

Name & Address:

S. Zachary Samuels, APC
S. Zachary Samuels (State Bar No. 45884)
1900 Avenue of the Stars, Suite 2300
Los Angeles, California 90067
Telephone: (310) 201-0777

NEW CASE JUN 30 2010
CITY ATTORNEY TO CITY ATTORNEY
FOR DISPOSITION
JUN 30 2010
7:15 am

LV/RP

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

S. ZACHARY SAMUELS and ELANA
SAMUELS, Trustees of the S. Zachary Samuels
(See Additional Parties Attachment)

PLAINTIFF(S)

v.

FEDERAL HIGHWAY ADMINISTRATION, (See
Additional Parties Attachment)

DEPENDANT(S).

CASE NUMBER

CV 10 4250-PA (EX)

SUMMONS

TO: DEFENDANT(S): STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, CITY OF
LOS ANGELES, METROPOLITAN TRANSIT AUTHORITY, a public entity, and DOES 1-10, inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, S. Zachary Samuels, Esq., whose address is 1900 Avenue of the Stars, Suite 2300, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 5-9 JUN 2010

By: Maureen D...
Deputy Clerk
(Seal of the Court)

2010 JUN 29 PM 2:55
RECEIVED
CITY CLERK'S OFFICE
CITY CLERK
DEPUTY
P/S

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

RECEIVED

JUN 30 2010

CITY ATTORNEY
LOS ANGELES

SUMMONS

SHORT TITLE: S. ZACHARY SAMUELS V. FEDERAL HIGHWAY ADMINISTRATION	CASE NUMBER:
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INSTRUCTIONS FOR USE

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff Defendant Cross-Complainant Cross-Defendant

and Elana Samuels Family Trust dated 2/15/01; ROBERT T. KAWAOKA; CAROL A. KAWAOKA; LAWRENCE ASH and LUANA L. ASH, Trustees of the Ash Family Trust; JAMES GREENWOOD; AUDREY GREENWOOD; ROBERTA DOUCET, Trustee of the Etoy Trust

SHORT TITLE: S. ZACHARY SAMUELS V. FEDERAL HIGHWAY
ADMINISTRATION

CASE NUMBER:

INSTRUCTIONS FOR USE

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party):

Plaintiff Defendant Cross-Complainant Cross-Defendant

UNITED STATES DEPARTMENT OF TRANSPORTATION, a public entity; STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION; CITY OF LOS ANGELES; METROPOLITAN TRANSIT AUTHORITY, a public entity; and DOES 1-10 INCLUSIVE,

FILED

1 S. ZACHARY SAMUELS, APC
S. Zachary Samuels (State Bar No. 45884)
2 1900 Avenue of the Stars
Suite 2300
3 Los Angeles, California 90067
Telephone: (310) 201-0777
4 Facsimile: (310) 556-1346

10 JUN -9 PM 12:49

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

5 Attorney for Plaintiffs S. Zachary Samuels
and Elana Samuels, Trustees of the S. Zachary
6 Samuel and Elana Samuels Family Trust Dated
2/15/01; Robert T. Kawaoka; Carol A.
7 Kawaoka; Lawrence Ash and Luana L. Ash,
Trustees of the Ash Family Trust; James
8 Greenwood; Audrey Greenwood;
Roberta Doucet, Trustee of the Etoy Trust
9

BY: _____

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12

13 S. ZACHARY SAMUELS and ELANA
SAMUELS, Trustees of the S. Zachary Samuels
14 and Elana Samuels Family Trust dated 2/15/01;
ROBERT T. KAWAOKA; CAROL A.
15 KAWAOKA; LAWRENCE ASH and LUANA
L. ASH, Trustees of the Ash Family Trust; JAMES
16 GREENWOOD; AUDREY GREENWOOD;
ROBERTA DOUCET, Trustee of the Etoy Trust,
17

CV 10 4250-PA (EX)

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

18 Plaintiffs.

19 vs.

20 FEDERAL HIGHWAY ADMINISTRATION,
UNITED STATES DEPARTMENT OF
21 TRANSPORTATION, a public entity; STATE OF
CALIFORNIA, DEPARTMENT OF
22 TRANSPORTATION; CITY OF LOS ANGELES;
METROPOLITAN TRANSIT AUTHORITY, a
23 public entity; and DOES 1-10 INCLUSIVE,
24

Defendants.

25
26 Plaintiffs, the owners of real property on Northvale Road, Los Angeles California, seek
27 declaratory and injunctive relief against the Federal Highway Administration, United States Department
28

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1 of Transportation and the State of California, Department of Transportation for their failure to comply
2 with the National Environmental Policy Act ("NEPA") in deciding to provide \$2,567,000 in funding for
3 a bikeway along the Metropolitan Transit Authority ("MTA")-owned Exposition right-of-way from Palms
4 to the City of Santa Monica. ("Bikeway").

5 JURISDICTION

6 1. This Court has jurisdiction of this action pursuant to 28 U.S.C. Section 1331 (federal question
7 jurisdiction); 5 U.S.C. Section 702 (Administrative Procedure Act); and may issue declaratory judgment
8 and further relief pursuant to 28 U.S.C. Section 2201 (declaratory and injunctive relief)

9 VENUE

10 2. Venue is proper in this Court pursuant to 28 U.S.C. section 1391(e) because it is the location
11 of the Bikeway and also the location of the regional headquarters of the Defendant agency that issued the
12 categorical exclusion.

13 3. Plaintiffs have no adequate remedy at law. Unless this Court grants the requested relief, the
14 Defendants' actions will cause irreparable harm to the environment, to Plaintiffs and to the public in
15 violation of federal law and the public interest. No monetary damages or other legal remedy could
16 adequately compensate Plaintiffs or the public for these harms. Plaintiffs are the owners of real property
17 adversely affected or aggrieved by federal agency action within the meaning of section 702 of the
18 Administrative Procedure Act.

19 PLAINTIFFS

20 4. Plaintiff S. ZACHARY SAMUELS and ELANA SAMUELS, Trustees of the S. Zachary
21 Samuels and Elana Samuels Family Trust dated 1/15/01 is the owner of the real property commonly
22 known as 10384 Northvale Road, Los Angeles, California. The Bikeway is to go directly behind
23 Plaintiff's residence.

24 5. Plaintiff LAWRENCE ASH and LUANA L. ASH, Trustees of the Ash Family Trust is the
25 owner of the real property commonly known as 10400 Northvale Road, Los Angeles, California. The
26 Bikeway is to go directly behind Plaintiff's residence.

27 6. Plaintiff ROBERT KAWAOKA and CAROL KAWAOKA are the owners of the real property

1 commonly known as 10410 Northvale Road, Los Angeles. California. The Bikeway is to go directly
2 behind Plaintiff's residence.

3 7. Plaintiff ROBERTA DOUCET, Trustee of the Etoy Trust, is the owner of the real property
4 commonly known as 10406 Northvale Road, Los Angeles. California. The Bikeway is to go directly
5 behind Plaintiff's residence.

6 8. Plaintiff JAMES GREENWOOD and AUDREY GREENWOOD is the owner of the real
7 property commonly known as 10420 Northvale Road, Los Angeles. California. The Bikeway is to go
8 directly behind Plaintiff's residence.

9 **DEFENDANTS**

10 9. Defendant Federal Highway Administration is a federal agency within the United States
11 Department of Transportation ("USDOT") that has decided to grant at least \$2,567,000 towards the
12 construction of the Bikeway pursuant to an alleged categorical exclusion from the environmental analysis
13 requirements of the NEPA. A copy of the Categorical Exemption/Categorical Exclusion Determination
14 Form, CE Number 200908025 for the Bikeway, Fed-Aid Project No. RPSTPLE 5006 (468) is attached
15 hereto as Exhibit A. ("CE") The copy is incomplete and Plaintiffs have been unable to acquire a
16 complete copy.

17 10. Defendant Department of Transportation is a state agency which certified that the construction
18 of the Bikeway is a Categorical Exclusion and is named as a defendant in order to enable any necessary
19 injunctive relief to be granted.

20 11. Defendant City of Los Angeles proposes to construct the Bikeway and is named as a defendant
21 in order to enable any necessary injunctive relief to be granted.

22 12. Defendant Metropolitan Transit Authority is a state agency which is proposing to build the
23 light rail down the Exposition right of way. The Bikeway will follow the same route.

24 **STATUTORY FRAMEWORK AND FACTS GIVING RISE**

25 **TO PLAINTIFFS' CLAIMS FOR RELIEF**

26 13. "NEPA ... makes environmental protection a part of the mandate of every federal agency and
27 department. : Calvert Cliffs' Coordinating Committee v. United States Atomic Energy Commission, 449

1 E. 2d 1109, 1112 (D.C Cir. 1971). Perhaps the greatest importance of NEPA is to require ...agencies to
2 consider environmental issues just as they consider other matters within their mandates." Id. (Emphasis
3 in the original.) NEPA's essential purpose is "to help public officials make decisions that are based on
4 understanding of environmental consequences, and take actions that protect, restore, and enhance the
5 environment." 40 C.F.R. Section 1500.1 (c). The Council on Environmental Quality ("CEQ") - an agency
6 within the Executive Office of the President - has promulgated regulations implementing NEPA. See 40
7 C.F.R. Sections 1500-1508.

8 14. To accomplish its purpose, NEPA requires that all agencies of the federal government must
9 prepare a "detailed statement" regarding all "major Federal actions significantly affecting the quality of
10 the human environment." 42 U.S.C. Section 4332(2)(C). This statement, known as an Environmental
11 Impact Statement ("EIS") must describe, (1) the "environmental impact of the proposed action," (2) any
12 "adverse environmental effects which cannot be avoided should the proposal be implemented," (3) any
13 "alternatives to the proposed action," and (4) any "irreversible or irretrievable commitment of resources
14 which would be involved in the proposed action should it be implemented." Id.

15 15. "Major Federal actions" requiring preparation of an EIS include "projects and programs
16 entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies..." 40 C.F.R.
17 Section 1508.18(a).

18 16. An agency may first prepare an environmental assessment ("EA"), a short concise document,
19 to determine whether a proposed action may have significant environmental impacts and therefore require
20 the preparation of an EIS.

21 17. Regulations promulgated by the CEQ to implement NEPA delineate some of the factors that
22 must be considered in determining the significance of an action, including the following factors relevant
23 to this case - any one of which could warrant production of an EIS:

24 (2) The degree to which the proposed action affects public health or safety.

25 (4) The degree to which the effects on the quality of the human environment are likely to be highly
26 controversial.

27 (5) The degree to which the possible effects on the human environment are highly uncertain or
28

1 involve unique or unknown risks.

2 (6) The degree to which the action may establish a precedent for future actions with significant
3 effects or represents a decision in principle about a future consideration.

4 (7) Whether the action is related to other actions with individually insignificant but cumulatively
5 significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact
6 on the environment. Significance cannot be avoided by terming an action temporary or by breaking it
7 down into small component parts.

8 (10) Whether the action threatens a violation of Federal, State, or local law or requirements
9 imposed for the protection of the environment.

10 18. An EIS, or at minimum an EA, must be produced for all major federal actions unless the
11 project fits within a "categorical exclusion" under the agency's regulations for actions that have been
12 determined presumptively to have no more than minimal environmental impacts.

13 FACTS

14 19. The City of Los Angeles proposes to construct a bikeway along the MTA-owned Exposition
15 right-of way from Palms to the city of Santa Monica. The Project Description as Shown in the Federal
16 State Transportation Improvement Program is "Exposition Boulevard right-of-way bike path - Westside
17 extension, design and construction of 3.85 miles of Class I bikeway, lighting, landscaping and intersection
18 improvements." The Bikeway is located directly behind plaintiff's homes.

19 20. Although the Bikeway is eligible to receive a CE, it can only do so if certain environmental
20 considerations and site conditions have been ruled out or eliminated. Plaintiffs allege that the Bikeway
21 as planned has, in fact, several adverse and potentially adverse impacts that must be studied before any
22 environmental clearance and certification can lawfully be made.

23 21. Specifically, the Bikeway seeking the CE will require the construction of a paved bike
24 thoroughfare through what is now a green space which serves as a buffer between the I-10 Freeway and
25 the Plaintiffs' homes and other homes. The construction of a paved bike path replacing a green way or
26 open space should be studied. This includes but is not limited to the following:

27 (1) Vegetation removal. New pavement is being installed and vegetation is being removed.

28

1 (2) Much of the Bikeway is in a flood plain and yet the CE states that no flooding protection is
2 part of the project. However, the larger adjacent project of the Expo Phase 2 light rail project describes
3 extensive flooding protection, drainage design and hydrology. The Bikeway follows the identical right
4 of the Expo Phase 2 light rail project.

5 (3) Part of a larger adjacent Project. As the Expo Phase 2 light rail project was a NEPA project
6 through the Alternatives Analysis Stage and the bike path was part of the project until the Exposition
7 Authority withdrew from seeking NEPA approval, the USDOT should have known that the Bikeway was
8 part of the larger adjacent project, the Exposition Corridor Transit Project Phase 2. As the Bikeway
9 indeed is a part of a larger adjacent project, the environmental impacts identified for the light rail project
10 will without doubt, and maybe to a greater extent, affect the Bikeway The Bikeway should be evaluated
11 for all environmental impacts that affect the Phase 2 light rail project as well as any other cumulative
12 impacts.

13 (4) The CE identifies certain easements that will be utilized in the planning and construction of
14 the Bikeway yet fails to mention who owns the easements. Seven homeowners, five of whom are
15 plaintiffs in this action, currently own the real property to be utilized for easements for the Bikeway. The
16 Los Angeles Department of Transportation, the Exposition Construction Authority and others approached
17 the plaintiffs and others to solicit relinquishment of their property for the purpose of building the Bikeway
18 behind their homes in the area indicated in the CE from Motor Avenue to the Dunleer Metro owned right-
19 of-way.

20 (5) Traffic Impacts on and across Los Angeles City streets were not studied. The CE description
21 of the Bikeway indicates a Class 2 Bikeway until National and Motor, then describes the resumption of
22 a Class 1 Bikeway north of the I-10 Freeway. There is no indication of how the Bikeway will be aligned
23 or constructed in the gap between the intersection of National and Motor to the area north of the I-10
24 freeway. If the path is proposed to go on Los Angeles city streets, and if there are impacts to the
25 roadways, new signalization or other changes to the existing traffic patterns, or impacts to the existing
26 Negotiated Traffic Mitigation Plan ("NTMP") on Motor Avenue, the environmental impacts of those
27 things should be studied.

1 (6) If there is equipment staging as indicated in the CE, it needs to be studied for impacts and
2 mitigated for the sensitive receptor locations such as homes, schools, day care facilities and parks which
3 are immediately adjacent to the Bikeway.

4 (7) The CE indicates there will be no utility relocation. However, there will be new utilities
5 installed along the bike path. Security and safety lighting is a part of the project as described to the
6 community. The environmental impacts resulting from the type and location of any new lighting adjacent
7 to homes needs to be studied.

8 (8) The CE indicates that there is right of way acquisition but there are no maps attached which
9 would indicate the location of the property acquisitions. If private property is to be seized by the project,
10 that right of way acquisition needs to be acknowledged, studied and suitable mitigation devised.

11 (9) It is indicated in the CE that disposal/borrow sites will be part of the project. But, without a
12 comprehensive environmental study the impacts of this are unknown. It cannot be assumed that there are
13 none in light of the other substantial omissions to the environmental study of this project.

14 (10) Groundwater. The groundwater under the Bikeway may be contaminated. The Exposition
15 Corridor Transit Project Phase 2 FEIR states that the Expo Phase 2 right-of-way is underlain by
16 contaminant-affected groundwater. If there is a potential adverse impact for bike riders or pedestrians
17 on the Bikeway, those impacts need to be identified and studied before any environmental clearance can
18 be certified. The risk to human health in the area identified caused groundwater wells in the area to cease
19 pumping in 1996 because of the high levels of contaminants. The potential for adverse impacts of
20 groundwater contamination needs to be evaluated.

21 (11) Ground Disturbance. Groundwater recharge levels can be impacted by changing pervious,
22 unpaved sections of the right-of-way into a paved bike path 12 feet wide and several miles long. The
23 Phase 2 Light Rail project is removing existing groundwater monitoring wells located within the right
24 of way. The CE indicates that there will be no ground disturbance but as the removal of groundwater
25 wells is being done as part of the larger, adjacent Expo Phase 2 light rail project, the ground disturbance
26 and location of those wells to be removed along the right of way are not accounted for in the CE which
27 declares that no ground will be disturbed. Ground will definitely be disturbed as part of the light rail

1 construction in the identical right of way which is being built parallel, simultaneously and by the same
2 party, the Exposition Light Rail Construction Authority. The cumulative impacts on groundwater
3 recharge, ground water contamination, and ground disturbance necessary to construct the new impervious
4 pavement for the Bikeway needs to be evaluated in conjunction with the identified impacts of the Phase
5 2 light rail project.

6 (12) The Categorical Exclusion and Documented Categorical Exclusion Worksheet states on page
7 2, Item B. 3, "Is the project likely to generate intense public discussion, concern or controversy, even
8 though it may be limited to a relatively small subset of the community?" If the answer is Yes, it must be
9 discussed with the FTA. There were a number of comments to the proposed Bikeway sent in to the City.
10 However, it does not appear that his was discussed with the FTA.

11 (13) While the California Department of Transportation was to state what section it believed a
12 Categorical Exclusion had been determined, it failed to do so (See page 1 of 2 of Categorical
13 Exemption/Categorical Exclusion Determination Form.

14 **CLAIM I - Categorical Exclusion Application**

15 22. Paragraphs 1 through 21 inclusive are hereby incorporated by reference.

16 23. In deciding to fund the Bikeway and apply a categorical exclusion from NEPA for a project
17 that does not meet the definition of the referenced categorical exclusion, Defendants have acted in a
18 manner that is arbitrary and capricious and otherwise not in accordance with law in violation of the
19 Administrative Procedure Act 5 U.S.C. 706(2) and the National Environmental Policy Act 42 U.S.C.
20 4321 et seq.

21 **CLAIM II - Potential Significant Environmental Impacts**

22 24. Paragraphs 1 through 21 inclusive are hereby incorporated by reference

23 25. In applying a categorical exclusion to a project that has the potential for significant
24 environmental impacts that must be considered in an environmental assessment or impact statement,
25 including impacts of constructing and operating in a floodplain, and being part of a larger adjacent light
26 rail project which was itself the subject of a lengthy Environmental Impact Report, Defendants have
27 acted in a manner that arbitrary and capricious and otherwise not in accordance with law in violation of

28

1 the Administrative Procedure Act 5 U.S.C. 706(2) and the National Environmental Policy Act 42 U.S.C.
2 4321 et seq.

3 WHEREFORE, Plaintiffs prays for relief as follows:

4 1. For a declaratory judgement that Defendant Federal Highway Administration's decision to fund
5 the Bikeway in the absence of an environmental assessment or impact statement prepared pursuant to the
6 National Environmental Policy Act is arbitrary, capricious, and otherwise not in accordance with law in
7 violation of the Administrative Procedure Act.

8 2. For an order setting aside the decision by the Defendant Federal Highway Administration to
9 fund the Bikeway and the determination that the project qualifies for a categorical exclusion from the
10 National Environmental Policy Act.

11 3. For an order enjoining all Defendants from undertaking any construction activities on the site
12 using federal or any other funds from any source.

13 4. For the Court to retain continuing jurisdiction to review Defendants' compliance with all
14 judgments and orders entered herein;

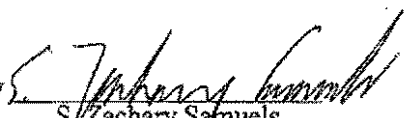
15 5. For an award of Plaintiffs' costs of litigation, including reasonable attorney's fees, and

16 6. Such other and further relief as the Court may deem just and proper to effectuate a complete
17 resolution of the legal disputes between Plaintiffs and defendants.

18 Dated: June 7, 2009

Respectfully submitted,

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By 
S/Zachary Samuels
Attorney for Plaintiffs Attorney for Plaintiffs S. Zachary
Samuels and Elana Samuels, Trustees of the S. Zachary
Samuel and Elana Samuels Family Trust Dated 2/15/01;
Robert T. Kawaoka; Carol A. Kawaoka; Lawrence Ash
and Luana L. Ash, Trustees of the Ash Family Trust;
James Greenwood; Audrey Greenwood; Roberta Doucet,
Trustee of the Etoy Trust

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

The project continues as a Class I facility within the Metro-owned right-of-way until it terminates at the Santa Monica city limit at Centinela Avenue.

The project includes 8 feet of widening for a distance of approximately 500 feet along National Boulevard, as required to accommodate bike lanes at this location. The project also includes traffic signals, coordinated and parallel to new rail crossings -- for the adjacent light rail project -- at existing roadways along the alignment, where needed. Components of the project include lighting, landscaping, signage, and striping. This project will not affect cultural or natural resources.

Exhibit 6-A Preliminary Environmental Study (PES) Form

Federal Project No.: <u>RPSTPLE-5006(468)</u> <i>(Federal Program Prefix-Project No., Agreement No.)</i>	Final Design: <u>12/31/13</u> <i>(Expected Start Date)</i>
---	---

To: <u>Kirk Cessna</u> <i>(District Local Assistance Engineer)</i>	From: <u>City of Los Angeles Department of Transportation</u> <i>(Local Agency)</i>
<u>7</u> <i>(District)</i>	<u>Tim Fremaux (213) 972-4957</u> <i>(Project Manager's Name and Telephone No.)</i>
<u>100 S. Main St., Los Angeles, CA 90012</u> <i>(Address)</i>	<u>100 S. Main St., 9th Floor, Los Angeles, CA 90012</u> <i>(Address)</i>
<u>Kirk.Cessna@dot.ca.gov</u> <i>(E-mail Address)</i>	<u>Tim.Fremaux@lacity.org</u> <i>(E-mail Address)</i>

Is this Project "ON" the State Highway System? Yes No **IF YES, STOP HERE** and contact the District Local Assistance Engineer regarding the completion of other environmental documentation.

Federal State Transportation Improvement Program (FSTIP) http://www.dot.ca.gov/hq/transprog/fedpam.htm	<u>2008/2009</u> <i>(Currently Adopted Plan Date)</i>	<u>49 (see attached)</u> <i>(Page No. attach to this form)</i>
--	--	---

Programming for FSTIP:	<u>Preliminary Engineering</u>	<u>Right of Way</u>	<u>Construction</u>
	<u>2008/11</u> \$ <u>475,000</u>	\$	<u>2008/11</u> \$ <u>2,092,000</u>
	<i>(Fiscal Year) (Dollars)</i>	<i>(Fiscal Year) (Dollars)</i>	<i>(Fiscal Year) (Dollars)</i>

Project Description as Shown in RTP and FSTIP: Exposition Boulevard right-of-way bike path-westside extension, design and construction of 3.85 miles of Class I bikeway, lighting, landscaping and intersection improvements.

Detailed Project Description: *(Describe the following, as applicable: purpose and need, project location and limits, required right of way acquisition, proposed facilities, staging areas, disposal and borrow sites, construction activities, and construction access.)*
The project involves a Class I (Bike Path) facility along the Metro-owned Exposition right-of-way from Venice Blvd./Robertson Blvd. to Palms Blvd. National Blvd. will be widened approximately 6 feet from Palms Blvd. to approximately 500 feet west to allow for Class II (Bike Lanes) from Palms Blvd. to Motor Ave.... (continued)
(Continue description on "Notes" sheet, last page of this Exhibit, if necessary)

Preliminary Design Information:

Does the project involve any of the following? Please check the appropriate boxes and delineate on an attached map, plan, or layout including any additional pertinent information.

Yes No	Yes No	Yes No
<input type="checkbox"/> <input checked="" type="checkbox"/> Widen existing roadway	<input type="checkbox"/> <input checked="" type="checkbox"/> Ground disturbance	<input checked="" type="checkbox"/> <input type="checkbox"/> Easements
<input type="checkbox"/> <input checked="" type="checkbox"/> Increase number of through lanes	<input type="checkbox"/> <input checked="" type="checkbox"/> Road cut/fill	<input checked="" type="checkbox"/> <input type="checkbox"/> Equipment staging
<input type="checkbox"/> <input checked="" type="checkbox"/> New alignment	<input type="checkbox"/> <input checked="" type="checkbox"/> Excavation: anticipated maximum depth _____	<input type="checkbox"/> <input checked="" type="checkbox"/> Temporary access road/detour
<input type="checkbox"/> <input checked="" type="checkbox"/> Capacity increasing—other (e.g., channelization)	<input checked="" type="checkbox"/> <input type="checkbox"/> Drainage/culverts	<input type="checkbox"/> <input checked="" type="checkbox"/> Utility relocation
<input type="checkbox"/> <input checked="" type="checkbox"/> Realignment	<input type="checkbox"/> <input checked="" type="checkbox"/> Flooding protection	<input type="checkbox"/> <input checked="" type="checkbox"/> Right of way acquisition (if yes, attach map with APN)
<input type="checkbox"/> <input checked="" type="checkbox"/> Ramp or street closure	<input type="checkbox"/> <input checked="" type="checkbox"/> Stream channel work	<input checked="" type="checkbox"/> <input type="checkbox"/> Disposal/borrow sites
<input type="checkbox"/> <input checked="" type="checkbox"/> Bridge work	<input type="checkbox"/> <input checked="" type="checkbox"/> Pile driving	<input type="checkbox"/> <input checked="" type="checkbox"/> Part of larger adjacent project
<input type="checkbox"/> <input checked="" type="checkbox"/> Vegetation removal	<input type="checkbox"/> <input checked="" type="checkbox"/> Demolition	<input checked="" type="checkbox"/> <input type="checkbox"/> Railroad
<input type="checkbox"/> <input checked="" type="checkbox"/> Tree removal		

Required Attachments:

- Regional map Project location map Project footprint map (existing/proposed right of way)
- Engineering drawings (existing and proposed cross sections), if available Borrow/disposal site location map, if applicable
- (Note: all maps (except project location map and regional maps) should be consistent with the project description (minimum scale: 1" = 200').)*
- Notes to support the conclusions of this checklist/project description continuation page (attached)

E. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

Check one:

- Environmental Impact Statement (Note: Engagement with participating agencies in accordance with SAFETEA-LU Section 6002 required)
 - Compliance with SAFETEA-LU Section 6002 regarding Participating Agencies required
- Complex Environmental Assessment
- Routine Environmental Assessment
- Categorical Exclusion without required technical studies.
- Categorical Exclusion with required technical studies
 - (If Categorical Exclusion is selected, check one of the following):
 - Section 6004
 - 23 CFR 771 activity (c) (____)
 - 23 CFR 771 activity (d) (____)
 - Activity ____ listed in the Section 6004 MOU
 - Section 6005


F. Public Availability and Public Hearing

Check as applicable:

- Not Required
- Notice of Availability of Environmental Document
- Public Meeting
- Notice of Opportunity for a Public Hearing
- Public Hearing Required

G. Signatures

Local Agency Staff and/or Consultant Signature

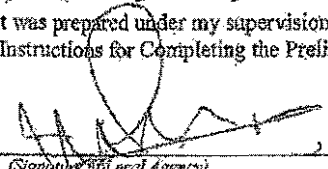

 _____ 8/13/09 (Date) (213) 972-4957 (Telephone No.)
 (Signature of Preparer)

Tim Fremaux

 (Name)

Local Agency Project Engineer Signature

This document was prepared under my supervision, in accordance with the *Local Assistance Procedures Manual*, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."


 _____ 8/13/09 (Date) (213) 972-4959 (Telephone No.)
 (Signature of Local Agency)

Caltrans District Professionally Qualified Staff (PQS) Signature

- Project does not meet definition of an "undertaking"; no further review is necessary under Section 106 ("No" Section A, #35).
- Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA and based on the information provided in the PES Form, the project does not have the potential to affect historic properties ("No" Section A, #35).
- Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA, but the following additional procedures or information is needed to determine the potential for effect ("To Be Determined" Section A, #35):
 - Records Search
 - _____
 - _____
 - _____
- Project meets the definition of an "undertaking"; all properties in the project area are exempt from evaluation per Attachment 4 of the Section 106 PA ("No" Section A, #35).
- The proposed undertaking is considered to have the potential to affect historic properties; further studies for 106 compliance are indicated in Sections B, C, and D of this PES Form ("Yes" Section A, #35).

Gary Johnson ^{COPI} 11/18/2009 (213) 897-3818
(Signature of Professionally Qualified Staff) (Date) (Telephone No.)

The following signatures are required for all CE's, routine and complex EAs, and EIS's:

Caltrans District Senior Environmental Planner (or Designee) and DLAE Signatures

I have reviewed this Preliminary Environmental Study (PES) Form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended NEPA Class of Action.

Bill Jacob 11/19/2009 (213) 897-8678
(Signature of Senior Environmental Planner or Designee) (Date) (Telephone No.)
Billie Jacob
(Name)

David Wase 11/19/09 7-2967
(Signature of District Local Assistance Engineer or Designee) (Date) (Telephone No.)
DAVID WASE
(Name)

HQ DEA Environmental Coordinator concurrence _____ E-mail concurrence attached.
(date)

Categorical Exclusion Checklist

Dist/Co/Rte/PM: <u>07-0-LA</u>	Fed. Aid No: <u>RPSTPLE 5006 I</u>	EA: _____
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1. Project is a CE under Section 6004 of 23 U.S.C. 326. Yes No If "yes", check the applicable activity below.

Activity Listed in 23 CFR 771.117(c)			
<input type="checkbox"/>	1 Activities which do not involve or lead directly to construction	<input type="checkbox"/>	11 Determination of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation
<input type="checkbox"/>	2 Utility installations along or across a transportation facility	<input type="checkbox"/>	12 Improvements to existing rest areas and truck weigh stations.
<input checked="" type="checkbox"/>	3 Bicycle and pedestrian lanes, paths, and facilities	<input type="checkbox"/>	13 Ridesharing activities
<input type="checkbox"/>	4 Activities included in the State's highway safety plan under 23 U.S.C. 402	<input type="checkbox"/>	14 Bus and rail car rehabilitation
<input type="checkbox"/>	5 Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action	<input type="checkbox"/>	15 Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons
<input type="checkbox"/>	6 Installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction	<input type="checkbox"/>	16 Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand
<input type="checkbox"/>	7 Landscaping	<input type="checkbox"/>	17 Purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE
<input type="checkbox"/>	8 Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur	<input type="checkbox"/>	18 Track and railbed maintenance and improvements when carried out within the existing right-of-way
<input type="checkbox"/>	9 Emergency repairs under 23 U.S.C. 125	<input type="checkbox"/>	19 Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site
<input type="checkbox"/>	10 Acquisition of scenic easements	<input type="checkbox"/>	20 Promulgation of rules, regulations, and directives

Activity Listed in Examples in 23 CFR 771.117(d)			
<input type="checkbox"/>	1 Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).	<input type="checkbox"/>	7 Approvals for changes in access control.
<input type="checkbox"/>	2 Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.	<input type="checkbox"/>	8 Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes, not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
<input type="checkbox"/>	3 Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.	<input type="checkbox"/>	9 Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
<input type="checkbox"/>	4 Transportation corridor fringe parking facilities.	<input type="checkbox"/>	10 Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
<input type="checkbox"/>	5 Construction of new truck weigh stations or rest areas.	<input type="checkbox"/>	11 Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
<input type="checkbox"/>	6 Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.	<input type="checkbox"/>	12 Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act.

Categorical Exclusion Checklist

Activity Listed in Appendix A of the MOU for State Assumption of Responsibilities for Categorical Exclusions			
<input type="checkbox"/> 1	Construction, modification, or repair of storm water treatment devices, protection measures such as slope stabilization, and other erosion control measures	<input type="checkbox"/> 5	Routine seismic retrofit of facilities to meet current seismic standards and public health and safety standards without expansion of capacity.
<input type="checkbox"/> 2	Replacement, modification, or repair of culverts or other drainage facilities.	<input type="checkbox"/> 6	Air space leases that are subject to <u>Subpart D, Part 710, Title 23, Code of Federal Regulations</u> .
<input type="checkbox"/> 3	Projects undertaken to assure the creation, maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.	<input type="checkbox"/> 7	Drilling of test bores/soil sampling to provide information for preliminary design and for environmental analyses and permitting purposes.
<input type="checkbox"/> 4	Routine repair of facilities due to storm damage, including permanent repair to return the facility to operational condition that meets current standards of design and public health and safety without expanding capacity (e.g., slide repairs, construction or repair of retaining walls).		

2. Project is a CE for a highway project under Section 8005 of 23 U.S.C. 327. Yes No (Use only if project does not qualify under Section 6004.)

3. Unusual Circumstances (23 CFR 771.117(b)). Project does not include any:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action

4. Air Quality. (See SER Chapter 38)

A. Air Quality Checklist is complete and project meets all applicable air quality requirements.

Air Quality Checklist completed by: Patricia Marrufo

Date:

B. Project is exempt from air quality conformity. (40 CFR 93.126 or 40 CFR 93.128) Yes No

C. Project is exempt from regional emissions analysis. (40 CFR 93.127, Table 3) Yes No
If "no", list the current RTP and RTIP including dates and page numbers that contain the project.

RTP: _____

Date: _____

Page Number(s): _____

RTIP: _____

Date: _____

Page Number(s): _____

Is the project in a nonattainment or maintenance area for Federal CO, PM10, and/or PM2.5 standards?

If yes, hot spot analysis has been completed, including interagency consultation in PM10 and PM2.5 areas? Yes Not Applicable

D. For a Section 6005 CE, FHWA determination of air quality conformity is complete.

Provide name of FHWA contact and date of determination letter here:

FHWA contact: _____

Date of Determination Letter: _____

Attach FHWA conformity determination letter.

Categorical Exclusion Checklist


5. Project complies with all other federal environmental laws, regulations, and executive orders on the PES form.

Environmental Statutory or Regulatory Compliance	Does Project Trigger Statute or Regulation?	Date and type of Technical Study or Memo to File or Field Survey	Outcome of Agency Coordination (Concurrence Type and Date)	Notes, Documentation Reference &/or Explanation
Historic Preservation (Section 106)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Executive Order on Floodplains	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Wetland Protection	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Coastal Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Wild and Scenic Rivers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Farmland Protection	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Noise (23 CFR 772)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Hazardous Waste/Material	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Environmental Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Project-Level Air Quality (CO, PM Hotspot and MSAT)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Water Quality	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Relocation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Land Use	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Other (i.e., Visual)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	

Categorical Exclusion Checklist

Environmental Statutory or Regulatory Compliance	Does Project Trigger Statute or Regulation?	Date and type of Technical Study or Memo to File or Field Survey	Outcome of Agency Coordination (Concurrence Type and Date)	Notes, Documentation Reference &/or Explanation
Section 4(f) (23 CFR 774) <input type="checkbox"/> De minimis <input type="checkbox"/> Programmatic Type: _____ <input type="checkbox"/> Individual. Legal sufficiency complete: Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Section 6(f) <input type="checkbox"/> De minimis <input type="checkbox"/> Programmatic Type: _____ <input type="checkbox"/> Individual. Legal sufficiency complete: Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Endangered Species (Section 7 FESA) Effect Determination: <input type="checkbox"/> No effect <input type="checkbox"/> Not likely to adversely affect <input type="checkbox"/> Likely to adversely affect	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	
Essential Fish Habitat (Magnuson-Stevens Act) Effect Determination: <input type="checkbox"/> Adverse affect <input type="checkbox"/> No adverse affect	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type: _____ Date: _____	Type: _____ Date: _____	

Based on all of the above, the project is determined to be a categorical exclusion pursuant to the National Environmental Policy Act and all other applicable federal environmental laws, regulations and executive orders have been complied with.

Prepared by: Patricia Marrugo
 Title: Environmental Planner
 Signature: 

Date: 12/14/09

CE Checklist: Air Quality Conformity Questions

<p>Step 1. Is the project located in a nonattainment or maintenance area for ozone, nitrogen dioxide, carbon monoxide (CO), PM2.5, or PM10 per http://www.epa.gov/oar/oaqps/greenbk/?</p> <p><input type="checkbox"/> If no, go to Step 14. Transportation conformity does not apply to the project.</p> <p><input checked="" type="checkbox"/> If yes, go to Step 2.</p>
<p>Step 2. Is the project exempt from conformity per 40 CFR 93.126 or 40 CFR 93.128?</p> <p><input checked="" type="checkbox"/> If yes, go to Step 14. The project is exempt from all project-level conformity requirements (40 CFR 93.126 or 128). (check one box below and identify the project type, if applicable).</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> 40 CFR 93.126 Project type: </p> <p style="margin-left: 20px;"><input type="checkbox"/> 40 CFR 93.128</p> <p><input type="checkbox"/> If no, go to Step 3.</p>
<p>Step 3. Is the project exempt from regional conformity per 40 CFR 93.127?</p> <p><input type="checkbox"/> If yes, go to Step 8. The project is exempt from regional conformity requirements (40 CFR 93.127) (identify the project type). Project type: </p> <p><input type="checkbox"/> If no, go to Step 4.</p>
<p>Step 4. Is the project located in a region with a currently conforming RTP and TIP?</p> <p><input type="checkbox"/> If yes, the project is included in a currently conforming RTP and TIP per 40 CFR 93.115. The project's design and scope have not changed significantly from what was assumed in RTP conformity analysis (40 CFR 93.115[b]) Go to Step 8.</p> <p><input type="checkbox"/> If no and the project is located in an isolated rural area, go to Step 5.</p> <p><input type="checkbox"/> If no and the project is not located in an isolated rural area, STOP and do not proceed until a conforming RTP and TIP are adopted.</p>
<p>Step 5. For isolated rural areas, is the project regionally significant per 40 CFR 93.101, based on review by Interagency Consultation?</p> <p><input type="checkbox"/> If yes, go to Step 6.</p> <p><input type="checkbox"/> If no, go to Step 8. The project, located in an isolated rural area, is not regionally significant and does not require a regional emissions analysis (40 CFR 93.101 and 93.109[f]).</p>
<p>Step 6. Is the project included in another regional conformity analysis that meets the isolated rural area analysis requirements per 40 CFR 93.109, including Interagency Consultation and public involvement?</p> <p><input type="checkbox"/> If yes, go to Step 8. The project, located in an isolated rural area, has met its regional analysis requirements through inclusion in a previously-approved regional conformity analysis that meets current requirements (40 CFR 93.109[f]).</p> <p><input type="checkbox"/> If no, go to Step 7.</p>
<p>Step 7. The project, located in an isolated rural area, requires a separate regional emissions analysis.</p> <p><input type="checkbox"/> Regional emissions analysis for regionally significant project, located in an isolated rural area, is complete. Regional conformity analysis was conducted that includes the project and reasonably foreseeable regionally significant projects for at least 20 years. Interagency Consultation and public participation were conducted. Based on the analysis, the interim or emission budget conformity tests applicable to the area are met (40 CFR 93.109[f] and 95.105). Go to Step 8.</p>
<p>Step 8. Is the project located in a CO nonattainment or maintenance area?</p> <p><input type="checkbox"/> If no, go to Step 9. CO conformity analysis is not required.</p> <p><input type="checkbox"/> If yes, hot-spot analysis requirements for CO per the CO Protocol (or per EPA's modeling guidance, CAL3QHCR can be used with EMFAC emission factors¹) have been met. Project will not cause or contribute to a new localized CO violation (40 CFR 93.116 and 93.123)². Go to Step 9.</p>

¹ Use of the CO Protocol is strongly recommended due to its use of screening methods to minimize the need for modeling. When modeling is needed, the Protocol simplifies the modeling approach.

² As of October 1, 2007, there are no CO nonattainment areas in California. Therefore, the requirements to not worsen existing violations and to reduce/eliminate existing violations do not apply.

<p>Step 9. Is the project located in a PM10 and/or a PM2.5 nonattainment or maintenance area?</p> <p><input type="checkbox"/> If no, go to Step 13. PM2.5/PM10 conformity analysis is not required.</p> <p><input type="checkbox"/> If yes, go to Step 10.</p>
<p>Step 10. Is the project considered to be a Project of Air Quality Concern (POQAC), as described in U.S. EPA Guidance of March 29, 2006?</p> <p><input type="checkbox"/> If no, the project is not a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123 and EPA's Hot-Spot Analysis Guidance. Interagency Consultation concurred with this determination on [REDACTED]</p> <p>Go to Step 12.</p> <p><input type="checkbox"/> If yes, go to Step 11.</p>
<p>Step 11. The project is a POAQC.</p> <p><input type="checkbox"/> The project is a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123, and EPA's Hot-Spot Guidance. Interagency Consultation concurred with this determination on [REDACTED]. Detailed PM hot-spot analysis, consistent with 40 CFR 93.116 and 93.123 and EPA's Hot-Spot Guidance, shows that the project would not cause or contribute to, or worsen, any new localized violation of PM10 and/or PM2.5 standards. Go to Step 12.</p>
<p>Step 12. Does the approved PM SIP include any PM10 and/or PM2.5 control measures that apply to the project, and has a written commitment been made as part of the air quality analysis to implement the identified SIP control measures?</p> <p><input type="checkbox"/> If yes, a written commitment has been made to implement the identified SIP control measures for PM10 and/or PM2.5 through construction or operation of this project (40 CFR 93.117).</p> <p><input type="checkbox"/> If no, go to Step 13.</p>
<p>Step 13a. Have project-level mitigation or control measures for CO, PM10, and/or PM2.5, included as part of the project's design concept and scope, been identified as a condition of the RTP or TIP conformity determination? AND/OR</p> <p>Step 13b. Are project-level mitigation or control measures for CO, PM10, and/or PM2.5 included in the project's NEPA document? AND</p> <p>Step 13c (applies only if Step 13a and/or 13b are answered "yes"). Has a written commitment been made as part of the air quality analysis to implement the identified measures?</p> <p><input type="checkbox"/> If yes to 13a and/or 13b and 13c, a written commitment has been made to implement the identified mitigation or control measures for CO, PM10, and/or PM2.5 through construction or operation of this project. These mitigation or control measures are identified in the project's NEPA document and/or as conditions of the RTP or TIP conformity determination. (40 CFR 93.125(a))</p> <p><input type="checkbox"/> If no, go to Step 14</p>
<p>Step 14. Does the project qualify for a Section 6004 CE?</p> <p><input checked="" type="checkbox"/> If yes, STOP as all air quality conformity requirements have been met.</p> <p><input type="checkbox"/> If no, go to Step 15.</p>
<p>Step 15. Does the project qualify for a Section 6005 CE?</p> <p><input type="checkbox"/> If yes, attach conformity analysis, request conformity determination from FHWA, and when received, complete CE/CE Determination Form.</p> <p>Date of FHWA air quality conformity determination: [REDACTED]</p> <p>STOP as all air quality conformity requirements have been met.</p>

Name: [REDACTED] *Robert M. [Signature]* Date: [REDACTED] 12/15/09

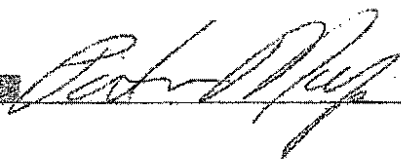
CE Checklist: Air Quality Conformity Questions

<p>Step 1. Is the project located in a nonattainment or maintenance area for ozone, nitrogen dioxide, carbon monoxide (CO), PM2.5, or PM10 per http://www.epa.gov/oar/oagps/greenbk/?</p> <p><input type="checkbox"/> If no, go to Step 14. Transportation conformity does not apply to the project.</p> <p><input checked="" type="checkbox"/> If yes, go to Step 2.</p>
<p>Step 2. Is the project exempt from conformity per 40 CFR 93.126 or 40 CFR 93.128?</p> <p><input checked="" type="checkbox"/> If yes, go to Step 14. The project is exempt from all project-level conformity requirements (40 CFR 93.126 or 128). (check one box below and identify the project type, if applicable).</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> 40 CFR 93.126 Project type: ████████</p> <p style="margin-left: 20px;"><input type="checkbox"/> 40 CFR 93.128</p> <p><input type="checkbox"/> If no, go to Step 3.</p>
<p>Step 3. Is the project exempt from regional conformity per 40 CFR 93.127?</p> <p><input type="checkbox"/> If yes, go to Step 8. The project is exempt from regional conformity requirements (40 CFR 93.127) (identify the project type). Project type: ████████</p> <p><input type="checkbox"/> If no, go to Step 4.</p>
<p>Step 4. Is the project located in a region with a currently conforming RTP and TIP?</p> <p><input type="checkbox"/> If yes, the project is included in a currently conforming RTP and TIP per 40 CFR 93.115. The project's design and scope have not changed significantly from what was assumed in RTP conformity analysis (40 CFR 93.115[b]) Go to Step 8.</p> <p><input type="checkbox"/> If no and the project is located in an isolated rural area, go to Step 5.</p> <p><input type="checkbox"/> If no and the project is not located in an isolated rural area, STOP and do not proceed until a conforming RTP and TIP are adopted.</p>
<p>Step 5. For isolated rural areas, is the project regionally significant per 40 CFR 93.101, based on review by Interagency Consultation?</p> <p><input type="checkbox"/> If yes, go to Step 6.</p> <p><input type="checkbox"/> If no, go to Step 8. The project, located in an isolated rural area, is not regionally significant and does not require a regional emissions analysis (40 CFR 93.101 and 93.109[i]).</p>
<p>Step 6. Is the project included in another regional conformity analysis that meets the isolated rural area analysis requirements per 40 CFR 93.109, including Interagency Consultation and public involvement?</p> <p><input type="checkbox"/> If yes, go to Step 8. The project, located in an isolated rural area, has met its regional analysis requirements through inclusion in a previously-approved regional conformity analysis that meets current requirements (40 CFR 93.109[i]).</p> <p><input type="checkbox"/> If no, go to Step 7.</p>
<p>Step 7. The project, located in an isolated rural area, requires a separate regional emissions analysis.</p> <p><input type="checkbox"/> Regional emissions analysis for regionally significant project, located in an isolated rural area, is complete. Regional conformity analysis was conducted that includes the project and reasonably foreseeable regionally significant projects for at least 20 years. Interagency Consultation and public participation were conducted. Based on the analysis, the interim or emission budget conformity tests applicable to the area are met (40 CFR 93.109[i] and 95.105). Go to Step 8.</p>
<p>Step 8. Is the project located in a CO nonattainment or maintenance area?</p> <p><input type="checkbox"/> If no, go to Step 9. CO conformity analysis is not required.</p> <p><input type="checkbox"/> If yes, hot-spot analysis requirements for CO per the CO Protocol (or per EPA's modeling guidance, CAL3QHCR can be used with EMFAC emission factors¹) have been met. Project will not cause or contribute to a new localized CO violation (40 CFR 93.116 and 93.123)². Go to Step 9.</p>

¹ Use of the CO Protocol is strongly recommended due to its use of screening methods to minimize the need for modeling. When modeling is needed, the Protocol simplifies the modeling approach.

² As of October 1, 2007, there are no CO nonattainment areas in California. Therefore, the requirements to not worsen existing violations and to reduce/eliminate existing violations do not apply.

<p>Step 9. Is the project located in a PM10 and/or a PM2.5 nonattainment or maintenance area?</p> <p><input type="checkbox"/> If no, go to Step 13. PM2.5/PM10 conformity analysis is not required.</p> <p><input type="checkbox"/> If yes, go to Step 10.</p>
<p>Step 10. Is the project considered to be a Project of Air Quality Concern (POAQC), as described in U.S. EPA Guidance of March 29, 2006?</p> <p><input type="checkbox"/> If no, the project is not a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123 and EPA's Hot-Spot Analysis Guidance. Interagency Consultation concurred with this determination on [REDACTED].</p> <p>Go to Step 12.</p> <p><input type="checkbox"/> If yes, go to Step 11.</p>
<p>Step 11. The project is a POAQC.</p> <p><input type="checkbox"/> The project is a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123, and EPA's Hot-Spot Guidance. Interagency Consultation concurred with this determination on [REDACTED]. Detailed PM hot-spot analysis, consistent with 40 CFR 93.116 and 93.123 and EPA's Hot-Spot Guidance, shows that the project would not cause or contribute to, or worsen, any new localized violation of PM10 and/or PM2.5 standards. Go to Step 12.</p>
<p>Step 12. Does the approved PM SIP include any PM10 and/or PM2.5 control measures that apply to the project, and has a written commitment been made as part of the air quality analysis to implement the identified SIP control measures?</p> <p><input type="checkbox"/> If yes, a written commitment has been made to implement the identified SIP control measures for PM10 and/or PM2.5 through construction or operation of this project (40 CFR 93.117).</p> <p><input type="checkbox"/> If no, go to Step 13.</p>
<p>Step 13a. Have project-level mitigation or control measures for CO, PM10, and/or PM2.5, included as part of the project's design concept and scope, been identified as a condition of the RTP or TIP conformity determination? AND/OR</p> <p>Step 13b. Are project-level mitigation or control measures for CO, PM10, and/or PM2.5 included in the project's NEPA document?</p> <p>AND</p> <p>Step 13c (applies only if Step 13a and/or 13b are answered "yes"). Has a written commitment been made as part of the air quality analysis to implement the identified measures?</p> <p><input type="checkbox"/> If yes to 13a and/or 13b and 13c, a written commitment has been made to implement the identified mitigation or control measures for CO, PM10, and/or PM2.5 through construction or operation of this project. These mitigation or control measures are identified in the project's NEPA document and/or as conditions of the RTP or TIP conformity determination. (40 CFR 93.125(a))</p> <p><input type="checkbox"/> If no, go to Step 14</p>
<p>Step 14. Does the project qualify for a Section 6004 CE?</p> <p><input checked="" type="checkbox"/> If yes, STOP as all air quality conformity requirements have been met.</p> <p><input type="checkbox"/> If no, go to Step 15.</p>
<p>Step 15. Does the project qualify for a Section 6005 CE?</p> <p><input type="checkbox"/> If yes, attach conformity analysis, request conformity determination from FHWA, and when received, complete CE/CE Determination Form.</p> <p>Date of FHWA air quality conformity determination: [REDACTED]</p> <p>STOP as all air quality conformity requirements have been met.</p>

Name: [REDACTED]  Date: [REDACTED] 12/15/09

State of California
Housing Agency

Business, Transportation and

Memorandum

*Flex your power!
Be energy efficient!*

From: District Biologist
Division of Environmental Planning

Date: August 27, 2009

To: Paul Caron

To: File

From: Patricia Marrufo

Dist-Co: 07-LA-0-LA

Rte: Venice Blvd

PM:

Fed. No: RPSTPLE 5006
(468)

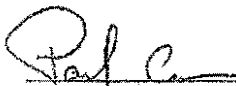
Division of Environmental Planning

Subject: Biological Review Exemption

The Division of Environmental Planning has reviewed the Preliminary Environmental Studies (PES) form, project description, maps, literature and other pertinent project information for the above referenced project. Based on that review, it has been determined by a Qualified Biologist that the proposed project will have:

- No effect on threatened or endangered species, or their critical habitat within or adjacent to the construction area. Additionally, this project will have no impact to State/Federal jurisdictional waters of the United States or wetlands.

If the scope of work should change, a new Biological Assessment may be necessary. Please direct any questions, comments, or concerns to the Division of Environmental Planning.



District 7, Qualified Biologist
Division of Environmental Planning

Memorandum

*Flex your power!
Be energy efficient!*

To: Memo to File

Date: 12/16/2009

EA or Federal Project Number: RPSTPLE 5006 (468)

Agency or Local Agency: City of Los Angeles

Re: Environmental Commitment Record (ECR)

The Division of Environmental Planning has reviewed the PES, project description, maps, literature, and other pertinent project information for the above reference project. Based on that review it has been determined that an Environment Commitment Record (ECR) is not required for this project. If the scope of work should change an ECR may be necessary.

If there are any questions regarding this project please contact the Division of Environmental Planning.

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VERIFICATION

State of California, County of Los Angeles.

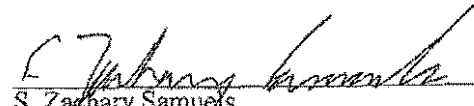
I, the undersigned, declare:

I am a party to this action, and I make this verification for that reason.

I have read the foregoing COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know its contents. I am informed and believe that the matters stated in it are true, and on that ground allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9th day of June, 2010, at Los Angeles, California.



S. Zachary Samuel,
Trustee of the S. Zachary Samuel and Elana
Samuel's Family Trust Dated 2/15/01

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

S. Zachary Samuels, APC
S. Zachary Samuels, (State Bar No. 45884)
1900 Avenue of the Stars, Suite 2300
Los Angeles, CA 90067
Telephone No. (310) 201-0777
Facsimile No. (310) 556-1346

FILED

10 JUN -9 PM 12:49

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

ATTORNEYS FOR: Plaintiffs S. Zachary Samuels, et al.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

B.Y.:

S. Zachary Samuels and Elana Samuels, Trustees of
the S. Zachary Samuels and Elana Samuels Family
Trust dated 2/15/01; Robert T. Kawaoka; ET AL.

Plaintiff(s)

CASE NUMBER:

CV 10 4250 - PA (EX)

Federal Highway Administration, United States
Department of Transportation, a public entity; State
of California, Department of Transportation; ET AL.

Defendant(s)

CERTIFICATION AND NOTICE
OF INTERESTED PARTIES
(Local Rule 7.1-1)

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for Plaintiffs S. Zachary Samuels, et al.
(or party appearing in pro per), certifies that the following listed party (or parties) may have a direct, pecuniary
interest in the outcome of this case. These representations are made to enable the Court to evaluate possible
disqualification or recusal. (Use additional sheet if necessary.)

PARTY

CONNECTION

(List the names of all such parties and identify their connection and interest.)

S. Zachary Samuels, Trustee of the S. Zachary Samuels and Elana Samuels Family Trust dated 2/15/01	Plaintiff
Elana Samuels, Trustee of the S. Zachary Samuels and Elana Samuels Family Trust dated 2/15/01	Plaintiff
Robert T. Kawaoka	Plaintiff
Carol A. Kawaoka	Plaintiff
Lawrence Ash, Trustee of the Ash Family Trust	Plaintiff
Luana L. Ash, Trustee of the Ash Family Trust	Plaintiff
James Greenwood	Plaintiff
Audrey Greenwood	Plaintiff
Roberta Doucet, Trustee of the Etoy Trust	Plaintiff
Federal Highway Administration, Department of Transportation	Defendant
State of California, Department of Transportation	Defendant
City of Los Angeles	Defendant
Metropolitan Transit Authority	Defendant

June 9, 2010
Date

S. Zachary Samuels
Sign

S. Zachary Samuels, Esq.
Attorney of record for or party appearing in pro per

FILED

10 JUN -9 PM 12:52

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

S. ZACHARY SAMUELS, ET AL

PLAINTIFF(S)

v.

**FEDERAL HIGHWAY
ADMINISTRATION, ET AL**

DEFENDANT(S)

CASE NUMBER

CV10- 4250 PA (Ex)

**NOTICE TO PARTIES OF ADR
PROGRAM**

Dear Counsel,

The district judge to whom the above-referenced case has been assigned is participating in an ADR Program. All counsel of record are directed to jointly complete the attached ADR Program Questionnaire, and plaintiff's counsel (or defendant in a removal case) is directed to concurrently file the Questionnaire with the report required under Federal Rules of Civil Procedure 26(f).

Clerk, U.S. District Court

06/09/10

Date

By: MDAVIS

Deputy Clerk

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

S. ZACHARY SAMUELS, ET AL

PLAINTIFF(S)

v.

FEDERAL HIGHWAY ADMINISTRATION, ET AL

DEFENDANT(S)

CASE NUMBER

CV10- 4250 PA (Ex)

ADR PROGRAM QUESTIONNAIRE

(1) What, if any, discovery do the parties believe is essential in order to prepare adequately for a settlement conference or mediation? Please outline with specificity the type(s) of discovery and proposed completion date(s). Please outline any areas of disagreement in this regard. Your designations do not limit the discovery that you will be able to take in the event this case does not settle.

(2) What are the damage amounts being claimed by each plaintiff? Identify the categories of damage claimed [e.g., lost profits, medical expenses (past and future), lost wages (past and future), emotional distress, damage to reputation, etc.] and the portion of the total damages claimed attributed to each category.

(3) Do the parties agree to utilize a private mediator in lieu of the court's ADR Program?

Yes No

(4) If this case is in category civil rights - employment (442), check all boxes that describe the legal bases of plaintiff claim(s).

Title VII

Age Discrimination

42 U.S.C. section 1983

California Fair Employment and Housing Act

Americans with Disabilities Act of 1990

Rehabilitation Act

Other _____

I hereby certify that all parties have discussed and agree that the above-mentioned responses are true and correct.

Date

Attorney for Plaintiff (Signature)

Attorney for Plaintiff (Please print full name)

Date

Attorney for Defendant (Signature)

Attorney for Defendant (Please print full name)

UNITED STATE DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE TO COUNSEL

The court has directed that the following rules be specifically called to your attention:

- I. Continuing Obligation to Report Related Cases (Local Rule 83-1.3.3)
- II. Service of Papers and Process (Local Rule 4)

I. CONTINUING OBLIGATION TO REPORT RELATED CASES

Parties are under the continuing obligation to promptly advise the Court whenever one or more civil actions or proceedings previously commenced and one or more currently filed appear to be related.

Local Rule 83-1.3.3 states: "It shall be the continuing duty of the attorney in any case promptly to bring to the attention of the Court, by the filing of a Notice of Related Case(s) pursuant to Local Rule 83-1.3, all facts which in the opinion of the attorney or party appear relevant to a determination whether such action and one or more pending actions should, under the criteria and procedures set forth in Local Rule 83-1.3, be heard by the same judge."

Local Rule 83-1.2.1. states: "It is not permissible to dismiss and thereafter refile an action for the purpose of obtaining a different judge."

Local Rule 83-1.2.2 provides: Whenever an action is dismissed by a party or by the Court before judgment and thereafter the same or essentially the same claims, involving the same or essentially the same parties, are alleged in another action, the later-filed action shall be assigned to the judge to whom the first-filed action was assigned. It shall be the duty of every attorney in any such later-filed action to bring those facts to the attention of the Court in the Civil Cover Sheet and by the filing of a Notice of Related Case(s) pursuant to L.R. 83-1.3.

II. SERVICE OF PAPERS AND PROCESS

Local Rule 4-2 states: "Except as otherwise provided by order of Court, or when required by the treaties or statutes of the United States, process shall not be presented to a United States Marshal for Service." Service of process must be accomplished in accordance with Rule 4 of the Federal Rules of Civil Procedure or in any manner provided by State Law, when applicable. Service upon the United States, an officer or agency thereof, shall be served pursuant to the provisions of FRCP 4 (i). Service should be promptly made; unreasonable delay may result in dismissal of the action under Local Rule 41 and Rule 4(m) of the Federal Rules of Civil Procedure. Proof of service or a waiver of service of summons and complaint must be filed with the court.

This notice shall be given by the Clerk to the plaintiff at the time an action is filed (or to the defendant at the time a notice of removal is filed), and by the plaintiff to other parties as attachments to copies of the complaint and summonses, or by the defendant to other parties as attachments to copies of the notice to plaintiffs of removal to federal court, when served.

Exhibit 6-A Preliminary Environmental Study (PES) Form

Federal Project No.: <u>RPSTPLE-5006(468)</u> <i>(Federal Program Prefix-Project No., Agreement No.)</i>	Final Design: <u>12/31/13</u> <i>(Expected Start Date)</i>
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To: <u>Kirk Cessna</u> <i>(District Local Assistance Engineer)</i>	From: <u>City of Los Angeles Department of Transportation</u> <i>(Local Agency)</i>
<u>7</u> <i>(District)</i>	<u>Tim Fremaux (213) 972-4957</u> <i>(Project Manager's Name and Telephone No.)</i>
<u>100 S. Main St., Los Angeles, CA 90012</u> <i>(Address)</i>	<u>100 S. Main St., 9th Floor, Los Angeles, CA 90012</u> <i>(Address)</i>
<u>Kirk_Cessna@dot.ca.gov</u> <i>(E-mail Address)</i>	<u>Tim.Fremaux@lacity.org</u> <i>(E-mail Address)</i>

Is this Project "ON" the State Highway System? Yes No **IF YES, STOP HERE** and contact the District Local Assistance Engineer regarding the completion of other environmental documentation.

Federal State Transportation Improvement Program (FSTIP) http://www.dot.ca.gov/hq/transprog/fedpdm.htm	<u>2008/2009</u> <i>(Currently Adopted Plan Date)</i>	<u>49 (see attached)</u> <i>(Page No. ___ attach to this form)</i>
---	--	---

Programming for FSTIP:	Preliminary Engineering	Right of Way	Construction
<u>2008/11</u> <i>(Fiscal Year)</i>	<u>\$ 475,000</u> <i>(Dollars)</i>	<u>\$</u> <i>(Fiscal Year)</i>	<u>2008/11</u> <i>(Fiscal Year)</i>
			<u>\$ 2,092,000</u> <i>(Dollars)</i>

Project Description as Shown in RTP and FSTIP: Exposition Boulevard right-of-way bike path-westside extension, design and construction of 3.85 miles of Class I bikeway, lighting, landscaping and intersection improvements.

Detailed Project Description: *(Describe the following, as applicable: purpose and need, project location and limits, required right of way acquisition, proposed facilities, staging areas, disposal and borrow sites, construction activities, and construction access.)*
The project involves a Class I (Bike Path) facility along the Metro-owned Exposition right-of-way from Venice Blvd./Robertson Blvd. to Palms Blvd. National Blvd. will be widened approximately 6 feet from Palms Blvd. to approximately 500 feet west to allow for Class II (Bike Lanes) from Palms Blvd. to Motor Ave.... (continued)
(Continue description on "Notes" sheet, last page of this Exhibit, if necessary)

Preliminary Design Information:

Does the project involve any of the following? Please check the appropriate boxes and delineate on an attached map, plan, or layout including any additional pertinent information.

Yes	No	Yes	No	Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Widen existing roadway		Ground disturbance		Easements
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Increase number of through lanes		Road cut/fill		Equipment staging
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	New alignment		Excavation: anticipated maximum depth _____		Temporary access road/detour
<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Capacity increasing—other (e.g., channelization)				Utility relocation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Realignment		Drainage/culverts		Right of way acquisition (if yes, attach map with APN)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Ramp or street closure		Flooding protection		Disposal/borrow sites
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Bridge work		Stream channel work		Part of larger adjacent project
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Vegetation removal		Pile driving		Railroad
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
	Tree removal		Demolition		

Required Attachments:

- Regional map
- Project location map
- Project footprint map (existing/proposed right of way)
- Engineering drawings (existing and proposed cross sections), if available
- Borrow/disposal site location map, if applicable
- (Note: all maps (except project location map and regional maps) should be consistent with the project description (minimum scale: 1" = 200').)*
- Notes to support the conclusions of this checklist/project description continuation page (attached)

Preliminary Environmental Study (PES) Form

Examine the project for potential effects on the environment, direct or indirect and answer the following questions. The "construction area," as specified below, includes all areas of ground disturbance associated with the project, including staging and stockpiling areas and temporary access roads.

Each answer must be briefly documented on the "Notes" pages at the end of the PES Form.

A. Potential Environmental Effects	Yes	To Be Determined	No
General			
1. Will the project require future construction to fully utilize the design capabilities included in the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will the project generate public controversy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise			
3. Is the project a Type I project as defined in 23 CFR 772.5(h); "construction on new location or the physical alteration of an existing highway, which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes"?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Does the project have the potential for adverse construction-related noise impact (such as related to pile driving)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality			
5. Is the project in a NAAQS non-attainment or maintenance area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the project exempt from the requirement that a conformity determination be made? (If "Yes," state which conformity exemption in 40 CFR 93.126, Table 2 applies): _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Is the project exempt from regional conformity? (If "Yes," state which conformity exemption in 40 CFR 93.127, Table 3 applies): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. If project is not exempt from regional conformity, (If "No" on Question #7)			
Is project in a metropolitan non-attainment/maintenance area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is project in an isolated rural non-attainment area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is project in a CO, PM10 and/or PM2.5 non-attainment/maintenance area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous Materials/Hazardous Waste			
9. Is there potential for hazardous materials (including underground or aboveground tanks, etc.) and/or hazardous waste (including oil/water separators, waste oil, asbestos-containing material, lead-based paint, ADL, etc.) within or immediately adjacent to the construction area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Quality/Resources			
10. Does the project have the potential to impact water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Is the project within a designated sole-source aquifer?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Coastal Zone			
12. Is the project within the State Coastal Zone, San Francisco Bay, or Suisun Marsh?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floodplain			
13. Is the construction area located within a regulatory floodway or within the base floodplain (100-year elevation of a watercourse or lake)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wild and Scenic Rivers			
14. Is the project within or immediately adjacent to a Wild and Scenic River System?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Biological Resources			
15. Is there a potential for federally listed threatened or endangered species, or their critical habitat or essential fish habitat to occur within or adjacent to the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Does the project have the potential to directly or indirectly affect migratory birds, or their nests or eggs (such as vegetation removal, box culvert replacement/repair, bridge work, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Is there a potential for wetlands to occur within or adjacent to the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



18. Is there a potential for agricultural wetlands to occur within or adjacent to the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Is there a potential for the introduction or spread of invasive plant species?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sections 4(f) and 6(f)			
20. Are there any historic sites or publicly owned public parks, recreation areas, wildlife or waterfowl refuges (Section 4[f]) within or immediately adjacent to the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Does the project have the potential to affect properties acquired or improved with Land and Water Conservation Fund Act (Section 6[f]) funds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Visual Resources			
22. Does the project have the potential to affect any visual or scenic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Relocation Impacts			
23. Will the project require the relocation of residential or business properties?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Use, Community, and Farmland Impacts			
24. Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25. Is the project inconsistent with plans and goals adopted by the community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Does the project have the potential to divide or disrupt neighborhoods/communities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Does the project have the potential to disproportionately affect low-income and minority populations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Will the project require the relocation of public utilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Will the project affect access to properties or roadways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve changes in access control to the State Highway System (SHS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Will the project involve the use of a temporary road, detour, or ramp closure?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Will the project reduce available parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Will the project construction encroach on state or federal lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
34. Will the project convert any farmland to a different use or impact any farmlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural Resources			
35. Is there National Register listed, or potentially eligible historic properties, or archaeological resources within or immediately adjacent to the construction area? (Note: Caltrans PQS answers question #35)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Is the project adjacent to, or would it encroach on Tribal land?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

For Sections B, C, and D, check appropriate box to indicate required technical studies, coordination, permits, or approvals.

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
<input type="checkbox"/> Traffic <i>Check one:</i> <input type="checkbox"/> Traffic Study <input type="checkbox"/> Technical Memorandum <input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval
<input type="checkbox"/> Noise <i>Check as applicable:</i> <input type="checkbox"/> Traffic Related <input type="checkbox"/> Construction Related <i>Check one:</i> <input type="checkbox"/> Noise Study Report <input type="checkbox"/> NADR <input type="checkbox"/> Technical Memorandum <input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval
<input type="checkbox"/> Air Quality <i>Check as applicable:</i> <input type="checkbox"/> Traffic Related <input type="checkbox"/> Construction Related <i>Check one:</i> <input type="checkbox"/> Air Quality Report <input type="checkbox"/> Technical Memorandum <input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> FHWA <input type="checkbox"/> Caltrans <input type="checkbox"/> Regional Agency	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Conformity Finding (6005 CEs, EAs, EISs) <input type="checkbox"/> Conformity Finding (6004 CEs) <input type="checkbox"/> PM10/PM2.5 Interagency Consultation
<input type="checkbox"/> Hazardous Materials/ Hazardous Waste <i>Check as applicable:</i> <input type="checkbox"/> Initial Site Assessment (Phase 1) <input type="checkbox"/> Preliminary Site Assessment (Phase 2) <input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Cal EPA DTSC <input type="checkbox"/> Local Agency	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Review Database <input type="checkbox"/> Review Database
<input type="checkbox"/> Water Quality/Resources <i>Check as applicable:</i> <input type="checkbox"/> Water Quality Assess. Report <input type="checkbox"/> Technical Memorandum <input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval
<input type="checkbox"/> Sole-Source Aquifer (Districts 5, 6 and 11)	<input type="checkbox"/> EPA (S.F. Regional Office)	<input type="checkbox"/> Approval of Analysis in ED
<input type="checkbox"/> Coastal Zone	<input type="checkbox"/> CCC	<input type="checkbox"/> Coastal Zone Consistency Determination

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
<input type="checkbox"/> Floodplain		
<i>Check as applicable:</i>		
<input type="checkbox"/> Location Hydraulic Study	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Floodplain Evaluation Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Summary Floodplain Encroachment Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Only Practicable Alternative Finding
	<input type="checkbox"/> FHWA	<input type="checkbox"/> Approves significant encroachments and concurs in Only Practicable Alternative Findings
<input type="checkbox"/> Wild and Scenic Rivers	<input type="checkbox"/> River Managing Agency	<input type="checkbox"/> Wild and Scenic Rivers Determination
<input type="checkbox"/> Biological Resources		
<i>Check as applicable:</i>		
<input type="checkbox"/> NES, Minimal Impact	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> NES		
<input type="checkbox"/> BA	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approves for Consultation
	<input type="checkbox"/> USFWS	<input type="checkbox"/> Section 7 Informal/Formal Consultation
	<input type="checkbox"/> NOAA Fisheries	
<input type="checkbox"/> EFH Evaluation	<input type="checkbox"/> NOAA Fisheries	<input type="checkbox"/> MSA Consultation
<input type="checkbox"/> Bio-Acoustic Evaluation	<input type="checkbox"/> NOAA Fisheries	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Wetlands		
<i>Check as applicable:</i>		
<input type="checkbox"/> WD and Assessment	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
	<input type="checkbox"/> ACOE	<input type="checkbox"/> Wetland Verification
	<input type="checkbox"/> NRCS	<input type="checkbox"/> Agricultural Wetland Verification
	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Wetlands Only Practicable Alternative Finding
<input type="checkbox"/> Invasive Plants		
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Section 4(f)		
<i>Check as applicable:</i>		
	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Determine Temporary Occupancy
<input type="checkbox"/> De minimis	<input type="checkbox"/> Caltrans	<input type="checkbox"/> De minimis finding
<input type="checkbox"/> Programmatic 4(f) Evaluation Type: _____	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Individual 4(f) Evaluation	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
	<input type="checkbox"/> Agency with Jurisdiction	
	<input type="checkbox"/> SHPO	
	<input type="checkbox"/> DOI	
	<input type="checkbox"/> HUD	
	<input type="checkbox"/> USDA	

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
<input type="checkbox"/> Section 6(f)	<input type="checkbox"/> Agency with Jurisdiction <input type="checkbox"/> NPS	<input type="checkbox"/> Determines Consistency with Long-Term Management Plan
	<input type="checkbox"/> NPS	<input type="checkbox"/> Approves Conversion
<input type="checkbox"/> Visual Resources <i>Check one:</i> <input type="checkbox"/> Visual Impact Assessment <input type="checkbox"/> Technical Memorandum <input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval
<input type="checkbox"/> Relocation Impacts <i>Check one:</i> <input type="checkbox"/> Relocation Impact Memo <input type="checkbox"/> Relocation Impact Study <input type="checkbox"/> Relocation Impact Report	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval
<input type="checkbox"/> Land Use and Community Impacts <i>Check one:</i> <input type="checkbox"/> CIA <input type="checkbox"/> Technical Memorandum <input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval
<input checked="" type="checkbox"/> Construction/Encroachment on State Lands <i>Check as applicable:</i> <input type="checkbox"/> SLC Jurisdiction <input checked="" type="checkbox"/> Caltrans Jurisdiction <input type="checkbox"/> SP Jurisdiction	<input type="checkbox"/> SLC <input checked="" type="checkbox"/> Caltrans <input type="checkbox"/> SP	<input type="checkbox"/> SLC Lease <input checked="" type="checkbox"/> Encroachment Permit <input type="checkbox"/> Encroachment Permit
<input type="checkbox"/> Construction/Encroachment on Federal Lands	<input type="checkbox"/> Federal Agency with Jurisdiction	<input type="checkbox"/> Encroachment Permit
<input type="checkbox"/> Construction/Encroachment On Indian Trust Lands	<input type="checkbox"/> Bureau of Indian Affairs	<input type="checkbox"/> Right of Way Permit
<input type="checkbox"/> Farmlands <i>Check one:</i> <input type="checkbox"/> CIA <input type="checkbox"/> Technical Memorandum <input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans <input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval <input type="checkbox"/> Approval <input type="checkbox"/> Approval
<i>Check as applicable:</i> <input type="checkbox"/> Form AD 1006 <input type="checkbox"/> Conversion to Non-Agri Use	<input type="checkbox"/> NRCS <input type="checkbox"/> CDOC <input type="checkbox"/> ACOE	<input type="checkbox"/> Approves Conversion <input type="checkbox"/> Approves Conversion

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/ Approvals
<input type="checkbox"/> Cultural Resources (PQS completes this section) <i>Check as applicable:</i>		
<input type="checkbox"/> APE Map	<input type="checkbox"/> Caltrans PQS <input type="checkbox"/> Caltrans PQS and DLAE	<input type="checkbox"/> Screened Undertaking <input type="checkbox"/> Approves APE Map
	<input type="checkbox"/> Local Preservation Groups and/or Native American Tribes	<input type="checkbox"/> Provides Comments Regarding Concerns with Project
<input type="checkbox"/> HPSR <input type="checkbox"/> ASR <input type="checkbox"/> HRER	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approves for Consultation
<input type="checkbox"/> Finding of Effect Report	<input type="checkbox"/> Caltrans <input type="checkbox"/> SHPO	<input type="checkbox"/> Concurs on No Effect, No Adverse Effect with Standard Conditions <input type="checkbox"/> Letter of Concurrence on Eligibility, No Adverse Effect without Standard
<input type="checkbox"/> MOA	<input type="checkbox"/> Caltrans <input type="checkbox"/> SHPO <input type="checkbox"/> ACHP (if requested)	<input type="checkbox"/> Approves MOA <input type="checkbox"/> Approves MOA <input type="checkbox"/> Approves MOA
<input type="checkbox"/> Permits Copies of permits and a list of mitigation commitments are mandatory submittals following NEPA approval.	<input type="checkbox"/> ACOE <input type="checkbox"/> ACOE <input type="checkbox"/> Caltrans/ACOE/EPA <input type="checkbox"/> USFWS <input type="checkbox"/> NOAA Fisheries <input type="checkbox"/> ACOE <input type="checkbox"/> USCG <input type="checkbox"/> RWQCB <input type="checkbox"/> CDFG <input type="checkbox"/> RWQCB <input type="checkbox"/> CCC <input type="checkbox"/> Local Agency <input type="checkbox"/> BCDC	<input type="checkbox"/> Section 404 Nationwide Permit <input type="checkbox"/> Section 404 Individual Permit <input type="checkbox"/> NEPA/404 Integration MOU <input type="checkbox"/> Rivers and Harbors Act Section 10 Permit <input type="checkbox"/> USCG Bridge Permit <input type="checkbox"/> Section 401 Water Quality Certification <input type="checkbox"/> Section 1602 Streambed Alteration Agreement <input type="checkbox"/> NPDES Permit <input type="checkbox"/> Coastal Zone Permit <input type="checkbox"/> BCDC Permit

Notes: Additional studies may be required for other federal agencies.

ACHP	=	Advisory Council on Historic Preservation	HRER	=	Historical Resources Evaluation Report
ACOE	=	U.S. Army Corps of Engineers	HUD	=	U.S. Housing and Urban Development
ADL	=	Aerially Deposited Lead	MOA	=	Memorandum of Agreement
APE	=	Area of Potential Effect	MSA	=	Magnuson-Stevens Fishery Conservation and Management Act
APN	=	Assessor Parcel Number	NEPA	=	National Environmental Policy Act
ASR	=	Archaeological Survey Report	NADR	=	Noise Abatement Decision Report
BA	=	Biological Assessment	NES	=	Natural Environment Study
BCDC	=	Bay Conservation and Development Commission	NHPA	=	National Historic Preservation Act
BE	=	Biological Evaluation	NOAA	=	National Oceanic and Atmospheric Administration
BO	=	Biological Opinion	NMFS	=	National Marine Fisheries Service
Cal EPA	=	California Environmental Protection Agency	NPDES	=	National Pollutant Discharge Elimination System
CCC	=	California Coastal Commission	NPS	=	National Park Service
CDFG	=	California Department of Fish and Game	NRCS	=	Natural Resources Conservation Service
CDOC	=	California Department of Conservation	PM10	=	Particulate Matter 10 Microns in Diameter or Less
CE	=	Categorical Exclusion	PM2.5	=	Particulate Matter 2.5 Microns in Diameter or Less
CIA	=	Community Impact Assessment	PMP	=	Project Management Plan
CWA	=	Clean Water Act	PQS	=	Professionally Qualified Staff
DLAE	=	District Local Assistance Engineer	ROD	=	Record of Decision
DOI	=	U.S. Department of Interior	RTIP	=	Regional Transportation Improvement Program
DTSC	=	Department of Toxic Substances Control	RTP	=	Regional Transportation Plan
EA	=	Environmental Assessment	RWQCB	=	Regional Water Quality Control Board
ED	=	Environmental Document	SER	=	Standard Environmental Reference
EFH	=	Essential Fish Habitat	SEP	=	Senior Environmental Planner
EIS	=	Environmental Impact Statement	SHPO	=	State Historic Preservation Officer
EPA	=	U.S. Environmental Protection Agency	SLC	=	State Lands Commission
FEMA	=	Federal Emergency Management Agency	SP	=	State Parks
FHWA	=	Federal Highway Administration	TIP	=	Transportation Improvement Program
FONSI	=	Finding of No Significant Impacted	USCG	=	U.S. Coast Guard
FTIP	=	Federal Transportation Improvement Program	USDA	=	U.S. Department of Agriculture
HPSR	=	Historic Property Survey Report	USFWS	=	U.S. Fish and Wildlife Service
			WD	=	Wetland Delineation

E. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

Check one:

- Environmental Impact Statement (Note: Engagement with participating agencies in accordance with SAFETEA-LU Section 6002 required)
 - Compliance with SAFETEA-LU Section 6002 regarding Participating Agencies required
- Complex Environmental Assessment
- Routine Environmental Assessment
- Categorical Exclusion without required technical studies.
- Categorical Exclusion with required technical studies

(if Categorical Exclusion is selected, check one of the following):

- Section 6004
 - 23 CFR 771 activity (c)(_____)
 - 23 CFR 771 activity (d) (_____)
 - Activity _____ listed in the Section 6004 MOU
- Section 6005


F. Public Availability and Public Hearing

Check as applicable:

- Not Required
- Notice of Availability of Environmental Document
- Public Meeting
- Notice of Opportunity for a Public Hearing
- Public Hearing Required

G. Signatures

Local Agency Staff and/or Consultant Signature

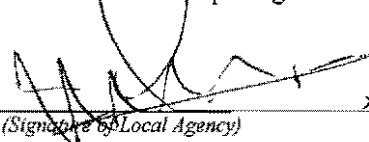

 _____ 8/13/09 (Date) (213) 972-4957 (Telephone No.)
 (Signature of Preparer)

Tim Fremanc

(Name)

Local Agency Project Engineer Signature

This document was prepared under my supervision, in accordance with the *Local Assistance Procedures Manual*, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."


 _____ 8/13/09 (Date) (213) 972-4959 (Telephone No.)
 (Signature of Local Agency)

Caltrans District Professionally Qualified Staff (PQS) Signature

- Project does not meet definition of an "undertaking"; no further review is necessary under Section 106 ("No" Section A, #35).
- Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA and based on the information provided in the PES Form, the project does not have the potential to affect historic properties ("No" Section A, #35).
- Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA, but the following additional procedures or information is needed to determine the potential for effect ("To Be Determined" Section A, #35):
 - Records Search _____ _____ _____
- Project meets the definition of an "undertaking"; all properties in the project area are exempt from evaluation per Attachment 4 of the Section 106 PA ("No" Section A, #35).
- The proposed undertaking is considered to have the potential to affect historic properties; further studies for 106 compliance are indicated in Sections B, C, and D of this PES Form ("Yes" Section A, #35).

Gay Jensen ^{COP I} 11/18/2009 (213) 897-3818
 (Signature of Professionally Qualified Staff) (Date) (Telephone No.)

The following signatures are required for all CEs, routine and complex EAs, and EISs:

Caltrans District Senior Environmental Planner (or Designee) and DLAE Signatures

I have reviewed this Preliminary Environmental Study (PES) Form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended NEPA Class of Action.

Oliver Jackson 11/18/2009 (213) 897-8618
 (Signature of Senior Environmental Planner or Designee) (Date) (Telephone No.)

Oliver Jackson
 (Name)

David W. Hase 11/19/09 7-2967
 (Signature of District Local Assistance Engineer or Designee) (Date) (Telephone No.)

DAVID W. HASE
 (Name)

HQ DEA Environmental Coordinator concurrence _____ E-mail concurrence attached.
 (date)

**Preliminary Environmental Investigation
Notes to Support the Conclusions of the PES Form
(May Also Include Continuation of Detailed Project Description)**

Brief Explanation of How Project Complies, or Will Comply with Applicable Federal Mandate (Part A):

1. This project involves construction of a bike path. Once project is completed, no additional construction will be required.
2. This project will be designed according to state and federal standards and the City does not expect this project to generate any public controversy. The project is also environmentally friendly.
3. The installation of bike path will not alter any existing highway alignment.
4. Construction-related noise will be at a minimum.
5. This project is located in Los Angeles County which is noted as an area "Subject to Transportation Conformity Requirements in California".
6. This project is considered an exempt project as determined in 40 CFR 93.126 Table 2 as an air quality project under the "Bicycle and Pedestrian Facilities" exemption.
- 7.
- 8.
9. The construction of a bike path does not involve the use of hazardous materials. There will not be any hazardous waste generated from this project.
10. This project will not impact water resources.
11. This project is not within a designated sole-source aquifer.
12. This project is not within the State Coastal Zone, San Francisco Bay, or Suisan Marsh.
13. This project is not within a regulatory floodway or within a base floodplain elevation of a watercourse or lake.
14. This project is not within or immediately adjacent to a Wild and Scenic River System as noted in Public Resources Code Section 5093.50 et. Seq.
15. There is no potential threat to endangered species.
16. There is no potential to affect migratory birds.
17. There is no potential for wetlands to occur within the construction area. This project is located within a fully urbanized area.
18. There is no potential for agricultural wetlands within the construction area. This project is located within a fully urbanized area.
19. There is no potential for the introduction or spread of invasive plant species. No re-vegetation of landscaping is included in this project.

20. There are no historic sites within the construction area.
21. The project will not affect any properties acquired or improved with Land and Water Conservation Act funds. This project is wholly within public right of way.
22. This project will not affect any visual or scenic resources.
23. This project will not require the relocation of any residential or business properties.
24. This project may require some easements, to be determined.
25. This project is within the community plan.
26. This project will not disrupt the neighborhood or communities.
27. This project does not have the potential to disproportionately affect low-income or minority populations.
28. No public utilities will be affected by this project.
29. This project will not affect access to properties or roadways.
30. This project will not affect the State Highway System as defined in 23 CFR 771.117
31. This project will not require the use of detours or roadway closures.
32. This project will not reduce parking availability.
33. This project may require a Caltrans encroachment permit, to be determined.
34. This project is not located within farmlands. All work will be done within public right-of-way.
35. No
36. This project will not encroach on tribal lands.

Continuation of Detailed Project Description: A Class I facility will resume at Motor Ave. north of the I-10 Freeway, rejoining the Metro-owned right-of-way at Dunleer Drive and continuing within this right-of-way to Centinela Ave. The project includes traffic signals, coordinated and parallel to new rail crossings at existing roadways along the alignment, as needed.

Distribution 1) Original - DLAE, 2) Local Agency Project Manager, 3) DLA Environmental Coordinator
4) Senior Environmental Planner (or designee), 5) District PQS

Updated: 05/15/08