.B., and not better for mass transit. It could run
2 well over \$100 million dollars, our tax dollars, to go under
3 our high school.

4 What possible spike in ridership, real or imagined,
5 could justify this gross expenditure?

6 We are all entitled to our opinions, but the facts
7 should stand sacred and apart from all the tugging of
8 special interests and politics.

9 I implore of you, to think about this, to think
10 long and hard. We didn't ask for this fight. We got
11 dragged into it. We didn't see it coming. We want to avoid
12 it.

13 We support mass transit. We don't want to delay
14 your subway one minute, one hour, or one day. Please
15 rethink your decision. We believe there are better
16 alternatives than tunneling under our high school.

17 Thank you.

18 CHAIRWOMAN DUBOIS: Thank you.

19 MR. BURESH: Hi. Tim Buresh. I would like to address
20 some of the technical issues in here.

21 Dave, can you hold these for me?

22 As well as Mr. Katz, and Mr. Leahy, I have a unique
23 perspective on this particular project. I have an extensive
24 background building both schools and transit systems.

25 My goal here, today, is to provide enough

1 information to you that you can help focus and make an
2 informed decision that both respects the needs to modernize
3 and expand the high school, and gets the subway built. And
4 the best value for the whole community. And that is
5 achievable for both.

6 I am going to start with the simple fact that the
7 Metro Staff has ignored -- and I would ask some professional
8 indulgence in here -- you have had hours of presentation.

9 CHAIRWOMAN DUBOIS: You have got five more minutes.

10 MR. BURESH: Thank you.

11 Mr. Leahy, I presented this information to you over
12 a year ago, that showed the conflict between the school's
13 long-range Master Plan requirements, and the Metro Tunnel.

14 There has been one meeting with you, where it was
15 brought up. There have been zero meetings with Staff, and
16 any interchange of information. And the EIS is silent with
17 the long-term needs of the high school.

18 We have heard one disparaging remark on that, here
19 today. Suffice it to say, as the Master Plan has advanced,
20 that diagram has become even more conservative.

21 There is not a lot of space in which to put a lot
22 of school. That space is precious, and it needs to be
23 preserved.

24 With all due respect, the question is not whether
25 you can tunnel safely under a building, it is how you will

1 tunnel through a building. It will physically encroach into
2 future buildings on the campus. Bear in mind, this has been
3 the high school for a hundred years, and must be the high
4 school for a hundred years.

5 The Tunnel Safety Report on here that you have
6 talked about, needs to have a long and extensive discussion.
7 We have begun a serious parallel investigation that was
8 caused by the Alquist-Priolo recommendations, and the other
9 conclusions of the seismic fault study printed by Metro.

10 We have sent repeated communications into you,
11 informing your Staff and the Board of the progress of those
12 studies. We have requested a 30-day time extension, in
13 order to complete those.

14 I would point out these studies are not solely
15 under the control of the school district. They are subject
16 to the auspices and regulatory authority of the California
17 Geologic Survey, who we cannot control.

18 The first of our reports will be going into them at
19 the end of this week. Two additional reports will be
20 submitted by mid-May. We politely request that the Board
21 defer a decision, and interpretation of seismic conditions
22 on this site, until there has been an opportunity to have a
23 full, and public vetting on that.

24 With all due respect to the experts who spoke here,
25 today, I believe they have not seen the letters we sent to

1 the FTA, that outlined numerous issues in the boring logs,
2 CPT data interpretations, and other aspects within the
3 report, which have been reviewed with AMEC and confirmed in
4 concept.

5 When those are put in -- this is the status of our
6 interpretation of that. The faults along the West Beverly
7 Hills lineament have been resolved. They are not there.
8 There are not active faults along the West Beverly Hills
9 lineament.

10 There are not active faults along Transect 2-E. We
11 are continuing to evaluate the other transects. There is a
12 lot more information in that, that should be reviewed, and
13 you don't do that in a couple of minutes.

14 We advocate a full and open exchange and dialogue
15 between all the technical experts. We welcome it. We will
16 have it as part of the CGS process.

17 SUPERVISOR YAROSLAVSKY: Can I ask him a question?

18 CHAIRWOMAN DUBOIS: Surely. Hold the clock.

19 SUPERVISOR YAROSLAVSKY: Oh, I thought you were done.
20 Go ahead.

21 MR. BURESH: I am not done yet.

22 CHAIRWOMAN DUBOIS: Go ahead. Start the clock.

23 MR. BURESH: Suffice it to say, we will recommend and
24 conclude that you can build a station safely along Santa
25 Monica. Perhaps not exactly where you have shown the two

1 alternatives, but where the Board directed between Avenue Of
2 The Stars and Century Park East.

3 At that point then, the Board has to make a
4 decision of what makes the most sense, Constellation or
5 Santa Monica?

6 And there are two key criteria that should be
7 balanced on that: Cost and ridership. Metro has brought in
8 a ridership study that indicates a substantially -- not
9 substantial -- but several thousand more riders on
10 Constellation than Santa Monica. We do not agree with that.

11 There are numerous errors in that. We have
12 outlined that in a technical report, to be generated into
13 you. Suffice it to say, it is my personal belief that the
14 ridership is actually equivalent or within spitting range on
15 both stations on there.

16 Bear in mind, too, there are some absurdities in
17 the Metro Report. If the Metro Report is correct on here,
18 nobody would be walking from LACMA West to LACMA East under
19 your station scenario. People in Century City would walk
20 five times as far for a hamburger, than they would for
21 transit. Numerous other absurdities come into that.

22 You need to be looking at that, and considering
23 that.

24 But here is one of the most important things: Then
25 what does it cost to go?

1 What is the cost difference between the two
2 locations? This is what the FEIS says. There are over a
3 dozen different references to the cost.

4 We have \$145 million dollar breath of range in
5 here. That cannot be. We have requested numerous times to
6 have adequate backup data provided by you, so that we can
7 actually interpret and reconcile these numbers.

8 Staff has refused to provide that. Continues to
9 refuse to provide that. So all we can look at is what is
10 presented in here. And it is completely contradictory.

11 My best estimate of the cost difference is that
12 Constellation will cost at least \$100 million dollars more
13 than Santa Monica, and that does not include the long-term
14 impact to the school.

15 Please, I request, that you do this the right way.
16 Give ample consideration to the science. Reconcile the
17 differences. You need to know what the real ridership
18 difference is. What the real cost difference is. And what
19 the real geotechnical conditions are out on there.

20 Then you can make an informed decision. Thank you,
21 Board.

22 CHAIRWOMAN DUBOIS: Thank you. Questions?

23 SUPERVISOR YAROSLAVSKY: I will pass.

24 MR. BROGAN: Madam Chair, my name is Kevin Brogan,
25 Counsel for Beverly Hills Unified School District.

1 I have some documents to make part of the report.
2 We have an original and six copies of a letter dated
3 April 18th, 2012, from our law firm, to this panel.

4 We have a current status of a Geotechnical
5 Investigations Report, original and six copies.

6 And an original and six copies of the Executive
7 Summary in connection with ridership costs and other issues,
8 including geotechnical reports.

9 CHAIRWOMAN DUBOIS: Okay. We will see that they are
10 distributed. Thank you, very, very much.

11 MR. BROGAN: Thank you.

12 CHAIRWOMAN DUBOIS: Next is Rabbi Jonathan Klein, to be
13 followed by Century City Chamber. Thank you.

14 RABBI KLEIN: I believe I have five minutes?

15 CHAIRWOMAN DUBOIS: Yes, you have five minutes. Thank
16 you.

17 RABBI KLEIN: Good afternoon, everyone. Rabbi Jonathan
18 Klein. I work with Clergy and Laity for Economic Justice.
19 CLUE-LA is a faith-based coalition of Jews, Christians,
20 Muslims, and all other religious traditions, that care about
21 the dignity of all people in the workplace, and their
22 families.

23 We represent working people from all parts of Los
24 Angeles. Our faith leaders know that access to jobs and to
25 a functional transportation grid means opportunities for

1 parents to raise their children, and spend time at home,
2 instead of relentless hours of commuting.

3 I would like to welcome Brother Thomas Kerry of
4 Lincoln Heights Episcopal Church Of The Epiphany, who will
5 share his thoughts on what a subway would mean for his East
6 L.A. members.

7 BROTHER KERRY: Good afternoon.

8 As my brother said, my congregation is over on the
9 East Side in Lincoln Heights. None of my parishioners --
10 none of my parishioners work on the West Side because they
11 can't get there.

12 I am a native Californian. I am a Valley boy, born
13 in Santa Monica. But I lived for 30 years in New York.
14 And what New Yorkers know is that we own our subway, and we
15 take our identity as New Yorkers from the fact that New
16 Yorkers ride the subways. And its immense, our identify, of
17 who we are.

18 L.A., since I left in 1975, has a beautiful
19 diversity, and it is an amazing city. But what we lack and
20 what will cement our identity as a city are the ties that a
21 subway line will bring. So I urge you to approve the
22 proposed subway line.

23 CHAIRWOMAN DUBOIS: Thank you.

24 RABBI KLEIN: Rabbi Aria Cohen, a West L.A. resident,
25 and professor at American Jewish University, and one of my

1 teachers, will share his thoughts on what justice in this
2 city looks like.

3 RABBI COHEN: Thank you for allowing me to address you.

4 Three concerns that I come with today in support of
5 the extension of the subway.

6 First, is a near-term concern with jobs in this
7 economy. The 20-some-odd thousand jobs that will be
8 generated by the subway project, will help bring many people
9 in this city out of economic -- their economic spiral.

10 The second is longer term. The east to west, the
11 ability, as my brother said, to have people on the east side
12 to get to jobs on the west side, saving them hours a week,
13 hours that can be spent with their families.

14 And finally, connecting also west to east. In
15 order for L.A. to become a city, to establish a city, a city
16 which is just in all of its parts, means people from east
17 and west seeing each other, coming, meeting.

18 And today, I was going to take the public
19 transportation to get here, but it would have taken me three
20 times as long as it did with a car.

21 All these concerns, together, to have the city come
22 together as one. I urge you to support the extension of the
23 subway. Thank you.

24 RABBI KLEIN: So a very small, but loud minority of
25 Beverly Hills residents want to destroy the accessibility,

1 opportunity, and quality of life of tens of thousands of
2 Angelinos; mostly people of color, and the working poor.

3 We know that all religions believe in justice.
4 That is why the faith community is, from what we can tell,
5 unanimous.

6 Science says Constellation. Others say not under
7 my backyard. Numb. Numb to what a truly free and
8 flourishing city would look like. Numb to the suffering of
9 East L.A. and South L.A., taking place right now, where
10 unemployment rates are through the roof, and families are
11 unable to feed their families, or live out what they thought
12 was an American dream.

13 Numb to those outside the ivory tower, those they
14 have been able to keep out for 50 years, this project has
15 been in the works.

16 CLUE-Los Angeles cares about all children,
17 including the children of thousands of unemployed
18 construction workers, at rates of 40 to 80 percent, who
19 can't feed their families, and are going on to government
20 assistance.

21 We pray for your best judgment. We know what a
22 higher duty means, and that is why we strongly urge you to
23 move forward with this project, along the Metro's
24 recommended pathway immediately.

25 And we say, "Thank you."

1 CHAIRWOMAN DUBOIS: Thank you.

2 Century City Chamber, five minutes, to be
3 represented by Susan Bursk.

4 MS. BURSK: I think there are some other people that are
5 going to be joining me. Thank you.

6 I am Susan Bursk, President and C.E.O. of the
7 Century City Chamber of Commerce. We represent over 40,000
8 employees within the Century City community. People take
9 transit for any number of reasons, but one of the most
10 common, is to get to work.

11 Having a station at Constellation, Avenue Of The
12 Stars, will bring passengers into the heart of Century City,
13 maximizing the number of employees and visitors within
14 convenient walking distance from all directions.

15 There are approximately 28,000 employees in over 11
16 million square feet of commercial space, within a quarter
17 mile radius of Constellation and Avenue Of The Stars.

18 Nearly triple that of the location at Santa Monica
19 and Century Park East. The distance between a station at
20 Santa Monica Boulevard, and one in the center of Century
21 City, is almost one-half mile, and would deter people from
22 using it.

23 As studies have shown, that people will use the
24 subway if it is conveniently located and easy to get to.

25 The corner of Constellation and Avenue Of The Stars

1 is also a much more accessible to residents of the
2 condominium complexes. They are south of Olympic Boulevard
3 as well as Fox Studios and Westfield.

4 Let me set the record straight: This location is
5 not a bait and switch. Your predecessors have been planning
6 this location or planning this station at Constellation and
7 Avenue Of The Stars since the 1960's.

8 They were visionaries, and saw the promise that
9 Century City offered.

10 And I would like to submit documents that we have
11 from 1968, proposing a subway station at this location, as
12 well as civil alignment maps, showing the subway going
13 beneath Beverly Hills High School, to a station on
14 Constellation and Avenue Of The Stars.

15 I don't know if you want to take these documents
16 now?

17 CHAIRWOMAN DUBOIS: Sure.

18 MS. BURSK: I will give you all of them.

19 CHAIRWOMAN DUBOIS: Thank you.

20 MS. BURSK: A report from the Brookings Institute
21 states: "Transportation leaders should make access to jobs
22 an explicit priority in their spending and service
23 decisions."

24 I want to say that there are schools all over the
25 country, including California, that have subway tunnels

1 underneath them. The Bentley School in Oakland, has been
2 around since 1920, and is directly over a Bay Area Rapid
3 Transit tunnel.

4 The West Portal Elementary School in San Francisco
5 is also over a BART tunnel, and has been operating since
6 1951. And there are schools here in Los Angeles, over a
7 Metro tunnel.

8 Without question, safety is the most important
9 thing to everyone. And Metro has convincingly demonstrated
10 that a station at Constellation and Avenue Of The Stars,
11 will be the safest option. We support your decisions. We
12 ask that you base your decision on facts and not on fear or
13 fiction. Thank you.

14 CHAIRWOMAN DUBOIS: Remaining speakers will have one
15 minute each.

16 First, Paula Levin, Westwood homeowner, followed by
17 Cindy -- I believe it is Dubin.

18 MS. LEVIN: Hello. One minute is enough for sound
19 bytes, so I will get to the point.

20 This project does not pan out financially. It does
21 not pan out safety-wise. It does not pan out at all.

22 The vehicle miles traveled is small in relation to
23 total VMT, that is in our EIR. Well, less than one percent
24 of VMT. VMT equals traffic. So that means you are spending
25 over six billion dollars to cause traffic to be decreased by

1 less than one percent.

2 You have now created a quarter of a mile that
3 people will not walk farther than that to access the subway
4 down from half a mile.

5 A quarter of a mile is approximately two-and-a-half
6 blocks. So over six billion dollars, so people can walk
7 two-and-a-half blocks. I will not even be able to take this
8 subway in my neighborhood, because that means, since there
9 was no parking, not one parking space. I don't even know
10 how you can consider this project without any parking.

11 I hope someone would give me their time, because I
12 have some important things to say.

13 CHAIRWOMAN DUBOIS: Thank you. You got a minute. That
14 is it.

15 MS. LEVIN: Thank you. I will give it to you in
16 writing.

17 CHAIRWOMAN DUBOIS: Please do.

18 Cindy Dubin or Dukin, to be followed by Palomar
19 Zobabe.

20 MS. DUBIN: I am Cindy Dubin. I am P.T.A. President of
21 Beverly Hills High School. And I am here today with Carter
22 Paysinger, Principal of our high school.

23 And basically, in a minute, I can't say much.

24 But in response to what I have heard over the last
25 two years, including up to today, we are not a small

1 minority. We have a petition of a thousand signatures,
2 indicating that we are not opposed to mass transportation.
3 We are not opposed to a subway. We are just interested in
4 an alternative.

5 We implore you to agree with the motion to give a
6 delay, to give us time to look at the new science from the
7 trenching that our school board spent a million dollars on,
8 because they believe in the science, and that was the
9 suggestion of one the Board members.

10 We need to look at the long-term ability of our
11 school to develop our property forever. It is a tiny piece
12 of property, acreage-wise, for a high school.

13 So I don't see any reason today -- it is not about
14 being against a subway, or injustice. It is about time to
15 look at the science.

16 CHAIRWOMAN DUBOIS: Thank you.

17 MS. DUBIN: Thank you.

18 CHAIRWOMAN DUBOIS: Palomar Zobabe, followed by Ron
19 Miller.

20 MR. ZOBABE: The Transit Coalition strongly supports the
21 extension of the Purple Line to the west side. We support
22 the recommendations regarding the Constellation Station, the
23 Westwood Station. We would like to point to the Westwood
24 V.A. Station, for the attention of both the Board and the
25 public, that we want to see this adopted. We want to see

1 the Record of Decision approved.

2 If there is an opportunity after the Record of
3 Decision is approved, and there is funding available, we
4 would like to see a portal from the V.A. Station that goes
5 toward Federal and San Vicente, so that people in Brentwood
6 would be able to access the station.

7 That would still be on the V.A. property, but it
8 would significantly increase the potential ridership, given
9 the dense, residential, and commercial properties right
10 there at the corner.

11 So we urge everyone to contact Congressman Waxman
12 to call for that.

13 CHAIRWOMAN DUBOIS: Thank you.

14 MR. ZOBABE: Thank you.

15 CHAIRWOMAN DUBOIS: To be followed by a Tina Yacubi.

16 MR. MILLER: Good afternoon, Madam Chair and Directors.
17 I am Ron Miller. I am a Council Rep for the L.A./Orange
18 County Building Construction Trades Council. We represent
19 140,000 craftsmen and women; about 18,000 apprentices, from
20 14 individual trades.

21 The vast majority of these apprentices come out of
22 high schools in L.A. and Orange County. Currently, the
23 trades face unemployment figures in the 50 percent range.

24 With this recession, we have been hit harder than
25 most, with a lot of our members struggling to keep their

1 homes, due to the fact that many of them have been out of
2 work over a year.

3 In Los Angeles, we are the construction work force.
4 In the late 80's and early 90's, the building trades went to
5 work on the Red Line, and its stations. And back then, we
6 had naysayers that thought it was a waste of time and money;
7 but it turned out to be the cornerstone of the Los Angeles
8 modern day transportation system.

9 And just like the Red Line, the West Subway will
10 have the effect that the Red Line had, to spur development,
11 drive the economy out of one of the worse recessions since
12 the Great Depression. And we have highly skilled craftsmen
13 and --

14 CHAIRWOMAN DUBOIS: Thank you.

15 MR. MILLER: Thank you.

16 CHAIRWOMAN DUBOIS: Tina Natasha Yacubi, to be followed
17 by Isabel Hacker.

18 MS. YACUBI: My name is Tina Natasha Yacubi. I am a
19 Beverly Hills resident, and Beverly Hills High School
20 alumni; and now, a UCLA student.

21 And I support this greener mass transit, which I
22 see to be a vital and basic necessity for a vital, livable
23 city.

24 There are, indeed, other schools in California with
25 tunnels under permanent buildings, not to mention, that

1 advanced tunneling mechanisms which are used to build mass
2 transit systems under cities all over the world.

3 Metro has already built under many building in
4 L.A., which is Red Line, which passes under historic El
5 Pueblo, and Cathedral Of Our Lady Of Angels.

6 What makes Beverly Hills High School a unique case?

7 I believe the subway, which is projected to be
8 under -- which is projected to be built 50 to 70 feet
9 beneath the ground, is the safest route. It is so far below
10 the surface that it will not effect any of Beverly Hills
11 High School building plans, including the multi-level
12 parking lot.

13 As someone with a 10-year-old sister, who will
14 eventually attend Beverly Hills High School, I have enough
15 trust in the science and engineers hired by Metro, to send
16 her to the school, and hopefully she can grow up with better
17 public transportation than I had.

18 CHAIRWOMAN DUBOIS: Thank you.

19 Isabel Hacker, to be followed by Addy Hacker.

20 MS. HACKER: Hello. My name is Isabel Hacker. I have
21 with me a petition that was started 14 days ago, on
22 April 4th. Today, at approximately at about 10:30 a.m.,
23 there was about a 1,062 signatures. I would like to read
24 the petition, if I may.

25 "No subway under Beverly Hills High School.

1 "The safety of our students is at stake. No where
2 else in California does a subway run directly under
3 permanent school buildings. And while Metro has other
4 options, our high school has nowhere else to go."

5 Members of the Board, I ask that you please do your
6 due diligence. Consider all possible options. Be fiscally
7 responsible. It will cost millions more to go under Beverly
8 Hills High School. Be practical in your decision.

9 Ridership is probably about the same in Santa
10 Monica. And put safety first. Nowhere else in California,
11 again, does a subway run directly under the school
12 buildings. Please stop distorting the truth.

13 I was at the Metro Open House, that you called it.
14 You were completely rude, and we were not allowed to speak
15 and follow-up on questions. I ask you to come to my house
16 for an open house.

17 CHAIRWOMAN DUBOIS: Thank you.

18 MS. HACKER: Thank you.

19 CHAIRWOMAN DUBOIS: Addy Hacker, to be followed --

20 MS. HACKER: He is actually going to defer to me. He is
21 my husband.

22 CHAIRWOMAN DUBOIS: What a surprise.

23 MS. HACKER: No. I hope you are not bipartisan, here.

24 CHAIRWOMAN DUBOIS: No, I am being facetious. I am
25 sorry.

1 MS. HACKER: I call it being rude. But that's okay.

2 CHAIRWOMAN DUBOIS: I am not trying to be rude. Go
3 ahead.

4 MS. HACKER: It is very rude. Thank you.

5 COUNCILWOMAN O'CONNOR: If you are in the control of the
6 household --

7 MS. HACKER: I really am surprised that we -- I just
8 want to say we talk so much --

9 CHAIRWOMAN DUBOIS: Can we just go on with your
10 testimony?

11 MS. HACKER: -- we talk so much about being fiscally
12 responsible. I think you all know what is going on in the
13 news with G.S.A. and how they have spent money.

14 I am totally for union. We are -- I think we have
15 a lot of union at Beverly Hills. We are for jobs. People
16 come in and out of our city all the time.

17 I didn't grow up in Beverly Hills. I grew up in
18 East L.A., looking out at many of you who I was told were
19 role models, and I do believe that. I believe government
20 still has an opportunity to make things right. Please be
21 fiscally responsible.

22 Let's take government back, and make it a good
23 thing, a positive thing for everyone to look at and admire,
24 like it was once in this country. Thank you.

25 CHAIRWOMAN DUBOIS: May I say something? Because I

1 don't --

2 MS. HACKER: That's nice.

3 CHAIRWOMAN DUBOIS: I am not here to irritate you.

4 Any time I see two names of a family together, I am
5 not surprised when the second one defers to the first one.
6 That was all. I was not trying to be disrespectful to you.

7 MS. HACKER: And actually, if I can just answer, my
8 husband actually was going to defer to the Beverly Hills
9 group, and I took advantage of that. Thank you.

10 CHAIRWOMAN DUBOIS: Okay. Thank you.

11 Jan Reichmann, to be followed by Javier Nunez.

12 MS. REICHMANN: I had a homeowner association called
13 Comstock Hills, just north of Century City. I moved to L.A.
14 in the 50's. Back then, we already knew a rapid transit
15 system was needed, but there were always folks fighting it.

16 Well, now it is time to stop blocking and start
17 building with the station at Constellation, right in the
18 middle of 28,000 employees, two great hotels, and a world
19 class shopping mall.

20 It is all about safety, ridership, doing the right
21 thing for the most people. Those who would deny the safest
22 route, have spent hundreds of thousands of dollars spreading
23 fear.

24 If tunneling is okay under the Pentagon, it is okay
25 under a high school.

1 CHAIRWOMAN DUBOIS: Javier Nunez. To be followed by
2 Larry Wiener -- Wiener, City of Beverly Hills.

3 MR. NUNEZ: Good afternoon. Javier Nunez with Laborers
4 International Union of North America, here in Los Angeles,
5 Local 300. On behalf of our Business Manager, and the 8,000
6 members we represent in Los Angeles.

7 There has been a lot of talk about whether this is
8 right or wrong. Bottom line is: We need to get cars off
9 the street.

10 Yes, of course, we have no parking structures. We
11 don't need any parking structures, because we don't need any
12 cars on our highways or on our streets. We are trying to
13 get around our city.

14 I want you to consider this project. This is a
15 good project, not only for the County of Los Angeles, for
16 the City of Los Angeles, for Beverly Hills, for LAX, but for
17 Los Angeles, all in all. We are a growing community.

18 We need to grow with the times. We have
19 experienced craftsmen that can build this extension, and
20 continue to go forward. That's why L.A. is so great.

21 Go L.A.! Go Extension! Let's do the right thing
22 today! Thank you.

23 CHAIRWOMAN DUBOIS: Thank you.

24 Larry Wiener. To be followed by Jeff Kolin.

25 MR. WIENER: I am the City Attorney for the City of

1 Beverly Hills. Jeff is the City Manager. We are here to
2 have comments from the City. Can we have two minutes a
3 piece?

4 CHAIRWOMAN DUBOIS: You can have two minutes; a minute a
5 piece. How is that?

6 MR. WIENER: Thank you, very much.

7 UNIDENTIFIED SPEAKER: I do believe they get five
8 minutes.

9 CHAIRWOMAN DUBOIS: Excuse me. Just take your time,
10 please.

11 MR. WIENER: Thank you. Thank you for the opportunity
12 to address the committee today.

13 The City of Beverly Hills does object to the
14 Committee taking any action today.

15 We provided a letter to the Committee, prior to the
16 hearing this afternoon. I don't know if the Committee
17 Members have had a chance to take a look at it. But we
18 believe that you are faced with an unfortunate choice.

19 Taking action, as proposed on the agenda, would
20 actually violate the California Environmental Quality Act;
21 and, of course, taking any other action, other than what's
22 provided on the agenda, would violate the State Open Meeting
23 Law, the Ralph and Brown Act.

24 We believe that the Committee is compelled to
25 continue this matter, until that agenda item can be

1 resolved.

2 But more importantly, we believe that a continuance
3 is appropriate, because it would allow the Committee to
4 consider the input that Metro has requested before taking
5 any action on this item.

6 As I am sure you are aware, Metro requested that
7 other local agencies, and that the public, provide comments
8 to the committee by April 23rd. Of course, April 23rd has
9 not happened yet. It is still a few days away. And
10 therefore, the Committee doesn't have the benefit of the
11 comments that actually Metro has invited.

12 It seems that if the Committee is interested in
13 those comments, and I am sure the Committee is, then it
14 would be inappropriate to do anything other than continue
15 this matter, so that you do have the opportunity to consider
16 those comments before you take action.

17 Now, the action that is proposed on the agenda
18 today is an action to approve the project, to certify the
19 final Environmental Impact Report, and to approve the filing
20 of a Notice of Determination.

21 Those actions are actually actions that must be
22 taken by the decision-making body, which, of course, is the
23 Board as a whole.

24 Staff has informed us when we called yesterday and
25 pointed this out, "Well, that's not actually what the

1 Committee intends to do. The committee understands it
2 doesn't have the authority to take those actions."

3 Well, if the Committee is not going to take those
4 actions, then the Committee is going to take some action or
5 possibly could take some action, that is not otherwise
6 listed on the agenda. If it does that, that would be a
7 violation of the Brown Act, and I know the Committee doesn't
8 want to do that.

9 Thank you.

10 CHAIRWOMAN DUBOIS: Thank you.

11 SUPERVISOR YAROSLAVSKY: Do you believe the MTA Board, a
12 week from tomorrow, has the right to take an action to
13 certify the EIR, if it makes the findings?

14 MR. WIENER: I don't believe the EIR should be
15 certified, but yes, I --

16 SUPERVISOR YAROSLAVSKY: Just -- look. Just answer my
17 question.

18 Do you believe that the full MTA Board has the
19 right next Thursday, to approve the EIR, to certify the EIR;
20 "yes" or "no"?

21 MR WIENER: The full Board has the right to certify the
22 an adequate EIR.

23 SUPERVISOR YAROSLAVSKY: Thank you. So this is an arm
24 of the full Board. We never intended to make -- we don't
25 have the power to certify. I am just amazed, sir.

1 You are the City Attorney of Beverly Hills.

2 MR. WIENER: I am -- and I am simply reading the agenda
3 that you put up.

4 SUPERVISOR YAROSLAVSKY: And the agenda -- I understand
5 why you might be confused, because you are not here every
6 week.

7 But the agenda is prepared for the Board. It is a
8 Staff Report to the Board. But the Committee, the Committee
9 structure of this organization -- I am sure you are familiar
10 with the Committee structure of legislative bodies, has the
11 right to make recommendations to the full Board.

12 MR. WIENER: I believe the agenda is prepared for the
13 public. I believe that is what the Brown Act says.

14 SUPERVISOR YAROSLAVSKY: That's fine. But you also
15 concede that we have the right to make a recommendation to
16 the Board or make no recommendation to the Board; correct?

17 MR. WIENER: You have the right to make no
18 recommendation to the Board. You don't have the right to
19 make a recommendation to the Board, because that is not
20 posted on your agenda.

21 SUPERVISOR YAROSLAVSKY: Well, I will tell you what. I
22 will see you in court, on the Brown Act violation, on we not
23 having the right to make a recommendation. That's absurd.

24 MR. WIENER: I am sorry that the Committee would rather
25 have a court battle than provide opportunity --

1 SUPERVISOR YAROSLAVSKY: You know, sometimes I would just
2 say, "Go back and look at the Act. Go back and look at the
3 law."

4 A legislative committee has every right to make a
5 recommendation to the full body. It can't enact the item
6 before it, but it can make a recommendation.

7 And perhaps in the City of Beverly Hills, they
8 don't have a committee structure. But here, we do. Most
9 major legislative bodies do. That's the way it works.
10 Recommendations are not final; they are only
11 recommendations. And it really is ridiculous that we would
12 not have the right to make a recommendation.

13 MR. WIENER: That's all correct. It just has to be on
14 the agenda.

15 CHAIRWOMAN DUBOIS: May we hear from the City Manager?

16 MR. KOLIN: I will keep my comments brief, Madam Chair.

17 The City of Beverly Hills continues to be opposed
18 to tunneling under the historic Beverly Hills High School.

19 As recently as last night, our City Council members
20 unanimously expressed that opposition to tunneling under our
21 only high school.

22 We urge Metro to explore additional options and
23 alternatives to this alignment, and take additional time to
24 conduct additional studies and testing. Thank you, very
25 much.

1 CHAIRWOMAN DUBOIS: Thank you.

2 Cindy Starett, to be followed by John Goodwin. One
3 minute a piece.

4 MS. STARETT: We are together. I am going to ask if
5 John can go first.

6 MR. GOODWIN: Good afternoon. I am John Goodwin. I
7 represent Westfield, and the Century City Mall. We are very
8 excited about the Century City Subway Connection. And we
9 also have a very large section of the proposed tunnel going
10 under our building.

11 Our main concern is timing. We have, at the
12 moment, plan-checked documents for the first stage of our
13 \$800 million dollar expansion of Century City, and we would
14 love to get started with construction.

15 The first parking garage that we were out to bid on
16 actually sits on top of the proposed freeway -- sorry --
17 subway tunnel, and we would like some clarity on that, as
18 well as the connection itself.

19 We do have experience around the world with retail
20 and subway connections. And we see the synergy. And we
21 look forward to working with Staff, to come up with a direct
22 connection that will address the fact that we have a million
23 customers a month at Century City.

24 Thank you, very much.

25 CHAIRWOMAN DUBOIS: Cindy?

1 MS. STARETT: Good afternoon. My name is Cindy Starett
2 from Latham and Watkins, here on behalf of Westfield.

3 We support the recommendation in the Staff Report,
4 that includes a provision to work with the shopping center
5 on planning for a second portal. That was in the written
6 copy of the Power Point, but David didn't mention it.

7 I think he was trying to go too fast. But we would
8 very much appreciate it if this Committee would reconfirm
9 that recommendation in your action today.

10 As John mentioned, we understand there are 700 feet
11 of tunnel under our property, which means the mechanical
12 equipment has good access. We want to make sure the people
13 have good access, too; and that's why that additional portal
14 is so important.

15 We submitted a letter to you today, and you should
16 all have copies of it. There are over a dozen attachments
17 that includes the West Side Neighborhood Council, the
18 Century City Chamber, and a Ridership Study.

19 And we also look forward to working with Staff on
20 construction mitigation measures, and details of
21 construction impacts. We want to continue to generate Prop
22 R funding from the shopping center, during the construction,
23 and an additional one hundred million Prop R. Funding from
24 our Master Plan. So thank you, very much.

25 CHAIRWOMAN DUBOIS: Thank you.

1 Now, Craig F. Thompson, who was up here earlier.
2 Now is your chance, Mr. Thompson. To be followed by Helen
3 Rogaway.

4 MR. THOMPSON: Okay. From my understanding, it seems
5 that a lot of people here in Beverly Hills are complaining
6 about tunneling under the high school, just so they can
7 build a parking garage to provide for, of all horrors, the
8 automobile.

9 Don't you think that L.A. has had enough of the
10 automobile already? That machine is killing us as humanity,
11 and killing off all businesses, getting people sent to war
12 to die for oil.

13 Yet, this project, here, will put a wedge right
14 into all of that. It will put a stop to it.

15 Besides, rail transportation has saved millions of
16 people's lives, and it has helped build cities. It helped
17 make them livable. And furthermore, hey, anyone could use
18 it!

19 Why waste money on the automobile?

20 Let's start building rail, and I mean, we got to
21 start building rail, like, yesterday. Thank you.

22 CHAIRWOMAN DUBOIS: Thank you.

23 Helen Rogaway, Oscar Salazar.

24 MR. NABAVI: Mr. Salazar is willing to cede his time to
25 me, if that is okay with the Board. Helen Rogaway. Is that

1 acceptable, Madam Chairman?

2 CHAIRWOMAN DUBOIS: Yes.

3 MR. NABAVI: Thank you. I want to respond in more
4 detail to the line of inquiry.

5 CHAIRWOMAN DUBOIS: I am sorry. You are? You were up
6 here already. You are neither Oscar Salazar or Helen
7 Rogaway, are you?

8 MR. NABAVI: Not for Oscar Salazar, Helen Rogaway.

9 CHAIRWOMAN DUBOIS: I am sorry?

10 UNIDENTIFIED SPEAKER: He is speaking for that lady.

11 MR. NABAVI: This lady would like to cede her time to
12 me.

13 CHAIRWOMAN DUBOIS: And who would you be?

14 MS. ROGAWAY: Helen Rogaway.

15 CHAIRWOMAN DUBOIS: Thank you.

16 MR. NABAVI: Thank you. I wanted to respond in more
17 depth to the line of inquiry of what Supervisor Yaroslavsky
18 opened up on here. That is exactly the type of inquiry and
19 dialogue that should have been taking place about building a
20 subway underneath a high school.

21 If the tunnel went underneath the football field
22 instead of under the prime building area of the high school,
23 there would not be an issue with it.

24 That doesn't interfere with the future capacity of
25 the high school on there. For tunneling separation is our

1 friend. It reduces settlement, vibration, all kinds of
2 issues on that.

3 The problem in here is that the geometry that is
4 facing the engineers to place Constellation where they want
5 it has led them to a tunneling alignment. That severely
6 impacts the ability to develop the future high school in
7 that.

8 All we are asking is to have a dialogue, and to
9 have the same degree of modifications to the design that the
10 Staff has already made, for several developers along the
11 alignment, where the tunnel has been adjusted on, to provide
12 that adequate separation.

13 Certainly, a public agency with a mission, as
14 critical as a high school, that cannot move, deserves and
15 warrants the same degree of cooperation and accommodation by
16 Metro.

17 CHAIRWOMAN DUBOIS: Thank you. Do you have any response
18 to him? Thank you, very much.

19 Mr. Salazar, to be followed by Constance Boukidis.

20 MR. SALAZAR: I guess. My name is Oscar Salazar. I am
21 here for presentation. I am here for Local 11.

22 Our union represents over 400 or 500 workers in
23 Century Plaza Hotel. And all this work is going to benefit
24 from this project.

25 Instead of spending a lot of time on the traffic,

1 they are going to spend more time with their families. At
2 the same time, the future residents of L.A. can have access
3 to the work on the Century Plaza Hotel, which is a great
4 hotel and to work.

5 But you have to put this one in for that to happen.
6 That's the way they are going to reduce less time on the
7 streets, and more time with the family. Thank you.

8 CHAIRWOMAN DUBOIS: Thank you.

9 MS. BOUKIDIS: Everyone in favor of the Constellation,
10 Century City Station at Constellation, please stand up.

11 I am Connie Boukidis, life-long Westwood resident,
12 and Board Member of Comstock Hills Homeowners, and the
13 Westwood Neighborhood Council.

14 I have lived across from Century City since before
15 it became one of the major commercial, residential, and
16 shopping centers in Southern California.

17 I support the Century City Station on
18 Constellation. Its ludicrous to spend billions of dollars
19 on a subway line, unless one of its stops is in the heart of
20 Century City, not on the edge of a country club.

21 This line will tunnel under over 100 homes in
22 Westwood, and within one block of Fairview Avenue Public
23 Elementary School.

24 Lives in Westwood are just as valuable as those in
25 Beverly Hills. The Westwood Neighborhood Council voted

1 three times unanimously in support of the Century City
2 Station at Constellation.

3 Make this a subway that will serve the greatest
4 number of people, and serve the greatest number of people
5 into the next century, not one that will accommodate the
6 interests of a select, privileged few. Thank you.

7 CHAIRWOMAN DUBOIS: Thank you.

8 Gus Levi, to be followed by Fred Goldstein.

9 Gus Levi, are you here? Mr. Levi?

10 CHAIRWOMAN DUBOIS: Mr. Goldstein, please.

11 MR. GOLDSTEIN: Thank you. My name is Fred Goldstein.

12 I represent the Los Angeles County Museum of Art, and I
13 really want to say very quickly, for the record, that as you
14 probably know, during the Station Advisory Group process,
15 for the Wilshire Fairfax Station, there was tremendous
16 support, probably consensus, on having the primary portal be
17 sighted in the LACMA West Building.

18 I just wanted to say, given Metro Staff's stated
19 concerns in the EIR, about the feasibility and cost of that,
20 LACMA wholeheartedly, strongly, supports the alternative
21 sighting of the primary portal at the corner of Orange Grove
22 and Wilshire, for all of the reasons that the Staff has
23 cited. Thank you, very much.

24 CHAIRWOMAN DUBOIS: Thank you. Adam Lev, to be followed
25 by Steven Kramer.

1 MR. LEV: Hi. I am here on behalf the the Rakovich
2 Company. We own a 500,000-square foot building right on
3 Wilshire, next to the proposed portal locations.

4 We strongly support the proposed portal location on
5 Orange Grove and Wilshire, as the amended FEIR and FEIS
6 recommended.

7 I think it is a once-in-a-lifetime opportunity to
8 have a portal location that opens up directly to LACMA,
9 where over one million visitors a year come and can see the
10 Chris Burden's Urban Lights Project, that is really defining
11 our city.

12 We see it on T.V. commercials all the time, and all
13 over the place. I think it would be a shame to miss that
14 opportunity, to have that view corridor, as soon as they
15 leave the Metro Station, to come to Museum Row. Thank you.

16 CHAIRWOMAN DUBOIS: Thank you.

17 Stephen Kramer. To be followed by Evan Kaiser.

18 MR. KRAMER: Mr. Kaiser had to leave the office, here.

19 CHAIRWOMAN DUBOIS: Okay.

20 MR. KRAMER: My name is Stephen Kramer. I am President
21 of the Miracle Mile Chamber of Commerce, as well as the
22 Mid-City West Community Council. I am here to support all
23 of the comments that have been made by Mr. Goldstein and
24 Mr. Lev. Thank you for the time.

25 CHAIRWOMAN DUBOIS: Thank you, very much.

1 Renee Scolachi; is that correct?

2 To be followed by Carol Spencer.

3 Renee, where are you?

4 MS. SCOLACHI: I am on my way.

5 CHAIRWOMAN DUBOIS: Good. Even though I ruined your
6 name, you knew who I was --

7 MS. SCOLACHI: I am used to it. Don't worry about it.

8 Renee Scolachi. I am here on behalf of Next
9 Century Associates, the owner of the Century Plaza Hotel.
10 And we are here strongly in favor of the Constellation and
11 Avenue Of The Stars alignment, because it is in the heart of
12 Century City.

13 Constellation and Avenue Of The Stars, will produce
14 the highest ridership, just given its proximity.

15 In addition to that, we have over 40,000 employees
16 in Century City every day. And those employees deserve the
17 alternative to transit, and getting to work and home,
18 easily.

19 In addition to that, this location will connect our
20 employees, our employers, visitors, and surrounding
21 residents. And that, ultimately, helps the region and
22 decreases any additional traffic. We ask for your support.
23 Thank you.

24 CHAIRWOMAN DUBOIS: Thank you. Carol Spencer?

25 MS. SPENCER: I am Carol Spencer. I live in Westwood,

1 north of Santa Monica Boulevard, across from the Westfield
2 Century City Shopping Center.

3 I have followed the progress of the West Side
4 Subway, since the mid 1960's, when I moved into my home. I
5 want you to know that I feel that the best location for the
6 subway station is Constellation Boulevard. It makes the
7 most sense, as it is in the center of ridership.

8 It is not beside a golf course, with no ridership.
9 To bend to the hysteria of Beverly Hills residents, who say
10 that tunneling beneath their high school and residents is
11 unsafe, is unwarranted.

12 Remember, the subway tunnels will go beneath
13 Westwood homes and businesses, no matter which route is
14 chosen. I believe Metro when they say their choice of
15 Constellation Boulevard is safe for everyone. Thank you.

16 CHAIRWOMAN DUBOIS: Thank you.

17 And that concludes the public hearing. And I want
18 to thank you, from the bottom of my heart -- excuse me?

19 MR. LEE: My name is Russ Lee --

20 CHAIRWOMAN DUBOIS: If I called you, come on up.

21 MR. LEE: I would like to cede my time.

22 CHAIRWOMAN DUBOIS: Okay. Thank you, very much.

23 MS. KORBATOV: I want to dispel anymore myths again.

24 CHAIRWOMAN DUBOIS: I am sorry?

25 MS. KORBATOV: I am taking Russ's time. My name is Lisa

1 Korbатов. I want to dispel a few myths.

2 Once again, we are supporting mass transit as a
3 school district, as residents, and as a city. There are two
4 other stations in our city which will have very, very grave
5 impacts, and we are going for them.

6 We want to say, unequivocally, we don't care where
7 you put this subway. It just shouldn't be tunneling under a
8 high school.

9 We have a bond measure. We have a campus half the
10 size it should be. We have methane gas. We have real
11 serious constraints with the Field Act. We can't go higher
12 than three stories, hook and ladder. We are not homes. We
13 are not joint ventures. We are not commercial properties.
14 We are a public agency, whose fiduciary is to educate kids
15 now and for the foreseeable future.

16 I don't understand why you keep repeating the same
17 rhetoric. We are not against mass transit. We care about
18 people. We are 51 percent renters. We have eight percent
19 who live below the poverty line. This is a not a nimby
20 naysayer issue.

21 The truth is: You people don't want to hear the
22 truth. They just keep talking the rhetoric.

23 CHAIRWOMAN DUBOIS: Thank you, thank you, thank you.

24 This concludes the public hearing. And I, again,
25 want to thank those of you who were so very gracious.

1 I am sorry. I don't have any more cards. I am
2 sorry. If I don't have a card, you will need to sit down.
3 We're done. We're done.

4 Oh, are there any other on comments from the
5 Directors?

6 Yes, sir?

7 SUPERVISOR YAROSLAVSKY: Madam Chair, first of all,
8 thank you for your masterful managing of the public hearing,
9 because there are a lot of people who feel very strongly on
10 both sides of this issue, and they have been heard today.

11 And they will be heard again on Thursday, and they
12 have been heard over a period of many months, if not longer.

13 I am not going to take a lot of time. I just want
14 to make a few comments, just for the record.

15 First of all, as to the delay, as to the request
16 for a 30-day delay in this, this project has already been
17 delayed for a long, long time.

18 And our internal schedule has slipped considerably
19 because of this controversy, and other things. And the fact
20 that we are here in April to deal with this is delay enough.

21 If I thought, Madam Chair, that a 30-day delay
22 would solve the problem, I would consider it. But I think
23 we have all recognized that there are intractable
24 differences, here, that are not going to be resolved in
25 30 days, and maybe not in 300 days, unless there is a

1 willingness on the part of all sides -- and I will include
2 our side on this, as well -- on all sides, to have a genuine
3 conversation and not a "take it or leave it" proposition.

4 I had several meetings in my office with Mr.
5 Mieger, with Mr. Leahy, both with and without the community
6 stakeholders, to try to determine whether there was any way
7 we could find middle ground.

8 And I sent Mr. Mieger and Mr. Mori out to Beverly
9 Hills, to try to engage the school district in conversation.
10 And the instruction we got back from Beverly Hills is:

11 "Talk to our lawyer."

12 We couldn't talk to the principals. We had to talk
13 through the lawyer. That is not the way I do business. It
14 is not the way I have ever done business. I don't like to
15 talk to lawyers. I like to talk to decision makers. And
16 lawyers are not decision makers. And we have never had the
17 opportunity to have that conversation.

18 So now, as we are in April, April 18th, frankly, it
19 is -- I sense crocodile tears, when I hear people, including
20 my colleagues say, "Oh, just another 30 days. Just another
21 30 days, please. We can resolve this all in 30 days."

22 It's not going to be resolved in 30 days. And we
23 have a project to build. And the project is not just the
24 Beverly Hills Segment. It is the project that goes from
25 Western Avenue to West L.A., and we are going to get it

1 built. And we will get it built one way or the other.

2 And if, for whatever reason, it doesn't go to
3 Constellation, it will end up going up through Wilshire
4 Boulevard, because those are the only two choices that we
5 have left.

6 I caution all of us, including the residents of
7 Beverly Hills, and the School District, and Council Members
8 of Beverly Hills, I caution them.

9 The decision you make and the concern you have
10 right now is a very short-term concern. We all have to
11 think of the long-term.

12 There isn't a day that goes by when I don't have
13 somebody say to me, and I am sure this goes for the rest of
14 us, "How is it that you have built the Green Line down the
15 Century Freeway and it doesn't go to the airport?"

16 "How is it that you built the subway to the San
17 Fernando Valley, and it doesn't stop at the Hollywood Bowl?"

18 And I don't want to add to that list of mistakes.

19 "How is it that you built the subway to West L.A.
20 and you didn't go to Century City?"

21 That is unacceptable to me.

22 So the question is: As Congressman Waxman
23 eloquently said in his letter the other day, "If we have to
24 go under the Beverly Hills High School property, and if we
25 have to go to Constellation, let's make sure we do it

1 safely."

2 And the consensus of opinion, not only from our
3 experts, which includes Dr. Lucy Jones from Cal Tech, who
4 worked for nothing. We didn't pay her a nickel to do the
5 peer review. And Professor Dolan, and all the other
6 distinguished geologists and seismologists, who worked on
7 this for us.

8 That's one thing: They all worked for us.
9 But even the Beverly Hills Commission Study, the Shannon
10 Wilson report, makes -- I couldn't have written it better
11 myself. I wish we had hired them, because they came in many
12 cases, not all of them, there are disagreements between the
13 two, between us and them, but on the critical issue, as to
14 whether there should be a subway down Santa Monica
15 Boulevard, I think they conceded the point that it is --
16 that there is active faulting on Santa Monica Boulevard, and
17 as to whether you can build it safely under the high school,
18 they conceded that, yes, you can build it safely under the
19 high school.

20 And as to the issue of the high school's
21 development plans, which nobody has ever seen, the people of
22 Beverly Hills were asked to vote for a bond, but they don't
23 know what the hell they got for the bond. There isn't a
24 single plan out there, that we are aware of.

25 But the Shannon Wilson Report, commissioned by the

1 City of Beverly Hills, says that the tunnel is so deep, it
2 is 70 to 80 feet deep at the bottom, and 50 to 60 feet deep
3 at the top, which means you can go four stories underground,
4 if that is what the school district has in mind, to excavate
5 four stories underground, unless its a parking garage.

6 I don't know what else they are going to build four
7 stories underground, but for a fallout shelter. It is just
8 not logical.

9 So there is a lot of capacity, and even some of the
10 Beverly Hills folks, I think, conceded that point today.
11 There is a lot of cushion between the bottom of whatever the
12 school wants to build, and the top of what we are going to
13 build.

14 And there's 15 feet -- I think the Shannon Wilson
15 report said, I think, 15 to 20 feet of cushion, between the
16 top of our tunnel and the bottom of what they would have
17 built.

18 And if that is not accurate, then we ought to have
19 a conversation about that. Not with the lawyers. But let's
20 see some of the principals get in the same room. And let's
21 get the Superintendent of the School District, their Chief
22 Planner, the guy or gal who is responsible for actually what
23 it is they are going to construct, if they know yet what
24 they are going to construct, and get them in the same room
25 with me, and with Art Leahy and with Meiger, and let's talk

1 about it. And let's figure it out in the context of what
2 has to be done.

3 But to say, "We don't want to talk to you. To talk
4 to our lawyer."

5 To refuse to allow us to look at the trenching,
6 while it was still open at the Beverly Hills School
7 property. The trenching was done, Madam Chair, in December,
8 during Christmas vacation. It is now April 18th. Even the
9 MTA can do studies faster than that.

10 And why we have been told on April 18th that we are
11 just days away from a study to be released?

12 Tell us what your own conclusions were. You knew
13 that back in January, after the trenching was done. And why
14 didn't you let our people look at the trenches, and have to
15 trust you to say what you found?

16 Now, that's just absurd.

17 Last thing I want to say is I am going to suggest
18 that we move to recommend to the full Board, the Staff
19 Recommendation as amended today, or as -- what's the word I
20 am looking for -- "amended" or "embellished upon" today by
21 the Staff, in the additions that they made today in their
22 Power Point presentation.

23 Just for the record, Mr. Safer, are we on solid
24 Brown Act grounds, to be able to make a recommendation to
25 the Board?

1 MR. SAFER: Yes, we are.

2 MR. YAROSLAVSKY: Thank you. And because if we are not,
3 then I am -- I have been violating the law for 35 years. It
4 is news to me.

5 UNIDENTIFIED SPEAKER: Don't go there. We will read
6 about it in tomorrow's newspaper.

7 MR. YAROSLAVSKY: I said "if." I said "if."

8 I will move we recommend to the full Board that we
9 approve the Staff Recommendation, with the changes that were
10 recommended by the Staff today.

11 I invite -- and I say this one more time -- I
12 invite the people of Beverly Hills, the School District
13 personnel, the City personnel, to continue to have
14 conversations with us, or actually, to commence having
15 conversations with us, and to have a serious dialogue, which
16 we can continue to have during the course of the ensuing
17 weeks and months, even if the Board does certify the
18 Environmental.

19 We have the flexibility within the framework of the
20 umbrella of the Environmental that we certify, to do the
21 final engineering, and to try to respect the -- the
22 objectives that Beverly Hills School District has on their
23 property.

24 But they are going to have to tell us what they
25 plan. It's been a -- it's been a total -- we have been

1 chasing our tail on this. They don't tell us what they are
2 planning, but everything we plan is going to go right
3 through their buildings.

4 There is not going to be a single building that
5 Beverly Hills School District builds that is going to be 70
6 feet deep. And if there are, they ought to toss the entire
7 school district out on its behind. No self-respecting
8 school district would ever build a seven-story underground
9 facility, even in Beverly Hills.

10 So let's be honest about this. And if there is
11 some way for us to work out some details, as Mr. Buresh
12 seems to have invited in his last comment, we are all ears,
13 and we are ready to roll up our sleeves and do it.

14 But in the meantime, we have got to get going.
15 This project is not going to be built in the next several
16 months. It may not be built, and certainly not to Beverly
17 Hills, for many years. But we have got to begin. We have
18 got to get going. Thank you. That's my motion.

19 CHAIRWOMAN DUBOIS: Okay. I have a motion.

20 Do I have a second?

21 MR. KATZ: I have a second, and some comments, please?

22 CHAIRWOMAN DUBOIS: Okay. Comments? Go.

23 MR. KATZ: Thank, you again.

24 Thank you, Madam Chair, for the hearing, and thank
25 you for all the folks in the audience who are here, and who

1 came and participated in either this meeting or what seems
2 like the 780 meetings before this.

3 We appreciate everybody's participation.

4 I have a couple questions, if I could, for the
5 team, because -- and part of it is just understanding
6 whether or not we can get some of this worked out, and
7 especially between now and next week, when we are going to
8 it take this to the full Board.

9 What kind of work is being done between our MTA
10 teams and the folks, for instance, who are designing portals
11 or station locations, whether its Century City or the
12 Museum, in terms of how is that handled and how are we
13 working that out to make sure that we are all on the same
14 page?

15 For example, I understand that the portal, the --
16 the -- what I am referring to -- the knock out, the knock
17 out in Century City right now goes into a garage on the Sun
18 America Building, where they don't have any interest in it.

19 Are we working with the folks there, including
20 folks who have been mentioned by name, by the opponents, but
21 people who are willing to pay their own way to extend the
22 platform, or put it a location that generates greater
23 traffic.

24 Are we working closely with whoever would come to
25 something that works for all of us?

1 MR. MIEGER: Yes. Just like we did with LACMA, where
2 they indicated an interest in having a portal, or an
3 entrance that would be sponsored by the museum, through
4 fundraising efforts. We are working with LACMA to identify
5 how that portal could be built, and added on to the primary
6 one, that we would build.

7 In the case of Westwood UCLA, where we have the
8 split portal there, we are working with the property owners
9 on both the north and south sides of the street, to fit that
10 into their property in a way that doesn't impact their
11 parking garages.

12 And in the case of Century City, we want to work
13 with -- the City of L.A. put a condition on the Westfield
14 Mall, several years ago, that they should provide an
15 entrance at that location.

16 So we want to work with them, and we have met with
17 them on a few occasions, where they have shown how they
18 might provide a connection.

19 We would have to provide a knock-out panel on our
20 property, which we do in many instances, where they could
21 connect into the station. And if that knock-out panel needs
22 to be moved a little bit to meet their requirements, we can
23 do that. If there is an easement required in order to make
24 that connection to their property. We can work with them to
25 do that as well.

1 I think the key words is that it would be at no
2 increase to the project costs. We would need to make this
3 work within our current budget.

4 MR. KATZ: Without question. All these discussion
5 carry that caveat: Project costs, project costs, period.
6 If they want to do more or extend, they are going to have to
7 pay for it, and I believe they have offered to pay for it,
8 and that.

9 I would appreciate if when we discuss this next
10 week at the Board meeting, you just update me where we are
11 in that discussion, to move that along.

12 And along that same line, I know there's a primary
13 location for staging that I understand is also going through
14 the approval process for building or is about to, and I know
15 there are alternatives.

16 Can we get an update next week also, about where we
17 are in that, to see if we could, again, you know, moving
18 things along, but I want to make sure we build stuff so it
19 makes sense.

20 And I know what you guys are looking at it, and I
21 support what you are trying to do.

22 So if we could talk about that next week as well,
23 and if you could update me on that, I would appreciate it.

24 And then the last piece, also, and I guess we are
25 still talking in Century City, obviously.

1 The office building at the corner of Century Park
2 West and Constellation, I believe, is scheduled to be
3 demolished, and they are in permits right now to replace
4 that. But they don't have vibration studies from us, and
5 all that kind of thing, yet.

6 Is that something that will be made available, not
7 at just this location, but others, if people request it as
8 part of this collaborative process?

9 MR. MIEGER: Actually, yes. Noise and vibration studies
10 that were done as a part of the FEIS, are part of our
11 technical reports that are available. And they, of course,
12 probably need further studies for that level, as we fine
13 tune the location of the tunnels.

14 I don't know if Dennis wants to add anything on
15 that. But during final design, during the next year, as we
16 work on that, we have to actually fine tune the locations on
17 that tunnel.

18 In this case, where we are going under in existing
19 use, we need to work with those property owners, to make
20 sure that their foundations are supported, and their
21 development plans can go forward.

22 MR. KATZ: I would guess that AMC and the theatres have
23 a different idea of what is acceptable than what we have as
24 acceptable. Given that, I appreciate that.

25 Again, let's talk next week, if you could update us

1 on the cooperative agreements. That would be very helpful.

2 MR. MIEGER: Sure.

3 MR. KATZ: Thank you, very much.

4 CHAIRWOMAN DUBOIS: Okay.

5 SUPERVISOR YAROSLAVSKY: One last question: Just a
6 clarification on Richard's question.

7 CHAIRWOMAN DUBOIS: Yes.

8 SUPERVISOR YAROSLAVSKY: When you say it has got to be
9 within project costs for the added station, to me, my
10 understanding is as the museum is going to pay for their
11 portal, Westfield is going to pay for their portal?

12 MR. MIEGER: Correct.

13 SUPERVISOR YAROSLAVSKY: Even if you find that we can
14 save a half a billion dollars, by doing something, they are
15 still going to pay for their portal?

16 MR. MIEGER: I think I understand that.

17 SUPERVISOR YAROSLAVSKY: Well, because you say it has
18 got to be in project costs, if there is value engineering
19 done and miraculously, the cost is going to be reduced by
20 \$20 million dollars, Westfield isn't going to get a freebie,
21 are they?

22 MR. MIEGER: No.

23 SUPERVISOR YAROSLAVSKY: We didn't give a freebie to
24 Kaiser Hospital in Hollywood, and we are not going to give a
25 freebie here, either.

1 MR. MIEGER: If we save some money at some other
2 station, it doesn't transfer over to this site.

3 SUPERVISOR YAROSLAVSKY: Thank you.

4 MR. MIEGER: It's just at that location.

5 CHAIRWOMAN DUBOIS: I am sorry.

6 Pam, do you have something?

7 COUNCILWOMAN O'CONNOR: You know, there was a lot of
8 emotional public testimony today. Although, I will say that
9 you folks lose me a little bit when I hear some hyperbole.

10 When I hear that it is a conspiracy of the big city
11 or some developers, or when I hear it is Metro distorting
12 the facts. You are just going to lose me.

13 Also, if you say the City of Beverly Hills doesn't
14 care about transportation, and are nimbys, you lose me on
15 that, too. I don't think that is the case.

16 So I hope that we could, as we move forward, have a
17 discussion on the facts, the issues. Some context will be
18 disputed, clearly, but to have one on a higher level. And I
19 think many folks -- and I will say the City of Beverly
20 Hills, the Brown Act thing, too, kind of lost me.

21 Because I do thing we have the right to make the
22 recommendation today.

23 We do have that right. But, you know, can we get
24 beyond that? I hope so. If there is a possibility to
25 continue discussions with the District on what they plan to

1 build, and what is there, if it is not going into legal
2 land, I hope we can do that.

3 If it is going to go straight to legal land, it may
4 be that we don't have that ability anymore to have that kind
5 of discussion.

6 Clearly, that's not going to be my decision about
7 how that's pursued. Again, I would hope it might be
8 possible to find a solution to tunnel, perhaps, under the
9 parcel at Beverly Hills High School, but not under the
10 buildings. We will see if that happens.

11 I am not as supportive of delaying it for 30 days.
12 I agree with the comments of Supervisor Yaroslavsky, about
13 how we have delayed it so far, and where we are in the time
14 line.

15 If something does come up, and we don't know what
16 schedule the State Geologic Survey people are on, or if they
17 would even find anything definitive.

18 If that does happen in the future, well obviously,
19 we all would have to look at that.

20 But again, that is still an "if." It is not a sure
21 thing.

22 So, I, however, am not prepared to vote today to
23 recommend it, because I have yet to see the response to the
24 Shannon Wilson Study, that Beverly Hills conducted; and even
25 though parts of Shannon Wilson agree with our geologic

1 folks, I would like to review that. And would like at least
2 Beverly Hills to have had the folks, the institutions there
3 to, at least to have a chance to look at that response.

4 But again, I don't think there is a reason to delay
5 it any further. And I will be prepared at our Board meeting
6 to make the decision.

7 But today, I am going to -- I don't know if I vote
8 no or abstain, but I will abstain because it is not a "no"
9 vote against the project. I have not decided yet. I am
10 going to say, I am not making a definitive vote for or
11 against the project.

12 CHAIRWOMAN DUBOIS: Are there any comments by any
13 members of the Board?

14 MR. KATZ: Just to clarify the motion, is to move it
15 with the Staff Recommendations, incorporated into it?

16 SUPERVISOR YAROSLAVSKY: As was embellished upon by the
17 Staff today. So inclusive of the presentation we heard
18 today, the recommendations in that report.

19 MR. KATZ: Okay.

20 CHAIRWOMAN DUBOIS: Okay?

21 So having heard what I have heard, I am going to
22 ask that you all cast your votes.

23 And it looks like the votes have been cast. And it
24 will move. This will move to the Board with our
25 recommendation.

(End of Partial Transcript of Proceedings)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25