

**Date:** August 2, 2015

**To:** West Pasadena Residents Association  
C/O Sarah Gavit, Vice President

**Reference:** State Clearinghouse Number: (SCH#) 1982092310  
File number: 07-LA-710 (SR 710)  
Caltrans Project No.: EFIS 0700000191 (EA: 187900)  
Title: State Route 710 North Study

**Subject:** Environmental Justice Comments for the SR-710 Draft Environmental Impact Report (EIR) / Environmental Impact Statement (EIS)

Dear Ms. Gavit,

The following comments address potential Environmental Justice concerns regarding the SR-710 Study Draft EIR/EIS for incorporation into the WPRRA response to that document. State law defines environmental justice to mean “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies<sup>1</sup>.”

The following concerns and recommendations in this document are purposed to identify and reduce adverse environmental and public health impacts on communities identified as “disadvantaged” as defined by SB 535 (DeLeon) and identified by the California Communities Environmental Health Screening (CES) Tool known as CalEnviroScreen 2.0<sup>2</sup>. CalEnviroScreen is California’s tool for identifying disadvantaged communities that are currently suffering from multiple pollution burdens and are most vulnerable to the effects of these pollution burdens. In determining which communities are disadvantaged, geographic, socioeconomic, public health and environmental hazard criteria are assessed. These communities may include, but are not limited to:

- Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation, and

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<sup>1</sup> Government Code section 65040.12(e).

<sup>2</sup> The Office of Environmental Health Hazard Assessment (OEHHA), on behalf of the California Environmental Protection Agency (CalEPA), announces the availability of the California Communities Environmental Health Screening Tool: CalEnviroScreen Version 2.0 (CalEnviroScreen 2.0). CalEnviroScreen is a screening methodology that can be used to help identify California communities that are disproportionately burdened by multiple sources of pollution. CalEPA has used the tool to [designate California communities as disadvantaged](#) pursuant to Senate Bill 535.

- Areas with concentrations of people that are of low income, high unemployment, low levels of home ownership, high rent burden, sensitive populations, or low levels of educational attainment.

The communities of El Sereno and the Northwest Pasadena are identified as the entry and exit points for the proposed tunnel alternative. Both El Sereno and Northwest Pasadena (north and west of the current I-210/I-34 interchange) meet the state’s definition of “disadvantaged.” According to CalEnviroScreen , a majority of census tracts within these communities scored within the top 25% disadvantaged areas in the state based on pollution burden and population characteristics. These communities already have contaminated groundwater and high diesel and air particulates 2.5 microns in size. Moreover, census tracts within the East Los Angeles and the El Sereno area also have very high impact scores for hazardous waste and contaminated sites. In El Sereno, 88% of the population is Latino and residents of Northwest Pasadena are primarily Latino and African American. These communities currently suffer the states highest rates of asthma, unemployment, linguistic isolation, poverty, and low educational attainment. Clearly, they would be very vulnerable to additional pollution effects if the tunnels were built.

CalEnviroScreen maps depicting these environmental justice communities are shown in Attachments A1 and A8.

- Attachment A1: CES 2.0 Map of Study Area with Tunnel Alternative Alignment
- Attachment A2: CES PM2.5 Map of Study Area with Tunnel Alignment
- Attachment A3: CES Groundwater Map of Study Area with Tunnel Alignment
- Attachment A4: CES PM2.5 Map of El Sereno
- Attachment A5: CES Groundwater Map of El Sereno
- Attachment A6: CES Population Characteristics of El Sereno
- Attachment A7: CES PM2.5 Map of Northwest Pasadena
- Attachment A8: CES Groundwater Map of Northwest Pasadena
- Attachment A9: CES Population Characteristics of Northwest Pasadena

Collectively, these CalEnviroScreen maps illustrate that the proposed tunnel alternative is located within communities that are already heavily burdened. Further information about CalEnviroScreen may be found at <http://oehha.ca.gov/ej/ces2.html>.

**Findings:**

It is the conclusion of this Environmental Justice commentary review that the proposed Tunnel Alternative poses unacceptable health and environmental impacts upon the already heavily burdened communities of El Sereno and Northwest Pasadena. The Draft EIR/EIS does not adequately consider the environmental impacts upon these communities and fails to utilize the state’s recognized screening tool, ‘CalEnviroScreen’, in its analyses of impacts. Other specific Environmental Justice findings are listed below:

- The Draft EIR/EIS does not adequately address diesel particulate and traffic impacts

resulting from current and increased truck traffic related to “Goods Transportation” movement from the Ports of Los Angeles and Long Beach. The proposed location of the tunnel and its portals are an extreme burden on the already environmentally burdened communities of El Sereno and Northwest Pasadena. These communities are already in a pollutant “non-attainment” area.

- The Draft EIR/EIS lacks applicable and verifiable data, and fails to address the concerns of local community members, especially in environmental justice communities. The public, stakeholders and decision-makers are not properly informed about the project, which poses significant environmental impacts to safety, health, and the quality of the environment. For example, the report did not provide accurate and verifiable data regarding the data sources for projected emissions, did not recognize the existing emissions impacts, and did not use a state recognized screening tool when considering existing or future environmental burdens. Safety was not adequately considered for pedestrians, bicyclists and tunnel users.
- Proposed tolls for the Tunnel Alternative is an economic injustice to low income and community-of-color populations because it will result in a disproportionate economic impact on those populations, many of which are members of the protected class of ‘race’ and are entitled to title VI protections under the federal civil rights act and under California Government Code Section 11135.
- The proposed LRT alternative is underground in Pasadena and South Pasadena, but is above ground as it travels south to the Cal State LA, Floral and Mednik stations. This places a disproportionate burden on environmental justice communities at the southern end of the route.
- The SR-710 cost benefit analysis<sup>3</sup> failed to demonstrate the value of the project, or to accurately provide information and data by which to fairly and without bias compare and evaluate the value of the alternatives. Impacts to environmental justice communities were not considered in this analysis. The Value of Time assigned for automobile users versus transit users shows a disregard for environmental justice populations.
- The economic impact analysis trivializes the economic consequences of business relocations in unincorporated areas by using inappropriate screening criteria and does not provide sufficient information to identify indirect consequences and environmental impacts.
  - Using inappropriate screening criteria such as the percentage of community revenue lost relative to the revenue of the entire Los Angeles County, or the entire City of Los Angeles, dismisses the economic impacts on unincorporated communities such as East Los Angeles and El Sereno. Instead of being less than 0.01% of total county revenues or total city revenues, the losses described will be a significant portion of the total revenue stream for maintaining public infrastructure in these environmental justice communities. As a minimum, the percentage of revenue lost should be based on the total revenue of the local

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<sup>3</sup> ‘Analysis of Costs and Benefits for the State Route 710 North Study Alternatives,’ Metro, June 19, 2015.

community or neighborhood, but even this is not a realistic measure of the economic impacts to a disadvantaged community.

- The Draft EIR/EIS needs to examine in detail both the direct and indirect budgetary impacts on disadvantaged communities and specify project revisions that will take place to mitigate the impacts. In addition, if revenue loss percentages are retained as screening criteria, the calculations in the Economic Evaluation Report (Appendix C-1, Community Impact Assessment) should be reviewed for accuracy.
- Metro did not hold public outreach or hearing meetings in Northwest Pasadena. To our knowledge, the only a public outreach meeting held for a disadvantaged community in Pasadena was conducted in District 3.

All of these issues show Metro's failure to adequately address environmental justice issues. The Draft EIR/EIS not only lacks information, but it unfairly misinforms community members about the project alternatives and therefore serves to perpetuate environmental injustice within the potentially impacted communities. This is a discriminatory act and could potentially be a violation of federal and state anti-discrimination statutes.

### **Recommendations:**

The following recommendations are proposed:

- The Draft EIR/EIS should be re-circulated to adequately and accurately address public concerns, provide complete and accurate information, and include a formal Environmental Justice Analyses, which utilizes the state's screening tool, CalEnviroScreen. The environmental justice communities, including Northwest Pasadena, should be included in the re-evaluation of this re-circulated document.
- The Freeway Tunnel Alternative should be removed from consideration as an alternative due to the public health, safety, economic and other environmental burdens that would be placed on environmental justice communities.
- For the LRT Alternative, Metro should work closely with communities where tracks are above ground, to find solutions to eliminate or minimize environmental impacts.
- Regardless of the alternative selected, Transportation System Management / Transportation Demand Management actions should be implemented as soon as possible to reduce environmental impacts already imposed on environmental injustice communities by an inefficient transportation system.

Sincerely,

Roger Kintz, Private Citizen

Biography: Roger Kintz serves the state of California as the Department of Toxic Substances Control, Senior Scientist and Environmental Justice Coordinator under the California Environmental Protection Agency.