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July 23, 2008

*By facsimile 213 922 4594
Original to follow*

Chairperson Antonio Villaraigosa
Members of the Board of Directors
Metropolitan Transit Authority
One Gateway Plaza,
Los Angeles, CA 90012-2932

Re: Objection to Claimed CEQA Exemption for Sales Tax Initiative Based Upon
Inclusion of \$780 million for 710 Tunnel

Honorable Antonio Villaraigosa and Members of the Board:

It has just come to our attention that the Sales Tax Initiative proposed for the November ballot includes \$780 million for a so called "I-710 North Gap Closure (Tunnel)" and that the staff recommends that the MTA rely upon an exemption under the California Environmental Quality Act ("CEQA") for the Sales Tax Initiative. On behalf of the City of South Pasadena, we object to the use of an exemption for this purpose.

The inclusion of traffic relief project 3-M: I-710 North Gap Closure ("710 Tunnel project") as a project that would be funded by the proposed sales tax measure ordinance prohibits the use of a statutory exemption from CEQA for the approval of this ordinance. Public Resources Code section 21080(b)(8) does not apply to a tax to fund the 710 Tunnel project because this project is not a "capital project necessary to maintain service within existing service areas. . ." (Pub. Res. Code § 21080(b)(8)(D).) In fact, the 710 Tunnel project is a capital project intended to expand the current infrastructure system. "Rate increases to fund capital projects for the expansion of a system remain subject to CEQA." (CEQA Guidelines § 15273(b).) There has been no environmental review prepared for the 710 Tunnel project as required by CEQA. In fact, the second phase of the feasibility study for the project is still being conducted. Thus, it would violate CEQA to approve the sales tax measure that would fund the 710 Tunnel project before the required environmental review document has been prepared.

Public Resources Code sections (10) through (12) are also inapplicable. The 710 Tunnel project is not "[a] project for the institution or increase of passenger or commuter

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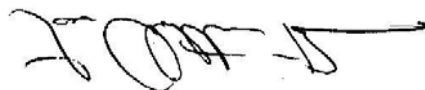
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services on rail or highway rights-of-way already in use.” (Pub. Res. Code § 21080(b)(10).) This is also not “[a] project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use.” (Pub. Res. Code § 21080(b)(11).) Public Resources Code section 21080(b)(12) likewise is inapplicable if the 710 Tunnel project is included as a project that would be funded by the sales tax because this project is not a “[f]acility extension [of less than] four miles in length required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.” Further, Metro cannot rely upon Public Resources Code section 21080(b)(13) because the 710 Tunnel project is not “[a] project for the development of a regional transportation improvement program, the state transportation improvement program, or a congestion management program prepared pursuant to Section 65089 of the Government Code.” The 710 Tunnel project is a specific project and not a state or regional program.

Therefore, if the MTA Board is going to rely upon a CEQA exemption for this tax measure, the 710 tunnel must be omitted.

Thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Chatten-Brown", with a long horizontal stroke extending to the right.

Jan Chatten-Brown

cc: South Pasadena City Council