CITY OF BEVERLY HILLS
STAFF REPORT

Meeting Date: June 7, 2012

To: Honorable Mayor & City Council

From: Ara Maloyan, City Engineer

Subject: Request by Vice Mayor Mirisch for City Council consideration of Metro's permit requests to the City for conducting exploratory investigation and testing in the City's Public Right-of-Way

Attachments:
1. Exhibits
2. Active Metro Permits
3. BHMC 8-2-1, 8-2-3

INTRODUCTION

Vice Mayor Mirisch has requested information and a discussion pertaining to how the City handles and how the City should handle Metro permit requests. Vice Mayor Mirisch has also requested staff to include documents with this report for further discussion. (Attachment # 1)

DISCUSSION

Metro and its contractors recently sought and obtained permits to conduct exploratory investigations and testing in the City's Public Right-of-Way.

Recent Metro permit activity pertains to testing and investigation on East Wilshire Boulevard specific to the Wilshire/La Cienega Metro Station. Plans were submitted and reviewed and a permit was granted in March of 2012. Because there was an equipment failure, the work was delayed, the permit was extended, and this testing is now expected to be completed later this month.

Meeting Date: June 7, 2012

Currently Metro has four active permits with different expiration dates, latest being November 11, 2012. (Attachment # 2)

This testing and exploratory process is not regulated by the City's Building Codes. However, the use of the Public right of way is regulated by Title 8 of the Beverly Hills Municipal Code (BHMC). Title 8 provides specific authority to regulate activities in the public right of way and once code requirements are complied with, permits are issued. Following is an explanation of the City's Public Right of Way requirements found in Title 8.

Section 8-2-1 of the (BHMC) (Attachment # 3) requires issuance of permits for any excavation, construction or interference with public property. Generally these permits are referred to as Street Use Permits.

Engineering and scientific exploratory work fall under interference with public property since no construction or excavations are being performed. These types of activities require traffic control plans which indicate how the traffic will be controlled in a safe and organized manner with lane closures during the soil exploration or testing. The City requires that before testing can commence all existing utilities in the impacted areas have been identified, shown on the plans and submitted for review and verification. The City then can restrict the time where these activities can occur to best protect the general public but cannot withhold the permits if all the conditions in the code have been met.

The City Attorney's Office has advised that state law provides Metro with the right to use the public right of way for these types of activities, subject to conditions agreed upon by Metro and the City. If Metro and the City fail to agree upon conditions, the disagreement would be resolved by the Superior Court.

FISCAL IMPACT

None at this time.

RECOMMENDATION

Pending City Council discussion Staff seeks direction on how the City should handle future requests for right of way permits related to the Westside Subway extension project.

David Gustavson

Approved By

Attachment 1

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ANDREA SHERIDAN ORDIN
County Counsel

March 30, 2011

Kevin H. Brogan
Hill, Farrer & Burrill
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension

Dear Mr. Brogan:

During the past several weeks, MTA has received numerous requests from Mr. Buresh for information and documents. In response to each of his requests, the project team worked diligently to respond, notwithstanding their priority work commitments to complete the environmental and preliminary engineering phases of the planning process.

Essentially, his requests fall into three categories: information that is currently available or can be made available by accessing information used in the preparation of the Draft EIS/EIR; information that has not yet been developed, but is expected to be available in the future as a part of the Preliminary Engineering and Final EIS/EIR work products; and consultants' proprietary information that MTA has no legal right to distribute.

To avoid any misunderstanding regarding MTA's responsiveness to Mr. Buresh's detailed requests, I would like to share with you the protocol that MTA intends to follow when it receives such requests. Public information that is currently available will of course be provided without delay. In a similar timely manner, we will furnish requested public documents. With regard to information that is currently being developed and will be available in the future, we will furnish this material to Mr. Buresh at the same time we make it available publicly. The final category --- proprietary information --- is problematic because MTA neither owns nor has the legal right to disseminate such information publicly. For

example, proprietary software owned and utilized by MTA's consultants is not subject to public disclosure.

We understand and respect your client's requests for information that is relevant to the public decision-making process for the Westside Subway Extension Project. As you know, CEQA provides many opportunities for community interests to be heard and considered before a final decision is made to approve a project. As a matter of policy, we embrace vigorous public participation and comments on all MTA projects. Accordingly, within the parameters described above, we will continue to provide publicly available information to Mr. Buresh in a timely manner.

With the passage of Measure R in November 2008, the public legitimately expects MTA to construct the transit capital projects described in the Expenditure Plan without delay. Thus, MTA's primary efforts in the near-term will be focused on completing the environmental documentation for various Measure R projects. While fulfilling this covenant with the voters of Los Angeles County to advance the projects they approved, we will continue to work with Mr. Buresh and other interested parties through a transparent process that fully discloses the benefits and potential impacts of MTA's transit capital projects.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm
RONALD W. STAMM
Principal Deputy County Counsel
Transportation Division

RWS

c: Tim Buresh
Veronica Becerra
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ANDREA SHERIDAN ORDIN
County Counsel

March 31, 2011

Kevin H. Brogan
Hill, Farrer & Burrill
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300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension

Dear Mr. Brogan:

For several months, MTA has been trying to obtain from Beverly Hills Unified School District a copy of the plans and drawings for the existing buildings on its High School campus. As you know, the information contained in foundation drawings is extremely helpful in determining the feasibility of tunneling under developed property. Unfortunately, it appears the City of Beverly Hills Building Department does not have these plans, and our repeated attempts to obtain a set from BHUSD have thus far been unsuccessful.

We're quickly approaching a point in the CEQA/NEPA and Preliminary Engineering process where we need to know the depth and breadth of foundations supporting the existing buildings at the High School. Obtaining as-built building plans (whenever available) is part of the normal Preliminary Engineering process to verify existing conditions which will be encountered during tunneling. Without the actual drawings, we will need to make assumptions based on visual observations and measurements of subterranean structures. However, we're hoping that under your direction, renewed efforts can be made during the next week that will locate the actual drawings and plans.

Please keep in mind that BHUSD requested that MTA analyze the risk of tunneling under the High School. Without as-built plans, it will be more difficult to perform such analysis and the results may be less precise. We therefore seek BHUSD's cooperation in presenting such plans to MTA in a timely manner so it can complete the geotechnical and structural analysis that BHUSD requested.

Please let me know by Friday, April 8th whether you've been able to find the building plans. If you're still unable to locate the plans by then, we will assume that the plans either no longer exist or cannot be found, in which case we would request access to the school buildings during the following two week period so that we can take measurements which will be used to re-create foundation plans based on observations and measurements taken within the buildings. Of course, MTA will share with BHUSD any foundation plans we create.

We appreciate your continuing cooperation and efforts to locate the as-built plans and look forward to hearing from you by April 8th. Thank you.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm
RONALD W. STAMM
Principal Deputy County Counsel
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April 11, 2011

VIA HAND DELIVERY

Arthur T. Leahy
Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012

Re: Westside Subway Extension

Dear Mr. Leahy:

This law firm represents Beverly Hills Unified School District. By this letter and pursuant to the California Public Records Act (Gov't Code §§ 6250 *et seq.*), we request copies of certain "public records" identified below regarding the Westside Subway Extension Project ("Project") described in the Draft EIS/EIR dated September 2010, and related documents.[1]

1. Public records that are part of or refer to the assessment of risks and hazards associated with tunneling under the Beverly Hills High School.

2. Public records that are part of or refer to the assessment of risks and hazards associated with tunneling through the Beverly Hills Oil Field.

3. Public records, including all subsurface investigations, seismic investigations, core drilling logs, locations of drilling and test sites, raw data and reports that are part of or refer to the location of the Santa Monica Fault in the area of the proposed Century City base station located on Santa Monica Boulevard.

4. Public records, including all subsurface investigations, seismic investigations, core drilling logs, locations of drilling and test sites, raw data and reports that are part of or refer to the geotechnical investigations of the area around the proposed Santa Monica Base Station.

[1] As used in this letter, "public record" shall have the same meaning as set forth in Government code section 6252, subdivision (e).

5. Public records, including all subsurface investigations, seismic investigations, core drilling logs, locations of drilling and test sites, raw data and reports that are part of or refer to the geotechnical investigations of the area around the proposed optional Constellation Station.

6. Public records, including all subsurface investigations, seismic investigations, core drilling logs, locations of drilling and test sites, raw data and reports that are part of or refer to the geotechnical investigations of the area around the proposed Wilshire/Bundy Station.

7. Public records, including all subsurface investigations, seismic investigations, core drilling logs, locations of drilling and test sites, raw data and reports that are part of or refer to the geotechnical investigations of the West Beverly Hills Lineament.

8. Public records that are part of or refer to the bases for the statement set forth at page S-62 of the Executive Summary of Draft EIS/EIR for the Westside Subway Extension that, "the feasibility of the Santa Monica (base) site assumed in the Base Alignment for the five Build Alternatives is compromised by its close proximity to the Santa Monica Fault which runs directly beneath Santa Monica Boulevard in this area.

9. Public records that are part of or refer to the geotechnical evaluation of the Constellation Station and/or each segment option serving the optional Constellation station site (i.e. Constellation North, Constellation South, East, Central and West).

10. Public records that are part of or refer to the following: (1) the location of the 25 permanent gas monitoring wells described at page 3-18 of the August 2010 Geotechnical and Hazardous Materials Technical Report; (2) reports of sampling and testing at such gas monitoring wells; and, (3) data relied on or considered in connection with such reports.

11. The Mactec addendum report referred to in the foregoing August 2010 Geotechnical Report (see, e.g. page 3-14).

12. Public records that describe the planning and timing for the design level investigations for the project described on page 3-15 of the August 2010 Geotechnical Report.

13. Public records that are part of or refer to studies and investigations conducted or relied on by the MTA in assessing the risks and hazards associated with constructing a subway tunnel beneath or near a school.

14. Public records that are part of or refer to studies and investigations conducted or relied on by the MTA in assessing the risks and hazards associated with constructing any segment of the MTA subway system through or near an oil field.

13. Public records, including all subsurface investigations, seismic investigations, soil gas investigations, core drilling logs, locations of drilling and test sites, raw data and reports that are part of or refer to the drilling and/or other geotechnical investigation which MTA consultants and/or contractors or subcontractors conducted at and around Beverly Hills High School since January 1, 2011.

Please have your attorney or representative contact me within the ten (10) days set forth in Government code section 6253(c) so that we can discuss arrangements for viewing and copying the public records responsive to this request. We will, of course, appropriately reimburse you for your reasonable copying costs pursuant to the California Public Records Act.

Thank you in advance for your assistance in this regard. Should you, your attorney or representative have any questions or require additional information in order to conduct your search, please do not hesitate to contact me at (213) 576-1000.

Very truly yours,

John M. Rochefort
Partner

JMR:jmr
cc: David Mieger, DEO
cc: Kevin Brogan

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April 14, 2011

Via Facsimile (213) 922-2531 and U.S. Mail

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: **Westside Subway Extension**

Dear Mr. Stamm:

In response to your letter of March 30, 2011, we have received some documents in response to Mr. Buresh's requests, but by no means is the production even close to complete.

Outstanding Document/File Requests. We currently have not received any documents responsive to the following categories (which I will number and quote from Mr. Buresh's list):

1. Ridership-Ongoing MTA Work: "Electronic copy of the new micro-level station ridership model(s) being prepared by Metro and due out at the end of March. This model(s) should contain: (1) a GIS database of all adjacent land uses and populations up to ½ mile from all potential station portal locations, including demographic factors (e.g. age, transit dependency, commuter/non-commuters); (2) a series of algorithms/factors for converting the various populations contained in the GIS database into ridership; (3) an interactive calculation of ¼ mile and ½ mile radii based on actual walking paths and impedance factors (e.g. street crossings) from the various station portals, including the ability to have multiple portals atone station; (4) an interactive calculation method for determining projected ridership for all station portal locations, including the ability to have multiple portals. Statements of conclusion and supporting calculations. We would like this information for the Century City options and for the Westwood/UCLA station options."

2. Ridership-EIS/EIR Reference Material: "BART-based Demand Ridership Model (DRM) including supporting databases. (Reference Final Smart Growth Evaluation Report, pages 3-1 through 3-9; includes database factors listed on page 3-2)"

3. Travel Times-EIS/EIR Reference Material: "Impact of changes in subway travel time on subway line ridership. (This will either be built into the Demand Ridership Model requested above, or calculated in a supporting reference model.)"

4. Travel Times-Ongoing MTA Work: "Electronic copy of speed profile model and supporting datasets (not just the run results) used to calculate travel times between Wilshire/Rodeo and Westwood/UCLA stations based on final profile adjustments and used to compare the four different alignment options."

5. Geometry-Ongoing Metro Work: "Copies of the four alignments and profiles if any engineering adjustments are made. BHUSD has noted possible errors in the surface profile in the area of the BHHS and the fact that the profiles will differ substantially between the two tunnels. Metro is re-surveying the area and developing profiles for both tunnels. A copy of the new surface profiles for the portion of the tunnels that cross the BHHS property is requested."

6. Cost-EIS/EIR Reference Material: "Historical database of station cost, including supporting data and descriptions, plus any parameters used in defining or interpreting the database. (Reference Capital Cost Estimate Report, pages 3-4 and 6-1)"

7. Cost-EIS/EIR Reference Material: "Clarify estimate approach used in preparing historical database of station costs, whether based on bid cost or cost at completion, and if bid cost, what completion/contingency factor was used. (Reference Capital Cost Estimate Report, pages 3-4 and 6-1)."

8. Cost-EIS/EIR Reference Material: "Clarify traction power substation physical size requirements (e.g. 50 feet wide by 100 feet long by X height). (Reference EIS/EIR Chapter 7 – Evaluation of Alternatives, Section 7.2.6 Environmental Considerations, page 7-9) Confirm overall box dimensions and coverage requirements (distance to surface and distance to buried utilities) for station + crossover + traction power substation with the various alternate placements of the traction power substation (e.g. on mezzanine level, over crossover, at end of station)."

9. Cost-EIS/EIR Reference Material: "Provide the right of way estimate prepared by the Metro Right of Way Department. (Reference Capital Cost Estimate Report, page 3-7) Include the database of comparable acquisitions (segregated by type of acquisition such as permanent underground easement) used to prepare the right of way estimate, including how the historical right of costs were escalated to reflect current values. Indicate whether the historical costs include cost of counsel required to execute the various transactions. If not included in the historical costs, please include the actual cost of counsel for the various takes included in the database."

10. Cost-EIS/EIR Reference Material: "Provide the estimate Excel files (including the main worksheet, backup worksheets, and supporting data) that were used to create the Main Worksheet for the following alignments/options:

    - Alignment 1B (which is presumed to be a combination of Option I and Option J; if not correct, please explain).

- Alignment Options K, H, P and Q.
- Santa Monica station cost and Constellation station cost. At a minimum, include the Estimating Basis and Assumptions document portions relevant to the above elements. (Reference Capital Cost Estimate Report, page 4-2)

11. Cost-EIS/EIR Reference Material: "Clarify estimate assumptions for Constellation and Santa Monica stations regarding water table elevation and gassy/non-gassy conditions."

12. Cost-EIS/EIR Reference Material: "Provide the structure description cost estimate for the track connection structure required to make a future connection from the Westside Extension to West Hollywood. (Reference EIS/EIR Chapter 6 – Cost and Financial Analysis, page 6-8)."

13. Cost-Ongoing MTA Work: "Provide concept description and cost estimates for multi-portal station design concepts."

14. Cost-Ongoing MTA Work: "Provide any adjustments to the Capital Cost Estimate Reportor a new estimate if prepared. Include the Estimating Basis and Assumptions document portions relevant to the preceding estimate elements."

15. Evaluation of Alternatives-EIS/EIR Reference Material: "The EIS/EIR lists seven Metro project goals. Identify the relevant weighting given to each of these goals. (Reference EIS/EIR Chapter 7 – Evaluation of Alternates of the EIS/EIR, page 7-1)"

16. Evaluation of Alternatives-EIS/EIR Reference Material: "Identify the "high opportunity areas for redevelopment" associated with the Century City station described in Section 7.2.2. Transit Supportive Land Use Policies and Conditions and in Figure 7-1. Activity Centers and High Opportunity Area within one-half mile of the Alignment. (Reference EIS/EIR Chapter 7 – Evaluation of Alternates of the EIS/EIR, pages 7-1 and 7-2)"

17. Evaluation of Alternatives-EIS/EIR Reference Material: "Table 7-1.Evaluation Results for TSM and Build Alternatives lists the Metro project goals and various supporting measurement criteria in a decision tree analysis. (Reference EIS/EIR Chapter 7 – Evaluation of Alternates of the EIS/EIR, page 7-3) For each of the goals' supporting criteria, explain the scoring system, the ordinal ranking guidelines (e.g. what operating speed range is high, medium or low), and the source of the demographic data."

18. Evaluation of Alternatives-EIS/EIR Reference Material: "Metro has indicated that it will use the same evaluation criteria applied in the selection of the LPA in its selection of the Century City and Westwood/UCLA stations. Confirm the evaluation criteria, scoring and weighting system to be used in the final station location selection."

19. Evaluation of Alternatives-Ongoing MTA Work: "Provide Cost Effectiveness Index calculations and supporting data for the four alternates/options being considered for the alignment."

20. Geological-Ongoing MTA Work: "All geotechnical reports, boring logs and test data related to the Constellation station – Santa Monica station – BHHS campus area as they become available."

21. Geological-Ongoing MTA Work: "Seismic analysis related to the presence or absence of faults near other Westside Extension stations and the alignment."

22. Geological-Ongoing MTA Work: "Provide any ambient noise monitoring data for the residential areas of Beverly Hills or near the BHHS campus."

23. Geological-EIS/EIR Reference Material: "Provide calculations for values presented in Table 4-30. Predicted Ground-borne Vibration and Ground-borne Noise at Vibration Sensitive Receivers, ID #139, 146 and 147. Identify sources for all variables used in calculations. (Reference EIS/EIR Chapter 4 – Environmental Analysis, Consequences, and Mitigation, page 4-123)"

Partial Production. We have received partial production responsive to the following categories:

24. Ridership-EIS/EIR Reference Material: "Supporting data used to generate Table 3-6. Commercial Land Uses and parking Spaces within One-Half Mile of Stations. (Reference EIS/EIR, Chapter 3 – Transportation, page 3-18)." We received information on April 12, 2011, but the parking data was not included and the listing seems quite incomplete, given there are only 37 parcels listed.

25. Travel Times-EIS/EIR Reference Material: "Electronic copy of speed profile model used to calculate travel times between Wilshire/Rodeo and Westwood/UCLA stations. (Reference data presented in EIS/EIR Chapter 7 – Evaluation of Alternatives, Tables7-3, 7-4 and 7-5, pages 7-12 and 7-13). (The run tables already provided are summary sheets that do not explain the workings of the underlying model.) On April 5, 2011, we received PDF copies of speed profiles for the four alternate segments, but PDF profiles do not include or reveal the supporting formulas and variables that are used to generate the calculations shown. Please provide the supporting electronic file or written details of variables and equations.

26. Cost-EIS/EIR Reference Material: "Detailed work sheets and other backup used to create Table 4-1 Standard Unit Price Table. (Reference Capital Cost Estimate Report, page 4-1." We have requested backup for codes 10.06, 10.07, 10.309, 10.13, 20.03, and 20.07; the entire dataset may be sent instead. While the MTA sent a copy of the Capital Cost

Estimate Report, this document does not contain the supporting data requested which was used to prepare the Capital Cost Estimate Report.

27. Evaluation of Alternatives-EIS/EIR Reference Material: "Provide supporting calculations and data used to determine the Cost Effectiveness Index results contained in Figure 7-2. Include methodology for annualizing capital costs, for determining annual operating costs (if not taken directly from the Operating and Maintenance Cost methodology and Model Report), and calculating annual transit system user benefits. (Reference EIS/EIR Chapter 7 – Evaluation of Alternates of the EIS/EIR, page 7-8)" We received information on April 8, 2011 but our review leaves us with additional questions. We do not understand the calculation of annual transit system user benefits and therefore need a copy of the adapted Summit model used to calculate annual user benefits. We do not understand, and cannot infer, the equation used for the conversion of costs/user benefits = cost effectiveness. We need the actual the electronic spreadsheet (which has embedded equations and references to other databases).

Received Documents. To confirm, we have received production of the following categories:

28. Ridership-EIS/EIR Reference Material: "Supporting data used to generate Table 2-1. Base (2006) and Future Year (2035) Station-Area Land Use within ½ Mile Walking Distance. (Reference Final Smart Growth Evaluation Report, page 2-3)." We received this on April 12, 2011

29. Schedule-EIS/EIR Reference Material: "Provide the project schedule used as a basis in the Capital Cost Estimate Report. A summary report is acceptable as long as all major work activities (e.g. utility relocation, property acquisition, construction, startup and testing) are identified." We received this on April 6, 2011.

30. Geological-EIS/EIR Reference Material: "Provide a copy of the Westside Extension Transit Corridor Study: Metro Red Line Vibration Study (Metro 2009). (Reference EIS/EIR Chapter 4 – Environmental Analysis, Consequences, and Mitigation, page 4-111)." We received this study on April 6, 2011.

Additional Documents Needed. Given the upcoming deadlines, we will need the following additional documents:

31. Ridership-EIS/EIR Reference Material: "Provide a contact or individual(s)/consultants that have the parcel level land use data for the Century City station area. I have attached a map of the area of interest which is about 1/2 mile from the station locations. The key data we are requesting is: Parcel level land use including the size of the building (such as 331,000 GSF office, 546 room hotel, 346 dwelling unit apartment, 2300 student school). Number of parking spaces per parcel (and occupancy if available)" This was requested by email on April 4, 2011.

32. Geometry-Ongoing MTA Work: "Provide a copy of the standard MTA restrictions related to any development above MTA tunnels. Restrictions would include such items as: loading on tunnels or adjacent soils, structure proximity limitations, approvals or review by Metro, or anything else that may impact property usage or development above, adjacent or underneath the Metro tunnels. If a "standard" set of restrictions does not exist, provide copies of actual restrictions used by Metro on undeveloped commercial property (e.g. property where Metro tunnels were constructed prior to commercial construction) and developed commercial property (e.g. property where Metro tunnels we constructed under or adjacent to existing commercial structures). Please also provide criteria used by MTA for evaluating construction over tunnels."

With respect to your statement that we are not entitled to the MTA consultant's proprietary information, we disagree. If the MTA relies upon information to justify its statements in the DEIS/DEIR, as it has done, it is obligated to produce the information. If there is a special computer program that is necessary to run the data, the MTA should advise us of the program, who owns or maintains or sells it, and produce the particular input or data files used by the MTA or its consultants to generate the information contained in the DEIS/DEIR. It is also possible that our consultants already have the computer programs necessary to run the data files. One thing is certain: the MTA cannot rely upon claimed proprietary information from its consultants in its DEIS/DEIR yet not produce that information to show the basis of its conclusions in its DEIS/DEIR.

Similarly, to the extent spreadsheets are used, we need to understand the formulae used for calculations. This information is not present in PDF formatted printouts. Thus, we need either the spreadsheets or separate sheets showing the formulae used to calculate results. I believe that just providing the spreadsheets in electronic format used by the MTA and its consultants would be easier and faster than listing the separate formulae used for each calculation.

Finally, in response to the last paragraph of your letter, we understand that the MTA desires to build the subway, but the public, and BHUSD, are entitled to the information underlying the analysis presented by the MTA in this long term and significant project impacting the West Side of Los Angeles so that the environmental impacts of the project are fully ventilated. Thank you.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

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April 27, 2011

Via Facsimile (213) 922-2531, Email and U.S. Mail

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: **Westside Subway Extension – BHUSD As Builts**

Dear Mr. Stamm:

This letter is in response to the MTA request for as-built building information for the existing buildings at the Beverly Hills High School. The Beverly Hills Unified School District (the District) has been diligently searching for as-built drawings. As previously explained to MTA staff, it has now been confirmed that original drawing sets were lost and are not available.

There may be a substitute method of assembling the needed information. The District did preliminary design work for a building modification and expansion program that it subsequently abandoned. Those design files have now been recovered and reassembled. A review of these files indicates that there are a small number of as-built drawings that appear to have been incorporated intact into the design. The design files also contain modifications to some of the existing structures that contain representations of existing conditions. The District presumption is that this information was taken from the as-built drawings and is reflective of existing conditions. While the renovation aspect of these drawings is irrelevant to MTA's needs, the as-built information may be useful. Although this information may require processing to assemble, and although this information may be imperfect and incomplete and may still require confirmation in the field, it may prove to be a useful alternative to MTA.

As with most school districts, it is District policy to not release floorplans or detailed design information because of security issues. Because of this policy and because it is not clear what information will actually be of value to MTA, the District proposes that MTA send a representative to view the various electronic CAD files and extract whatever information is of value. A District representative will be available to assist in distinguishing between as-built information and modified information associated with the proposed renovations. The files are located at the District's architect, LPA Associates. Please contact Mr. Nelson Cayabob, Head of Facilities for the District (310/351-5100) to arrange a mutually agreeable viewing time.

Let me know if you have any questions about this arrangement. Thank you.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Dick Douglas, Superintendent, BHUSD

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April 27, 2011

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Principal Deputy County Counsel
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Re: **Westside Subway Extension – Public Record Requests**

Dear Mr. Stamm:

This letter is a formal request that MTA honor its obligation to produce public records, and is presented in an effort to avoid a writ of mandate proceeding under Section 6250 et seq. of the California Government Code. The MTA is preparing a draft EIS/EIR concerning the alignment of tunnels and a station site selection in Century City, and our firm and Alston & Bird represent Beverly Hills Unified School District (BHUSD) in connection with this matter. We have sought documents referenced in MTA's environmental studies to evaluate the foundation of MTA's contentions concerning station site selection and tunnel alignment.

The origination of these document requests came from Mr. Buresh, a consultant for BHUSD, who sought a series of documents to evaluate MTA's CEQA documents. The majority of these documents are directly identified and actually referenced in the Draft EIS/EIR. There is no conceivable reason for MTA to continue to withhold these documents.

BHUSD also requested copies of ongoing engineering work the MTA was to conduct in connection with the Draft EIS/EIR. The MTA promised to produce those documents as soon as they became available, but thusfar we have received few responses. The MTA is now seven months into an estimated eight month process to finalize the EIS/EIR. It is inconceivable that all of the foregoing engineering documents required to complete that process are not available to be produced to BHUSD.

I have most recently summarized the status of the documents sought, and those still remaining to be produced by MTA, in my letter of April 14, 2011 which is attached as Exhibit A. I have not received a response from you, or anyone else at the MTA, concerning my April 14, 2011 letter or my earlier informal requests for the MTA's position on the production of these needed documents.

In addition, on April 11, 2011, Alston & Bird sent a formal public records request which is attached as Exhibit B. The MTA has failed to respond to the request, even though it is required to do so under the Government Code.

Because we understand that the MTA currently intends to finalize its Draft EIS/EIR this June, and BHUSD needs the requested documents to properly evaluate, comment upon, and respond to the Draft EIS/DEIR, we need MTA's immediate assurance that documents will be provided no later than May 5, 2011. Absent such assurance, we will have no alternative to initiate a writ proceeding in the Superior Court. We hope that this will not be necessary.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Mark Rochefort, Alston & Bird

HFB 1044218.3 B3902002

HF&B HILL, FARRER & BURRILL LLP
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E-MAIL: kbrogan@hillfarrer.com
WEBSITE: www.hillfarrer.com

April 29, 2011

By Federal Express and Email

Custodian of Records
Metropolitan Transportation Authority of the
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2952

Re: Public Records Request – Third Request

Dear Sir or Madam:

This firm is counsel for Beverly Hills Unified School District ("BHUSD"). This is a request to the Metropolitan Transportation Authority of the County of Los Angeles (the "MTA") for public records under the California Public Records Act (Government Code §§6253-6277) (the "Act"). Under the Act, Section 6253(c) of the Government Code requires a public entity to determine whether it possesses documents which are responsive to the request within ten (10) days of its receipt of the request and to produce such documents forthwith upon payment.

We request the following records (BHUSD's third request):

1. All communications (letters, emails, faxes, etc.) between JMB (including any agents, consultants, lobbyists or attorneys for JMB) and the MTA (including staff, board members, agents and consultants) concerning a proposed subway station at Avenue of the Stars and Constellation ("Constellation Station") in Century City.
2. All communications (letters, emails, faxes, etc.) between Next Century Associates LLC (including any agents, consultants, lobbyists or attorneys for Next Century Associates) and the MTA concerning the Constellation Station.
3. All agendas, notes, and minutes concerning any meeting between JMB and the MTA concerning the Constellation Station.
4. All agendas, notes, and minutes concerning any meeting between Next Century Associates LLC and the MTA concerning the Constellation Station.

Thank you for your cooperation. As noted, BHUSD is prepared to pay for the cost of copying the above documents. Your prompt attention to this matter is most appreciated.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

KHB/khb

HFB 1043202.1 B3902002

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WEBSITE: www.hillfarrer.com

May 4, 2011

Via Email and Fax

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: **Westside Subway Extension – BHUSD**

Dear Mr. Stamm:

The Beverly Hills Unified School District requests clarification on the balance of Metro's process of drafting the Final EIS/EIR for the Westside Subway Extension. This information was not contained on the project schedule provide by Metro or elsewhere in the Metro documents made public to date. These are our questions:

1. How and when will Metro respond to the comments made by the Beverly Hills Unified School District regarding the Draft EIS/EIR?

2. When does Metro anticipate completing the Draft Final EIS/EIR prior to sending it to a committee of the Metro Board or to the full Metro Board?

3. Will Metro provide notice to the Beverly Hills Unified School District that the Draft Final EIS/EIR is completed or about to be completed?

4. Will Metro provide access to a copy of the Draft Final EIS/EIR prior to its hearing or adoption by either a subcommittee of the Metro Board or the full Metro board?

5. Will the Beverly Hills Unified School District be offered an opportunity to review and comment on the Draft Final EIS/EIR prior to sending it to a subcommittee of the Metro Board or to the full Metro Board?

6. If so, how much time will the Beverly Hills Unified School District have to complete its review and comments?

7. Will the Draft Final EIS/EIR go to a subcommittee of the Metro Board prior to being sent to the full Metro Board? If so, which committee(s)?

8. Will public comment by the Beverly Hills Unified School District be allowed at the Committee(s) meeting(s) on the specific subject of the Draft Final EIS/EIR?

9. When the Draft Final EIS/EIR goes to the full Metro Board, can it be adopted at a single meeting or is a reading and carryover period prior to action required?

As we have previously noted, BHUSD desires to exhaust its administrative remedies including its right to comment upon the DEIS/DEIR before the station site selection and the route alignment have been finalized. It is critical for BHUSD to have the draft report and supporting documents in sufficient time before adoption so that the Metro staff and board can thoughtfully consider BHUSD's comments.

Finally, again I must remind you that we have many outstanding requests for public records that Metro has not addressed. As a matter of law we are entitled to review these documents and reports prior to finalization of the EIS/EIR, particularly since Metro relies upon such documents and reports to justify the conclusions set forth in its DEIS./DEIR.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Mark Rochefort, Alston & Bird

HFB 1046639.1 B3902002

ALSTON&BIRD LLP

333 South Hope Street
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Los Angeles, CA 90071-1410

213-576-1000
Fax:213-576-1100
www.alston.com

John M. Rochefort | Direct Dial: 213-576-1101 | E-mail: mark.rochefort@alston.com

May 5, 2011

VIA HAND DELIVERY

David Lor
Records & Information Coordinator
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952

Re: MTA's May 4, 2011 Response to PRA Request

Dear Mr. Lor:

We are in receipt of your letter dated May 4, 2011 responding to the Public Records Act (PRA) request served on behalf of the Beverly Hills Unified School District (BHUSD) and dated April 11, 2011. Enclosed please find our check in the sum of $69.75 to cover the costs of photocopying and postage for producing the records identified in your letter. In addition, your letter refers us to the webpage which posts the August 2010 Geotechnical and Hazardous Materials Technical Report. The copy of the foregoing report posted to the webpage appears to be incomplete, including the fact that the Appendices to such Report are omitted.

Given that the MTA is scheduling upcoming hearings on the DEIS/DEIR, we need the documents described in your letter immediately as well as the omitted appendices described above. Without these documents (and others that the MTA is withholding), BHUSD will be precluded from effectively analyzing and commenting upon the DEIS/DEIR. Therefore, please expedite the photocopying process and advise us when such process is complete. We shall arrange to have the documents picked up from your office.

Please also be advised that the District disputes the MTA's assertion that the exceptions set forth in the California Government Code described in your letter apply to any of the documents which the MTA has decided to withhold. In addition, the District does not waive its right to compel the production of additional public records that the District has withheld. Nor should this letter be deemed a waiver of the District's right to assert that the MTA has forfeited its objection to production by reason of its untimely response to the District's PRA request.

Please advise us when copies of the documents are ready and we shall dispatch a service to pick them up.

Very truly yours,

John M. Rochefort
Partner

JMR:jmr
cc: Joe Parisi
Kevin Brogan

LEGAL02/32614825v1

Metro

Alston & Bird LLP
LA Business Account (Wac)

CHECK NO: 00004529
CHECK AMT: $69.75

REF. #	INV. #	DATE	INV. AMT	INVOICE DESCRIPTION	AMOUNT PAID
123669/401221	401221	05-05-2011	69.75	- Documents.	69.75

THIS DOCUMENT HAS A VOID FEATURE IN THE COLORED BACKGROUND

CHECK DATE
05/05/11

LA Business Account (Wac)
Wachovia Bank NA
Atlanta, Georgia 30303

ALSTON & BIRD LLP
333 South Hope Street
16th Floor
Los Angeles, CA 90071
F.E.I.# 58-0137615

CHECK NO. 00004529
64-022/610

CHECK AMOUNT
$69.75

TWO SIGNATURES REQUIRED ON CHECK
OVER $2,500.00

SIXTY-NINE AND 75/100

PAY
TO THE
ORDER OF

Metro
MS: 99-PL-5
One Gateway Plaza
Los Angeles, CA 90012

⑈00004529⑈ ⑆061000227⑆ 2000040683582⑈

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

TRANSPORTATION DIVISION
ONE GATEWAY PLAZA
LOS ANGELES, CALIFORNIA 90012-2952

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TDD
(213) 633-0901

ANDREA SHERIDAN ORDIN
County Counsel

May 6, 2011

Kevin H. Brogan
Hill, Farrer & Burrill
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension Project

Dear Mr. Brogan:

Here are my responses, which correspond in order to the numbered questions in your letter dated May 4, 2011:

1. In the Final EIS/EIR, Metro will respond to all comments that were received during the September 3 – October 18, 2010 public comment period for the Draft EIS/EIR. This includes comments from BHUSD.

2. Metro anticipates receiving approval from the Federal Transit Administration to release the Final EIS/EIR for public review in September 2011.

3. The schedule for the Final EIS/EIR will be updated on-line as it nears completion.

4. The Final EIS/EIR will be distributed and posted on Metro's website when it is approved for public release. We intend to follow the same process for notifying the public as we have in the past, including sending an e-blast to all those in our database, issuing a press release, putting the information on the Project's Facebook page, and sending a message to our Twitter followers.

5. The public will be given an opportunity to review the Final EIS/EIR before it's presented to a Metro Committee or the Board, and may comment on the document at public meetings of these bodies.

6. We anticipate circulating the Final EIS/EIR for at least 30 days before it's presented to the Board.

7. The Final EIS/EIR for this Project would normally be considered by the Planning and Programming Committee and the Measure R Project Delivery Committee before it's presented to the full Metro Board for adoption.

8. Any member of the public may present oral or written comments on the Final EIS/EIR at these public meetings.

9. The Final EIS/EIR can be adopted at a single meeting of the Metro Board.

Please note this schedule and process is our best estimate but could possibly change. Over the next several months, you may want to check back with me to verify that the remaining schedule and administrative process have not materially changed.

Thank you for this opportunity to respond to your questions regarding the administrative process leading to the Board's consideration of the Final EIS/EIR. We will continue to work with BHUSD cooperatively and constructively as this regionally significant Project proceeds.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm
RONALD W. STAMM
Principal Deputy County Counsel
Transportation Division

RWS

c: Mark Rochefort, Alston & Bird

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

Metro

May 20, 2011

Kevin Brogan
Hill, Farrer & Burrill, LLP
300 S. Grand Ave., 37th Floor
Los Angeles, CA 90071
kbrogan@hillfarrer.com

Mr. Brogan:

This letter is in regards to your correspondences dated, April 14, 2011, April 27, 2011 and May 5, 2011.

Your requests dated April 14, 2011 and April 27, 2011 seek documents related to LACTMA's Westside Subway Extension Project. These formal requests followed several months of informal and cooperative exchanges of information and records between LACMTA Planning Staff and Mr. Tim Buresh, a consultant for your client.

Prior to receipt of your April 14, 2011 request, LACMTA referred Mr. Buresh to the project webpage which contained the Draft EIS/EIR and a total of 29 supplemental technical reports. Further, between the dates of April 5, 2011 and April 12, 2011, LACMTA transmitted six packages of publicly available information and documents to you and Mr. Buresh responding to requests in the areas of Run Time Analysis, Capital Costs, Noise & Vibration, Schedule, Cost-Effectiveness Calculations and Assessor's Land Use Data.

Your requests dated April 14, 2011 and April 27, 2011 generally fall into three categories: information that is currently publicly available or can be made available by accessing information used in the preparation of the Draft EIS/EIR; information that has not yet been developed, but is expected to be available in the future as a part of the Preliminary Engineering and Final EIS/EIR; and other requests that cannot be honored because they either involve proprietary information that LACMTA has no right to distribute, involve questions or comments that should be handled through the ongoing environmental process, or involve documents that are otherwise exempt under the California Public Records Act.

In your letter of April 14, 2011, you acknowledged receipt of some of the data requested but provided a list of what your office referred to as 27 "outstanding" document/file requests and two new document requests. As a significant volume of documents had already been provided to your client informally, it is disingenuous to refer to your new records request as outstanding. Until your April 14, 2011 letter, your client had not submitted any public records request to LACMTA.

Regarding items requested in your April 14 letter:

- Items 1, 3, 4, 5, 11, 14, 19, 20, 22 & 25 refer to documents that are part of Preliminary Engineering or the Final EIS/EIR and are still in preparation and not yet complete. We will release these documents in the future as a part of the release of the Final EIS/EIR. Therefore, these documents are not yet available and are therefore withheld under Government Codes 6254(a) and 6255(a).
- Items 1, 2 and 23 are proprietary items and, therefore, not releasable under Government Codes 6253.9(f) and 6255(a).
- Items 6, 10, 12, 15-19, 23, 25-27 and 31 are not records maintained by LACMTA, therefore LACMTA has no documents to release.
- Item 9 requests right-of-way cost information for individual parcels. This information is not released because it is exempt under Government Code 6254(h).
- Item 13 requests that LACMTA undertake work to design multi-portal design concepts. This is not work that has been done to date, except at the Westwood/UCLA Station and that information has already been provided.
- Items 7, 8 and 11 are not requests for documents but rather questions. The California Public Records Act requires the disclosure of certain agency records, not responses to questions. Project staff will attempt to answer your questions, if it does not interfere with their primary duties to prepare the Final EIS/EIR.

Please note that some items from your April 14, 2011 request are listed twice as there may be more than one applicable exemption.

However, item 32 regarding structural criteria is available for the cost of duplication and postage. If you would like a copy, please remit payment in the amount of $34.15 (292pp at $.10/page; $4.95 postage), to:

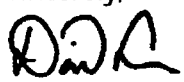
Metro
MS: 99-PL-5
One Gateway Plaza
Los Angeles, CA 90012

As a point of clarification, in your letter dated May 5, 2011, you questioned LACMTA's ability to extend its time for a response to your prior records requests until May 20, 2011. You cited my letter of May 4, 2011 in which I stated that LACMTA had gathered "a majority of the requested documents." At the time, LACMTA had gathered some of the requested records. To say that we had gathered the majority of documents was inaccurate. I apologize for any confusion.

Further, at the time RMC was gathering and reviewing documents responsive to your requests, the Law Firm of Alston & Bird had requested records of a similar nature on behalf of your client. The extension of time was necessary to gather and review a voluminous number of documents requested on behalf BHUSD from two different law firms.

If you have further questions or comments, please feel free to contact David Lor at (213) 922-4880 or lord@metro.net.

Sincerely,



David Lor
Records & Information Coordinator

cc: Joseph A. Heath
RMC
Chron

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
TRANSPORTATION DIVISION
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ANDREA SHERIDAN ORDIN
County Counsel

May 20, 2011

Kevin H. Brogan
Hill, Farrer & Burrill
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension Project

Dear Mr. Brogan:

The LACMTA's Records Management Center (RMC) is currently engaged in reviewing and responding to a number of public records requests submitted by your firm and the law firm of Alston & Bird. Many of the requests seek records of a seemingly similar nature, but in such varied ways as to make it extremely difficult to determine those differences. As such, RMC staff is spending an inordinate amount of time trying to simply understand how to respond to the various requests.

By way of example, RMC received document requests from Alston & Bird on April 11, 2011, seeking some 15 categories of records and May 2, 2011, seeking additional categories of records. Your office issued letters on April 14, 2011 seeking a new set of documents; April 27th, following up on the Alston & Bird letter of April 11, 2011; April 29, 2011, seeking a new set of records and May 5, 2011. In addition, there have been various letters from your office and Alston & Bird responding to RMC's responses. That constitutes seven letters seeking different sets of documents from both firms in less than 25 days. Many of the letters are worded in such way as to be overly broad, confusing and seemingly repetitive in their respective requests for documents. However, RMC staff have to conduct independent reviews and searches for each request.

As both law firms represent the same client, the Beverly Hills Unified School District (BHUSD), the LACMTA respectfully requests that you speak to your client and identify which one of your firms will take the lead on all existing

and any future document related requests. LACMTA is ready and willing to work with your client to provide publicly available records, as it has done with the City of Beverly Hills, to meet its obligations under the California Public Records Act, but this current process is resulting in an unnecessary and significant expenditure of public resources. Additionally, this "discovery-like" blitz is seriously affecting LACMTA's ability to respond to your requests and those of others that are equally entitled to timely responses.

We look forward to receiving confirmation that you or the Alston & Bird firm will take the lead as the primary contact for all BHUSD public records requests. Thank you for your cooperation in this matter and we look forward to continuing to work in a constructive manner with your office.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm
RONALD W. STAMM
Principal Deputy County Counsel
Transportation Division

RWS

c: Mark Rochefort, Alston & Bird
Joe Parise

Los Angeles County
Metropolitan Transportation Authority

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213.922.2000 Tel
metro.net

Metro

May 24, 2011

Kevin Brogan
Hill, Farrer & Burrill LLP
300 S. Grand Ave., 37th Floor
Los Angeles, CA 90071
kbrogan@hillfarrer.com

Mr. Brogan:

This letter is in regards to your formal records requests submitted to LACMTA, received on May 3, 2011, for documents related to communication between LACMTA and JMB. LACMTA is extending its time for response to this request under Government Code Section 6253(c)(2) related to your follow up questions. We will advise when and/or if these documents are available.

You may contact me at lord@metro.net or (213) 922-4880 if you have any questions concerning this request.

Sincerely,

David Lor
Records & Information Coordinator

cc: RMC
Chron

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

Metro

May 24, 2011

John Rochefort
Alston & Bird, LLP
333 S. Hope St., 16th Floor
Los Angeles, CA 90071
markrochefort@alston.com

Mr. Rochefort:

This letter is in regards to your formal records requests submitted to LACMTA, received on May 3, 2011, for documents related to Century City incidents. LACMTA is extending its time for response to this request under Government Code Section 6253(c)(2) related to your follow up questions. We will advise when and/or if these documents are available.

You may contact me at lord@metro.net or (213) 922-4880 if you have any questions concerning this request.

Sincerely,

David Lor
Records & Information Coordinator

cc: RMC
Chron

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

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metro.net

Metro

June 10, 2011

John M. Rochefort
Alston & Bird LLP
16th Floor
333 S. Hope St.
Los Angeles, CA 90071
markrochefort@alston.com

Mr. Rochefort:

This letter is in response to your request, which Metro received on May 3, 2011, for communication by and between various agencies and LACMTA as well as documents relating to the Century City area of Los Angeles.

Unfortunately, after an extensive search, we have not been able to locate records responsive to the request. Therefore, Metro has no documentation or records to release. We are sorry we could not be of further help.

Please feel free to contact David Lor at (213) 922-4880 or lord@metro.net if you have any questions or comments and reference PRA-0003674.

Sincerely,

David Lor
Records & Information Analyst

cc: RMC
Chron

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

Arthur T. Leahy
Chief Executive Officer
213.922.6888 Tel
213.922.7447 Fax
metro.net

Metro

June 23, 2011

Lisa Korbatov
President of the Board of Education
Beverly Hills Unified School District
255 South Lasky Drive
Beverly Hills, CA 90212

Re: Westside Subway Extension

Dear Ms. Korbatov:

Supervisor Zev Yaroslavsky forwarded your letter regarding the Century City Subway Station and asked that I respond. We appreciate your support for the Westside Subway Extension and look forward to constructing this important project which will benefit the entire Westside and greater Los Angeles region. We also share your interest in conducting a fact-based decision-making process with ample opportunities for public participation, as evidenced by the 65 public meetings Metro has hosted for this project thus far.

As you know, Metro is still in the environmental documentation phase where the public comment period on the Draft EIS/EIR has closed, and the Final EIS/EIR is being prepared for public review. Thus, the proposed subway project is only in the preliminary and pre-decisional stage, with no decision having yet been made as to actual construction of the project or the location of the Century City station and tunnel alignments associated with that station. When the Final EIS/EIR is released for public review, all the technical reports and appendices that are referenced in the Final EIS/EIR will become part of the administrative record and available to your District and the public at large. Until then, Metro must have the ability to develop documents and data in the internal deliberative process contemplated by the California Environmental Quality Act and the National Environmental Policy Act. Premature release of draft documents under development at this time is not in the public interest because it would interfere with Metro's ability to fully and completely engage in its normal internal analysis and deliberative process that will soon result in a Final EIS/EIR.

In formal Public Records Act requests, your District has sought various categories of documents from Metro. These formal requests followed several months of informal and cooperative exchanges of information and records between Metro Planning staff and your consultant, Mr. Tim Buresh. We have identified for Mr. Buresh documents on Metro's webpage, including the entire Draft EIS/EIR and 29 supplemental technical reports. In addition, we transmitted the attached six packages of publicly available information and documents to Mr. Buresh which responded to requests in the areas of Run Time Analysis

(Attachment A), Capital Costs (Attachment B), Noise and Vibration (Attachment C), Schedule (Attachment D), Cost-Effectiveness Calculations (Attachment E) and Ridership/Land Use Data (Attachment F).

In response to your Public Records Act requests, Metro made available some additional documents regarding structural criteria for tunneling (Attachment G) and geotechnical reports too voluminous to attach here, but withheld other documents that are still being developed. For example, documents that are part of Preliminary Engineering for the Final EIS/EIR are still in preparation and not yet complete. We will release these documents in the near future as a part of the release of the Final EIS/EIR.

A few requests cannot be honored because they either involve proprietary information that Metro has no right to distribute, involve questions or comments that should be addressed through the ongoing environmental process, or involve documents that are otherwise exempt under the Public Records Act. While the Public Records Act is weighted in favor of disclosure of public records, public access is not unlimited. Not every writing or document is a public record. For example, our consultants' proprietary software and models cannot be provided without violating their intellectual property rights.

Some of the "records" requested by your District appear to encompass a broad category of information rather than specific documents. For example, the District requests that Metro:

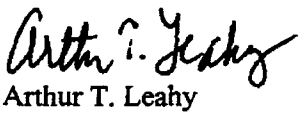
- "Clarify traction power substation physical size requirements;"
- "Confirm overall box dimensions . . . for power substations;"
- "Clarify estimate approach used in preparing historical database of stations costs;"
- "Clarify estimate assumptions for Constellation and Santa Monica stations regarding water table elevation;"
- "Provide concept description and cost estimates for multiportal station design concepts;" and
- "Identify the 'high opportunity areas for redevelopment' associated with the Century City station."

The foregoing are but a few examples of the broad categories of the District's requests for records. While we do not have documents which respond to these requests, we are

willing to meet with the District and its consultants to continue answering its questions to the best of our ability, so long as such meetings do not detract from Metro Planning staff's primary objective --- finalizing the EIS/EIR for presentation to the public, the Federal Transit Administration and the Metro Board.

We remain steadfast in our commitment to a public participation process that is robust, transparent and fact-driven. Accordingly, I will ensure that Metro staff and consultants continue to work with your District to provide publicly available records and timely information, as we have done with other public entities. We appreciate your interest in the Westside Subway Extension Project and look forward to receiving your input when our Board considers the various project alternatives contained in the Final EIS/EIR, which we hope to release in a few months.

Sincerely,



Arthur T. Leahy
Chief Executive Officer

Attachments (7)

c: Zev Yaroslavsky (w/o Attachments)

HF&B HILL, FARRER & BURRILL LLP
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WEBSITE: www.hillfarrer.com

November 8, 2011

Via Email and Fax

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: **Westside Subway Extension – BHUSD**

Dear Mr. Stamm:

I'd like to confirm our email exchange occurring in late October. In my email of October 25, 2011, I asked you whether the MTA or its consultants performed any laboratory testing of the borings taken and referenced in the recently produced seismic studies. You responded on October 31, 2011 that "the boring logs, and profiles displaying their location and interpretation can be found in Exhibit C of the Fault Report." Your email did not really answer my question, but I assume that since there are no laboratory reports of soils data in Exhibit, actually Appendix, C of the Fault Report, no such lab work was done. Also, I want to clarify that by "laboratory testing" we also meant to include any carbon dating analysis and laboratory testing, and that by your response, no such testing was done. Please advise immediately if my understanding is incorrect.

Borings.

We have found that some of the borings were not contained in Appendix C. During our preliminary review of Volume II of the October 14, 2011 Century City Area Fault Investigation Report we found several borings shown on Plate 3, Fault Exploration Plan, were missing from the provided copy of Appendix C; among them are: CPTs C115, C119, C119A, C119B, C120, C120A, C120A1 and C126Alt.; and Rotary-Wash Borings G153, G155, G157, G158, G161-163, G171 and G173. These subsurface explorations should be provided for our review if available.

Finally, we would like to have our experts examine all of the cores and soil samples Metro or its consultants obtained in their Century City and Beverly Hills investigations. We are prepared to conduct this examination immediately. Please advise how we can arrange for the examination. Finally, please confirm that Metro will maintain custody and control of the cores and soil samples pending our investigation.

Additional Documents.

Metro referenced a number of documents in its reports that were not part of the reports or appendices. Please provide these reports as soon as possible. We can send you a list of the reports listed but not included, if that will help.

Vibration and Noise.

In the reports, Metro made certain statements concerning potential vibration and noise on existing buildings at Beverly Hills High School. We assume these statements were based, at least in part, on vibration field testing of the buildings on the high school site. There is no underlying data, test results or other calculations in the reports which support the statements. Please provide that data as well.

Please advise us immediately if we need to schedule our examination of the soil retained soil samples or obtain these documents by way of a Public Records Request. If so, please consider this a formal Public Records Request.

Time is of the essence. Thank you.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Mark Rochefort, Alston & Bird

HFB 1097548.1 B3902002
HFB 1097712.1 B6864002

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November 21, 2011

Via Email and Fax

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: **Westside Subway Extension – BHUSD**

Dear Mr. Stamm:

On November 7, 2011, I sent you a letter requesting (a) whether the MTA or its consultants performed lab work on soils for the Fault Report, (b) the identifications of missing borings (shown on Plate 3, Fault Exploration Plan, were missing from the provided copy of Appendix C; among them are: CPTs C115, C119, C119A, C119B, C120, C120A, C120A1 and C126Alt.; and Rotary-Wash Borings G153, G155, G157, G158, G161-163, G171 and G173), and (c) whether our experts would be permitted access to the cores and soil samples taken or considered by MTA and its consultants.

I have not heard back from you. Please advise us immediately as to the above.

Time is of the essence. Thank you.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Mark Rochefort, Alston & Bird

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ANDREA SHERIDAN ORDIN
County Counsel

November 23, 2011

Kevin H. Brogan
Hill, Farrer & Burrill
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension Project

Dear Mr. Brogan:

In response to the questions expressed in your letter to me dated November 8, 2011, I spoke with Metro's consultants and can confirm that no lab testing was conducted on the fault borings, but some samples from the "G" borings have been tested for index and engineering properties. No carbon dating has been performed on any of the borings. With regard to the boring logs that do not appear in Appendix C of the seismic report, they were not included in that Appendix because they either were not drilled or were far from the proposed alignment, and therefore not considered pertinent. Our consultant is preparing an updated boring plan which we will provide to you, and will revise boring logs in Appendix C.

The actual boring samples, which are contained in hundreds of boxes, will be maintained, but due to the large volume of material and oversight required to ensure proper handling, we believe it would be too cumbersome, time-consuming and costly to make them available for examination.

We are in the process of gathering the documents that are referenced in the two reports, which you identified, and will provide electronic links or make the reference documents available to you as well. Finally, with regard to the noise and vibration tests conducted on Beverly Hills High School property, the results of such tests will be included in a technical report that is being finalized for release with the Final EIS/EIR.

I appreciate this opportunity to respond to your questions, as we move closer to completing the environmental clearance process for the Westside Subway Extension project. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm
RONALD W. STAMM
Principal Deputy County Counsel
Transportation Division

RWS

c: Mark Rochefort, Alston & Bird

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December 5, 2011

By Fax, U.S. Mail and E-mail

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: **Westside Subway Extension – BHUSD**

Dear Mr. Stamm:

Please refer to my letters dated November 8 and 21, 2011 and your response dated November 23, 2011 (attached). Thank you for confirming that there has been no laboratory testing or carbon dating of geotechnical materials obtained from the Metro fault investigation in the Century City area. Please consider this an ongoing request for any such information should Metro conduct laboratory testing or carbon dating of these samples in the future.

My letters of November 8 and 21, 2011 requested that Metro provide to us the boring logs for certain locations that were not included in the Metro seismic and tunneling reports. Your response indicated that these borings were "not included in that Appendix because they either were not drilled or were far from the proposed alignment, and therefore not considered pertinent." That statement is grossly incorrect and we renew our request that Metro immediately make these logs available. To our knowledge, all of these borings were in fact performed. Many of them are specifically identified in the Metro Work Plan agreed to under the Right of Entry granted in good faith by BHUSD to Metro (attached). To BHUSD's knowledge, all work identified in that Metro Work Plan was, in fact, undertaken on behalf of Metro and under Metro's authority (pursuant to the Right of Entry), direction and control.

Please refer to marked up Fault Study - Appendix B -Plate (attached). The highlighted boxes indicate the locations of the missing boring logs that were requested. Contrary to your assertion, it is obvious that these borings are actually located very near the various alignment alternatives. While it is not necessary to establish "relevance" to compel their disclosure under State law, these documents are clearly extremely relevant to any analysis of specific geotechnical characteristics of proposed alignments and to an understanding of the overall area geotechnical characteristics, and are necessary to evaluate Metro's investigation and conclusions. For example, a majority of these borings were in fact specifically relied upon by Metro's experts as indicated in the Metro Tunnel Safety report pages 2-6, 2-8, and Figure 2 on page 115 (attached).

The information from these borings is specifically referred to in other Metro reports. Metro cannot, on the one hand, rely upon this data to support its assertions and, on the other hand, deny their existence. The boring logs requested are obviously public records that Metro is compelled to produce under both the Public Records Act and under the terms of the Right of Entry executed by Metro. Please provide these documents without further delay.

Further, we believe that you have grossly exaggerated the effort required of Metro to provide access to the core samples taken by Metro in an effort to avoid full disclosure. There are undoubtedly hundreds, if not thousands, of core sample boxes related to the Westside Extension and the decades-long series of geotechnical investigations Metro has conducted. However, BHUSD will require access to only a small fraction of the total number of cores taken by Metro, and then will most often require access to only certain layers within those cores. The industry standard library protocol for core sample labeling, storage and access in order to accommodate precisely this sort of search are well established. Metro practice has been to follow industry standard library protocol with the expectation of repeated re-examinations of core samples by various parties. During the investigation, Metro representatives made repeated specific assurances that normal library procedures were being followed and that core access would be granted. The burden claimed by Metro is minimal. As for the Metro labor required to process the cores and chaperone our inspection, the total manhours required by Metro will be substantially less than the manhours the BHUSD spent accommodating Metro's multiple and ever changing requests for access and providing escort service in lieu of Metro obtaining State mandated background checks of workers. BHUSD has acted in good faith, allowed all access to its property requested by Metro at Metro's convenience, and at no cost to Metro, by way of the Right of Entry executed by the parties. BHUSD now requests that Metro do the same. Direct access to and observation of the core samples is essential to a proper analysis of Metro's results and conclusions, results and conclusions already made public by Metro. The core samples are obviously public records that Metro is compelled to produce under both the Public Records Act and under the terms of the Right of Entry executed by Metro.

Metro has not offered any valid excuse for refusing to provide the vibration and sound analysis data requested by BHUSD. Metro's statements suggest that this work is incomplete. That implication is flawed: the results of this analysis have already been presented as a technical report included in the Metro Tunnel Safety Report, pages 8-5 through 8-8. Further, the Metro expert staff has already made repeated public presentations on the results and conclusions of this study. Let me reiterate that our request is not simply for the results of this study: we request the source data, methodology and calculation formulae used to calculate the results and make the determinations contained in the Tunnel Safety report. This information is essential to a proper analysis of Metro's results and conclusions, results and conclusions already made public by Metro. The vibration test data and analysis are obviously public records that Metro is compelled to produce under both the Public Records Act and under the terms of the Right of Entry executed by Metro.

We have now determined that there are numerous additional boring logs and geotechnical reports that Metro relied upon during the preparation of the Fault Study and Tunnel Safety

Report but have not been released by Metro or included in the appendices to the reports. Please refer to Fault Study – Appendix B – Plate 3 (attached) which plots the location of over 300 borings that appear to have been executed by Metro consultants (or their successors) for other projects and clients. It is not clear how Metro obtained this information. We request copies of these boring logs, the associated geotechnical reports and any other source documents, and all correspondence or email related to the provision of this information from any party including Metro consultants, private parties or public agencies.

Metro has gone far beyond an analysis of property and project suitability and, based upon its claimed investigation of property, has made serious public allegations regarding the safety of public property and the thousands of people present on that property on a daily basis. It cannot make such substantial statements to the public and the press and then refuse the public the opportunity to evaluate the basis of the allegations.

Metro has had ample time to produce the documents and access requested repeatedly by BHUSD. If we do not receive an unequivocal agreement by Metro to fulfill its obligations to provide the records set forth herein by 5:00 pm on Friday, December 9, 2011, BHUSD will have no option but to proceed with legal action for enforce its rights to information without further delay. We hope that this will not be necessary.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

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ANDREA SHERIDAN ORDIN
County Counsel

December 7, 2011

Kevin H. Brogan
Hill, Farrer & Burrill
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension Project

Dear Mr. Brogan:

In response to your letter dated November 21, 2011 which requested additional data for borings that were not included in Appendix C, MTA has revised its Century City Area Tunneling Safety and Fault Investigation Reports, Appendix B (Plates 1-4), Appendix C-1, Logs, and Appendix C-2 through C-4, Logs. The revised Reports and Appendices are posted on MTA's website for the Westside Subway Extension project.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm
RONALD W. STAMM
Principal Deputy County Counsel
Transportation Division

RWS

c: Mark Rochefort, Alston & Bird

HOA.842478.1

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ANDREA SHERIDAN ORDIN
County Counsel

December 9, 2011

Kevin H. Brogan
Hill, Farrer & Burrill
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension Project

Dear Mr. Brogan:

In response to your most recent letter dated December 5, 2011, I wish to unequivocally reaffirm our intent to fulfill MTA's obligations under the Right of Entry Agreement and the California Public Records Act. In partial fulfillment of these obligations, I am enclosing a disk containing the reference documents for the Century City Area Fault Investigation Report that you requested. The reference documents for the Tunneling Safety Report are still being gathered and will be provided to you shortly.

We are also exploring the feasibility of culling and redacting from the draft Geotechnical Report data logs and test results which were obtained from the assessments performed on Beverly Hills High School (BHHS) property pursuant to the Right of Entry Agreement.

With regard to accessing core samples, your letter states that "BHUSD will require access to only a small fraction of the total number of cores taken by Metro . . ." Given the potential cost to MTA in overseeing your client's examination of core samples, it would be helpful if you could narrow the scope of your request and identify which core samples you want MTA to make available for inspection. While MTA remains willing to apply its standard library protocols for core sample access, we respectively disagree with your statement that the core samples are public records subject to disclosure under the Public Records Act. As you know, "public records" is defined as "any writing containing information . . .

prepared, owned, used, or retained by any state or local agency . . ." Cal. Gov't Code §6252(e). Soil samples do not fit this definition.

Finally, with regard to borings which may have been conducted by MTA's consultants for other projects and clients, we need to do some further investigation to respond to your requests. Information related to testing on other properties may have limitations on full public release. Some documents may be proprietary property of MTA's consultants if they were not commissioned by the Westside Subway Extension project. Please allow me to more definitively respond to your request for these documents after further evaluation.

We appreciate receiving further clarification from you regarding the core samples you wish to inspect, and will continue to provide the documents you've requested as set forth in this letter. Thank you for your cooperation and courtesy.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm
RONALD W. STAMM
Principal Deputy County Counsel
Transportation Division

RWS

Encl.

c: Mark Rochefort, Alston & Bird (w/out encl.)

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ANDREA SHERIDAN ORDIN
County Counsel

December 30, 2011

Kevin H. Brogan
Hill, Farrer & Burrill
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension Project

Dear Mr. Brogan:

While I was on vacation recently, my secretary mailed to you the second disk of reference documents from the Tunnel Safety report that MTA released in October. I believe this disk includes all the reference documents, except one which I will email to you separately. If you did not receive the disk, please let me know. In the same mailing, you should have also received geotechnical data which MTA's consultants obtained from the assessments performed at Beverly Hills High School earlier this year.

With regard to your request for photographs of the cores in the seismic study, these are being gathered and should be available for your viewing shortly. As you acknowledge in your letter of December 16, 2011, we are hopeful the photographs will obviate the need for physical examination of the cores.

For a week or so, I have tried to reach you to discuss the geotechnical assessments that Beverly Hills Unified School District is conducting at the High School, including the excavation of a trench running the entire width of the property. As you might expect, MTA's consultants are very interested in viewing the excavated trench, which should provide further useful evidence of geotechnical and seismic conditions on the property. Could you please let us know the schedule and description of the additional geotechnical work that BHUSD intends to perform at the High School, and whether MTA and its consultants can be present to observe the excavation of the trench.

It is our sincere hope that the respective BHUSD and MTA consultants will agree on what they see underground, thereby avoiding unnecessary disputes or disagreements later regarding the baseline soil and seismic conditions.

We look forward to seeing the results of your geotechnical work that is currently underway. Please let me know if BHUSD will allow MTA and its consultants to view the excavation of the trench.

Thank you for your cooperation and courtesy.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm
RONALD W. STAMM
Principal Deputy County Counsel
Transportation Division

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Metropolitan Transportation Authority

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Metro

December 30, 2011

Kevin Brogan
Hill Farrer & Burrill LLP
300 S. Grand Ave., 37th Floor
Los Angeles, CA 90071
kbrogan@hillfarrer.com

Mr. Brogan,

This letter is in response to you request, made December 9, 2011, for a documents related to LACMTA's Westside Subway Extension.

Please be advised that LACMTA is entitled to an additional 14 days under California Government Code Section 6253 (c)(2). Your request required LACMTA and its counsel to search for, collect, and appropriately examine a voluminous amount of documents. Therefore, LACMTA will make a determination as to the release of documents on or before January 3, 2012.

You may contact me at lord@metro.net or (213) 922-4880 if you have any questions concerning this request and reference PRA-0004156.

Sincerely,

David Lor
Records & Information Analyst

cc: RMC
Chron

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January 4, 2012

By Fax and E-mail

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: **Westside Subway Extension – BHUSD**

Dear Mr. Stamm:

Thank you for your correspondence of December 30, 2011. This letter is in response to your request to grant Metro access to geotechnical work being performed by consultants for BHUSD in connection with the high school campus. Unfortunately, for a number of reasons, BHUSD cannot grant such access to Metro or its consultants while geotechnical work is being conducted on behalf of BHUSD. If this changes, we will let you know.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Gary Woods, Superintendent

KHB/hjp
HFB 1111544.2 B3902002

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January 19, 2012

By Fax and E-mail

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: **Westside Subway Extension – BHUSD**

Dear Mr. Stamm:

Thank you for the core photos. Based on our review, we request access for a direct examination of certain Metro cores, particularly those taken from borings on or immediately near the BHHS campus: T4-B10, T4-B1, T4-B2, T4-B3, T4-B5, T7-B1, and T7-B2. Once we have corroborated the full length logging of a couple of the cores, we will be able to further refine the list to only include elevations of key interest. We request access as soon as possible.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Gary Woods, Superintendent

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ANDREA SHERIDAN ORDIN
County Counsel

January 20, 2012

Kevin H. Brogan
Hill, Farrer & Burrill
One California Plaza
37th Floor
300 South Grand Avenue
Los Angeles, California 90071-3147

Re: Westside Subway Extension Project

Dear Mr. Brogan:

Thank you for meeting with me briefly last week when I delivered the disk of core photos you requested. We understand that BHUSD would like to directly examine certain core samples, as indicated in your letter to me dated January 19, 2012. Shortly, I will provide contact information for you to arrange this examination directly with MTA's subconsultant, MACTEC. Once you make arrangements with MACTEC, please let me know in advance the specific date and time of your examination.

With regard to the trenching work currently being undertaken by BHUSD, we are still hopeful that you can arrange for MTA to view the open trenches at BHHS. In your letter dated January 4, 2012, you stated, "for a number of reasons, BHUSD cannot grant such access to Metro or its consultants while geotechnical work is being conducted on behalf of BHUSD." We do not understand what "reasons" preclude our access to the open trenches. Can you please explain why BHUSD cannot grant MTA such access?

We applaud BHUSD for conducting further geotechnical tests including trenching. Trench information is useful because a continuous "face" can be mapped to more accurately locate fault strands. Unlike material and data from prior tests, however, it is very important that experts are able to view the soil while the trenches are open. Once backfilled, the direct data is destroyed, and will be subject to speculation. This why MTA requests that its consultants be allowed to observe the excavation of the trenches at the High School.

We respectfully request that BHUSD reconsider its denial of our request to view the open trenches at BHHS. The Beverly Hills Courier reported today that "[t]he new trenching shows no…earthquake faults present in many key areas of the campus." If this is true, why cannot MTA view the purported lack of visual evidence of faulting? If BHUSD will not grant MTA access, we recommend as an alternative that experts from the California Geologic Survey or United States Geologic Survey be permitted to study the soil directly in the open trenches.

We appreciate your reconsideration of our request to view the trenches.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By Ronald W. Stamm

RONALD W. STAMM
Principal Deputy County Counsel
Transportation Division

RWS

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CREATING A WORLD CLASS EDUCATION

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By Messenger

Hon. Antonio R. Villaraigosa
Chair
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, 3rd Floor
Los Angeles, CA 90012

Re: Westside Subway Extension Project

To the Los Angeles County Metropolitan Transportation Authority, Hon. Chairman and Members of the Board of Directors:

I am the President of the Board of the Beverly Hills Unified School District, a District which currently serves approximately 5,000 students and their families. The Beverly Hills Unified School District (BHUSD) will be substantially and negatively impacted by the Westside Subway Extension project (Westside Extension) as currently recommended by staff. By this letter, BHUSD asks the Board of Directors of the Los Angeles County Metropolitan Transportation Authority (Metro) for a continuance of the consideration of the Final Environmental Impact Report/Final Environmental Impact Statement (FEIS/FEIR) to the May 30th, 2012 Metro Board Meeting. As set forth below, there is very good cause for the Metro Board to delay its consideration of this FEIS/FEIR for Metro's proposed Westside Extension so that the Metro Board may fully and completely consider and evaluate the impacts of its proposed project.

Metro proposes to build an extension of its subway system to serve portions of the west side of the Los Angeles metropolitan area. Despite our efforts to work with Metro staff, BHUSD was surprised to learn that one of the proposed routes serving Century City in the Draft EIS/EIR for this proposed project would pass directly underneath the District's only high school— a route not identified by earlier Metro planning. This alternative route will substantially impact Beverly Hills High School (BHHS). In response to objections to the proposed alignment, the Metro Board directed staff to undertake work to characterize certain seismic and geotechnical issues related to alternative station locations on Santa Monica Boulevard which would not impact BHHS. BHUSD, in good faith, cooperated will all Metro requests to access BHUSD property but was not allowed access to the results of this additional work until it was released to the public in the fall of 2011.

In late October of last year, Metro released to the public, without sharing with BHUSD, its Century City Area Fault Investigation Report ("Fault Investigation Report"). The scope and implications of that report have gone well beyond issues related to the Westside Extension and, left unexplored, would substantially and negatively impact the continued use of the BHHS property. The Metro Report opined as to numerous active faults, previously unknown to anyone, which Metro asserts underlie substantial portions of Century City and the surrounding area

Board of Education President - Brian David Goldberg, Ph.D. • Vice President - Jacob (Jake) Manaster • Lisa Korbatov • Noah Margo • Lewis Hall
Administrative Staff Superintendent - Gary W. Woods, Ed.D. • Assistant Superintendent, Business Services - Alex Cherniss, Ed.D.
Assistant Superintendent, Human Resources - Dawnalyn Murakawa-Leopard, Ed.D.

including BHHS and the El Rodeo elementary school. The Fault Investigation Report further recommended that those areas be considered for an Alquist-Priolo restriction on the construction of habitable structures – a recommendation of regional and statewide concern. Based on the conclusions in the Fault Investigation Report, Metro staff has now recommended against any Century City station on Santa Monica Boulevard in the draft FEIS/EIR.

As a result of Metro's Fault Investigation Report, numerous regulatory agencies, public agencies and private parties have been forced to consider the Metro Fault Investigation Report and its implications for existing structures and future projects.

The Metro Fault Investigation Report alleged serious safety issues with two BHUSD campuses. In response to the Metro Fault Investigation Reports, BHUSD immediately retained a team of prominent geologists, seismic engineers and geotechnical engineers to do a detailed seismic investigation and analysis of the area. The analysis and results of the BHUSD investigation differ substantially from the Metro investigation in depth, regulatory oversight and time invested. Crucially, BHUSD's investigation includes seismic trenching, the only recognized method to positively determine the presence of faults at the surface plus extensive testing and analysis to age area soils and potential faulting – the only methods to absolutely determine whether an area is actually underlain by active faulting - simple and straightforward steps which Metro failed to do before reaching its far-impacting conclusions.

Due to the implications of the conclusions of Metro's Fault Investigation Report, BHUSD's work must ultimately satisfy numerous and various State agencies which oversee school sites, including the California Geologic Survey (CGS) which has strict regulatory oversight over all school seismic and geotechnical analysis. CGS has been actively involved in our field investigations, has made numerous visits to our field sites, and has requested additional investigation and analysis. The United States Geologic Survey (USGS) has also made repeated visits to our field sites because of the regional and statewide implications and reviewed our analysis and conclusions. BHUSD believes that its ongoing cooperation with all involved public agencies is necessary to allow a reasoned decision making process and evaluation of the impacts of Metro's proposed Westside Extension project on its school properties. However, that process is not sensitive, or responsive, to the time constraints imposed by Metro's proposed schedule. It does not allow BHUSD to fully and completely respond to the complex issues raised by Metro. Adhering to the current time constraints as proposed will deprive the Metro Board of the opportunity to fully and completely evaluate the impacts of its proposed Westside Extension project. We are confident that this is not a result that is desirable to the Metro Board or in the interest of the public it serves.

The experts retained on behalf of BHUSD to evaluate the Metro conclusion have been working on an expedited schedule since the release of Metro's Fault Investigation Report – working through holidays and on weekends - to complete their studies as soon as possible. This work is being completed as expeditiously as reasonably practicable and was made necessary to evaluate the claims put forth by Metro which substantially impact the on-going use of the property for school purposes. While this work is necessary to assure compliance with State requirements for school properties, BHUSD has made every effort to meet Metro's deadlines at great expense to BHUSD. The experts retained on behalf of BHUSD now advise us that they

anticipate completing the necessary groundwork within the next few days (weather permitting). They expect to deliver a comprehensive fault investigation report and analysis of the Metro Alquist–Priolo recommendation to the CGS by early May. As a result of the Metro Fault Investigation Report BHUSD has incurred expenses in excess of $1,000,000 for a comprehensive geotechnical investigation to evaluate Metro's conclusions.

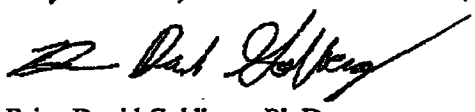
BHUSD and its Board is confident that the Metro Board would benefit from the results of its investigation and understands the importance of the need for Metro to have the opportunity to consider all relevant data in making this very important decision which will impact our community. BHUSD further believes that the results of these reports, and the data and analysis contained therein, are important for the Metro Board to consider before certifying the FEIS/FEIR. Delaying the Metro Board vote until May will allow the Metro Board members and staff sufficient time to fully review and consider all reports prior to consideration of the FEIS/FEIR for the Westside Extension project. This request is reasonable in light of the scope and potential impacts of the proposed Project.

A one month extension of time is consistent with Metro practice on other projects and given the more than seven years already spent in project development will have a negligible impact. It makes no sense, after several years of developing an EIS/EIR, for the Metro Board to vote on the FEIS/FEIR without first at least reviewing the critical information that will be contained in BHUSD's reports – particularly after the District has gone through such great lengths and incurred such expense to create this report.

The Beverly Hills Unified School District, on behalf of its students, parents and concerned citizens, respectfully requests that this Board extend the time to review, consider and comment on its proposed FEIS/EIR for the Westside Extension to its regularly scheduled meeting on May 30, 2012. Please do not hesitate to contact the undersigned if you have any questions or would like to discuss this further.

Thank you for your time and consideration.

Respectfully submitted,



Brian David Goldberg, Ph.D.
President of the Board of Education
Beverly Hills Unified School District

CC: MTA Board Members et al. (by Overnite Mail and/or Email as Noted)

MTA ADDRESS	ALTERNATIVE ADDRESS
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Julie Moore Transport. Deputy for Don Knabe Metro One Gateway Plaza Los Angeles, CA 90012-2952	

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Michael Cano Transport. Deputy for Michael Antonovich Supervisorial District #5 615 East Foothill Blvd., Suite A San Dimas, CA 91773	
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April 5, 2012

By Messenger, Certified Mail and Email

David Lor
Records & Information Coordinator
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952

Re: BHUSD Public Records Request (Costs)

Dear Mr. Lor:

This firm represents the Beverly Hills Unified School District. This is a request to the Los Angeles Metropolitan Transportation Authority ("Metro") for production of public records under the California Public Records Act (Government Code §§6253-6277) (the "Act"). Under the Act, Section 6253(c) of the Government Code requires a public entity to determine whether it possesses documents which are responsive to the request within ten (10) days of its receipt of the request and to produce such documents forthwith upon payment.

We request the following records:

1. The Final Capital Cost Estimate Report utilized in the FEIR/FEIS.

Explanatory Note: In Technical Report 8, at page 2-1, Metro incorporates the Final Capital Cost Estimate Report dated May 10, 2010. Metro has previously provided us with a version of the same report dated December 30, 2010 (labeled REV1).

2. The spreadsheet or document containing the station cost category sub-category pricing for all station unit costs, labeled SCC Code 20 in the FEIR/FEIS.

3. The "real estate acquisition and relocation estimates" used in the Final Capital Cost Estimate Report and any backup or supporting documentation for the estimates and any adjustments to the estimates. Page 3-7 at Section 3.7

4. The spreadsheet or document containing adjustments made to the "real estate acquisition and relocation estimates" used in the Final Capital Cost Estimate Report, and any backup or supporting documentation for the adjustments. Page 3-7 at Section 3.7

5. The "detailed work sheets" that support the Station Cost Category tables. Page 4.1, Section 4.0 ("are available upon request")

6. The "Estimating Basis and Assumptions Document[s]" utilized in each individual estimate contained in the Final Capital Cost Estimate Report, with back-up documentation and record copies, and the narrative. Page 4-2, section 4.3 ("The Estimating Basis and Assumptions Document is integral to providing a fully understanding of the estimate submittal...")

7. The "historical database" utilized in the Final Capital Cost Estimate Report. Page 4-3.

8. The estimate deliverables, including backup documentation, utilized in the Final Capital Cost Estimate Report. Page 4-9

9. The spreadsheet, database or document containing adjustments made to the historical database, including supporting calculations, worksheets and sources of adjustments. Page 6-1, Section 6.1

10. The estimate deliverables, including backup documentation, for each estimate contained in the estimates at Tables 3-1 (page 3-3), 3-2 (page 3-40, 3-7 (page 3-4), in electronic and hard copy formats, with back-up documentation including detailed worksheets, the Estimating Basis and Assumptions Document (see Request No. 6 above), record copies, and the narrative.

Explanatory Note: The Final Capital Cost Estimate Report defines the contents of an individual estimate: These estimate deliverables "will be prepared on Microsoft Excel spreadsheets" and "transmitted in both hard copy and electronic formats". Page 4-1, Section 4.2. As part of the estimates, Metro is to review "back-up documentation" and obtain "record copies" which will "be provided to all participants." "For each formal estimate submittal, a narrative will be provided that explains the primary differences compared to previous submittals." Page 4-9.

11. The complete estimate packages for each estimate contained in the estimates at Tables 3-1 (page 3-3), 3-2 (page 3-40, 3-7 (page 3-4), in electronic and hard copy formats, with back-up documentation and record copies, and the narrative.

Explanatory Note: The Final Capital Cost Estimate Report defines the contents of an individual estimate: These estimate deliverables "will be prepared on Microsoft Excel spreadsheets" and "transmitted in both hard copy and electronic formats". Page 4-1, Section 4.2. As part of the estimates, Metro is to review "back-up documentation" and obtain "record copies" which will "be provided to all participants." "For each formal estimate submittal, a narrative will be provided that explains the primary differences compared to previous submittals." Page 4-9.

12. The updated cost estimate referenced in the Century City Station Location Report, in electronic and hard copy formats, with back-up documentation and record copies, and the narrative. Technical Report 38, Page 2-3, Section 2.2. See Explanatory Note above.

13. The parametric cost estimates prepared for each alignment option considered in the FEIR/FEIS, in electronic and hard copy formats, with back-up documentation and record copies, and the narrative.

14. The spreadsheet, database or document containing "estimated real estate costs" for the Century City Constellation and Century City Santa Monica options as reflected in Table 2-2, with source information including real estate acquisition and relocation estimates, information obtained for similar types of property, and cost estimates based on right of way drawings, and adjustments made as reflected in Section 6. Technical Report 38 - Page 2-11, Section 2.3.8 and Final Capital Cost Estimate Report dated December 30, 2010 at page 3-7, section 3.7.

15. The complete estimate package for the "Station Entrance Studies – Summary Rough Order of Magnitute (ROM) Cost Estimate" in electronic and hard copy formats, with back-up documentation, record copies and the narrative. Technical Report 49 – Page A-2. Reference for "electronic and hard copy formats, with back-up documentation and record copies" Final Capital Cost Estimate, page 4-2, Section 4.2 (estimates…will be prepared on Microsoft Excel spreadsheets…Estimates will be transmitted in both hard copy and electronic formats."), "quality check will include a review for…back-up documentation…" "Record copies will be provided to all participants" and "a narrative will be provided").

16. The estimates contained in Table S-10 at page S79 of Executive Summary, in electronic and hard copy formats, with back-up documentation, record copies and the narrative.

17. The estimates contained in Table 6-1 at page 6-2, Table 6-2 at page 6-3, and Table 6-3 at page 6-4 of FEIS/FEIR, Chapter 6, with back-up documentation, record copies and the narrative.

18. The estimates contained in Table 7-2, page 7-10 of FEIS/FEIR, Chapter 7, with back-up documentation, record copies and the narrative.

We remind Metro of the breadth of the Public Records Act especially Government Code §6252(g) which includes electronic spreadsheets. See also Government Code §6253.9(a). We also refer you to §6253.1(a) which obligates Metro to assist in identifying records that meet our requests. We further will provide additional clarifying information under §6253.1(b) if you believe our requests are in any way ambiguous. We would also appreciate the full and complete index of its Westside Subway Extension project records, in electronic format. §6253.1(d)(3).

Thank you for your cooperation. As noted, we are prepared to pay for the cost of copying the above documents. Your prompt attention to this matter is most appreciated. By

copy of this matter to Mr. Stamm, I trust there will not be any ambiguity that time is of the essence.

Please do not hesitate to call me if you have any questions regarding the foregoing.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Ron Stamm, Metro (by email)

HFB 1137668.3 B3902002

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April 6, 2012

By Messenger, Certified Mail and Email

David Lor
Records & Information Coordinator
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952

Re: BHUSD Public Records Request (Engineering)

Dear Mr. Lor:

This firm represents the Beverly Hills Unified School District. This is a request to the Los Angeles Metropolitan Transportation Authority ("Metro") for production of public records under the California Public Records Act (Government Code §§6253-6277) (the "Act"). Under the Act, Section 6253(c) of the Government Code requires a public entity to determine whether it possesses documents which are responsive to the request within ten (10) days of its receipt of the request and to produce such documents forthwith upon payment.

We request the following records:

19. The documents or spreadsheets containing the speed profile and time calculations for all route alternatives, including underlying variables and formulas used to generate these values, in hard copy and electronic format. Reference: FEIS/FEIR for Westside Subway Extension, Executive Summary at page S-5 ("The estimated one-way running time ranges from 14 minutes, 26 seconds to 15 minutes, 21 seconds from the Wilshire/Western Station to the Westwood/VA Hospital Station depending on the alignment between the Wilshire/Rodeo and the Westwood/VA Hospital Stations.")

20. The documents or spreadsheets containing the calculations including underlying variables and formulas used to generate the Federal Cost Effectiveness Index for all project alternatives including station alternates. FEIS/FEIR Executive Summary at page S-27, Table S-3 and page S-39, Table S-4 – "Cost per Hour of Transit User Benefits"

21. The documents or spreadsheets containing the calculations including underlying variables and formulas used to generate these values in Table S-4. FEIS/FEIR Executive Summary at page S-39, Table S-4 – "Cost per Hour of Transit User Benefits"

22. A copy of the report entitled "The American Public Transit Association (APTA) prepared a report in 2006 that concluded that tunnels could be safely constructed and operated in the Wilshire Corridor." Appendix L, Geotechnical Reports, Century City Tunneling Safety Report at page ES-2.

23. Any reports or data on gas measurement information done by Metro for any wells in the area of the Century City Santa Monica Station and alignment. Appendix L, Geotechnical Reports.

24. The documents or spreadsheets containing the calculations used to produce the statement: "Volume losses of less than 0.5% are expected along the alignment, which at BHHS for a tunnel crown at a depth of 50 feet, would result in surface settlement of less than 0.5 inch and an average surface settlement slope (angular distortion) of 0.75 x 10-3." Century City Tunneling Safety Report, p. 4-8.

25. The engineering scoping documents used to determine the specific sizing of the ancillary spaces for each station option. Station Site Plan Report, Appendix B.

26. The Metro Standard Design Criteria used for the FEIS/EIR. Final Capital Cost Estimate Report, page 5-1, Section 5.1 ("Standard Design Criteria that... can be used to develop scope relative to station size and configuration. ... Metro is currently updating the Design Criteria, and some designs will be modified as the new criteria are established.")

We remind Metro of the breadth of the Public Records Act especially Government Code §6252(g) which includes electronic spreadsheets. See also Government Code §6253.9(a). We also refer you to §6253.1(a) which obligates Metro to assist in identifying records that meet our requests. We further will provide additional clarifying information under §6253.1(b) if you believe our requests are in any way ambiguous. We would also appreciate the full and complete index of its Westside Subway Extension project records, in electronic format. §6253.1(d)(3).

Thank you for your cooperation. As noted, we are prepared to pay for the cost of copying the above documents. Your prompt attention to this matter is most appreciated. By copy of this matter to Mr. Stamm, I trust there will not be any ambiguity that time is of the essence.

Please do not hesitate to call me if you have any questions regarding the foregoing.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Ron Stamm, Metro (by email)

HFB 1137744.1 B3902002

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April 6, 2012

By Messenger, Certified Mail and Email

David Lor
Records & Information Coordinator
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952

Re: BHUSD Public Records Request (Ridership)

Dear Mr. Lor:

This firm represents the Beverly Hills Unified School District. This is a request to the Los Angeles Metropolitan Transportation Authority ("Metro") for production of public records under the California Public Records Act (Government Code §§6253-6277) (the "Act"). Under the Act, Section 6253(c) of the Government Code requires a public entity to determine whether it possesses documents which are responsive to the request within ten (10) days of its receipt of the request and to produce such documents forthwith upon payment.

We request the following records:

27. Documents, data, calculations, spreadsheets or summaries evidencing "Total projected boardings for the LPA range from approximately 46,000 to 49,300 per day." Executive Summary – page S-5

28. A copy of the 2005 Development Related Ridership Survey prepared by WMATA. R2 –Technical Report 39. Century City TOD and Walk Accessibility Study – page 2-3, Section 2.5.1

29. Spreadsheets, calculations and source data used to determine the population figures contained in Table 4.1. Technical Report 39. Century City TOD and Walk Accessibility Study – page 4-4, Table 4.1.

30. Spreadsheets, calculations and source data used to determine all figures contained in Table 4.2 Technical Report 39. Century City TOD and Walk Accessibility Study – page 4-5, Table 4.2.

31. Spreadsheets, calculations and source data used to determine all figures contained in Table 4.4. Technical Report 39. Century City TOD and Walk Accessibility Study – page 4-7, Table 4.4.

32. Spreadsheets, calculations and source data used to determine all figures contained in Table 4.5. Technical Report 39. Century City TOD and Walk Accessibility Study – page 4-7, Table 4.5.

33. Spreadsheets, calculations and source data used to determine building square footage and function, plus the source of the conversion factors used to convert building square footage to jobs. Technical Report 39. Century City TOD and Walk Accessibility Study – Appendix A –

34. Spreadsheets, calculations and source data used to determine distance decay estimates described in the text, including all calculations, formula, and variables. Technical Report 39. Century City TOD and Walk Accessibility Study – Appendix B – page 2-6, Section 2.2.1.1.

35. The Parsons Brinkerhoff memo providing population estimates dated May 24, 2011 referenced in the Appendix B. Technical Report 39. Century City TOD and Walk Accessibility Study – Appendix B– page 2-7, Section 2.2.1.2.

36. Provide the diagrams or maps or other date used to identify, evaluate and quantify the route directness conclusions made in the text. Technical Report 39. Century City TOD and Walk Accessibility Study – Appendix B– page 2-7, Section 2.2.1.3 –

37. Similar ridership or walk accessibility studies or analysis performed by Metro for the station alternate locations at Westwood/UCLA and Westwood/VA Hospital. Technical Report 39. Century City TOD and Walk Accessibility Study.

38. Similar studies or analysis performed by Metro to corroborate the methodology to actual Metro ridership at any Metro station. Technical Report 39.

39. Any studies or analysis of actual Metro ridership that correlated actual ridership to building square footage and function and location. Technical Report 39.

40. The Technical Report Summarizing the Results of the Forecasted Alternatives – dated October 2011, or a more current version if available.

41. The Updated Direct Ridership Forecasting Report – dated September 2011, or a more current version if available. Technical Report 50.

42. The Metro Travel Demand Model (CBM 09).

42. The Technical Report Summarizing the Results of the Forecasted Alternatives – page 3-1, Table 3.1: 2035 Daily Station Boardings

43. Spreadsheets, calculations and source data used to determine the values contained in Figure 2.1, at page 2-3. Technical Report 50. Technical Report Summarizing the Results of the Forecasted Alternatives – page 2-3, Figure 2.1.

44. Spreadsheets, calculations and source data used to prepare the walk times contained on this Figure 2.2 at page 2-3. Technical Report 50. Technical Report Summarizing the Results of the Forecasted Alternatives – page 2-3, Table 2.3.

45. Spreadsheets, calculations and source data used to create refinement to the Century City coding, including before and after codings. Technical Report 50. Technical Report Summarizing the Results of the Forecasted Alternatives – page 1-2, Section 1.2.2.

45. Spreadsheets, calculations and source data used to determine walk times contained in the analysis. refinement to the Century City

46. Spreadsheets, calculations and source data used to determine how the Metro travel Demand Model addresses riders from TAZs adjacent to TAZ 738. Technical Report 50. Technical Report Summarizing the Results of the Forecasted Alternatives – page 1-2, Section 1.2.2.

47. Spreadsheets, calculations and source data used to determine the calculation of the "centroid" in TAZ 738. Technical Report 50. Technical Report Summarizing the Results of the Forecasted Alternatives – page 1-2, Section 1.2.2

48. Spreadsheets, calculations and source data used to develop the ridership demand model used to determine the ridership levels for all alternatives, including electronic copies if available. Technical Report 50. Technical Report Summarizing the Results of the Forecasted Alternatives.

We remind Metro of the breadth of the Public Records Act especially Government Code §6252(g) which includes electronic spreadsheets. See also Government Code §6253.9(a). We also refer you to §6253.1(a) which obligates Metro to assist in identifying records that meet our requests. We further will provide additional clarifying information under §6253.1(b) if you believe our requests are in any way ambiguous. We would also appreciate the full and complete index of its Westside Subway Extension project records, in electronic format. §6253.1(d)(3).

Thank you for your cooperation. As noted, we are prepared to pay for the cost of copying the above documents. Your prompt attention to this matter is most appreciated. By copy of this matter to Mr. Stamm, I trust there will not be any ambiguity that time is of the essence.

Please do not hesitate to call me if you have any questions regarding the foregoing.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

CC: Ron Stamm, Metro (by email)

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April 10, 2012

Via U.S. Mail & E-Mail

Ronald W. Stamm
Principal Deputy County Counsel
Transportation Division
County of Los Angeles
One Gateway Plaza
Los Angeles, CA 90012-2951

Re: Westside Subway Extension - BHUSD

Dear Mr. Stamm:

The Beverly Hills Unified School District (BHUSD) hereby requests that Metro reconsider its denial of the BHUSD's request to extend the public comment period and consideration of the FEIS/EIR for the Westside Subway Extension Project to the May Board meeting, which was documented by your letter of April 6, 2012 .

Shortly after your letter was received, the BHUSD received a letter from Leslie T. Rogers, Regional Administrator of the Federal Transit Administration (enclosed), granting BHUSD's request extend the FEIS public comment period to May 22, 2012. Based on this new development, combined with our previously stated reasoning, BHUSD respectfully requests that Metro reconsider its decision to hastily move forward with the public comment period and consideration of the FEIS/EIR for the Westside Subway Extension Project

As you know, BHUSD requested this modest delay to ensure that both the decision makers and the public have full access to all available , objective expert reports reviewing Metro's conclusions only recently released in the March 2012 FEIS/EIR. Because of the technical, complicated and time consuming scientific nature of this work, especially as it relates to the critical issue of seismic safety, the reports are still in process but will be released as soon as reasonably possible. In granting the extension, the FTA has recognized the need for a full airing of these issues given the importance of the project, especially the decision on where to locate the Century City station, in an effort to get this decision right. Indeed, as Metro has stated numerous times, there is only one chance to get this right!

In light of the FTA action, please let us know how Metro intends to proceed and whether consideration of the FEIS/EIR will now be continued to a date after May 22, 2012.

Very truly yours,

KEVIN H. BROGAN
OF
HILL, FARRER & BURRILL LLP

cc: Members of the Metro Board of Directors
Gary W. Woods, Ed. D., BHUSD Superintendant

U.S. Department
of Transportation
**Federal Transit
Administration**

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APR 6 2012

Margaret M. Strand, Esq.
Venable LLP
575 Seventh Street NW
Washington, DC 20004

Re: Westside Subway Extension Project
Los Angeles, California

Dear Ms. Strand:

This responds to your letter, dated March 23, 2012, in which you, on behalf of the Beverly Hills Unified School District Board of Education, requested an extension of the public comment period for the Final Environmental Impact Statement ("FEIS") for the Westside Subway Extension Project ("Project") to 60 days. Given the importance of the Project, FTA will grant the requested extension of the FEIS public comment period. That comment period will now close on May 22, 2012. The extension of the FEIS public comment period will be published in the Federal Register.

Should you wish to discuss any of these issues, please call Renee Marler, Regional Counsel, at (415) 744-2736 or Joonsik Maing, Assistant Regional Counsel, at (415) 744-2737.

Sincerely,

Leslie T. Rogers
Regional Administrator

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
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Metro

April 16, 2012

Kevin Brogan
Hill, Farrer & Burrill, LLP
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300 S. Grand Ave.
Los Angeles, CA 90071
kbrogan@hillfarrer.com

Mr. Brogan:

This letter is in reference to your requests for documents, received April 5 and 6, 2012, related to LACMTA's Westside Subway Extension.

Regarding items 1, 2, 5, 6, 8, 10, 11, 12, 16, 17, 23, 27, 31, 32, 34, 40, Metro has previously made these documents available. You may review the Final EIR/EIS, either Financial Plans, and/or visit the project's website at: <http://www.metro.net/projects/westside/>.

Regarding items 22, 28, 29, 30, 33, 35, 36, and 41, copies of these documents are to be posted to the project's website <http://www.metro.net/projects/westside/> and will be available within the next 10 days.

Regarding items 7, 9, 13, 25, 37, and 39, there are no documents on these matters; therefore, we have no documents to release. Furthermore, documents responsive to these items may be under the control of LACMTA consultants.

Regarding items 3, 4, 14, 19, 20, 21, 42, 43 (your duplicative item 42), 44 (your item 43), 45 (your item 44), and 50 (your item 48), documents on these matters are considering proprietary and/or under the control of LACMTA consultants. Therefore, they are exempt from disclosure under Government Code 6254.7(d).

Regarding items 15, 18, 24, 26, 38, 46 (your item 45), 47 (your duplicative item 45), 48 (your item 46), 49 (your item 47), please be advised that LACMTA is entitled to an additional 14 days under California Government Code Section 6253 (c)(2). Therefore, LACMTA will make a determination as to the release of documents on or before April 30, 2012.

You may contact David Lor at (213) 922-4880 or lord@metro.net if you have any questions or concerns. Please also reference PRA-0004308 in future correspondences.

Sincerely,

David Lor for

Joe Parise
RIM Manager

cc: RMC
Chron

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

Metro

May 1, 2012

Kevin Brogan
Hill, Farrer & Burrill, LLP
37th Floor
300 S. Grand Ave.
Los Angeles, CA 90071
kbrogan@hillfarrer.com

Mr. Brogan:

This letter is in reference to your requests, received April 5 and 6, 2012, related to LACMTA's Westside Subway Extension.

Regarding item 15, documents on this matter are "engineering or feasibility estimates" and, therefore, are exempt from disclosure under Government Code 6254(h).

Regarding item 18, the data in this table was assembled from several other sections of the Final EIS/EIR and Technical Reports. For example, the lengths of the alternative alignments can be determined using Appendix A (Plan and Profile, and Typical Section Drawings) and the number and location of permanent underground easements required under each alternative can be found in the Acquisitions and Displacement Supplemental Report.

Regarding item 26, documents on this matter are considered proprietary and, therefore, are exempt from disclosure under Government Code 6254.7(d).

Regarding item 38, no such documents exist; therefore we have no documents to release.

Regarding items 46 (your item 45), 47 (your duplicative item 45), 48 (your item 46), and 49 (your item 47), please refer to the Technical Report Summarizing the Results of the Forecasted Alternatives. All further documentation on the matter are not under LACMTA control and/or are based on the modelers' expertise, for which there are no documents.

Regarding item 24, LACMTA requires more time to respond to this matter and, therefore, will contact you on or before May 14, 2012.

//
//

If you have further questions or comments please feel free to contact David Lor at (213) 922-4880 or lord@metro.net. Please also reference PRA-0004308 in future correspondences.

Sincerely,

Joe Parise
RIM Manager

cc: RMC
Chron

Attachment 2

CITY OF BEVERLY HILLS
ENGINEERING / TRANSPORTATION
455 North Rexford Dr.
Beverly Hills, Calif. 90210
Public Right-Of-Way Use Permit

Permit No : **PW1203223**

05/31/2012

8412 WILSHIRE BLVD

THIS PERMIT VALID ONLY FOR ACTIVITY ON PUBLIC RIGHT-OF-WAY AND MUST BE ENDORSED AS PAID BY CITY CASHIER

Project No	: 120000750	Processed By	: acurtis
Permit No	: PW1203223	Applied	: 02/27/2012
status	: Issued	Issued	: 05/08/2012
		Job Start	: 03/26/2012
Job Address	: 8412 WILSHIRE BLVD	Job End	: 06/08/2012

Applicant : AMEC ENVIRONMENT & INFRASTRUCTURE INC
Applicant Address : 5628 E SLAUSON AVE LOS ANGELES CA 90040
Applicant Phone : (323)889-5300

Contractor : : Lic. ()-

Permit to do : BORING IN PUBLIC R-O-W FOR SEISMIC INVESTIGATION FOR METRO RAIL + POST NO PARKING SIGNS

Work Location : PUBLIC R-O-W

Hours : 9AM-3PM MON-FRI

Refer to :

PXT Thru :

Phone :

Comments

Permit is approved with the following conditions: 1) All Borings shall be filled with Cement Bentonite Chips. 2) All cuttings shall be exported off site the same day, no barrels, or cuttings shall be left on the public right-of-Way after permitted working hours. 3) asphalt/concrete surface shall be patched with rapid set concrete mixed with a black dye. 4) Work shall be only done M-F 9:00am -3:00 pm 5) A flagman shall be present at all time. 6) City of Beverly Hills "No parking Signs" shall be purchased from City Hall and shall be posted at least 48 hours before work starts. 7) Applicant shall pay fees for 2 borings, public Right-of-way use permit, street repairs, and any other applicable fees determined by the DST's

Conditions

1). Hauling that meets the following criteria may require engineering investigations, routing definition, coordination, police escort, and control of permit movement:
(1) Loads in excess of 14 feet wide.
(2) Loads in excess of 135 feet in overall length.
(3) Loads that are of a weight that require:
A) More than a 13-axle, single-vehicle width hauling combination, or
B) A 13-axle, single-vehicle width hauling combination with a load deck where the inner axles in the groups bordering the load deck are 40 feet or more apart, or
C) Two or more side-by-side vehicles with a combined width of 14 feet or more supporting the load.

2). HEAVY VEHICLE RESTRICTIONS - BHMC 7-2-201: HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS:

A. No person shall operate any vehicle having a gross weight, including the vehicle and its load, of three (3) tons or more on any street in the city except on those streets designated in section 7-2-203 of the Beverly Hills Municipal Code or unless authorized by permit issued pursuant to subsection 8-2-3(D) of this code.

B. The provisions of subsection A of this section shall not apply to the following:

Application for a Title 8 (Class A, B, C,or, D) permit is hereby made to the Director of Public Works and Transportation for the purpose hereinafter set forth. The applicant agrees to comply with all req
The applicant shall acknowledge and comply with the following minimum requirements;
1) Provide an accurate and detailed plan or sketch indicating current conditions and the proposed changes.
2) Call the Permit Center for required inspections 24 hours in advance at (310)285-1141.
3) Temporary No Parking/No Stopping signs must be posted at least 72 hours prior to the effective time of the restriction. Verification of posting must be requested by calling the Beverly Hills Police Dep
4) All traffic and parking controls remain in full force and effect unless otherwise indicated on the permit. PARKING METER REVENUES REMAIN DUE AND PAYABLE (unless shown as pre-paid on this permit. THIS P
5) Permitee must provide full and adequate protection for pedestrians, property and vehicular traffic at all times Minimum 4 clear walkway must be maintained on sidewalk
6) PERMITTED ACTIVITY IS AS INDICATED, NO ADDITIONAL AUTHORITY IS IMPLIED OR APPROVED.
7) POSITIVELY NO EQUIPMENT, MATERIALS OR DEBRIS SHALL REMAIN WITHIN THE PUBLIC RIGHT-OF-WAY OVERNIGHT UNLESS OTHERWISE INDICATED.
8) OTHER REQUIREMENTS, RESTRICTIONS AND APPROVALS MAY APPLY. IT IS THE SOLE RESPONSIBILITY OF THE PERMITTEE TO INSURE COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
Drawing BH101 supplied to applicant NO TREE ROOTS MAY BE CUT TRIMMED OR DISTURBED WITHOUT SPECIFIC APPROVAL BEING NOTED ON THIS PERMIT

Signature of Applicant

1. Any passenger stage vehicle regulated by sections 1031 through 1036 of the state Public Utilities Code and operating under a certificate from the public utilities commission of the state declaring that the public necessity and convenience require the operation of such vehicle; and further provided that the certificate specifically authorizes such vehicle to be operated in the city, and the vehicle is being operated while in the city for the purpose authorized in such certificate; provided further, this exemption shall not apply to vehicles operated as a round trip sightseeing service;
2. Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility;
3. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business;
4. Any vehicle of the military or naval forces of the United States or the duly authorized militia of the state in the proper performance of their duties. (1962 Code § 3-6.1306; amd. Ord. 90-O-2088, eff. 2-8-1990)

3). HEAVY HAUL ROUTES - BHMC 7-2-202: EMERGENCY OR NECESSARY USE OF RESTRICTED STREETS:

The following vehicles may use a street other than designated in section 7-2-203 of this article under the circumstances herein below:

A. Any passenger vehicle while operated, engaged, and used for the sole and exclusive purpose of picking up or discharging a passenger or passengers at an origin or destination on any street in which the vehicle is prohibited;

B. Any vehicle when necessary, for the purpose of making pick ups and deliveries of goods, wares, or merchandise from or to any premises located on any prohibited street, or for the purpose of delivering materials on a prohibited street to be used in the repair, alteration, remodeling, or construction of any building or structure for which a building permit has previously been obtained;

C. Whenever it is necessary for a vehicle to deviate from the streets designated in section 7-2-203 of this article for the purposes specified in subsection A or B of this section, the vehicle shall travel from a street authorized by section 7-2-203 of this article to the destination by a route so that the point of travel is the shortest possible distance over prohibited streets; provided however, if the additional distance of travel to reach the shortest route would exceed two (2) miles, the vehicle may take the most direct route to its destination. (1962 Code §§ 3-6.1306, 3-6.1306.1)

4). No person shall operate or drive a commercial vehicle in, on, or across any private driveway approach or sidewalk area without the consent of the owner or occupant of such property if a sign or markings are in place indicating that the use of such driveway is prohibited. For the purposes of this section, a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half (1/2) ton. (1962 Code § 3-6.803)

5). Pursuant to Beverly Hills Municipal Code § 7-2-203, the following streets are designated for use by vehicles exceeding a maximum gross weight, including the vehicle and its load, of three (3) tons:

Alden Drive;
Bedford Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Beverly Boulevard;
Beverly Drive from the south city limits to Santa Monica Boulevard (north);
Brighton Way from Canon Drive to Wilshire Boulevard;
Burton Way;
Camden Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Canon Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Civic Center Drive from Burton Way to Santa Monica Boulevard (south);
Crescent Drive between the north and south roadways of Santa Monica Boulevard;
Dayton Way from Canon Drive to Wilshire Boulevard;
Doheny Drive;
Foothill Road from Burton Way to Santa Monica Boulevard (south);
La Cienega Boulevard;
Linden Drive from Wilshire Boulevard to Santa MonicaBoulevard (south);
Maple Drive from Burton Way to Santa Monica Boulevard (south);

CITY OF BEVERLY HILLS
ENGINEERING / TRANSPORTATION
455 North Rexford Dr.
Beverly Hills, Calif. 90210
Public Right-Of-Way Use Permit

8412 WILSHIRE BLVD

THIS PERMIT VALID ONLY FOR ACTIVITY ON PUBLIC RIGHT-OF-WAY AND MUST BE ENDORSED AS PAID BY CITY CASHIER

Olympic Boulevard;
Rexford Drive from Santa Monica Boulevard (north) to Burton Way;
Robertson Boulevard;
Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
San Vicente Boulevard;
Santa Monica Boulevard (north and south roadways);
Third Street;
Wilshire Boulevard

6). *THIS PERMIT AUTHORIZES TRAVEL WITHIN THE CITY FOR RESTRICTED CLASSES OF VEHICLES ONLY. A COPY OF THIS PERMIT SHALL BE CONTAINED WITHIN EACH VEHICLE AUTHORIZED AND PRESENTED FOR INSPECTION UPON DEMAND.

*NO DEVIATION FROM ROUTES STATED ON THIS PERMIT UNLESS AUTHORIZED BY THE POLICE DEPARTMENT.

*THERE IS NO STAGING IN THE CITY OF BEVERLY HILLS, EXCEPT AS SPECIFICALLY INDICATED BY SPECIAL CONDITION.

*IF THE VEHICLE EXCEEDS THE MAXIMUM LEGAL LOAD OR DIMENSION, A POLICE ESCORT IS REQUIRED. FEES FOR THE ESCORT ARE COLLECTED AT THE TIME THE PERMIT IS ISSUED. THE CARRIER/PERMITTEE MUST CONTACT THE POLICE DEPARTMENT DISPATCHER AT (310) 550-4951 PRIOR TO ENTERING THE CITY LIMITS AND ARRANGE A TIME AND PLACE TO MEET WITH THE ESCORTING OFFICER.

*DAMAGE TO PUBLIC IMPROVEMENTS AS A RESULT OF PERMITTED TRANSPORT SHALL BE REPORTED TO THE POLICE DEPARTMENT WITHIN 24 HOURS.

*TRANSFER TRUCKS AND TRUCKS & PUP ARE PROHIBITED. 18 WHEELERS ARE RESTRICTED NORTH OF SUNSET BOULEVARD.

Fees

Fee Description	Account	Units	Fee/Units	Amount	Paid
Permit Issuance Fee	5571	0.00	$0.00	$52.20	$52.20
Boring (2 holes max/permit)	179	0.00	$0.00	$473.30	$473.30
Public Right-of-Way Use (First month)	551	0.00		$139.20	$139.20
Public Right-of-Way Use (Each add month)	551	1.00	$139.20	$139.20	$139.20
No Parking Signs (per sign, 2 sign min)	551	10.00	$5.00	$50.00	$50.00
Parking Meter Revenue (Lost)	043	0.00		$180.00	$180.00
Heavy Hauling Fee (Multi-trip/annual)	554	0.00		$90.00	$90.00
Engineering Plan Check Review	558	0.00		$278.40	$278.40
Minor Amendment To Permit (Ea)	551	1.00	$26.80	$26.80	$26.80

Plan Check		Permit		Total	
Fees:	$278.40	Fees:	$1,150.70	Fees:	$1,429.10
				Adjustments:	$0.00
Payments:	$278.40	Payments:	$1,150.70	Payments:	$1,429.10
				Extend Credit:	$0.00
Balance Due:	$0.00	Balance Due:	$0.00	Balance Due:	$0.00

Date	Transaction Type	Method	Amount

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The applicant shall acknowledge and comply with the following minimum requirements;
1) Provide an accurate and detailed plan or sketch indicating current conditions and the proposed changes.
2) Call the Permit Center for required inspections 24 hours in advance at (310)285-1141.
3) Temporary No Parking/No Stopping signs must be posted at least 72 hours prior to the effective time of the restriction. Verification of posting must be requested by calling the Beverly Hills Police Dep
4) All traffic and parking controls remain in full force and effect unless otherwise indicated on the permit. PARKING METER REVENUES REMAIN DUE AND PAYABLE (unless shown as pre-paid on this permit. THIS P
5) Permitee must provide full and adequate protection for pedestrians, property and vehicular traffic at all times Minimum 4 clear walkway must be maintained on sidewalk
6) PERMITTED ACTIVITY IS AS INDICATED, NO ADDITIONAL AUTHORITY IS IMPLIED OR APPROVED.
7) POSITIVELY NO EQUIPMENT, MATERIALS OR DEBRIS SHALL REMAIN WITHIN THE PUBLIC RIGHT-OF-WAY OVERNIGHT UNLESS OTHERWISE INDICATED.
8) OTHER REQUIREMENTS, RESTRICTIONS AND APPROVALS MAY APPLY. IT IS THE SOLE RESPONSIBILITY OF THE PERMITTEE TO INSURE COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
Drawing BH101 supplied to applicant NO TREE ROOTS MAY BE CUT TRIMMED OR DISTURBED WITHOUT SPECIFIC APPROVAL BEING NOTED ON THIS PERMIT

Signature of Applicant

CITY OF BEVERLY HILLS
ENGINEERING / TRANSPORTATION
455 North Rexford Dr.
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Public Right-Of-Way Use Permit

8412 WILSHIRE BLVD

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02/29/2012	Payment of Balance Due	creditcard	$278.40
03/12/2012	Payment of Balance Due	check	$984.70
05/08/2012	Payment of Balance Due	creditcard	$166.00

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Signature of Applicant

CITY OF BEVERLY HILLS
ENGINEERING / TRANSPORTATION
455 North Rexford Dr.
Beverly Hills, Calif. 90210
Public Right-Of-Way Use Permit

Permit No : **PW1203943**

05/31/2012

8554 WILSHIRE BLVD

THIS PERMIT VALID ONLY FOR ACTIVITY ON PUBLIC RIGHT-OF-WAY AND MUST BE ENDORSED AS PAID BY CITY CASHIER

Project No	: 120000926	Processed By	: acurtis
Permit No	: PW1203943	Applied	: 03/12/2012
status	: Issued	Issued	: 03/30/2012
		Job Start	: 04/02/2012
Job Address	: 8554 WILSHIRE BLVD	Job End	: 09/26/2012

Applicant : AMEC ENVIRONMENT & INFRASTRUCTURE INC
Applicant Address : 5628 E SLAUSON AVE LOS ANGELES CA 90040
Applicant Phone : (323)889-5300

Contractor : : Lic. ()-

Permit to do : MAINTAINANCE OF EXISTING MONITORING WELLS M17 AND G-11 @ 8554 & 9404 WILSHIRE BLVD RESPECTIVELY (METRO)

Work Location : PUBLIC R-O-W

Hours : MON-FRI 9 AM- 3 PM

Refer to :

PXT Thru :

Phone :

Comments

Permit is approved with the following conditions: 1. Work shall be done Mon. thru Fri. between 9:00 am and 3:00 2. Place no parking signs at least 72 hours before commencing the work.

Conditions

1). Hauling that meets the following criteria may require engineering investigations, routing definition, coordination, police escort, and control of permit movement:
(1) Loads in excess of 14 feet wide.
(2) Loads in excess of 135 feet in overall length.
(3) Loads that are of a weight that require:
A) More than a 13-axle, single-vehicle width hauling combination, or
B) A 13-axle, single-vehicle width hauling combination with a load deck where the inner axles in the groups bordering the load deck are 40 feet or more apart, or
C) Two or more side-by-side vehicles with a combined width of 14 feet or more supporting the load.

2). HEAVY VEHICLE RESTRICTIONS - BHMC 7-2-201: HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS:

A. No person shall operate any vehicle having a gross weight, including the vehicle and its load, of three (3) tons or more on any street in the city except on those streets designated in section 7-2-203 of the Beverly Hills Municipal Code or unless authorized by permit issued pursuant to subsection 8-2-3(D) of this code.

B. The provisions of subsection A of this section shall not apply to the following:
1. Any passenger stage vehicle regulated by sections 1031 through 1036 of the state Public Utilities Code and operating under a certificate from the public utilities commission of the state declaring that the public necessity and convenience require the operation of such vehicle; and further provided that the certificate specifically authorizes such vehicle to be operated in the city, and the vehicle is being operated while in the city for the purpose authorized in such certificate; provided further, this exemption shall not apply to vehicles operated as a round trip sightseeing service;
2. Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility;

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Signature of Applicant

3. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business;
4. Any vehicle of the military or naval forces of the United States or the duly authorized militia of the state in the proper performance of their duties. (1962 Code § 3-6.1306; amd. Ord. 90-O-2088, eff. 2-8-1990)

3). HEAVY HAUL ROUTES - BHMC 7-2-202: EMERGENCY OR NECESSARY USE OF RESTRICTED STREETS:

The following vehicles may use a street other than designated in section 7-2-203 of this article under the circumstances herein below:

A. Any passenger vehicle while operated, engaged, and used for the sole and exclusive purpose of picking up or discharging a passenger or passengers at an origin or destination on any street in which the vehicle is prohibited;

B. Any vehicle when necessary, for the purpose of making pick ups and deliveries of goods, wares, or merchandise from or to any premises located on any prohibited street, or for the purpose of delivering materials on a prohibited street to be used in the repair, alteration, remodeling, or construction of any building or structure for which a building permit has previously been obtained;

C. Whenever it is necessary for a vehicle to deviate from the streets designated in section 7-2-203 of this article for the purposes specified in subsection A or B of this section, the vehicle shall travel from a street authorized by section 7-2-203 of this article to the destination by a route so that the point of travel is the shortest possible distance over prohibited streets; provided however, if the additional distance of travel to reach the shortest route would exceed two (2) miles, the vehicle may take the most direct route to its destination. (1962 Code §§ 3-6.1306, 3-6.1306.1)

4). No person shall operate or drive a commercial vehicle in, on, or across any private driveway approach or sidewalk area without the consent of the owner or occupant of such property if a sign or markings are in place indicating that the use of such driveway is prohibited. For the purposes of this section, a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half (1/2) ton. (1962 Code § 3-6.803)

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Olympic Boulevard;
Rexford Drive from Santa Monica Boulevard (north) to Burton Way;
Robertson Boulevard;
Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
San Vicente Boulevard;

Santa Monica Boulevard (north and south roadways);
Third Street;
Wilshire Boulevard

6). *THIS PERMIT AUTHORIZES TRAVEL WITHIN THE CITY FOR RESTRICTED CLASSES OF VEHICLES ONLY. A COPY OF THIS PERMIT SHALL BE CONTAINED WITHIN EACH VEHICLE AUTHORIZED AND PRESENTED FOR INSPECTION UPON DEMAND.

*NO DEVIATION FROM ROUTES STATED ON THIS PERMIT UNLESS AUTHORIZED BY THE POLICE DEPARTMENT.

*THERE IS NO STAGING IN THE CITY OF BEVERLY HILLS, EXCEPT AS SPECIFICALLY INDICATED BY SPECIAL CONDITION.

*IF THE VEHICLE EXCEEDS THE MAXIMUM LEGAL LOAD OR DIMENSION, A POLICE ESCORT IS REQUIRED. FEES FOR THE ESCORT ARE COLLECTED AT THE TIME THE PERMIT IS ISSUED. THE CARRIER/PERMITTEE MUST CONTACT THE POLICE DEPARTMENT DISPATCHER AT (310) 550-4951 PRIOR TO ENTERING THE CITY LIMITS AND ARRANGE A TIME AND PLACE TO MEET WITH THE ESCORTING OFFICER.

*DAMAGE TO PUBLIC IMPROVEMENTS AS A RESULT OF PERMITTED TRANSPORT SHALL BE REPORTED TO THE POLICE DEPARTMENT WITHIN 24 HOURS.

*TRANSFER TRUCKS AND TRUCKS & PUP ARE PROHIBITED. 18 WHEELERS ARE RESTRICTED NORTH OF SUNSET BOULEVARD.

7). POST "NO PARKING" SIGNS

PERMIT APPLICANTS MUST POST SIGNS AT LEAST 72 HOURS PRIOR TO WORK ACTIVITY. ANY LESS THAN 72 HOURS, THE SIGNS ARE NOT ENFORCEBABLE. Please notify Police Dispatch when signs have been posted at (310)550-4875.
The posting of "NO PARKING" signs is expressly intended to allow access to the curb lane for the loading/unloading of construction related materials and equipment where otherwise impractical.
Signs shall not be issued for purposes of construction parking.
Vehicles not activly engaged in the activity specifically indicated on the accompanying permit will be subject to enforcement as posted.
Use of nails, tacks, staples or other intrusive method of attachment to City trees shall immediately void the permit.
Must be removed at the conclusion of the activity or upon expiration, whichever occurs first.
Sign information shall be complete and legible from the first traffic lane.
Signs may not be altered or reused.

*SIGN BELOW TO VERIFY THAT YOU HAVE READ AND UNDERSTAND THESE CONDITIONS.

NAME _____ DATE _____

*VIOLATION OF ANY CONDITION IMMEDIATELY VOIDS THIS PERMIT.

*SPECIAL CONDITIONS/INSTRUCTIONS ON THE PERMIT SHALL TAKE PRECEDENCE OVER GENERAL CONDITIONS.

*$25.00 AMENDMENT FEE WILL BE ADDED TO ANY CHANGES TO THIS PERMIT.

Fees

Application for a Title 8 (Class A, B, C,or, D) permit is hereby made to the Director of Public Works and Transportation for the purpose hereinafter set forth. The applicant agrees to comply with all req
The applicant shall acknowledge and comply with the following minimum requirements;
1) Provide an accurate and detailed plan or sketch indicating current conditions and the proposed changes.
2) Call the Permit Center for required inspections 24 hours in advance at (310)285-1141.
3) Temporary No Parking/No Stopping signs must be posted at least 72 hours prior to the effective time of the restriction. Verification of posting must be requested by calling the Beverly Hills Police Dep
4) All traffic and parking controls remain in full force and effect unless otherwise indicated on the permit. PARKING METER REVENUES REMAIN DUE AND PAYABLE (unless shown as pre-paid on this permit. THIS P
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_____
Signature of Applicant

CITY OF BEVERLY HILLS
ENGINEERING / TRANSPORTATION
455 North Rexford Dr.
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Public Right-Of-Way Use Permit

Permit No : **PW1203943**

05/31/2012

8554 WILSHIRE BLVD

THIS PERMIT VALID ONLY FOR ACTIVITY ON PUBLIC RIGHT-OF-WAY AND MUST BE ENDORSED AS PAID BY CITY CASHIER

Fee Description	Account	Units	Fee/Units	Amount	Paid
Permit Issuance Fee	5571	0.00	$0.00	$52.20	$52.20
Public Right-of-Way Use (First month)	551	0.00		$139.20	$139.20
Heavy Hauling Fee (Multi-trip/annual)	554	0.00		$90.00	$90.00
Engineering Plan Check Review	558	0.00		$278.40	$278.40

Plan Check		Permit		Total	
Fees:	$278.40	Fees:	$281.40	Fees:	$559.80
				Adjustments:	$0.00
Payments:	$278.40	Payments:	$281.40	Payments:	$559.80
				Extend Credit:	$0.00
Balance Due:	$0.00	Balance Due:	$0.00	Balance Due:	$0.00

Date	Transaction Type	Method	Amount
03/13/2012	Payment of Balance Due	creditcard	$278.40
03/30/2012	Payment of Balance Due	creditcard	$281.40

Application for a Title 8 (Class A, B, C,or, D) permit is hereby made to the Director of Public Works and Transportation for the purpose hereinafter set forth. The applicant agrees to comply with all req
The applicant shall acknowledge and comply with the following minimum requirements;
1) Provide an accurate and detailed plan or sketch indicating current conditions and the proposed changes.
2) Call the Permit Center for required inspections 24 hours in advance at (310)285-1141.
3) Temporary No Parking/No Stopping signs must be posted at least 72 hours prior to the effective time of the restriction. Verification of posting must be requested by calling the Beverly Hills Police Dep
4) All traffic and parking controls remain in full force and effect unless otherwise indicated on the permit. PARKING METER REVENUES REMAIN DUE AND PAYABLE (unless shown as pre-paid on this permit. THIS P
5) Permitee must provide full and adequate protection for pedestrians, property and vehicular traffic at all times Minimum 4 clear walkway must be maintained on sidewalk
6) PERMITTED ACTIVITY IS AS INDICATED, NO ADDITIONAL AUTHORITY IS IMPLIED OR APPROVED.
7) POSITIVELY NO EQUIPMENT, MATERIALS OR DEBRIS SHALL REMAIN WITHIN THE PUBLIC RIGHT-OF-WAY OVERNIGHT UNLESS OTHERWISE INDICATED.
8) OTHER REQUIREMENTS, RESTRICTIONS AND APPROVALS MAY APPLY. IT IS THE SOLE RESPONSIBILITY OF THE PERMITTEE TO INSURE COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
Drawing BH101 supplied to applicant NO TREE ROOTS MAY BE CUT TRIMMED OR DISTURBED WITHOUT SPECIFIC APPROVAL BEING NOTED ON THIS PERMIT

Signature of Applicant

CITY OF BEVERLY HILLS
ENGINEERING / TRANSPORTATION
455 North Rexford Dr.
Beverly Hills, Calif. 90210
Public Right-Of-Way Use Permit

8383 WILSHIRE BLVD

THIS PERMIT VALID ONLY FOR ACTIVITY ON PUBLIC RIGHT-OF-WAY AND MUST BE ENDORSED AS PAID BY CITY CASHIER

Project No	: 120001820	Processed By	: acurtis
Permit No	: PW1207326	Applied	: 05/14/2012
status	: Pending	Issued	: 05/15/2012
		Job Start	: 05/14/2012
Job Address	: 8383 WILSHIRE BLVD	Job End	: 11/11/2012

Applicant : AMEC ENVIRONMENT & INFRASTRUCTURE INC
Applicant Address : 5628 E SLAUSON AVE LOS ANGELES CA 90040
Applicant Phone : (323)889-5300

Contractor : : Lic. ()-

Permit to do : USE OF PUBLIC R-O-W TO MONITOR WATER & GAS (3) WELLS FOR ADDRESS 8383- 8423 WILSHIRE**SEE COMMENTS**

Work Location : PUBLIC R-O-W

Hours : 9AM-3PM MON-FRI

Refer to :

PXT Thru :

Phone :

Comments

Permit is approved with the following conditions: 1) All Borings shall be filled with Cement Bentonite Chips. 2) All cuttings shall be exported off site the same day, no barrels, or cuttings shall be left on the public right-of-Way after permitted working hours. 3) asphalt/concrete surface shall be patched with rapid set concrete mixed with a black dye. 4) Work shall be only done M-F 9:00am -3:00 pm 5) A flagman shall be present at all time. 6) City of Beverly Hills "No parking Signs" shall be purchased from City Hall and shall be posted at least 48 hours before work starts. 7) Applicant shall pay fees for 4 borings, public Right-of-way use permit, street repairs, and any other applicable fees determined by the DST's

Conditions

1). Hauling that meets the following criteria may require engineering investigations, routing definition, coordination, police escort, and control of permit movement:
(1) Loads in excess of 14 feet wide.
(2) Loads in excess of 135 feet in overall length.
(3) Loads that are of a weight that require:
A) More than a 13-axle, single-vehicle width hauling combination, or
B) A 13-axle, single-vehicle width hauling combination with a load deck where the inner axles in the groups bordering the load deck are 40 feet or more apart, or
C) Two or more side-by-side vehicles with a combined width of 14 feet or more supporting the load.

2). HEAVY VEHICLE RESTRICTIONS - BHMC 7-2-201: HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS:

A. No person shall operate any vehicle having a gross weight, including the vehicle and its load, of three (3) tons or more on any street in the city except on those streets designated in section 7-2-203 of the Beverly Hills Municipal Code or unless authorized by permit issued pursuant to subsection 8-2-3(D) of this code.

B. The provisions of subsection A of this section shall not apply to the following:
1. Any passenger stage vehicle regulated by sections 1031 through 1036 of the state Public Utilities Code and operating under a certificate from the public utilities commission of the state declaring that the public necessity and convenience require the operation

Application for a Title 8 (Class A, B, C,or, D) permit is hereby made to the Director of Public Works and Transportation for the purpose hereinafter set forth. The applicant agrees to comply with all req
The applicant shall acknowledge and comply with the following minimum requirements;
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3) Temporary No Parking/No Stopping signs must be posted at least 72 hours prior to the effective time of the restriction. Verification of posting must be requested by calling the Beverly Hills Police Dep
4) All traffic and parking controls remain in full force and effect unless otherwise indicated on the permit. PARKING METER REVENUES REMAIN DUE AND PAYABLE (unless shown as pre-paid on this permit. THIS P
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6) PERMITTED ACTIVITY IS AS INDICATED, NO ADDITIONAL AUTHORITY IS IMPLIED OR APPROVED.
7) POSITIVELY NO EQUIPMENT, MATERIALS OR DEBRIS SHALL REMAIN WITHIN THE PUBLIC RIGHT-OF-WAY OVERNIGHT UNLESS OTHERWISE INDICATED.
8) OTHER REQUIREMENTS, RESTRICTIONS AND APPROVALS MAY APPLY. IT IS THE SOLE RESPONSIBILITY OF THE PERMITTEE TO INSURE COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
Drawing BH101 supplied to applicant NO TREE ROOTS MAY BE CUT TRIMMED OR DISTURBED WITHOUT SPECIFIC APPROVAL BEING NOTED ON THIS PERMIT

Signature of Applicant

of such vehicle; and further provided that the certificate specifically authorizes such vehicle to be operated in the city, and the vehicle is being operated while in the city for the purpose authorized in such certificate; provided further, this exemption shall not apply to vehicles operated as a round trip sightseeing service;

2. Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility;
3. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business;
4. Any vehicle of the military or naval forces of the United States or the duly authorized militia of the state in the proper performance of their duties. (1962 Code § 3-6.1306; amd. Ord. 90-O-2088, eff. 2-8-1990)

3). HEAVY HAUL ROUTES - BHMC 7-2-202: EMERGENCY OR NECESSARY USE OF RESTRICTED STREETS:

The following vehicles may use a street other than designated in section 7-2-203 of this article under the circumstances herein below:

A. Any passenger vehicle while operated, engaged, and used for the sole and exclusive purpose of picking up or discharging a passenger or passengers at an origin or destination on any street in which the vehicle is prohibited;

B. Any vehicle when necessary, for the purpose of making pick ups and deliveries of goods, wares, or merchandise from or to any premises located on any prohibited street, or for the purpose of delivering materials on a prohibited street to be used in the repair, alteration, remodeling, or construction of any building or structure for which a building permit has previously been obtained;

C. Whenever it is necessary for a vehicle to deviate from the streets designated in section 7-2-203 of this article for the purposes specified in subsection A or B of this section, the vehicle shall travel from a street authorized by section 7-2-203 of this article to the destination by a route so that the point of travel is the shortest possible distance over prohibited streets; provided however, if the additional distance of travel to reach the shortest route would exceed two (2) miles, the vehicle may take the most direct route to its destination. (1962 Code §§ 3-6.1306, 3-6.1306.1)

4). No person shall operate or drive a commercial vehicle in, on, or across any private driveway approach or sidewalk area without the consent of the owner or occupant of such property if a sign or markings are in place indicating that the use of such driveway is prohibited. For the purposes of this section, a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half (1/2) ton. (1962 Code § 3-6.803)

5). Pursuant to Beverly Hills Municipal Code § 7-2-203, the following streets are designated for use by vehicles exceeding a maximum gross weight, including the vehicle and its load, of three (3) tons:

Alden Drive;
Bedford Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Beverly Boulevard;
Beverly Drive from the south city limits to Santa Monica Boulevard (north);
Brighton Way from Canon Drive to Wilshire Boulevard;
Burton Way;
Camden Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Canon Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Civic Center Drive from Burton Way to Santa Monica Boulevard (south);
Crescent Drive between the north and south roadways of Santa Monica Boulevard;
Dayton Way from Canon Drive to Wilshire Boulevard;
Doheny Drive;
Foothill Road from Burton Way to Santa Monica Boulevard (south);
La Cienega Boulevard;
Linden Drive from Wilshire Boulevard to Santa MonicaBoulevard (south);
Maple Drive from Burton Way to Santa Monica Boulevard (south);
Olympic Boulevard;
Rexford Drive from Santa Monica Boulevard (north) to Burton Way;

CITY OF BEVERLY HILLS
ENGINEERING / TRANSPORTATION
455 North Rexford Dr.
Beverly Hills, Calif. 90210
Public Right-Of-Way Use Permit

8383 WILSHIRE BLVD

THIS PERMIT VALID ONLY FOR ACTIVITY ON PUBLIC RIGHT-OF-WAY AND MUST BE ENDORSED AS PAID BY CITY CASHIER

Robertson Boulevard;
Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
San Vicente Boulevard;
Santa Monica Boulevard (north and south roadways);
Third Street;
Wilshire Boulevard

6). *THIS PERMIT AUTHORIZES TRAVEL WITHIN THE CITY FOR RESTRICTED CLASSES OF VEHICLES ONLY. A COPY OF THIS PERMIT SHALL BE CONTAINED WITHIN EACH VEHICLE AUTHORIZED AND PRESENTED FOR INSPECTION UPON DEMAND.

*NO DEVIATION FROM ROUTES STATED ON THIS PERMIT UNLESS AUTHORIZED BY THE POLICE DEPARTMENT.

*THERE IS NO STAGING IN THE CITY OF BEVERLY HILLS, EXCEPT AS SPECIFICALLY INDICATED BY SPECIAL CONDITION.

*IF THE VEHICLE EXCEEDS THE MAXIMUM LEGAL LOAD OR DIMENSION, A POLICE ESCORT IS REQUIRED. FEES FOR THE ESCORT ARE COLLECTED AT THE TIME THE PERMIT IS ISSUED. THE CARRIER/PERMITTEE MUST CONTACT THE POLICE DEPARTMENT DISPATCHER AT (310) 550-4951 PRIOR TO ENTERING THE CITY LIMITS AND ARRANGE A TIME AND PLACE TO MEET WITH THE ESCORTING OFFICER.

*DAMAGE TO PUBLIC IMPROVEMENTS AS A RESULT OF PERMITTED TRANSPORT SHALL BE REPORTED TO THE POLICE DEPARTMENT WITHIN 24 HOURS.

*TRANSFER TRUCKS AND TRUCKS & PUP ARE PROHIBITED. 18 WHEELERS ARE RESTRICTED NORTH OF SUNSET BOULEVARD.

Fees

Fee Description	Account	Units	Fee/Units	Amount	Paid
Permit Issuance Fee	5571	0.00	$0.00	$52.20	$52.20
Boring (2 holes max/permit)	179	0.00	$0.00	$946.60	$946.60
Public Right-of-Way Use (First month)	551	0.00		$139.20	$139.20
Public Right-of-Way Use (Each add month)	551	1.00	$139.20	$139.20	$139.20
Heavy Hauling Fee (Multi-trip/annual)	554	0.00		$90.00	$90.00
Engineering Plan Check Review	558	0.00		$278.40	$278.40
Other Fee	179	0.00	$0.00	$0.80	$0.80

Plan Check		Permit		Total	
Fees:	$278.40	Fees:	$1,368.00	Fees:	$1,646.40
				Adjustments:	$0.00
Payments:	$278.40	Payments:	$1,368.00	Payments:	$1,646.40
				Extend Credit:	$0.00
Balance Due:	$0.00	Balance Due:	$0.00	Balance Due:	$0.00

Date	Transaction Type	Method	Amount
05/15/2012	Payment of Balance Due	creditcard	$278.40
05/30/2012	Payment of Balance Due	check	$1,368.00

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2) Call the Permit Center for required inspections 24 hours in advance at (310)285-1141.
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Drawing BH101 supplied to applicant NO TREE ROOTS MAY BE CUT TRIMMED OR DISTURBED WITHOUT SPECIFIC APPROVAL BEING NOTED ON THIS PERMIT

Signature of Applicant

CITY OF BEVERLY HILLS
ENGINEERING / TRANSPORTATION
455 North Rexford Dr.
Beverly Hills, Calif. 90210
Public Right-Of-Way Use Permit

Permit No : **PW1207329**

05/31/2012

8401 WILSHIRE BLVD

THIS PERMIT VALID ONLY FOR ACTIVITY ON PUBLIC RIGHT-OF-WAY AND MUST BE ENDORSED AS PAID BY CITY CASHIER

Project No : 120001821
Permit No : PW1207329
status : Pending

Job Address : 8401 WILSHIRE BLVD

Processed By : acurtis
Applied : 05/14/2012
Issued : 05/15/2012
Job Start : 05/14/2012
Job End : 11/11/2012

Applicant : AMEC ENVIRONMENT & INFRASTRUCTURE INC
Applicant Address : 5628 E SLAUSON AVE LOS ANGELES CA 90040
Applicant Phone : (323)889-5300

Contractor : : Lic. ()-

Permit to do : USE OF PUBLIC R-O-W TO ENVIRONMENTAL BORING (2 BORING) **NO EXCAVATION** SEE COMMENTS

Work Location : PUBLIC R-O-W

Hours : 9AM-3PM MON-FRI

Refer to :

PXT Thru :

Phone :

Comments

Permit is approved with the following conditions: 1) All Borings shall be filled with Cement Bentonite Chips. 2) All cuttings shall be exported off site the same day, no barrels, or cuttings shall be left on the public right-of-Way after permitted working hours. 3) asphalt/concrete surface shall be patched with rapid set concrete mixed with a black dye. 4) Work shall be only done M-F 9:00am -3:00 pm 5) A flagman shall be present at all time. 6) City of Beverly Hills "No parking Signs" shall be purchased from City Hall and shall be posted at least 48 hours before work starts. 7) Applicant shall pay fees for 2 borings, public Right-of-way use permit, street repairs, and any other applicable fees determined by the DST's

Conditions

1). Hauling that meets the following criteria may require engineering investigations, routing definition, coordination, police escort, and control of permit movement:
(1) Loads in excess of 14 feet wide.
(2) Loads in excess of 135 feet in overall length.
(3) Loads that are of a weight that require:
A) More than a 13-axle, single-vehicle width hauling combination, or
B) A 13-axle, single-vehicle width hauling combination with a load deck where the inner axles in the groups bordering the load deck are 40 feet or more apart, or
C) Two or more side-by-side vehicles with a combined width of 14 feet or more supporting the load.

2). HEAVY VEHICLE RESTRICTIONS - BHMC 7-2-201: HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS:

A. No person shall operate any vehicle having a gross weight, including the vehicle and its load, of three (3) tons or more on any street in the city except on those streets designated in section 7-2-203 of the Beverly Hills Municipal Code or unless authorized by permit issued pursuant to subsection 8-2-3(D) of this code.

B. The provisions of subsection A of this section shall not apply to the following:
1. Any passenger stage vehicle regulated by sections 1031 through 1036 of the state Public Utilities Code and operating under a certificate from the public utilities commission of the state declaring that the public necessity and convenience require the operation

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Signature of Applicant

of such vehicle; and further provided that the certificate specifically authorizes such vehicle to be operated in the city, and the vehicle is being operated while in the city for the purpose authorized in such certificate; provided further, this exemption shall not apply to vehicles operated as a round trip sightseeing service;

2. Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility;
3. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business;
4. Any vehicle of the military or naval forces of the United States or the duly authorized militia of the state in the proper performance of their duties. (1962 Code § 3-6.1306; amd. Ord. 90-O-2088, eff. 2-8-1990)

3). HEAVY HAUL ROUTES - BHMC 7-2-202: EMERGENCY OR NECESSARY USE OF RESTRICTED STREETS:

The following vehicles may use a street other than designated in section 7-2-203 of this article under the circumstances herein below:

A. Any passenger vehicle while operated, engaged, and used for the sole and exclusive purpose of picking up or discharging a passenger or passengers at an origin or destination on any street in which the vehicle is prohibited;

B. Any vehicle when necessary, for the purpose of making pick ups and deliveries of goods, wares, or merchandise from or to any premises located on any prohibited street, or for the purpose of delivering materials on a prohibited street to be used in the repair, alteration, remodeling, or construction of any building or structure for which a building permit has previously been obtained;

C. Whenever it is necessary for a vehicle to deviate from the streets designated in section 7-2-203 of this article for the purposes specified in subsection A or B of this section, the vehicle shall travel from a street authorized by section 7-2-203 of this article to the destination by a route so that the point of travel is the shortest possible distance over prohibited streets; provided however, if the additional distance of travel to reach the shortest route would exceed two (2) miles, the vehicle may take the most direct route to its destination. (1962 Code §§ 3-6.1306, 3-6.1306.1)

4). No person shall operate or drive a commercial vehicle in, on, or across any private driveway approach or sidewalk area without the consent of the owner or occupant of such property if a sign or markings are in place indicating that the use of such driveway is prohibited. For the purposes of this section, a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half (1/2) ton. (1962 Code § 3-6.803)

5). Pursuant to Beverly Hills Municipal Code § 7-2-203, the following streets are designated for use by vehicles exceeding a maximum gross weight, including the vehicle and its load, of three (3) tons:

Alden Drive;
Bedford Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Beverly Boulevard;
Beverly Drive from the south city limits to Santa Monica Boulevard (north);
Brighton Way from Canon Drive to Wilshire Boulevard;
Burton Way;
Camden Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Canon Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Civic Center Drive from Burton Way to Santa Monica Boulevard (south);
Crescent Drive between the north and south roadways of Santa Monica Boulevard;
Dayton Way from Canon Drive to Wilshire Boulevard;
Doheny Drive;
Foothill Road from Burton Way to Santa Monica Boulevard (south);
La Cienega Boulevard;
Linden Drive from Wilshire Boulevard to Santa MonicaBoulevard (south);
Maple Drive from Burton Way to Santa Monica Boulevard (south);
Olympic Boulevard;
Rexford Drive from Santa Monica Boulevard (north) to Burton Way;

CITY OF BEVERLY HILLS
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8401 WILSHIRE BLVD

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Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
San Vicente Boulevard;
Santa Monica Boulevard (north and south roadways);
Third Street;
Wilshire Boulevard

6). *THIS PERMIT AUTHORIZES TRAVEL WITHIN THE CITY FOR RESTRICTED CLASSES OF VEHICLES ONLY. A COPY OF THIS PERMIT SHALL BE CONTAINED WITHIN EACH VEHICLE AUTHORIZED AND PRESENTED FOR INSPECTION UPON DEMAND.

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*THERE IS NO STAGING IN THE CITY OF BEVERLY HILLS, EXCEPT AS SPECIFICALLY INDICATED BY SPECIAL CONDITION.

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*TRANSFER TRUCKS AND TRUCKS & PUP ARE PROHIBITED. 18 WHEELERS ARE RESTRICTED NORTH OF SUNSET BOULEVARD.

Fees

Fee Description	Account	Units	Fee/Units	Amount	Paid
Permit Issuance Fee	5571	0.00	$0.00	$52.20	$52.20
Boring (2 holes max/permit)	179	0.00	$0.00	$473.30	$473.30
Public Right-of-Way Use (First month)	551	0.00		$139.20	$139.20
Public Right-of-Way Use (Each add month)	551	1.00	$139.20	$139.20	$139.20
No Parking Signs (per sign, 2 sign min)	551	20.00	$5.00	$100.00	$100.00
Parking Meter Revenue (Lost)	043	0.00		$240.00	$240.00
Heavy Hauling Fee (Multi-trip/annual)	554	0.00		$90.00	$90.00
Engineering Plan Check Review	558	0.00		$278.40	$278.40
Other Fee	179	0.00	$0.00	$0.60	$0.60

Plan Check		Permit		Total	
Fees:	$278.40	Fees:	$1,234.50	Fees:	$1,512.90
				Adjustments:	$0.00
Payments:	$278.40	Payments:	$1,234.50	Payments:	$1,512.90
				Extend Credit:	$0.00
Balance Due:	$0.00	Balance Due:	$0.00	Balance Due:	$0.00

Date	Transaction Type	Method	Amount
05/15/2012	Payment of Balance Due	creditcard	$278.40
05/30/2012	Payment of Balance Due	check	$1,234.50

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Drawing BH101 supplied to applicant NO TREE ROOTS MAY BE CUT TRIMMED OR DISTURBED WITHOUT SPECIFIC APPROVAL BEING NOTED ON THIS PERMIT

Signature of Applicant

Attachment 3

BEVERLY HILLS MUNICIPAL CODE

Title 8
PARKS, STREETS, AND OTHER PUBLIC PROPERTY

Chapter 2
EXCAVATION, CONSTRUCTION, AND OBSTRUCTION IN STREETS, ALLEYS, AND OTHER PUBLIC PROPERTY

8-2-1: PERMIT REQUIRED FOR EXCAVATION, CONSTRUCTION, OR INTERFERENCE WITH PUBLIC PROPERTY:

No person shall perform or engage in any excavation, construction, alteration, repair, or any other similar type of interference or obstruction in, on, or under any public street, alley, sidewalk, parkway, or any other public property, including, but not limited to, the installation, repair, maintenance, or removal of any pipe, conduit, duct or other utility or device, the alteration of grade, the installation of driveway approaches, repair or reconstruction of street, sidewalks, curbs or gutters, or any other type of physical interference with, or any obstruction of street or other public property, including, but not limited to, the standing or parking of trucks or equipment used in construction type activity, without a permit issued under the provisions of this chapter. (1962 Code §§ 7-1.03, 7-3.02)

8-2-3: TYPES OF PERMITS:

Permits may be issued for the following types of activities under the provisions and conditions designated in this chapter:

A. Class A permits shall be required for the following types of activities:

1. Use of the public property in conjunction with construction type activity occurring on the abutting private premises, including the standing or parking of trucks or equipment; loading and unloading materials, and other related types of construction activity which impose a minor and temporary burden on public property.

2. Maintenance of construction barricades, canopies or protective walkways, provided further, no portion of any construction barricade, canopy, or walkway extends in any roadway, or extends a distance more than one foot (1') into any alley.

3. Repair, construction, or reconstruction of curbs, gutters, sidewalks, driveway approaches, and other types of surface improvements, not exceeding twenty thousand (20,000) square feet in area.

B. Class B permits shall be required for excavation and construction on public property, including, but not limited to, street and alley improvements, storm drains, sanitary sewers, and any excavation or construction of any kind or nature which is not authorized by a class A permit.

C. Class C permits shall be required in lieu of class A or class B permits, for all franchised public utilities to engage in any type of excavation, or physical disturbances or intrusion into public property for the purpose of constructing, repairing or maintaining franchised utilities.

D. Class D permits designating street routing shall be required for any truck in excess of six thousand (6,000) pounds, or in excess of eight feet six inches (8'6") in width, which is engaged in hauling debris, excavated or fill material, or equipment from any site in which a grading or demolition permit has been issued under provisions of the building code; or for the hauling of materials or equipment in conjunction with any class A, class B, or class C permit issued under this section. (1988 Code)