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December 19, 2022

Via email ONLY to LAART@metro.net

Corey Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

RE: Los Angeles Aerial Rapid Transit Project
SCH 2020100007
Objection to Metro as Lead Agency

Dear Mr. Zelmer:

This letter is submitted on behalf of LA Parks Alliance¹ with respect to the above-captioned Los Angeles Aerial Rapid Transit Project (the “Project”) in response to the release of the Project’s Draft Environmental Impact Report (“Draft EIR” or “DEIR”). This letter focuses on LA Parks Alliance’s strong objection to Los Angeles County Metropolitan Transportation Authority (“Metro”) acting as lead agency for the Project’s environmental review instead of the proper lead agency, the City of Los Angeles. LA Parks Alliance will submit a more thorough comment letter regarding the Project’s inadequate environmental review before the current comment deadline in January 2023.

The City of Los Angeles Must be the Lead Agency for the Project, not Metro

Metro asserts it is the appropriate lead agency — “the public agency with the greatest responsibility for supervising or approving the project as a whole.”² Metro fails to offer an explanation as to how or why it should (or even can) be considered the public agency with the greatest responsibility for supervising or approving the project. Review of the relevant statutes shows Metro cannot be the lead agency because it has insufficient authority to authorize or supervise the Project. The City of Los Angeles must be the lead agency for the Project.

¹ LA Parks Alliance was formed in 2019 as a response to land use threats to LA State Historic Park. Its members are park and public space advocates. See <https://www.laparksalliance.org>.

² DEIR, p. ES-1, quoting but not specifically citing Cal. Code Regs. Tit. 14 (hereinafter CEQA Guidelines), § 15051(b).

A. CEQA Requires the City of Los Angeles to be the Lead Agency for the Project

Public Resources Code section 21067 defines “lead agency” as “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” (See also CEQA Guidelines, § 15367.)

CEQA Guidelines section 15051 explains the *mandatory* process by which a lead agency is chosen:

Where two or more public agencies will be involved with a project, the determination of which agency will be the lead agency shall be governed by the following criteria:

(a) If the project will be carried out by a public agency, that agency shall be the lead agency even if the project would be located within the jurisdiction of another public agency.

(b) If the project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.

(1) The lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.

(2) Where a city prezones an area, the city will be the appropriate lead agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the pre zoning. The local agency formation commission shall act as a responsible agency.

(c) Where more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in question will normally be the lead agency.

(d) Where the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

Here, there are numerous public agencies that will be involved with the project. As the DEIR acknowledges, permits and other approvals will be required from the California Department of Transportation (CalTrans), California State Parks, Cal/OSHA, the City of Los

Angeles, and Metro. (DEIR, pp. 2-57, 2-61 to 62.) Guidelines section 15051 therefore applies.

There is no doubt the Project will not be “carried out” by Metro. Metro tacitly admits as much by quoting CEQA Guidelines section 15051 subdivision (b) in the DEIR, which would not apply if Metro planned to carry out the project. Subdivision (a) would instead apply and Metro would be the appropriate lead agency. (DEIR, p. ES-1.) But as all available evidence shows, Metro will *not* carry out the Project.

Metro documents, created during a confidential process by which Metro determined ARTT LLC would have sole source status to construct and operate the Project, show that the Project “is envisioned to be privately designed, built, operated, maintained, funded, insured, and financed” and that “Metro does not envision taking a hands-on, prescriptive, or performance minded approach to this project, instead focusing on the elements of the project for which Metro would be responsible.” (Response to Metro Request for Information [“Response to Metro”], Sept. 26, 2018, p. 8.)³ Thus, CEQA Guidelines section 15051 subdivision (a) does not apply.

Guidelines section 15051 subdivision (b), which does apply, *strongly* disfavors Metro as the lead agency because Metro does not have the “greatest responsibility for supervising or approving the project as a whole.” First, in admitting that it will not take a hands-on, prescriptive approach to the Project, Metro has disavowed that it will supervise the Project’s construction.⁴ Second, Metro’s role in approving the Project will be limited. It will focus only on the Project elements for which it is responsible. (*Ibid.*)

According to the DEIR, Metro’s oversight is limited to three approvals:

- review and approval of Project plans for design, construction, and implementation;
- an easement or other approval to allow construction and operation of the Project within a portion of Los Angeles Union Station; and,
- an encroachment permit or other approval to allow construction and operation of the Project within Metro’s Gold Line right-of-way.

(DEIR, p. 2-61.)

The first of the above approvals that will purportedly be made by Metro is properly within the jurisdiction of Cal/OSHA’s Amusement Ride & Tramway Division, not Metro. It appears the primary reason the Project proponent agreed that Metro could *also* review and

³ See also, Response to Metro, p. 16:

“Unlike other Metro projects, the ART is a privately funded/financed, designed, built, operated, maintained, and insured transport conveyance to a private property that is open to the public. Like Dodger Stadium, the ART system will be open to the public for certain events and activities but not publicly owned. It is more akin to the Palm Springs Aerial Tram as a service provided for transportation to a specific location.”

⁴ Nor does Metro have the authority to supervise the Project. See section D, *infra*, pp. 8-10.

approve its plans is because the proponent specifically requested and negotiated with Metro to serve as the lead agency, not because it believes Metro has primary authority over the design, construction, and implementation of the Project. To the contrary, as LA ART argues and LA Parks Alliance agrees, Metro clearly does not have this authority:

In response to Metro’s assertion that ART is subject to Metro approval under the requirements of the California Public Utilities Code (“CPUC”), ARTT LLC agrees in general that such approval is appropriate since ARTT LLC has asked Metro to act as the Lead Agency for environmental clearance, together with assistance with the acquisition of surface land and/or aerial easements, as necessary, and the potential location of a passenger station at or near Los Angeles Union Station. We do ask Metro to recognize, however, that **aerial gondolas and tramways are regulated by the California Labor Code, Sections 7340-7357, and the detailed implementation of design, plans, and specifications falls under the jurisdiction of the Department of Industrial Relations, Division of Occupational Safety and Health (“Cal/OSHA”), which includes an Amusement Ride and Tramway Unit.** (Response to Metro, p. 16 [emphasis added].)

The DEIR acknowledges that approvals from Cal/OSHA’s Amusement Ride & Tramway Division will be required pursuant to Cal. Code Regs. Tit. 8, §§ 3150-3191, including a Certificate of Construction. (DEIR, p. 2-61.) It does not, however, mention that California law requires all passenger tramways to receive a permit pursuant to Division 5 of the California Labor Code. The DEIR is therefore incomplete and inaccurate for failing to acknowledge this additional requirement.⁵

CEQA’s mandatory process to determine the appropriate lead agency does not permit confidential negotiations between a project proponent and its preferred public agency for the role, a perverse sort of lead agency “forum shopping.” (See *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 906 [“PCL v. DWR”]: private party and local agency are “not at liberty to anoint” the local agency as lead agency through a private agreement.)

Moreover, compared to Metro’s somewhat limited role with only two necessary approvals (both for use or encroachment upon Metro land), the anticipated role of the City of Los Angeles is far more extensive and complex. The DEIR identifies the necessary City approvals as likely including, but not limited to:

- a franchise agreement to operate “upon, over, under, or along any street, highway or other place in the City of Los Angeles”;

⁵ California Labor Code, § 7341: “A passenger tramway shall not be operated in any place in this state unless a permit for the operation of the tramway is issued by the division, and unless the permit remains in effect and is kept posted conspicuously in the main operating terminal of the tramway.”

- approval of the Project design from the Cultural Affairs Commission for components located within the City’s public right-of-way;
- creation of a Specific Plan;
- adoption of a Sign District;
- a Plan Approval under the existing 1960 Dodger Stadium Conditional Use Permit;
- relief from the River Implementation Overlay District, to allow for the construction of several project components (Alameda Station, Alameda Tower, and Alpine Tower);
- relief from Cornfield Arroyo Seco Specific Plan to allow construction and operation of the Chinatown/State Park Station;
- a Development Agreement between the “Project Sponsor” and the City of Los Angeles for 20 years; and,
- “Other discretionary and ministerial permits, approvals, consultations, and coordination will or may be required, including...temporary street closure permits, demolition permits, grading permits, excavation permits, archaeological permits, encroachment permits, building permits, dewatering permits, stormwater permits, noise variances, work hour variances, haul routes, sign permits, any operational agreements...and any applicable permits or clearances related to water and/or energy infrastructure or emergency access.”

(DEIR, pp. 2-61 to 62.)

The vast majority of these “other discretionary and ministerial permits” and other approvals referenced in the DEIR will be made by the City of Los Angeles, since the 1.2-mile-long Project is proposed to be built and operated predominantly on or above City right-of-way. (DEIR, pp. 2-2 and 2-6 [Figure 2-3].)

CEQA strongly prefers to confer lead agency status on an “agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” (CEQA Guidelines, § 15051(b)(1).) Metro is an agency with a single purpose, albeit a very important one. But it does not have general governmental powers as the City of Los Angeles does to, for example, grant relief from City land use regulations, create a specific plan, agree to a franchise agreement for Project use of public rights-of-way, enter into a 20-year Development Agreement, or offer any of the “other discretionary and ministerial permits” and approvals necessary for the Project to be ultimately approved.

As the DEIR admits, the City of Los Angeles has direct and exclusive authority over all streets in the City. (DEIR, p. 3.17-1: “All the streets in the Project study area are under the jurisdiction of the City of Los Angeles.”) The required franchise agreement is key to the Project moving forward since the Project operates primarily within the City’s public right-of-way. In addition, it is the *City* that is responsible to ensure the Project’s consistency with the City’s General Plan and its components, including numerous community plans and two existing specific plans, not Metro. (DEIR, pp. 3.11-8 to 3.11-13). Metro has no experience or expertise in evaluating the Project’s consistency with the City’s General Plan or crafting appropriate mitigation measures to address significant conflicts. The City clearly does.

The City is also entirely responsible for any changes *to* and conditions associated *with* the 1960 Dodger Stadium Conditional Use Permit, and for relief from other City land use regulations in the Project area. The City is also responsible for required “temporary street closure permits, demolition permits, grading permits, excavation permits,” etc. (DEIR, p. 2-62.) Metro has no experience, expertise, or authority for a private project over these fundamental City concerns.

Metro does not have the desire (recalling that it has already disavowed Project oversight) or the necessary incentive or expertise to enforce the many Mitigation Measures associated with the Project for components not located on Metro property.⁶ This may be one reason Metro has allowed so many of the Project’s proposed Mitigation Measures to be improperly deferred, a subject that will be raised in greater detail in LA Parks Alliance’s (and likely other) comment letters regarding the inadequate DEIR.

Indeed, the DEIR appears to assume that ARTT will prepare all these deferred mitigation plans, not Metro. (See, e.g., DEIR 3.13-68 [Construction Noise Management Plan to be prepared by “Project Sponsor.”] Presumably, it is the City, with its direct construction permitting responsibilities, local ordinances regulating such impacts as excessive construction noise, and expertise in overseeing such plans and mitigation measures, that will perform the required oversight and, if necessary, enforcement. (See, e.g, DEIR’s reliance on LA Municipal Code [i.e., the City] to enforce stormwater runoff prohibitions, pp. 3.10-6.)

The City of Los Angeles has direct regulatory authority over approval of the majority of physical Project components, which are primarily located on or above City land or City public right of way. The City is plainly the “public agency with the greatest responsibility for supervising or approving the project as a whole” and has the “general governmental powers” necessary to make most necessary Project approvals. (CEQA Guidelines, § 15051(b).) Metro has neither the greatest responsibility over the Project nor does it have general governmental powers to make Project approvals. Its approvals are limited to only two locations: one for permission to use Metro-controlled land, and another to cross Metro-controlled airspace.

The City of Los Angeles must be the lead agency.

B. CEQA Guidelines Section 15051 Subdivisions (c) and (d) are Inapplicable

CEQA Guidelines section 15051 subdivision (c) only applies “[w]here more than one public agency *equally* meet the criteria in subdivision (b).” It is inapplicable, as the City of Los Angeles is clearly the appropriate lead agency under subdivision (b). Even if subdivision (c) did

⁶ These include: Construction Traffic Management Plan [DEIR, p. ES-14], Construction Monitoring Plan (Built Resources) [DEIR, p. ES-40], Cultural Resources Monitoring and Mitigation Plan (DEIR, p. ES-41), Archeological Testing Plan for Alameda Station (DEIR, p. ES-45), Archeological Testing Plan for LAUS Forecourt [DEIR, p. ES-47], Archeological Testing Plan for Los Angeles State Historic Park [DEIR, p. ES-48], Paleontological Resources Mitigation and Monitoring Plan [DEIR p. ES-52], Soil and Groundwater Management Plan [DEIR, p. ES-53], Construction Noise Management Plan [DEIR, p. ES-58], Vibration Monitoring Plan [DEIR, p. ES-67], Temporary Disaster Route Plan [DEIR, p. ES-76], Utility Relocation Plan [DEIR, p. ES-79], and a Fire Protection Plan [DEIR, p. ES-80].

apply, and it does not, between Metro and the City of Los Angeles it is the City that would likely “act first on the project in question” due to the many preliminary approvals necessary for a project of this scope and magnitude. (See list of City approvals required for the Project, DEIR, p. 2-61 to 2-62, and discussion *supra*, pp. 4-6.)⁷

While the project proponent agreed in a private negotiation that Metro may *also* review and approve Project plans for design, construction, and implementation, as ARTT privately admitted to Metro during early discussions about the Project, the statutory duty to review and approve plans for design, construction, and implementation of an aerial tram system properly belongs to Cal/OSHA pursuant to the California Labor Code, not to Metro. (Response to Metro, p. 16, citing Labor Code, §§ 7340-7357.) Moreover, nothing in the Labor Code or other statute requires it to be the *first* action taken on the Project.

CEQA Guidelines section 15051 subdivision (d) is also inapplicable. It applies “[w]here the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency.” As discussed, here Metro does not have a substantial claim to be the lead agency because it cannot be seen as “the public agency with the greatest responsibility for supervising or approving the project as a whole,” and CEQA strongly prefers the lead agency to have “general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” (CEQA Guidelines, § 15051(b).) Metro has taken on the role by private agreement with the Project proponent and with the apparent acquiescence of the City, whose former Mayor championed the Project in his role as chair of Metro’s board of directors. Indeed, Mayor Garcetti described himself openly in a recent Metro Executive Management Committee meeting as a “pretty unabashed supporter” of the Project, which raises significant concerns over Metro’s possible precommitment to approve the Project.⁸

C. Metro’s Decision to Act as Lead Agency is Inherently Prejudicial and Taints the Environmental Review Process.

Choice of lead agency is fundamentally important. “[A]lthough applicants may enter into contracts and agreements prior to the completion of the environmental review process, such contracts or agreements *cannot be used to avoid the scrutiny envisioned by CEQA.*” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 737 [emphasis added].) Thus, where a local agency privately agrees with an applicant to serve as lead agency, or even where local agencies agree amongst themselves to designate one of them as lead agency, if that

⁷ In fact, the City of Los Angeles already approved a Project-related permit when it issued Permit No. 22020-10000-00312 for ARTT LLC’s gondola exhibit within the Dodger Stadium parking lot. See <https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PcisPermitDetail?id1=22020&id2=10000&id3=00312>.

⁸ See Joe Linton, StreetsBlogLA, *Mayor Garcetti Supports Dodgers Gondola, Disses Project Skeptics Comparing Them To Mitch McConnell*, Sept. 16, 2022, attached as Exhibit A, available at: <https://la.streetsblog.org/2022/09/16/mayor-garcetti-supports-dodgers-gondola-disses-project-skeptics-comparing-them-to-mitch-mcconnell/>.

designation does not follow CEQA’s mandated process, it will be rejected and the environmental review document prepared by the improper lead agency discarded. (See, e.g., *PCL v. DWR*, 83 Cal.App.4th at 907; *see also City of Sacramento v. State Water Resources Control Bd.* (1992) 2 Cal.App.4th 960, 973.)

Metro (and the City of Los Angeles) should take note that CEQA forbids delegation by the properly delegated lead agency to another agency or private entity:

Neither the [California Environmental Quality Act] nor the state guidelines authorize the city council to delegate its review and consideration function to another body. Delegation is inconsistent with the purpose of the review and consideration function since it insulates the members of the council from public awareness and possible reaction to the individual members’ environmental and economic values. Delegation is inconsistent with the purposes of the EIR itself.”

(*PCL v. DWR*, 83 Cal.App.4th at 907, quoting *Kleist v. City of Glendale* (1976) 56 Cal. App. 3d 770, 779.) As plaintiffs successfully argued in *PCL v. DWR*, “appointment of the wrong lead agency taints the entire EIR process, is inherently prejudicial, and compels a fresh start with an appropriate lead agency.” (*Ibid.*)

Metro’s decision through a private agreement with ARTT LLC to take on lead agency status in the environmental review of the proposed aerial tram system is likewise prejudicial and taints the environmental review process. The only remedy is to begin anew under the direction of the properly designated lead agency, the City of Los Angeles.

D. Public Utilities Code Section 130252 Does Not Change the CEQA Analysis and Neither Requires Nor Authorizes Metro to Serve as Lead Agency.

The Draft EIR suggests that Public Utilities Code (“PUC”) section 130252 requires the submittal, review, and approval of proposed plans to Metro for design, construction, and implementation of the Project. (DEIR, p. 2-61.) As discussed above, ARTT LLC explained to Metro that “aerial gondolas and tramways are regulated by the California Labor Code, Sections 7340-7357, and the detailed implementation of design, plans, and specifications falls under the jurisdiction of the Department of Industrial Relations, Division of Occupational Safety and Health (“Cal/OSHA”).” (Response to Metro, p. 16.)

PUC section 130252 applies only to “*public mass transit systems* or projects, including exclusive public mass transit guideway systems or projects, and federal-aid and state highway projects.” (PUC § 130252(a) (emphasis added).) This project is *not* a public mass transit project or a mass transit guideway system.⁹ The Project is *privately* owned and operated and intended primarily to provide service to and from Dodger Stadium, a private sports and event venue. The

⁹ ARTT LLC explained, and LA Parks Alliance agrees, that the gondola Project is “not a ‘transit guideway system’” and thus is not subject to PUC section 130252(a) for that reason. (Response to Metro, pp. 16-17.)

DEIR admits as much: “The overall purpose of the proposed Project is to provide a direct transit connection between LAUS and the Dodger Stadium property...” (DEIR, p. 2-12.)

The DEIR’s repeated assertions that Project purposes include providing access to neighborhoods near Dodger Stadium and to LA State Historic Park and its surrounding neighborhoods (see, e.g., DEIR, p. ES-1) are also belied by the DEIR’s gross speculation surrounding these alleged purposes. For example, the alleged access and mobility hub at Dodger Stadium is identified only as a “potential” project component and would be subject to approval by the Dodgers. (DEIR, pp. ES-1.) “The Project Sponsor will *request consideration* by the Los Angeles Dodgers of the *potential for the Dodger Stadium Station to include a mobility hub* where outside of game day periods, passengers would be able to access a suite of first and last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon.” (DEIR, p. ES-10 [emphasis added].)

The DEIR asserts that the “Chinatown/State Park Station location avoids adjacent private properties while maintaining transit access to surrounding communities within a half mile walkshed to transit, including the Park, Chinatown, Mission Junction including William Mead Homes, Los Angeles River, and North Broadway.” (DEIR, p. 2-22.) First, access from Union Station to these neighborhoods are already provided by Metro’s Gold Line Chinatown Station, which is located approximately 100 yards from the Project’s proposed Chinatown/State Park Station. Second, and perhaps more important, the use of the Project to duplicate this access via the proposed gondola outside of Dodger games and events is entirely speculative, and is based entirely on demand. “It is anticipated that the proposed Project operations would vary the number of cabins in service and speed throughout the day, based on demand.” (DEIR, p. 2-42.) Nothing in the DEIR suggests the gondola will operate on a minimum schedule, as Metro’s Gold Line does.¹⁰ ARTT LLC or another operator could choose not to run the gondola at all if demand is insufficient.

Even if these currently speculative components were certain to become part of the Project, they would not magically transform it into a public mass transit system. A project owned and operated by a private person or entity for the primary purpose of providing transportation to an entirely private destination is *not* a public mass transit system. As a private transportation project, and as ARTT LLC admitted in its responses to Metro, the Project is not within the scope of PUC section 130252. And even if PUC section 130252 did apply, it has very limited scope.

PUC section 130252 subdivision (a) provides that:

All plans proposed for the design, construction, and implementation of public mass transit systems or projects, including exclusive public mass transit guideway

¹⁰ Metro’s Gold Line schedule provides weekday service on its Northbound segment from Union Station to Citrus College every 12 minutes or less for most of the day between 4am and 12:50am. The weekend schedule is the same hours, with only slightly less frequent service. See <https://www.metro.net/riding/schedules/?line=804>.

systems or projects, and federal-aid and state highway projects, shall be submitted to the commission [i.e., Metro] for approval.

But PUC section 130252 subdivision (c) substantially limits the meaning of subdivision (a): “As used in this section, “plan” means a project description and *not* the detailed project plans, specifications, and estimates.” (Emphasis added.) The Project applicant has privately agreed with Metro that it may *also* review and approve Project plans for design, construction, and implementation. (See Response to Metro, p. 16.) As already discussed, however, the primary oversight authority for detailed review of plans for design, construction, and implementation of an aerial tramway project is held by Cal/OSHA, not Metro. Moreover, the DEIR does not cite to any authority authorizing or permitting Metro to *supervise* the Project.

Metro’s and the DEIR’s citation of PUC section 130252 does not change the mandated CEQA process to determine the appropriate lead agency for the proposed Project.

CONCLUSION

As the DEIR acknowledges, “a lead agency has an obligation to balance the economic, social, technological, legal, and other benefits of a project against its significant unavoidable impacts on the environment.” (DEIR, p. 1-2.) Metro certainly has authority as a *responsible* agency to consider the manner the proposed Project will relate to the important public resources over which it exercises control and oversight. But Metro is not well-situated to be the lead agency charged with the duty to make these balancing considerations over the many public resources that are not within its ambit.

Metro approvals for this Project will be required to allow construction and operation of the Project within a portion of Los Angeles Union Station and within Metro’s Gold Line right-of-way. (DEIR, p. 2-61.) It is significant that the DEIR has determined no Mitigation Measures are necessary to protect these public resources. But there are numerous Mitigation Measures proposed to protect other public resources and members of the public in the City of Los Angeles. (See footnote 5, p. 6.) The City is far better situated to act as lead agency than Metro, and since it is directly political accountable to its constituents, is better positioned to balance the alleged Project benefits against its significant unavoidable environmental impacts and ensure that Mitigation Measures to protect the people and resources of Los Angeles are properly monitored and enforced.

The City of Los Angeles must serve as lead agency for the proposed Project, not Metro.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Given', with a long horizontal flourish extending to the right.

John Given

Metro—LAART Project

December 19, 2022

p. 11

Cc (by email only):

Supervisor Hilda L. Solis, LA Board of Supervisors (First District)

Mayor Karen Bass, City of Los Angeles

Councilmember Eunisses Hernandez, LA City Council (District 1)

City Attorney Hydee Feldstein Soto, City of Los Angeles

EXHIBIT A

Mayor Garcetti Supports Dodgers Gondola, Disses Project Skeptics Comparing Them To Mitch McConnell

By Joe Linton | Sep 16, 2022 | 9 COMMENTS



Dodgers Stadium gondola rendering - from L.A. Art website

Yesterday, the Metro board Executive Management Committee received an update on the proposed aerial gondola project between Dodgers Stadium and Union Station. There were no votes taken, but the committee debate showed clear sides being drawn for and against the controversial project.

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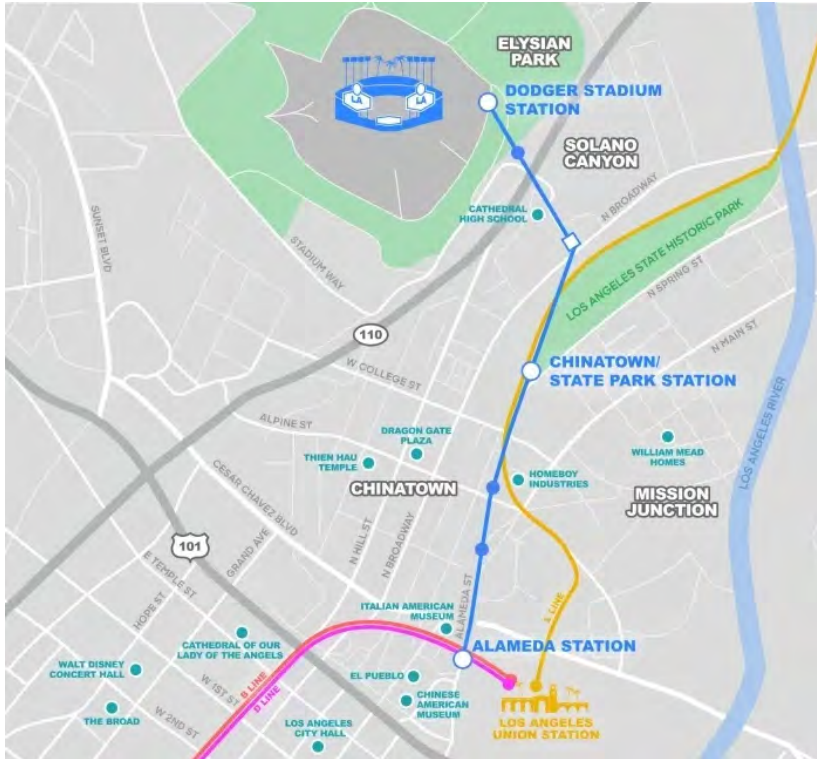
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Proposed route of Dodgers Stadium gondola. Map via [L.A. ART website](#)

The gondola project is formally called Los Angeles Aerial Rapid Transit or L.A. ART. From early on, developer and former Dodgers owner Frank McCourt pledged to pay for at least part of the project privately. Metro’s [staff report](#) notes that L.A. ART “is completely funded by the Aerial Rapid Transit Technologies (ARTT), including reimbursement of Metro staff time.” ARTT is spin-off corporation formed by McCourt’s family for the gondola project.

Though it is not a Metro project, the agency would need to approve the project’s environmental documents (an Environmental Impact Report – EIR). The draft EIR is expected to be released this fall, likely before Thanksgiving. (Metro is also expected to allow L.A. ART station/s on property it owns – especially at Union Station.)

At committee, both public comment and boardmembers were divided on the project.

The area where the gondola would be located is L.A. City Council District 1, which, starting in December, will be represented by Councilmember-elect Eunisses Hernandez. Speaking to the committee, Hernandez expressed her concerns about the project, calling for transparency, accountability, community engagement, and a full clear long-term commitment that taxpayers would not subsidize the project.

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There hasn't been enough community input and I'm glad that you all are talking about having forums. I hope that it's more than two. I hope that it's also out of the holidays because a lot of the folks who have been here have

been motivated though word by community outreach. That doesn't happen a lot through the holidays. [...]

I would also like assurance from the Metro that this project will not use any taxpayer dollars in the future. The recent gift of this project to a nonprofit does give me pause that tax dollars will be utilized for a project that is mostly a tourist attraction. Every public dollar should be used for projects that decrease traffic and make it easier for working class people to travel around our vast city [...] To that end I would like to see plans that address potential cost overruns and a project budget. I would like to ensure that there's a robust fiscal management to ensure that taxpayer dollars are used wisely and judiciously.

Hernandez' ears were probably burning, as just before she gave testimony, Metro Boardmembers Hilda Solis and Eric Garcetti had a back and forth exchange over how much attention Metro should pay to the incoming councilmember.

Solis expressed concern over various aspects of L.A. ART – from gentrification and displacement, to impacts on mom-and-pop businesses and parking. Solis called for “providing more public hearings” and waiting until December when Hernandez takes office. “I don't believe that it's fair,” Solis stated “to just allow for a project to move forward that's going to impact her district so dramatically without having her have a full purview of what is going on and hearing from all sides and understanding the project herself.”

Garcetti, who is termed out the day Hernandez takes office, opened his response describing himself as a “pretty unabashed supporter” of L.A. ART. He stated that the project was about “reducing traffic... getting people off the roads.”

Then he had some choice words directed at Hernandez:

All of us cycle in and out. I know you're talking about the councilmember. I'll also be gone, so one can say “wait for the new mayor, wait for the new councilmember.” You'll all have those moments as Supervisors, as whatever. We've heard those arguments in Washington sometimes: don't do a Supreme Court Justice now because a new president's coming, etc.”

The logic is somewhat tortured, but Garcetti seems to be accusing Hilda Solis of behaving like Senator Mitch McConnell when he blocked President Obama's nomination of Merrick Garland to the Supreme Court. The lame duck mayor is trying to exert his waning power in favor of Frank McCourt's gondola project – and trying to stifle the influence of unabashedly progressive Hernandez.

A Metro board vote on the project won't take place until 2023 at the soonest. And the Metro board will look pretty different after December. Garcetti and his three appointees will almost certainly depart, as the incoming mayor appoints their own boardmembers.

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ctwilliams2012@yahoo.com

3 months ago

Wait til the EIR comes out...or the Scoping/Initial Study for issues to be handled by the EIR. #1 Env.Justice - use of public spaces for commercial purposes, air space...#2 Distraction of pedestrian and drivers as it passes through their view lines. #3 What does it do when there is no game and the 2-3 hrs before/after #4 What does it do to the property values in Solano Canyon, #5 How does it work with the proposed Buena Vista/Brdwy Project, and will it interfere with equivalent towers on the north side of Brdwy...what's good for the south side is good for the NORTH side.

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Marshall Alexander Knight

3 months ago

I'm neither strong for or strongly against the project. Since a real transit solution for Dodger Stadium – i.e. a Sunset Blvd subway or BRT – doesn't seem to be in our future anytime soon, a project that eliminates even a few thousand car trips every game day could be worth the potential downsides.

One concern I haven't really heard discussed is potential conflicts with the West Santa Ana Branch. The last thing we need is for this gondola to get approved, only for Metro realize its foundations along Alameda precludes building the WSAB's likely Union forecourt station, or worse, any potential extensions.

How ironic (and so typically Metro) would it be to approve this half-measure fix for Dodger Stadium traffic, only for its construction to preclude the subway extension to the stadium that we really need?

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George0001 → Marshall Alexander Knight

3 months ago

The gondola wouldn't resolve the traffic situation so regardless, it's just another option for guests to reach the stadium. 5000 passengers an hour is too slow to disperse the crowds after a game.

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George0001

3 months ago edited

I just love Blue on Blue attacks when they accuse each other of being Republicans. Projecting much? That's actually the Biden rule. McConnell is just using what Biden did. Biden broke the process.

1 4 • Reply • Share >



Mike

3 months ago

Highly offensive that Hernandez calls this a "tourist attraction". Does she think working people should just sit at home after work and not enjoy the City's cultural attractions like baseball and concerts once in a while? Unbelievable.

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amalficolor



amplifycolor [→ MIKE](#)
 ⌚ 3 months ago edited

Nah it's a great example. The numbers for this project show it to be a total boondoggle as transit. There are a couple use cases for gondolas in transit (notably across elevations or geography that make other transit less feasible, where both ends are high-transit-demand) but a baseball stadium is not it.

This project primarily exists to benefit a billionaire. That's fine if he's paying for it (and if the project mean blocking housing construction, which the last we heard it did). But it's a good thing the incoming councilmember is drawing some lines in the sand.

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Mike [→ amplifycolor](#)
 ⌚ 3 months ago

I'll just continue to drive then if there is no gondola. Not sure who that serves. Dodger Stadium Express is too slow and a nightmare after games as the busses crawl in stadium traffic. I've done it before, but have given up after being jammed like sardines into a super slow bus. Dodger Stadium Express costs a lot of money to taxpayers too

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numble
 ⌚ 3 months ago

I agree that it is using tortured logic to say Garcetti is accusing Hilda Solis of behaving like Mitch McConnell. That same logic would say Garcetti is accusing Hilda Solis of behaving like Joe Biden and Bernie Sanders, who said that the Senate and Trump should not appoint a new Supreme Court Justice to take Ruth Bader Ginsburg's seat until after the election.

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George0001 [→ numble](#)
 ⌚ 3 months ago

Exactly. It's actually the Biden Rule.

0 2 • Reply • Share ›



Andrew
 ⌚ 3 months ago edited

This is a pretty exaggerated interpretation of what the mayor said. Garcetti disses project skeptics? Please point out where in the mayor's remarks he 'dissed' Ms. Hernandez. This article is pure clickbait, drumming up the appearance of controversy and doing very little to advance anyone's understanding of the issues.

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By Damien Newton | May 28, 2013

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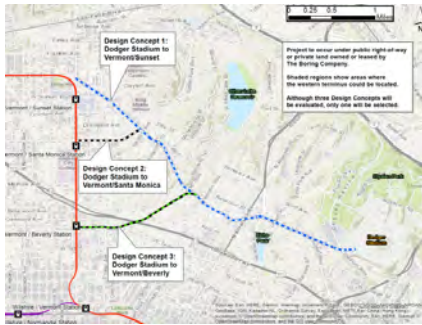
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By Damien Newton | Jul 18, 2013

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